more than any other shores up our freedom—the press.

No group of men or women are more consistently maligned in this Nation than members of the press or more faulted for the ills that affect our society. Not even politicians, upon whose heads coals of fire are constantly poured, suffer as much from the citizenry as do the press. And yet, there is no freedom where there is an absence of a free press. So the very freedom that makes possible this maligning of the press is safeguarded by none other than the press itself.

Now the press, suffering no more abnormalities then the rest of us, chafes somewhat under this collective criticism, but understands in its more somber moments, the necessity of it. Within the past several years a spate of monthly and quarterly publications have arisen serving no other purpose than to cast a critical eye on the performance of the daily press. These journals—they appear in such places as Chicago, New York, Philadelphia, Baltimore, Los Angeles, and other cities—vary in size and scope and publishing schedules, but they all seek one primary objective—to keep the press from becoming too complacent. There is no certain measure to their success, but rather a certain measure to their need.

The bottom line of this is our very great need for the press to be free. Thomas Jefferson spoke of the press being chequered about with many abuses, but he knew better than most men, even vilified as he often was by the press, of America's dependence upon it as a means of keeping our freedom. I do not know of a time when our need for the press was greater than today. I say that because of the extraordinary hostility displayed toward the press by the Nixon administration. Flora Lewis wrote some days ago that the Nixon game is to "beat the press." I agree. it disturbs me, this line of attack, for the power of any administration to intimidate the press, is very great.

The press, in most cases—it should be said—does not appear to be backing down. We must hope the opposite never happens. Not if we wish to maintain our freedom.

Today, Mr. Speaker, when we honor the Freedom of the Press Day, I think the words of John Adams worth recalling:

> But none of the means of information are more sacred, or have been cherished with more tenderness and care by the settlers of America, than the press. Care has been taken that the art of printing should be encouraged, and that it should be easy and cheap and safe for any person to communicate his thoughts to the public. And you, Messieurs printers, whatever the tyrants of the earth may say of your papers, have done important service to your country by your readiness and freedom in publishing the speculations of the curious. The stale, impudent insinuations of slander and sedition with which the gormandizers of power have endeavored to discredit your paper are so much more to your honor; for the jaws of power are always opened to devour, and her arm is always stretched out, if possible, to destroy the freedom of thinking, speaking, and writing.

SENATE—*Thursday, June 8, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid, we thank Thee for the cleansing of the morning hours and for the bright promise of the new day. May this day begin, continue, and end in Thee that we may worthily magnify Thy holy name. Grant to Thy servants in this place grace to hear with discrimination and to speak with wisdom, so that all their actions being ordered by Thy governance, this Nation may be ably served and Thy kingdom advanced.

Through Him whose name is above every name. Amen.

ORDER OF BUSINESS

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

First, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, 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 Wednesday, June 7, 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.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 802, S. 2987.

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

EISENHOWER MEMORIAL

The Senate proceeded to consider the bill (S. 2987) to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., 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.

Mr. JAVITS. Mr. President, I urge passage of S. 2987, the bill I introduced on December 10, 1971, in which Senators PASTORE, GOLDWATER, and FANNIN joined me as cosponsor. This legislation would authorize the Secretary of the Treasury to make a grant to the Eisenhower College in Seneca Falls, N.Y., of $1 from the proceeds received from the sale of each "proof" Eisenhower silver dollar being sold for $10 to collectors.

In 1963, the late President Eisenhower agreed to the establishment of Eisenhower College as a living, permanent memorial to his years of service to the Nation in war and in peace. In subsequent years, the Eisenhower family and close friends have actively supported the establishment of the school, its development, and the funds necessary for its success. They have been joined by some 12,000 donors who have contributed more than $7 million to the college.

Among individuals who submitted testimony in support of the bill were Dr. Milton Eisenhower, Mrs. Mamie Eisenhower, John Eisenhower of the family, and such close personal friends as Gen. Alfred M. Gruenther, and Gen. Lauris Norstad. Organization support came from such varied sources as the Veterans of Foreign Wars and the AFL–CIO. This testimony gives emphasis to the fact that the college is the Nation's memorial to the late Dwight D. Eisenhower and is not to be confused in any way with legislation to aid an institution of higher education, which like so many others, is in financial need.

In 1968, Congress enacted Public Law 90–563 providing $5 million for the Eisenhower College on a matching basis. This amount has been matched by foundation, corporate, and individual gifts and pledges. The $20 million anticipated from this bill for the sale of "proof" Eisenhower silver dollar coins would supplement the $5 million appropriated in 1968. Some $46 million in Federal funds has been expended on construction, bonds, and land acquisition for the Kennedy Center.

The Bank Holding Company Act Amendments of 1970, Public Law 91-607, authorizes the minting of Eisenhower silver dollars. Twenty million "proof" coins are being sold to the public—coin collectors and collectors of Eisenhower memorabilia—at $10 each. One dollar of this $10 would go as the Secretary of the Treasury may direct, to the Eisenhower College up to a maximum amount of $20 million.

In addition to the "proof" Eisenhower silver dollar coins being sold for $10 each, the Treasury is also selling 130 million "uncirculated" Eisenhower silver dollar coins, each in a plastic case, for $3 apiece. The $390 million proceeds from this sale would not be affected by my bill, the entire amount going to the Treasury.

Eisenhower College is a living memorial to the great American who led the people of his Nation in war and in peace. A former college president himself, President Eisenhower saw Eisenhower College, an institution of higher learning, as a proper memorial. At the groundbreaking ceremony in September of 1965, he said:

> This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man than a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education.

This bill would help translate the will into the deed, the dream into reality. I urge its approval.

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

S. 2987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Treasury is authorized to make grants to Eisenhower College, Seneca Falls, New York, in an amount equal to 10 per centum of the amounts received by the Secretary for the issuance of proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower, and minted under the authority of section 101(d) of the Coinage Act of 1965, and section 203 of the Bank Holding Company Act Amendments of 1970; the amount received by the Secretary for each minted proof dollar coin being $10 per coin.

TRIBUTE TO REPUBLICAN LEADER—SENATOR SCOTT, OF PENNSYLVANIA

Mr. MANSFIELD. Mr. President, the distinguished Republican leader of the Senate is to be honored at a dinner this evening given by the American Technion Society, on which occasion Senator SCOTT will receive the Albert Einstein Award.

As Pennsylvania's senior Senator, HUGH SCOTT represents the people of his State with integrity, intelligence, and ability. Always calm, unfailingly courteous, possessed of good judgment, and a dedication to public service, he is the delight of his colleagues and a tribute to the good sense of the voters of Pennsylvania. In my opinion, Senator SCOTT has performed outstandingly on behalf of his district, his State, the Nation, and the free world.

As Republican leader in the U.S. Senate, he has been a major contributor to both the substance and the passage of landmark legislation. As my counterpart in the Senate, I have nothing but words of praise for his understanding, his tolerance, and his cooperation in seeing to it that the Senate functions as a legislative body in its true meaning, and as a man in whom I have the utmost confidence. While at all times he represents the viewpoint of his party and his colleagues, he, nevertheless, recognizes the fact that regardless of party the needs of the country come first and he acts accordingly.

To pay tribute to HUGH SCOTT is to recognize his virtues as an outstanding American, an accomplished legislator, and a decent human being. Having served with him for 14 years in the U.S. Senate, and having watched his stature grow during the ensuing years, I can attest to these qualities as a lawmaker and a humanitarian.

It is an honor and a privilege for me to have the opportunity to serve with him and alongside him in the Senate, and to speak personally and publicly of my extremely high regard for him as a man and as a legislator.

HUGH SCOTT is a great American, and I want to extend to him my best wishes and to assure him that it has been a distinct pleasure and, indeed, a privilege to work with HUGH SCOTT in the Senate in the service of the Nation.

I extend my congratuations to the American Technion Society for recognizing this citizen, this outstanding Senator, this fine gentleman, and my good and close friend.

I congratulate the distinguished Republican leader who will be, this evening, the recipient of the Albert Einstein Award, an award given to very few and given only to those of high integrity, of public purpose, and deep understanding and tolerance.

Mr. SCOTT. Mr. President, I am inexpressibly grateful.

For the first time in a long time, words fail me.

I thank the distinguished majority leader from the bottom of my heart.

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 not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

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

The PRESIDENT pro tempore. 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. ROBERT C. BYRD). Without objection, it is so ordered.

RECESS TO 11:10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11:10 this morning.

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

At 10:13 a.m. the Senate took a recess until 11:10 a.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. HOLLINGS).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. Con. Res. 82. A concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share (Rept. No. 92-840).

By Mr. ROBERT C. BYRD, for Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce (Rept. No. 92-841) (together with separate and additional views).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PART IV"—REPORT OF A COMMITTEE (S. REPT. NO. 92-839)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "The Impact of Crime on Small Business, Part IV," concerning the effect of cargo loss, theft, and hijacking in the trucking industry, based on 2 years of hearings and investigative work by our committee. I ask that the report be printed.

The PRESIDING OFFICER. The report will be received and printed.

Mr. BIBLE. Mr. President, this report is the fourth issued by our committee since December 1969, as a result of our efforts to assess the economic impact of crime on the Nation's 5½ million small businesses who must try to survive in the marketplace these days despite the disadvantageous social and economic factors of our times.

Mr. President, we believe that truck theft and hijacking cargo losses will exceed the present $925 million annual cost, unless carriers, shippers and government regulatory-law enforcement agencies mount a coordinated attack to deal with them. Certainly this cost estimate is probably only the tip of the iceberg compared to the total economic loss suffered by trucking companies, shippers, retailers and the consumer public required to pay crime-inflated prices.

Certainly, the stealing of truck cargoes is one of the fastest growing crimes nationally today and a key element in the $1½ billion annual cost of theft, pilferage and hijacking of truck, air, rail and ship cargo.

According to Mr. Lewis I. Siede, executive vice president of Babaco Alarm Systems, New York City, truck theft and hijacking increased 17½ percent nation-

ally in 1971 to a record high of $925 million. He estimates that the average truck full-load loss increased from $40,000 to $47,000. We can continue to wonder whether the motor freight industry can operate in a business-as-usual manner in a crime-plagued society where thieves prefer to steal a truck with its expensive load rather than rob a bank with that average $4,500 loss.

One of the committee's findings in our report is that law enforcement efforts of local, state, and Federal law enforcement authorities are wholly inadequate in preventing the alarming increase in truck cargo thievery and in apprehending criminals involved therein. The report explains that a multiplicity of overlapping jurisdictional responsibilities encourages lapses in information exchange and prevention and apprehension efforts. There seems to be no concerted effort to break up the shady business operations involved in fencing and hijacking. Possibly, the ineffectiveness of traditional law enforcement efforts is shown by the spiraling increase in thefts of cargo shipped by truck since 90 percent of such thefts are carried out against interstate shipments.

We are still hopeful that Congress will enact this year the Senate-passed bill, S. 942, which our hearings caused us to introduce 2 years ago, to establish a Presidentially-appointed Federal Commission on the Security and Safety of Cargo, to seek out the why's and wherefore's of cargo thievery and methods for industry, government, and labor to determine cooperatively how to strike out at these sophisticated 1972 model bandits of the road.

Mr. President, I ask unanimous consent that a summary of the committee's findings and recommendations be printed at the conclusion of my remarks.

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

COMMITTEE FINDINGS RE TRUCK CARGO THIEVERY

1. The frequency of truck cargo transport pilferage, hijacking and thefts is increasing at an alarmingly rapid rate, with law enforcement personnel finding it difficult to control.

2. The task of apprehending and convicting criminals is made more difficult by the absence of a systematic program of truck cargo theft prevention controls by manufacturers, shippers, truckers, terminal operators, and receivers.

3. Physical security, documentation and personnel policies of the trucking industry are lax and negligent and unnecessarily facilitate criminal activities.

4. Law enforcement efforts by local, State and Federal authorities are "wholly inadequate" and more cooperation and better liaison with industry are essential.

COMMITTEE RECOMMENDATIONS RE TRUCK CARGO THIEVERY

1. Present mandatory loss reporting regulations for Class I trucks should be expanded by the Interstate Commerce Commission to include all truck cargo carriers.

2. State and local law enforcement agencies should cooperate with crime prevention efforts of industry and Federal authorities by requiring reporting and assessment of intrastate cargo crimes.

3. The Departments of Transportation and Justice (Law Enforcement Assistance Administration) should jointly support and conduct research efforts designed to eliminate causes of theft, pilferage and hijacking of truck cargo.

4. The Department of Justice should seek to increase manpower where needed to survey organized crime's role in truck thievery and promote training courses for Federal, State and local law enforcement authorities to understand better the nature of cargo theft.

5. The Departments of Transportation and Justice and the Interstate Commerce Commission, along with representatives of manufacturers, carriers and shippers, should prescribe packaging, labeling, and documentation requirements and standards.

6. The Secretary of Transportation should be granted statutory authority to research, develop and establish minimal physical security standards for carriers and cargo terminal facilities, as proposed in the Bible Cargo Security Commission bill, S. 942.

7. The Departments of Transportation and Justice (Federal Bureau of Investigation), the Interstate Commerce Commission, state regulatory and licensing authorities, and carrier and labor union representatives should devise and seek to establish uniform personnel identification and/or licensing requirements.

8. The Interstate Commerce Commission should review present regulations and enforcement practices permitting embargoes and selected refusals to transport commodities.

9. Industry or inter-industry efforts to curb increasing cargo criminality should be assisted by Federal technological, management and financial assistance.

10. Increased penalties, as suggested by civil damage actions for receiving and "fencing" stolen property, should be imposed by new laws.

11. The trucking industry should consider increased cargo thievery as a matter of high public interest and concern, and should increasingly cooperate with Federal agencies in developing and implementing modern management techniques to provide for tighter responsibility and accountability for moving cargo, with special efforts directed to hiring, personnel and training practices.

12. The Department of Justice should undertake systematic assessment and evaluation of truck theft data to formulate and recommend specific strategies of prevention, identify technical aspects of crime prevention requiring further scientific research, and identify information requirements to be supplied by industry through established reporting requirements.

EXECUTIVE REPORTS OF COMMITTEES

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

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

William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission.

By Mr. EASTLAND, from the Committee on the Judiciary:

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan; and

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

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

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary to Uganda.

PROHIBITION ON CERTAIN VESSELS IN U.S. FISHERIES—ORDER FOR A STAR PRINT OF S. 3358

Mr. STEVENS. Mr. President, the Commerce Committee will shortly be conducting hearings on my bill, S. 2258, to prohibit the use of certain small vessels in U.S. fisheries.

I ask unanimous consent that a star print be made of S. 3358, adding on page 2, after line 2, a new section 2, reading "This Act shall affect no vessel acquired prior to the date of enactment.".

The purpose of this addition is to protect those persons who previously purchased Canadian vessels and have substantial sums of money invested in them.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MOSS:

S. 3682. A bill to authorize the payment of back pay and allowances to Federal employees whose positions are incorrectly classified. Referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 3683. A bill to provide for the sharing of Federal tax receipts with the States and their political subdivisions for purposes of education. Referred to the Committee on Finance.

By Mr. BROCK (for himself and Mr. BAKER):

S. 3684. A bill to create a special tariff provision for imported glycine and related products. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 3685. A bill for the relief of Carmelo Sessa. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 3686. A bill for the relief of Siu Lun Pang; and

S. 3687. A bill for the relief of Hoi Yeung Wong. Referred to the Committee on the Judiciary.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, and Mr. METCALF):

S. 3688. A bill to donate to certain Indian tribes certain submarginal lands of the United States, and to make such lands parts of the reservations involved. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 3689. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates. Referred to the Committee on Post Office and Civil Service.

S. 3690. A bill to provide vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty or those who retire after completing the required years of service. Referred to the Committee on Labor and Public Welfare.

S. 3691. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to

expanding and strengthening the child nutrition programs. Referred to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3692. A bill to amend the Act of June 30, 1944, an Act "To provide for the establishment of the Harpers Ferry National Monument", and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND RESOLUTIONS

By Mr. MILLER:

S. 3683. A bill to provide for the sharing of Federal tax receipts with the States and their political subdivisions for purposes of education. Referred to the Committee on Finance.

FEDERAL TAX-SHARING EDUCATION ACT OF 1972

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill which would, basically, return to the States and their political subdivisions 2 percent of the total Federal tax collections to be used solely for educational purposes. I have advocated this form of Federal revenue sharing ever since I was elected to the Senate. Based on fiscal 1971 Federal tax collections of $191.6 billion this would amount to about $3.8 billion.

Education is an essential prerequisite to self-fulfillment of the individual and to social and economic progress of a Nation. Our breakthroughs in space exploration and nuclear energy, our advances in health, social services, and in other areas are traceable to our citizens' enlightened view of education as a lifelong process. Our commitment to education is well known and is being emulated throughout the world.

Nevertheless, our schools face a financial crisis, born of the necessity and firm belief that every child should have the best education possible. Sources of money have been depleted by inflation while the needs continue to grow. Property taxes have become oppressive. The citizen-taxpayer is wondering when the demands on him will let up even as he knows we cannot afford to ignore our youth and our educational institutions.

The financial crisis of our schools is really an outgrowth of the financial problems of our States and local governments which are essentially ones of steeply rising expenditures and inadequate resources with which to meet the growing demands for increased services, not only in the case of education but in all other areas of State and local activities as well. If our federal system is to survive, the growing imbalance between the financial resources of the Federal Government and that of State and local governments must be corrected.

While State and local revenues have grown substantially—from $31.1 billion to $130.8 billion between 1955 and 1970, respectively—the heavy reliance of State and local governments on property and sales taxes has made increases in tax revenues more difficult to obtain recently. To a substantial degree these tax revenue increases have had to be obtained by rate increases because the bulk of State and local revenue comes from sources which do not increase as rapidly as income levels rise. In the meantime, State and local expenditures almost tripled between the years 1955 to 1970—from $33.7 billion to $131.3 billion.

I have received more and more complaints from constituents in my State concerning high property taxes. Because property tax revenues are used, in most States, to support local schools, a revenue-sharing measure such as I am proposing is the best way I know of providing meaningful and sustained property tax relief. It will significantly help State and local governments meet their growing responsibilities while at the same time retaining primary operational independence.

I am very much aware that there are numerous other revenue-sharing measures which are being considered by the Congress. Many allow the shared funds to be used for any purpose, but the most prominent—the so-called Mills bill (H.R. 14370)—would not allow local units of government to use their Federal revenue-sharing funds for educational purposes. Since revenue sharing would be a new approach, and since education is so important to the future of this country, any revenue sharing that is authorized should be limited, at first, to educational purposes, and that is what I have done in my bill. After we have had some experience with such a program, the purposes for which the money could be used could be expanded as the shared revenues are increased.

The principal provisions of my bill are as follows: The bill would establish a tax-sharing fund in the Treasury and would appropriate to such fund for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, an amount equal to 2 percent of total Federal tax collections received during the preceding fiscal year. The Secretary of the Treasury would be directed to pay the State allotments from this fund at least quarterly.

The allotment to each State would be determined primarily on the basis of the population of each State between ages 5 and 20 inclusive. Each State's basic allotment would be increased or decreased by the percentage that the State's annual per capita income is lesser or greater, respectively, than the average annual per capita income of all the States. This formula, while primarily distributing the funds on the basis of school age population, would assure that the lower income States would receive an added amount.

The bill contains a pass-through provision to assure that the local governmental units would receive a fair share of the State allotment. The amount passed through to each political subdivision would be determined by the ratio that expenditures of such subdivision for education—exclusive of State aid—bear to the total expenditures for education by the State and all of its political subdivisions.

The States and their political subdivisions could use their allotment under the bill only for activities, programs, and services in the field of education, including activities, programs and services provided with respect to elementary and secondary schools, vocational and technical schools, and institutions of higher learning.

If a State uses any of its allotment for other than educational purposes or if it does not obligate its allotment within 2 years after it was made, the Secretary of the Treasury, after notice and opportunity for hearing, would be required to subtract such amount from subsequent allotments to that State. Also, the States must give the Secretary assurances and certify that they will use fiscal control and fund accounting procedures necessary to assure proper disbursement and accounting of their allotment, make accounting reports to the General Accounting Office, and comply with all applicable laws, including title VI of the Civil Rights Act of 1964. If the Secretary finds any state or political subdivision not in substantial compliance with these requirements, he would be required to cancel any subsequent payments to that State and reallocate such amount to the other States. Determination by the Secretary would be subject to appeal to the U.S. District Court for the District of Columbia, as a matter of preventing hardship due to any arbitrary decisions by administrative officials.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, and Mr. METCALF):

S. 3688. A bill to donate to certain Indian tribes certain submarginal lands of the United States, and to make such lands parts of the reservations involved. Referred to the Committee on Interior and Insular Affairs.)

Mr. ALLOTT. Mr. President, on behalf of Senator JORDAN of Idaho, Senator FANNIN, Senator HANSEN, Senator HATFIELD, Senator BELLMON, Senator BUCKLEY, and myself, all of the minority members of the Interior and Insular Affairs Committee, I send to the desk legislation which, if acted upon favorably by the Congress, will provide lands to 19 Indian tribes in nine States including the lands for the Stockbridge Munsee Tribe, the subject of S. 722 being considered today which have located near their reservations, tracts of the so-called submarginal lands which were purchased in the 1930's as a part of this country's efforts to combat economic depression only.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ALLOTT. Since the 76th Congress, legislation has been introduced in each Congress to date for the purpose of accomplishing a transfer of such lands to the Indian tribes but, time and time again, the Senate Interior and Insular Affairs—or its predecessor committee—has refused to act favorably upon the Senate bills or House-passed bills which were for only some of the tribes.

On May 19, 1972, the majority of the committee reversed its previously declared policy of not acting until it had considered the matter of all 19 transfers at the same time and proceeded to order a bill reported for one tribe only, S. 722 which as I said, is being separately considered by the Senate today.

While not endorsing the delay which the aforesaid policy of this committee has, in part, brought about we do believe that the only equitable manner in which

to proceed is by considering all instances at the same time.

The bill which we are introducing today will provide the vehicle for considering all of the desired transfers of these lands together. Consistent with the previously declared policy of the Interior and Insular Affairs Committee, we would examine these requests in their entirety rather than on a piecemeal basis.

Considering and passing on the question of what will be done with all of these lands is long overdue.

The history of this submarginal lands legislation and the reasons for our introduction of this bill are detailed at length in the minority views we recently filed in connection with the report of the Interior and Insular Affairs Committee on the said S. 722.

The bill we are introducing today provides for the following:

First, donation of the pertinent submarginal lands to each of the 19 tribes in trust.

Second, exemption of requiring payments for the land by the tribes—or possible payment through "offsets" in the Indian Claims Commission which the Commission has determined it would not do, even if a provision for "offsets" is included in the legislation.

Third, reserves mineral rights in the United States—consistent with the provisions of an omnibus bill which Senator CHURCH introduced in the 87th Congress and other similar bills.

Fourth, protects all vested contract and possessory rights including water rights.

We would be happy to have Senators who believe that the requests of all tribes should be considered join us in sponsoring this bill.

Mr. METCALF. Mr. President, I am delighted that the Senator from Colorado has brought up this question of the other 19 Indian reservations. If he would acquiesce, I should like to ask that I be allowed to be a cosponsor of the bill that he sent to the desk.

Mr. ALLOTT. I am very happy to have the Senator from Montana be a cosponsor of the bill and ask unanimous consent, Mr. President, that he be added as a cosponsor.

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

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of safeguarding the respective interests and welfare of the tribes of Indians enumerated below in connection wtih specified submarginal lands, the following described lands and improvements thereon, upon which said Indians depend and which are necessary for their reasonable social and economic development, are hereby gratuitously given to said tribes, respectively, to be held in trust by the United States for the sole use and benefit of the said tribes and said lands shall be parts of the reservation heretofore established for each said tribe:

Tribe	Reservation	Submarginal land project donated to said tribe or group	Approximate acreage
1 Bad River Band of the Lake Superior Tribe of Chippewas	Bad River	Bad River LI–WI–8	13,189
2 Blackfeet	Blackfeet	Blackfeet LI–MT–9	9,037
3 Burns Paiute	Burns Colony	Burns Colony LI–OR–5	606
4 Cherokee Nation	Cherokee	Delaware IL–OK–4	13,778
		Adair, LI–OK–5	4,960
5 Cheyenne River Sioux	Cheyenne River	Cheyenne Indian LI–SD–13	5,111
6 Crow Creek Sioux	Crow Creek	Crow Creek LI–SD–10	19,627
7 Lower Brule Sioux	Lower Brule	Lower Brule	14,290
8 Devils Lake Sioux	Fort Totten	Fort Totten LI–ND–11	1,424
9 Fort Belknap Indian Community	Fort Belknap	Fort Belknap LI–MT–8	25,536
10 Fort Peck	Fort Peck	Fort Peck LI–MT–6	85,338
11 Lac Court Oreilles Band of Lake Superior	Lac Courte Oreilles	Lac Courte LI–WI–9	13,185
12 Keweenaw Bay Indian Community	L'Anse Community	L'Anse LI–MI–8	4,022
13 Minnesota Chippewa	White Earth	Twin Lakes LI–MN–6	24,115
		Flat Lake LI–MN–15	4,436
14 Navajo	Navajo	Gallup-Two Wells LI–NM–18	70,000
15 Oglala Sioux	Pine Ridge	Pine Ridge LI–DS–7	46,522
16 Rosebud Sioux	Rosebud	Cutmeat LI–SD–8	10,089
		Antelope LI–SD–9	18,642
17 Shoshone-Bannock	Fort Hall	Fort Hall LI–ID–2	8,710
18 Standing Rock Sioux	Standing Rock	Standing Rock LI–ND–10	6,879
19 Stockbridge-Munsee Community	Stockbridge	Stockbridge LI–WI–11	13,077

SEC. 2. As to the submarginal lands set forth next to their names, the donations made by this Act to such tribes or groups are all of the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), reserving to the United States the minerals thereof, and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Indian tribes or groups named and hereby declared to be held by the United States in trust for such Indian tribes or groups, subject to the reservation in the United States of a right to use for military purposes any part of such lands that are within the boundaries of the Ellsworth Air Force Range, and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by the Act of July 3, 1958 (72 Stat. 297, 311), and the lands shall be parts of the reservations heretofore established for the tribes or groups involved: *Provided,* That the provisions of this Act shall not apply to the title to any part of such lands or any interest therein that the Secretary of the Interior and the Secretary of the Army jointly announce by publication in the Federal Register within one year from the date of this Act are needed in connection with authorized water resource development projects.

SEC. 3. The laws of the States in which the lands donated by section 1 are situated shall be applicable in adjudicating and establishing rights and priorities, if any, to waters under, upon or otherwise appurtenant to such lands, as in the case of other private rights and claims.

SEC. 4. Any receipts from leases or permits for minerals in such lands that were received prior to the date of this Act and that are required by section 6 of the Act of August 7, 1947 (61 Stat. 913, 915), to be deposited in a special fund in the Treasury pending final disposition thereof by Congress shall be deposited in or transferred to the miscellaneous receipts of the Treasury.

SEC. 5. Nothing in this Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

By Mr. HUMPHREY:

S. 3689. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates. Referred to the Committee on Post Office and Civil Service.

HIGH-LEVEL GOVERNMENT SALARY INCREASES SHOULD BE SUSPENDED FOR THE DURATION OF WAGE CONTROLS

Mr. HUMPHREY. Mr. President, I oppose any consideration of pay raises this year for high-level executive, legislative, and judicial officers of the Federal Government. I stated this in my letter of May 22, 1972, to President Nixon. Under present law the President convenes the Salary Review Commission which recommends high-level salary increases for inclusion in the next budget transmittal to the Congress.

In my opinion, public confidence in the Government and its economic policies would not be served by the appointment or convening of this Commission this year.

Wages of the typical American are now stringently controlled by economic stabilization policies. Leaders in the executive, judicial, and legislative branches of the Federal Government should not, in my opinion, enjoy a privileged status while the average family bears the brunt of both the inflation of prices and the attempted inflation control through wage restraints.

The first and only such Commission on executive, legislative and judicial salaries was convened in fiscal year 1969, and is scheduled again for this coming fiscal year under the provisions of section 225 of the Postal Revenue and Federal Salary Act of 1967.

This law requires salary reviews every fourth year. It also provides for a nine-

member Commission; three appointed by the President of the United States, two by the President of the Senate, two by the Speaker of the House of Representatives, and two by the Chief Justice.

Four categories of salaries would be reviewed. The first category is Senators, Members of the House, and Resident Commissioners. The second category is legislative offices and positions, such as the Sergeant at Arms, Architect of the Capitol, legislative counsel, and others. Justices, judges and other personnel in the Federal judiciary comprise the third category, and Offices and Positions Under the Executive Schedule—chapter 53, II title 5, United States Code—commonly known as "executive levels," are the fourth category.

The rationale for this periodic review is that in the intervening 4 years other salaries, such as career civil service salaries have been increased, thereby creating instances in which employees' and superiors' salaries become out of alinement.

I cannot, despite this rationale, support these pay raises at a time when I feel that our whole economy is out of alinement, and working people's wages are frozen.

These pay raises affected 2,047 persons in 1970 and cost approximately $23 million each year. The salaries of the Cabinet members and Supreme Court Justices were increased to $60,000, the Chief Justice's to $62,500.

The salaries of the Vice President of the United States, and the Speaker of the House of Representatives were increased to $62,500 annually, from $43,000.

The salaries of the majority and minority leaders of the House and Senate and the President pro tempore of the Senate were increased to $49,500.

The salaries of the Members of the Congress were increased to $42,500.

The President's recommended salary revisions would ordinarily go into effect within 30 days of transmittal to the Congress, unless there is adverse action in either House.

It will be recalled, however, that considerable controversy surrounded the salary increases granted to the Members and leadership of the Congress, as well as that of the Vice President.

The increases were at first rejected by the Senate, and there was a good deal of opposition before the salary measure was finally passed.

As Members of the Congress, we should not require others to tighten their belts, yet refuse to tighten our own. The same need to provide an example of leadership by not seeking salary increases now carries throughout the higher levels of all three branches of the Government.

I therefore introduce a bill to suspend the executive, legislative, and judicial wage review procedure with respect to fiscal year 1973, and ask unanimous consent that the text be printed in the RECORD, along with my letter to President Nixon.

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

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

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be appointed, with respect to fiscal year 1973, as a member of the Commission on Executive, Legislative, and Judicial Salaries established under section 225 of the Postal Revenue and Federal Salary Act of 1967; no review shall be conducted or report submitted under such section by the Commission or its staff with respect to such fiscal year; and the President shall not make recommendations under that section with respect to such fiscal year.

MAY 22, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I understand that, as the law requires, you will soon be appointing members to the Commission on Executive, Legislative and Judicial Salaries. Members of this Commission will also be appointed by the President of the Senate, the Speaker of the House of Representatives and the Chief Justice.

The purpose of this Commission would be to recommend to you increases in salaries for members of Congress, legislative employees, judicial personnel and executive positions in federal agencies. The Commission would report to you anytime before the end of this year and you would have the option of forwarding their recommendation to the Congress with or without your own recommendations. If contravening legislation is not enacted by one house of Congress, the salary increase recommendations would become effective automatically.

I wish to serve notice here and now that I firmly oppose any increases in these high level salaries during such time as the wage freeze or wage controls continue to be applied to the salaries of wage-earning men and women. If salary increases are forwarded to the Congress I certainly will introduce and strongly support a resolution of disapproval, absent a lifting of the wage freeze or controls.

Raising the salaries of the President and Vice President, Senators and Congressmen, Cabinet members and others—among the highest paid people in our government and in our society, would clearly compound the existing inequities of wage-price controls. I simply could not support increasing the salaries of the government's top wage earners at the same time most workers in our country suffer the consequences of inflationary prices and controlled wages. This would be particularly unjust because, as we have seen, price and profit controls simply have not been effective, whereas wages have been held down. Moreover, while prices have continued to rise, exemptions to the price controls have been increased, rather than the reverse. Only the wage earner is forced to observe controls.

I urge you to make clear to the American people your intent with respect to high-level government salary increases.

Sincerely,

HUBERT H. HUMPHREY.

By Mr. HUMPHREY:

S. 3690. A bill to provide vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty or those who retire after completing the required years of service. Referred to the Committee on Labor and Public Welfare.

PUBLIC SAFETY OFFICER RETRAINING ACT

Mr. HUMPHREY. Mr. President, an increasing number of our Nation's public safety officers are injured, or even killed as they go about their job of protecting us.

In 1970, 100 police officers were killed.

In 1971, 125 police officers were killed.

Firefighting is now the most hazardous profession in the country. Last year, 210 firefighters lost their lives. During the past decade, 44 firefighters have been the victims of criminal attack.

In 1970 alone, 38,583 firefighters were injured in the line of duty.

That same year, assaults on policemen totaled 43,171. That is a rate of 18.7 assaults per 100 policemen.

Of the assaults on the police, 15,165 resulted in injuries—a rate of 6.6 per 100 policemen.

These are our truly unheralded heroes.

These grim statistics regarding the increase in murders of public safety officers are now familiar to us all. But there is little attention paid to those brave public safety officers—countless numbers of them—who sustain disabling injuries as they perform their duties.

These injuries often abruptly end their careers. Whether they are policemen, prison guards, or firemen, their public safety training is often their only marketable skill. They are left with many productive years ahead but little or no meaningful work to look forward to.

The problems facing the public safety officer who retires after 20 or 25 years is also serious. After courageously serving the public he often finds himself cut off, still in the prime of life, from anything useful to do.

Vocational programs and manpower training programs are now available to many Americans. Who could be more deserving of such assistance than one who is disabled for the rest of his life because he faced the hazards of protecting you and me?

Therefore, I am introducing the Public Safety Officer Retraining Act, to provide for the vocational counseling and retraining of public safety officers injured in the line of duty, or retiring after completing the required years of service.

By amendment to existing manpower development and training legislation, resources would be made available to bring the same vocational counseling, job retraining, and other assistance to public safety officers as we now provide to others.

States would be able to avail themselves of Federal matching funds to establish manpower programs. All job-disabled Federal, State, or local public safety employees, whether in enforcement, corrections, or other work with potentially dangerous persons through the courts systems, would be able to use these services.

Injured firefighters, voluntary or otherwise, would also be eligible for these services.

The Secretary of Labor would be authorized to provide up to 75 percent of the costs to the States for such programs.

Let us do no less for our injured and disabled public safety officers than they have done for us.

By Mr. HUMPHREY:

S. 3691. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service pro-

grams for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs. Referred to the Committee on Agriculture and Forestry.

NATIONAL SCHOOL LUNCH LEGISLATION FOR 1972–1973 SCHOOL YEAR

Mr. HUMPHREY. Mr. President, I am today introducing legislation which will continue on a permanent basis the action taken by Congress last September to prevent the President and his administration from cutting Federal support for school lunch. The bill is similar to legislation now under consideration in the House.

It is essential for the Congress to enact this legislation in view of the admission yesterday that the President intends to save some $400 million in food stamp funds the Congress has authorized for the war on hunger in America.

This is not a savings, this is a scandal. We cannot be proud of an action which takes food from the poor, from those who now will suffer the indignity of hunger and pain of malnutrition. We must oppose any such efforts which substitute economy for compassion.

When the Nixon administration proposed new rules for the school lunch program last September which would have taken food from 2 million needy children, and would have reduced Federal support for school lunch, the Congress passed emergency legislation which imposed specific and positive requirements on the Nixon economizers.

We said that schoolchildren whose parents were poor should get a free lunch, and the Federal Government would pay up to 40 cents to support each lunch served to a needy child. We also said that every child should be encouraged to eat a school lunch, and we provided an additional reimbursement of 6 cents for each lunch served to any child.

We also said that the local school district and the State educational authorities could tell best which child was eligible for a free lunch, and we told the President he could not interfere with the people in the States and the community by dictating eligibility standards.

The bill I am introducing today continues this policy. The President should not be able to dictate to the people. The children should be fed.

I am making one significant change. It is to increase the level of additional reimbursement for all lunches from 6 cents to 8 cents. The cost of food has gone up, and continues to increase. Without additional support, the cost of a school lunch must also go up. If lunch prices increase, the children whose parents now earn a moderate income will be the first to drop out of the program. The blue-collar worker will benefit from this amendment.

I recognize the administration will deny any intention to reduce the level of support for school lunch, and will cite its budget proposal for the next school year as evidence of its good intentions.

I can only say that we must take Mr. Nixon at his own words—which are as I recall, "don't judge me by my words but by my deeds."

The failure to use $400 million which Congress has authorized to help eliminate hunger among the poor is warning enough of what will befall the schoolchild next fall if Congress fails to act this summer.

The legislation I have introduced will protect the school lunch program from the Nixon economizers.

Mr. President I ask unanimous consent to have my bill printed at this point in the RECORD.

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

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

"(i) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from funds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

SEC. 2. (a) The first sentence of section 13 (a) (1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) as amended, is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand non-profit food service programs for children in service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and non-profit private schools."

SEC. 3. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

SEC. 4. (a) Notwithstanding any other provisions of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than eight cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 5. Section 9 of the National School Lunch Act is amended by inserting after "as of July 1 of such year." the following: "Such guidelines shall be considered only as a national minimum standard of eligibility. The Secretary shall reimburse State agencies and local school authorities for free and reduced-cost meals pursuant to eligibility standards established by State agencies prior to September 1 of such fiscal year. The Secretary shall not lower eligibility standards for free or reduced-price meals in effect during a fiscal year for which such standards have been established nor require a reduction below the number of children served in any school district during such fiscal year."

SEC. 6. The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91–248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000." To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972.

My Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3692. A bill to amend the act of June 30, 1944, an act "to provide for the establishment of the Harpers Ferry National Monument", and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. RANDOLPH. Mr. President, it is a privilege today to introduce a measure which, if enacted into law, will enhance the continued development of the Harpers Ferry National Historical Park.

This park has contributed significantly to the enjoyment, education, and relaxation of millions of our citizens.

Visitation to the park has increased from 955,520 persons in 1967 to 1,129,900 in 1971. It is expected that visitation to Harpers Ferry over the next several years will increase by approximately 10 percent each year.

Over a period of many, many years, I have had a continuing and close association with the development of the Harpers Ferry facility. It was my privilege to have participated in the original planning of the park and to have sponsored the legislation in 1944 authorizing its establishment. That measure created the Harpers Ferry National Monument. In

1963, I authored the bill which expanded this very important park area and renamed it the Harpers Ferry National Historical Park.

From the date of park's establishment, the National Park Service has carried on a program of restoring the town as nearly as possible to its appearance from 1859 to 1865. This period includes the turbulent years of the raid on the Federal armory by John Brown and his small band of men and the Civil War that followed. Over the past 10 or 12 years, seven of the historic buildings have been restored including the Master Armorer's House in which is interpreted the story of the Federal armory operation in Harpers Ferry. The Robert Harper House has been restored and is furnished in the style of that period. The Paymaster's House has been restored and exhibits placed in two rooms depicting the school room setting of the time when Rev. Nathan C. Brackett as a missionary came to Harpers Ferry soon after the Civil War and began teaching former slaves in these very same rooms. From this humble beginning Storer College grew.

The Stagecoach Inn has been restored and is now the Park's Visitor Center. Other developments necessary to accommodate visitors and provide for operation of the park have been accomplished concurrently with the restoration program.

Additionally, the National Park Service has established a training center for its personnel and that of other Federal agencies, as well as State, local, and foreign park personnel. This training facility was developed from the buildings of Storer College which closed its doors in 1955.

Early in 1970, Mr. President, a major unit of the National Park Service was moved from Washington to Harpers Ferry. This division of the Park Service has the responsibility for planning and producing films and other audiovisual materials, publications, and museum interpretive exhibits for all parks across the country. The personnel involved in this important work are housed in a new, progressively designed building in a setting most conducive to creativity.

Recently the National Park Service developed a master plan which, when implemented, will provide for the accommodation of the large number of visitors in a manner that will better preserve the historic resources of the area. At the same time, it will permit them to derive a better understanding and appreciation of the historical events commemorated in the park. This is to be accomplished by arranging to park all passenger vehicles at some point outside the historic town where there will be a visitor orientation center, and provide a shuttle service by bus or some other means into the historic areas, including a circle tour to points of historic interest outside the town itself. Those of us familiar with the geography of the Harpers Ferry area readily understand the confined space in the historic town that is shared by the visitors and their automobiles. This situation has now become most serious. The congested vehicular traffic interferes with the visitors' enjoyment of the historic setting and its peaceful atmosphere. Additionally, large numbers of visitors, especially on weekends, are unable to find parking space and their searching creates hazards to the safety of these visitors walking about the town.

There are plans also to accelerate the restoration of the historic buildings and the general townscape to its 1859 to 1865 appearance and to improve the interpretation programs by means of living history activities, exhibits, and by an increased staff of skilled interpreters.

During recent conferences the officials of the National Park Service have promised me their continued cooperation to the fullest extent with the local governmental units, local associations, and with private individuals to preserve the historical resources in the area. Also, since the natural features of mountains, valleys, and streams of the lovely countryside contributed to the development of Harpers Ferry and its resulting place in our history, the Park Service is committed to maintaining this natural beauty which has made and still makes Harpers Ferry an historic jewel in a magnificent natural setting. It is important that they follow through with these commitments.

Mr. President, I ask unanimous consent that the bill and a summary of its provisions be printed in the RECORD.

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

S. 3692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act of June 30, 1944 (58 Stat. 645) an Act "To provide for the establishment of the Harpers Ferry National Monument" is amended to read as follows:

That, in order to carry out the purposes of this Act, the Secretary of the Interior is authorized to acquire lands or interests in lands, by donation, purchase with donated or appropriated funds, or exchange, within the boundaries as generally depicted on the drawing entitled "Boundary Map. Harpers Ferry National Historical Park," numbered 385–40,000B and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided,* The Secretary may make minor revisions in the boundary from time to time, but the total acreage shall not exceed 1600 acres: *Provided further,* That nothing herein shall be deemed to authorize the acquisition without consent of the owner of a fee simple interest in lands within the boundaries in which a less than fee interest has previously been acquired by the Secretary of the Interior.

SEC. 2. Section 3 of the Act of June 30, 1944 (supra) is amended by striking the word "and" at the end of paragraph (1) thereof; by substituting "; and" for the period at the end of paragraph (2); and by adding the following new paragraph (3):

(3) Provide, directly or by contract, an interpretive shuttle transportation service within, between, and among lands acquired for the purpose of this Act for such times and upon such terms as in his judgment will best accomplish the purposes of this Act.

SEC. 3. Section 4 of the Act of June 30, 1944 (supra), as amended (16 U.S.C. 450bb–6), is further amended to read as follows:

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SUMMARY OF BILL

Section 1 amends the first sentence of the earlier Act, which limited acquisition to donations, by authorizing the acquisition of lands or interests in lands by donation, purchase with donated or appropriated funds, or exchange within the boundaries as generally depicted on the map referred to in the bill. The map would be on file and available for inspection in the offices of the National Park Service. It also provides that the Secretary of the Interior may make minor revisions in the boundary, but that the total acreage within the park may not exceed 1600 acres. Section 1 also prohibits acquisition, without the consent of the owner, of fee simple title to any lands in which a less than fee interest had previously been acquired.

Section 2 adds a new paragraph (3) to section 3 of the earlier Act. The new subsection would authorize the provision of an interpretive shuttle transportation service within, between, and among the lands acquired for the purposes of the Act.

Section 3 amends the authorization for appropriation language in the earlier Act, to authorize such sums as may be necessary to carry out the purposes of the Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1209

Mr. HANSEN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 1209, a bill I have sponsored, to amend the act of October 17, 1968, relating to the control of noxious plants on Federal lands.

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

S. 3070

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

S. 3423

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 3423, a bill to amend the Federal Aviation Act of 1958 regarding the medical certification of airline pilots.

S. 3664

At the request of Mr. Moss, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 3664, a bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, and other diseases.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Texas (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.

ANNOUNCEMENT OF HEARINGS ON THE REDTAPE BURDEN

Mr. McINTYRE. Mr. President, on June 27, 1972, at 10 a.m., in Room 5302 of the New Senate Office Building, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business will resume its hearings into the Federal paperwork burden.

The subcommittee, which I have the honor to chair, has held three hearings in Chicago, Boston, and Concord, N.H. At those hearings we heard from small businesses, the accounting profession, and other knowledgeable persons as to the growing burden and financial expense of Government redtape which, according to many, are causing many small businesses to cease operations.

The hearing scheduled for June 27 will have representatives from those Federal agencies who have an interest in, and responsibility for, curbing rapidly increasing Federal form pollution. Further information may be obtained by calling the subcommittee staff on 225–5175.

NOTICE OF HEARING BY THE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. BURDICK. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Washington (Mr. JACKSON) be printed in the RECORD.

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

STATEMENT BY SENATOR JACKSON

Mr. President, I wish to announce to the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled an open hearing for June 16, 1972, on the following bills:

S. 2969, to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon;

S. 3596, pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon; and

S. 2972, to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon.

The hearing will be held in Room 3110 New Senate Office Building, beginning at 10:00 a.m.

ADDITIONAL STATEMENTS

LAW ENFORCEMENT AND THE MEDIA—ADDRESS BY SENATOR ROBERT C. BYRD

Mr. TUNNEY. Mr. President, on Tuesday, May 30, the junior Senator from West Virginia (Mr. BYRD) spoke at the opening day luncheon of a 3-day conference on "Law Enforcement and the Media."

The speech deals with the relationship between the media and law enforcement agencies, and the relationship both these segments have with the rest of society. Before making his address, the Senator from West Virginia was given a fine and deserved introduction by Fulton Lewis III, the noted commentator of the Mutual Broadcasting Network.

I ask unanimous consent that the speech and Mr. Lewis' introductory remarks be printed in the RECORD.

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

INTRODUCTION BY FULTON LEWIS III

I am truly honored to have this opportunity to introduce today's distinguished speaker. He is a man who has driven the so-called political "experts" and odds-makers up the wall by consistently doing what they regard as "the impossible."

Let's look at the record, as they say. Our guest has held more legislative elective offices than has any other individual in the history of his home state of West Virginia. He was elected to the West Virginia House of Delegates in 1946, and was reelected in 1948. Two years later, he sought a seat in the State Senate. His campaign style was rather unique. He would go to a country store in a local community—or wherever people might congregate—take out his fiddle and play some country favorites until a crowd gathered—he would then give them his political pitch . . . it was enough to get him elected. In 1952, he won election to the U.S. House of Representatives . . . after winning two more bids for re-election to the House . . . he was elected to the U.S. Senate in 1958. He was reelected in 1964 by the greatest numerical vote and by the greatest numerical majority ever accorded a West Virginia candidate . . . in 1970, he won the primary with the highest percentage of votes ever received by a candidate in a West Virginia statewide contest election (98%) . . . in the 1970 general election, he carried all of West Virginia's 55 counties for the first time in a general election in the state's history . . . receiving the highest percentage (78%) ever received by a candidate there in a contested statewide general election.

In the 1960's he decided he would finish his education by attending night sessions at American University Law School—which he did on top of his senatorial responsibilities. He graduated cum laude.

In January, 1971, our guest was elected to his party's second most powerful Senate post, the assistant majority leader.

Only weeks ago, he again did the impossible . . . converting the Church-Case End-the-War amendment—by the addition of only a few of his own words—into a measure which supports President Nixon's Indochina war policy down the line

Liberals like him because of his record of supporting measures which give realistic assistance to those in need . . . and to open the door for those seeking to develop and use their talents.

Conservatives like him because of his hard line against crime and corruption—his deep belief in a strict interpretation of the Constitution . . . and his devotion to basic American principles . . .

On several occasions he has been mentioned prominently as a possible Nixon nominee to the Supreme Court . . . when the Senate rejected Judge Carswell, our guest sent a telegram to the White House stating: "Do not yield one centimeter in your desire to nominate a strict constructionist to the Supreme Court."

Every successful man has a secret of success . . . our guest's secret is no secret. He is exceptionally hard-working—I know personally that you are more likely than not to find him in his office from 7 a.m. until midnight on most occasions . . . He is candid—his outspoken views have angered some and pleased others but there has never been a shadow of a doubt as to where our guest has stood on the controversial issues of the day. Perhaps most important, he has been fair . . . to friend and foe alike. He will schedule Senate votes not in a way which will benefit his particular position on the issue at stake . . . but in a way in which all sides will have the fairest opportunity to have their positions represented and counted.

Ladies and gentlemen, I present to you the Majority Whip of the United States Senate, West Virginia's Senator ROBERT C. BYRD.

SPEECH BY ROBERT C. BYRD, A U.S. SENATOR FROM WEST VIRGINIA

Mr. Chairman, Ladies and Gentlemen:

It is a pleasure for me to be with the Friends of the F.B.I., with members of the Law Enforcement agencies of our nation, and with the representatives of the communications media. There comes to mind the lines from "Othello":

"O heaven! that such companions thou'dst unfold,
And put in every honest hand a whip,
To lash the rascals naked through the world. . . ."

not that I think for a moment we have here any rascals—nor, indeed, have I any desire, as Senate Majority Whip, to attempt to lash anybody.

It is a piece of idle imagery, I know, but every time I read or use the word "media", I have a quiet chuckle. It is so similar to "Media", who, as you know, was the Greek enchantress who helped Jason win the Golden Fleece—and then burned down his palace.

The theme of this conference is an intriguing one—"Law Enforcement and the Media." These two have not always been exactly synonymous, to say the least. In recent years, in fact, the one has all too often been the antithesis of the other. Like so many young Americans, I received my first impressions of lawmen and newspaper men from the offerings of Hollywood and the silver screen. I can still remember the slot men and the city editors with their inevitable green eyeshades, and the intrepid reporters, fedora brims snapped and pencils poised, invariably solving the crime and printing it on page one, long before the somewhat dimwitted detectives had arrived at clue number two.

I can remember the gallant G-man, with omnipresent trench coat and monosyllabic conversation, doggedly tracking his criminal quarry to lonely cabin or lush penthouse. It took me years to realize that one really cannot fire fifteen rounds from a six-chamber revolver without re-loading.

But those were the romantic days of fantasy and glamor; and, like so much of what the movies churned out for our entertainment, the characters and the plots bore little resemblance to real life—either in the Bureau or police precinct, or in the city rooms of the nation's newspapers. For every Lee Tracy or Humphrey Bogart, there were thousands of plain, competent, and unglamorous newspapermen and policemen, who went daily about their appointed tasks with nary a fifth of bourbon in their desk drawers, or a sable-clad paramour in their private lives.

But when we come to think of it, very little has changed, actually, except that the screens are now twenty-eight inches wide, and a man, if he chooses, can sit and watch cops-and-robbers, in his shorts, with a cold beer in his hand. But the gap between reality and fantasy is still almost as wide.

More years ago than I care to remember, in grade school in the hills of West Virginia, my best subject, after spelling, was arithmetic. It might be an interesting exercise to take the conference theme—Law Enforcement and the Media—and put it into terms of simple arithmetic. "Law Enforcement *plus* the Media"; "Law Enforcement *minus* the Media"; and lastly, "Law Enforcement *divided* by the Media."

The first term is the easiest to contemplate.

Almost since the beginning of our American society, we have been accustomed to reading—and, in recent years, seeing—how our law enforcement procedures, our law enforcement personnel, and our law enforcement successes (or failures) work. Almost from the moment the law is violated—through arrest, arraignment, trial, and appeal—the case, if its news value warrants it, is blanketed by the communications media. Main stories, sidebars, human interest angles, family backgrounds, historical backgrounds, sex angles—all conceivable minutiae, relevant and irrelevant, are spread over the printed page, blared forth from millions of radios, and given the sophisticated coverage so beloved of the medium of living color.

The guilt (or the innocence) of the defendant, is established in millions of minds, all over America, long before the judge or the jury arrives at a verdict.

It has always been a point of argument, whether the public's right to know transcends the accused's right to privacy, before he or she has been adjudged guilty; but in our American milieu, the argument is purely academic.

There is no question that there are occasions when representatives of the media give invaluable help to law enforcement officers, just as there are occasions, I am sure, when the officers look upon the media representatives with a very jaundiced eye, and wish they were anywhere but in the immediate vicinity. For, as every man or woman in public life knows, media people can be infuriating, just as they can be helpful.

It is here that "Law Enforcement *divided* by the Media" is most relevant. I have never studied criminology, nor am I cognizant of how enforcement officers go about their tasks of piecing together the many strands of evidence that eventually make up a case. But common sense would seem to dictate that the less the quarry knows about the hunter, the easier will be the hunter's pursuit. Most criminals can read, most criminals have access to a television set, and I cannot help thinking that the detection and solving of crime in our society would often be simpler if the myriad of details were not emblazoned on every front page and blared forth from every microphone.

Men and women who have the privilege to write and to talk on public affairs, and, by so doing, influence public opinion, have a tremendous responsibility to avoid abusing that privilege. The rights and the protection given to them under the First Amendment are precious, and, I hope, will never be abrogated. I also hope the day will never come when license and irresponsibility become so rife as to make abrogation an even remote possibility.

I am sure you did not invite me here today to mouth platitudes or to tell you only what you might like to hear. I see in the audience quite a few individuals who are adept at the art of observing and analyzing—even, sometimes, criticizing—people and events, both in the *printed* and in the *spoken* word.

It is not too often that a United States Senator is given the opportunity, before such a distinguished and specialized audience, to offer a few gentle observations to the effect that, flourishing as the Fourth Estate and its contiguous territories may be, there are some areas that could stand some repairs.

No masthead slogan in the world is better known that "All The News That's Fit to Print". I have never particularly cared for that, as it smacks of some arrogance and not a little egotism. While the hierarchy of New York's "old grey lady" undoubtedly print what they do in the best of faith, there is just a vague possibility that their choice is not always right. But I have always liked the slogan of that once-renowned news agency, the late, lamented International News Service—"Get it First—but get it Right". That, I feel, is a slogan that should be emblazoned over the portal of every school of journalism, in all news and editorial rooms, and in every television and radio studio in the land.

I am not a philosopher, nor am I an expert in sociology. I have read the works of a few of those who are experts in these, and related fields, and frequently they seek to enlighten us as to the visible and invisible forces which cause change in men's lives and in the ways of the world. Their theories may well have validity, but to my rather more practical mind, the single, greatest influence for change is the incredible rapidity and profusion of human communication. And it is because this is so, that those who are the conduits of this profusion, have the inescapable duty to disseminate with absolute accuracy and total objectivity. I feel constrained to comment that this duty is not always fulfilled.

Zechariah Chafee, Jr., wrote in 1948, "The press is a sort of wild animal in our midst—restless, gigantic, always seeking new ways to use its strength . . . the sovereign press for the most part acknowledges accountability to no-one except its owners and publishers."

I feel that perhaps Mr. Chafee was a little harsh. While I have no illusions regarding the basic necessity for a newspaper, a radio station, or a television station to make a profit, I also believe that a significant number of the gatekeepers are men and women of integrity, who are fully as responsible to their consciences as they are to their publishers. Though there have been times when their carelessness has annoyed me, I still believe that there are far more Don Quixotes than Machiavellis in the ranks of our news media.

But if I may be allowed to chide gently, I feel compelled to observe that far too often these days, banalities and trivialities are allowed to overwhelm the simple art of good writing and good commenting and the penchant for the sensational is too often allowed to eliminate discretion and good judgment. There are, in my opinion, more crimes against simplicity and clarity committed in the name of "human interest", than West Virginia has hills. I do not expect, of course, that every writer should be able to make a story on a Senate debate on social security read like "Gone with the Wind", or every television commentator be able to make a mundane report sound like Laurence Olivier speaking the "Soliloquy" on the stage of the Old Vic. (Though, come to think of it, there *are* a couple of our well-known video personalities—who shall be nameless—who may well think of themselves as Olivier.)

What I have noticed most sharply in our leading newspapers over the past couple of years, is an increasing tendency towards shoddy technical production—careless typos, poor proof-reading and lackadaisical editing. When I mentioned these things recently to a highly-reputable newspaperman, he gave as his explanation that very few of the youngsters coming into the business these days, want to be desk men or technicians. They all want to be Walter Lippmans six weeks after graduating from journalism school. Not for them the glamorless and often tedious chores of putting the punctuation in the right place, correcting the frequently atrocious spelling, or catching the transposed lines.

This theory seems reasonable, and doubtless, has validity, but my own feeling is that in the news business, as in so many other aspects of our national life, there has gone from it, a great deal of the pride and a great deal of the loyalty that once were characteristic of the practitioners of the scriveners' art. There was a day when men felt about their newspapers—and to a lesser extent, about their radio stations—an almost "my country right or wrong" philosophy, and were fiercely proud of their associations. Today, with a few exceptions, that kind of loyalty is almost non-existent.

I think it is fair to say that there is a greater schism between the present Administration and the media—at least publicly—than at any previous time in our history. It is not my place, or my wish, to offer opinions on the merits or demerits, of the Administration's case against the press and the video medium. Vice President Agnew, particularly, has made it abundantly clear that in his, and presumably, the White House view, there are very few "white-hat boys" in the media.

However, as in most situations, there are two sides to the story. Neither the media nor the Administration is blameless; and, sometimes, misunderstandings arise purely through careless communication or because of an unfortunate choice of words. A good example of what I mean occurred just two weeks ago. Kenneth Clawson, deputy director of communications for the White House, and a former reporter for the *Washington Post*, accused the *New York Times* of being, in his words, "a conduit of enemy propaganda", for carrying two articles in which the North Vietnamese were shown in a somewhat favorable light.

Without repeating all the details, which I am sure all of you are familiar with anyway, it seems to me that this was a classic case of poor choice of words. While I may and do disagree firmly with the *New York Times* on some issues, I cannot for a moment accept the description "conduit of enemy propaganda". This is close to accusing the *New York Times* of treason, or at least, of furthering the cause of the North Vietnamese at the expense of ourselves and our Allies. And this I do not believe is the case. Much as I sometimes disagree with its editorial policy, I do not believe that the *Times* is subversive. I am not going to argue for or against the case of the newspaper's printing two dispatches from Hanoi on page one, but I beg leave to question Mr. Clawson's use of words. They can only serve to exacerbate feelings which are already strained on both sides; and from this, nobody can gain.

To men and women in public life, the goodwill of the media is vastly important; and while it might be exaggeration to say that the print and visual media can make or break a public figure, there is no question that a *hostile* media can make a man or woman's life infinitely more difficult. And this is true, unfortunately, even if the individual concerned is as close to being as pure as a mortal can be, and the hostility is morally unfounded. Owners, publishers, editors, commentators, and reporters have the same potential for vindictiveness as have politicians, lawyers, garden club members, or performing artists. They also have the same potential for benevolence. Unhappily, human nature being what it is, the blow of vindictiveness is always more marked than the caress of benevolence, and it is for this reason that the print, video, and audio media of this nation bear a responsibility towards impartiality unequalled anywhere in the world.

It is the function of the communications and information media to communicate and inform. If, in the course of fulfilling this function, there arises the necessity to expose—to lay bare facts that impugn integrities—then these integrities are fair game. But if we accept the premise that the exposing of doubtful integrities and characters is a legitimate facet of communicating and informing, is it not also reasonable to expect that emphasis be given to unquestioned integrity and character? Or are we always to be wedded to the old proverb that "bad news travels fast" and that good news is seldom worth dissemination?

On May 2nd of this year, a great American died—a man whose name was synonymous with law enforcement of the highest caliber. In his latter years, J. Edgar Hoover had some critics, who were entitled, under our system,

to their opinions. But it struck me at the time when these criticisms were most vociferous, that they were given infinitely more notice than were the opinions of the many millions of Americans who respected and revered this man. Perhaps it was thought that his patent honesty, integrity, and incomparable record of achievement did not need defense. But it was noticeable that all the sterling qualities that made him great—and which were so little mentioned during his life—were subject to extensive notice in his eulogies. Perhaps it will always be true, as is written in the Book of Matthew, that "a prophet is not without honour, save in his own country . . ."

I mentioned earlier the inroads that have been made, in both the print and electronic media, by the fetish of "human interest". There are thousands of examples over the years, but one very recent and shocking case illustrates perfectly the lengths to which this technique has gone.

I refer to the attempted assassination of Governor Wallace, allegedly by one Arthur Bremer, of Milwaukee, Wisconsin. It is not for me here to judge the accused. His guilt or otherwise will be decided at his trial. What does seriously trouble me, however, is the grief and embarrassment that have been caused to the family and friends of this young man, whose apparent only involvement is that they are relatives or that they knew him. I cannot, for a moment, understand why it is necessary, in the name of "human interest," that the sanctity of privacy be violated by representatives of the media to a point where police protection is needed to save the innocent from further harassment.

I use the Bremer case as an illustration, only because of its topicality; its circumstances have been a feature of every major case for as long as I can remember. Perhaps what I am getting at is, that while I have much admiration for the competence and conscientiousness of the media in most fields, I find them guilty, in too many instances, of plain bad taste.

Any citizen who breaks the law, or by his or her actions, violates a reasonable or accepted standard of behavior in our society, must except a public investigation and possible obloquy. But the boundaries of good taste and discretion are exceeded, in my opinion, when persons on the periphery of these actions—and having no personal connection with or responsibility for them—are subjected to an unveiling of their personal lives by over-enthusiastic and ill-mannered minions of the media.

The possession of a press pass, the dignity of a by-line, or the heady wine of a thirty-second spot in living color on the 6:30 or 7 o'clock network news, should not entitle the individual who enjoys them, to exhibit a callous disregard for the private rights of innocent and law-abiding Americans.

Having said these things, I must also say that nowhere in the world are the people of a nation so well-informed, and, in most cases, so fairly informed, as are we in the United States. In the communications media, as in the market-place, competition has forced a striving for excellence, and this has been, to a notable extent, achieved.

I would be amiss, too, if I failed to mention one aspect of our communications media that seldom is given the kudos it deserves. I refer to the wire services. While all of our major publications and our major audio and visual outlets have large news-gathering staffs of their own, by far the bulk of the news that reaches into every nook and cranny of this country, is gathered and disseminated by men and women of the wire services, whose conscientious, and sometimes dull routine, is absolutely essential to the continuation of the premier place we Americans enjoy as the best-informed citizens in the world.

It cannot be argued that a man's judgment is only as good as the information on which he has based it, and the same applies to a nation. Over the years, the American people have displayed good judgment. There can be no more suitable accolade as to the quality of their information.

I have dwelt at some length on the media, and I have discussed only briefly the law enforcement side of this seminar. This is meant as no reflection on the most worthy citizens who represent here the forces of law and order. But as I perused the program and the panel discussions that will follow this luncheon, I felt reluctant to impinge on the comprehensive nature of the panel subjects.

"National Security and Public's Right to Know"; "Surveillance and the Media"; and "The Minorities, the Media and the Police" seem to me to run the gamut. I could not hope to discuss with you any one, or a melange, of these controversial subjects, with the expertise of those whose names are listed; so, I chose to share with you the few thoughts and observations I have advanced.

Those of you who are familiar with my attitude toward, and public statements on, law and order, will have no doubt as to where I stand. Our law enforcement agencies and the personnel who man them, have possibly our nation's most unenviable job. With very few exceptions, the men who have to apply the law and maintain order at the citizen level in these troubled days, are men of goodwill and men of conscience. The provocations they suffer frequently tax their capacities for patience and understanding.

The physical abuse they are subjected to, far too often goes beyond any normal limit of forbearance. It is much to their credit that the confrontations which take place are as largely non-violent as they usually turn out to be.

Just the other night, I saw on a network news show, a five-second segment of a policeman striking a campus demonstrator with his nightstick. The accompanying narration pointed out this action. It did not mention the fact that the policeman had a stream of blood running down the left side of his head and face. Perhaps, as Arnold Bennett wrote in his essay "Things That Have Interested Me", "the price of justice is eternal publicity."

Unfortunately, this price is frequently much too high for the value of the product as it relates to the public interest. As I mentioned earlier, those who are conduits of the profusion of information available to Americans, have an awesome responsibility to use discretion and sound judgment as to how that profusion is disseminated. It has always struck me as being unfortunate, if not to say inflammatory, that the confrontation aspects of demonstrations are written about, and shown, almost ad infinitum—in the case of television, often accompanied by a narration in language more suited to a dramatized production, than to responsible, unbiased reporting.

I am convinced that the over-colorful, almost romantic coverage given by all media to the irresponsible leaders and followers of campus and other demonstrations, is, to a frightening extent, responsible for the emulation by others, which always follow. I cannot expect that these kinds of events would be wholly ignored. But I can and do expect that information media should be capable of enough maturity and intelligent restraint, that they do not, wittingly or unwittingly, become contributing factors in the continuation and exacerbation of the kind of behavior to which they lend their immense power and influence.

One day, with the co-operation of all concerned, we may return to an America where tolerance—not overtolerance—is a virtue; where a different point of view is to be sought and respected and is not the object of derision and contempt; where the essential goodness of humankind is not blotted out by the excess of human evil; where pride in our country is not a subject of scorn; where the going down of the sun is a time for dreaming and not a time for fear.

In this re-birth of America, there will be, once again, a decent respect for the law, and a re-dedication to its letter and to its spirit by those charged with the duty of administering the law. Where exists crime, there, also, will exist punishment. Out of this respect for law, there will come a decent order, and these two conditions will be realities—not just a catch-phrase.

PROPOSED CATASTROPHIC HEALTH PLAN

Mr. SAXBE. Mr. President, it has been widely speculated that there is the possibility of having a catastrophic health insurance proposal pass the Senate this year, as part of H.R. 1, the social security bill.

For some time, I have been an advocate of a catastrophic health insurance program, at least in principle. I believe that our citizens should be protected from financial ruin encountered as a result of long and serious illness.

But the proposal that is being considered by the Finance Committee, and the one likely to be considered by the Senate, would not protect people from financial ruin. A person would have to pay the first $2,000 of doctor bills, as well as the cost of the first 60 days in the hospital, before receiving any Federal aid. This would in many cases require a person to pay as much as $6,000 or $7,000, and for millions of people in this country, $7,000 is financial ruin.

The following article on health insurance clearly explains the pitfalls and loopholes in the proposed catastrophic health insurance plan. I think it is important for all Senators, before they vote, to become aware of exactly what this proposal would do—or rather, what it would not do. I think we ought to see it for what it is.

For this reason, Mr. President, I ask unanimous consent that the article by Sylvia Porter, entitled "The Health Insurance Bill," be printed in the RECORD.

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

[From the Washington Star, May 30, 1972]

YOUR MONEY'S WORTH: THE HEALTH INSURANCE BILL

(By Sylvia Porter)

Comprehensive national health insurance legislation is dead as far as the 92d Congress is concerned—and if the 93rd Congress is less liberally inclined, it well may remain interred for many years.

A kind of "stopgap" catastrophic health insurance bill, sponsored by Sen. Russell Long, D.-La., has a chance, though. It has the widest political appeal of all the bills proposed. It seems the least costly of the proposals. And it is a health bill.

But an analysis of the Long proposal suggests that we well might be better off if the 92nd passed into oblivion without giving us any health insurance legislation at all. As Max Fine, executive director of the Committee for National Health Insurance puts it:

"The bill would be pouring good money after bad, it would do nothing to stem the rising costs of health care, nothing to provide quality controls on care, nothing to streamline our overall health system. It's a delusion."

No one disputes the need for financial protection against the catastrophic costs of a major illness. More than half of all Americans now covered by some form of health insurance are still without major medical insurance.

The typical ceiling on today's ordinary Blue Cross health insurance policy is about $5,000; the typical limits on the number of covered days of hospitalization are 60 to 90 days. Under private commercial major medical policies, a typical deductible is $100 a person and upper limits of coverage typically range from $5,000 to $15,000.

Under Long's "catastrophic" insurance plan, up to age 65, you would have to pay the cost of the first 60 days in the hospital plus 25 percent of hospital costs thereafter. You would pay the first $2,000 in doctor bills plus 20 percent of amounts above that. To finance the plan, a new tax of 0.3 percent would be added to the first $9,000 of all workers' wages (on top of the 0.8 percent Medicare tax) or an initial maximum of $22 a year.

But what wouldn't and would the legislation really do?

Consider this case history of a Wisconsin factory worker, a widow, age 58, who was admitted to a hospital last September with a broken hip. Her gross income was $4,500 a year, her total assets were a home valued at $15,000. She was too young for Medicare, and because her assets were too "valuable," she was ineligible for Medicaid.

This lady's total bill for 51 days of hospitalization—at $55 a day for the room, plus physician fees and other costs—came to $5,397. The Long bill would not pay one penny of this huge sum.

As it turned out, this widow's company insurance plan paid a total of $1,675; she was forced to sell her house to raise the $3,722 still owed. How "catastrophic" could this widow's illness be?

The Long bill would help only one in every 300 to 400 or perhaps even 600 who ever get medical bills in this lofty range. An overwhelming 96 percent of all hospital stays are for fewer than 30 days.

It would heap on incentives for the most expensive kind of care—would encourage long-term hospitalization in order to take advantage of catastrophic insurance benefits—and would thereby even intensify today's spiraling health care costs.

It would not provide protection for many in greatest need of catastrophic coverage—those in the middle income and the top of the lower brackets who aren't eligible for Medicaid—simply because many of these could not afford to pay the enormous deductibles and co-insurance. These would come to as much as $8,000 to $10,000 before the catastrophic coverage would even take effect.

It would force the poor and near poor to bear a disproportionate share of the overall financial burden via the proposed regressive tax on the full amount of their wages.

It would still fail to provide aged Americans with the catastrophic coverage—including long-term nursing care—they, more than anyone else among us, need.

This "catastrophic" insurance legislation would itself be a catastrophe indeed if it diverted—as it already is diverting—the attention of Congress from our very real need for a meaningful and comprehensive health insurance system for us all.

NATURE LASHES THE SOUTHWEST

Mr. MONTOYA. Mr. President, nowadays the Nation is preoccupied with political activity, while a major crisis is looming across our entire Southwest. Too often we take the natural course of events so much for granted that it takes some major catastrophe to remind us of elementary forces governing lives of men and societies. Across the Southwest, we are rapidly being confronted by a drought of massive proportions.

Water holes are drying up with frightening rapidity. Cattle are running out of range months before they are supposed to because of heat and lack of rain. In fact, rainfall has not been recorded in some parts of the Southwest for approximately 5 months.

A range of Federal emergency relief programs are available to affected citizens, but more often than not they simply do not go that far over the long pull in alleviating such a situation, if applied too late.

In view of the state of affairs developing in my home State of New Mexico, I believe such measures should be taken by the Federal Government immediately. Many people taking their living from the land are already very hard-pressed financially. Assistance from the National Government now would ease pressures on them. Further delay is unwise. We should not wait until these citizens are in extremis and up against the financial wall. Many local banks, familiar with such rural citizens, are willing to do all they can to aid them. But their resources in turn are limited, especially when stacked up against the magnitude of this potential disaster.

Because of the drought, many, many stockraisers, especially smaller ones, are being denied normal access to public grazing lands controlled by the Federal Government. In New Mexico, these lands are vast, and lack of access to them is a telling blow to the hopes of small ranchers.

Almost all such people must cope with a certain number of fixed expenses their forebearers did without. These include vehicles, electricity, fuel for homes, and phones. Even though utilized at an irreducible minimum, these bills are almost too much for many such people.

America's consumers will eventually pay the bill if we fail to act. Presently, markets are bulging with premature beef animals farmers cannot afford to feed. As a result, prices are somewhat lower. Yet next year, because of lower rates of reproduction, prices almost certainly will go much higher, with attendant travail and expense for the average American consumer.

Irrigation water supplies are already depleted dangerously. Across the entire southwest crops grown through heavy use of irrigation water are in peril. Such crops are raised all up and down the Rio Grande Valley in New Mexico. These consist of cotton, sorghum, grains, fruits, and vegetables. Many such crops are grown by small landholders laboring on small margin to supplement already low incomes. Here again we see eventual costs being borne by urban dwellers dependent upon these crops. What is the farmer's immediate loss is a long-term price increase for consumers.

Another menace looming immediately on the horizon as a result of this drought is a threat of major forest fires. Extreme fire hazard conditions are being created everywhere in our southwestern forest lands, which constitute a large portion of New Mexico's total area. We face a prospect of forest fires affecting millions of acres of land in my State, with all attendant destruction they bring.

The drought also cuts into vital water supplies of literally dozens of communities, including some as large as our State capital, Santa Fe, which is my home, and possibly the most historic city in America.

Santa Fe faces a prospect of harsh water rationing, perhaps within a month. Smaller communities face even worse possibilities, as their water supplies will dry up within a month if no rain falls. Then we shall have to haul water in to smaller towns in order to maintain community life.

Planning is already under way to provide emergency drinking water to small communities in our State whose wells will probably go dry for the second year in a row. In New Mexico, steamflow during May was the lowest in 56 years on the Pecos River at Santa Rosa, and the lowest in 71 years on the Rio Grande at Otowi Bridge near San Ildefonso.

Mr. President, our Nation has suffered severely in the past from such droughts in the same areas of the southwest now affected. I feel we must pay significant attention to this emerging state of affairs now, rather than wait for it to assume even more disastrous proportions.

In the past we have too often ignored the plight of vast rural areas subject to disaster from natural causes, mainly because their agonies are slow rather than rating as instantaneous tragedies. More often than not, they occur far removed from massive urban concentrations where the media find it easy to obtain a story on such a situation.

Yet in this case it is easy to ascertain the outlines of real, enduring tragedy today affecting millions of rural Americans. Further, their travail today is the loss of all the rest of America soon thereafter. Economic fallout and rural dislocation in these drought areas alone will have far-reaching effects upon the rest of our Nation in relatively short order.

For all these reasons, as well as simple compassion for our fellow citizens, it behooves the Federal Government to commence significant efforts to alleviate the worst effects of this drought, and to bring to bear the full force of Government agencies to prevent a further drastic worsening of this situation.

Half a dozen Federal agencies, particularly the Departments of Agriculture and Interior, should be ready with plans of action. The President should declare a state of emergency and get appropriate agency efforts moving forthwith. Having just come from that area, I can testify to how severe the situation is now and how it is deteriorating almost daily.

Many political figures bemoan the flight from rural to urban areas, which simply cannot support more population. Many sources complain about a need to keep rural America enticing in terms of year-round living. Yet here we observe stark tragedy and everyone is merely sitting, watching it happen and doing absolutely nothing except pointing to it and noting what is transpiring.

PUBLIC PROGRAM ANALYSIS AND EVALUATION FOR THE PURPOSES OF THE EXECUTIVE AND THE CONGRESS

Mr. ROTH. Mr. President, I recently made available a report which presents the findings of a study initiated by my staff and me in July of 1971. At that time we directed a questionnaire to 41 Federal agencies, seeking to put together a general picture of program evaluation and analysis in these agencies. This study seemed to us to be necessary to determine what sorts of improvements were needed in the information used by the executive and legislative branches in the allocation of scarce national resources. Much of the work in preparing this report has been performed by two very competent college student interns under the direction of a full-time member of my staff.

My entire approach to program evaluation and analysis is a commonsense 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—including the consideration of hypothetical situations in planning for the future. Decisionmaking based on analysis is what I am really advocating—be it in Congress or the executive. To my commonsense way of looking at it, this would be decisionmaking 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 Congress have adequate evaluation and analysis to back up their decisionmaking 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.

I have been led to an interest in the use of evaluative program data also as a result of my concern that sufficient program information be available for use by grant users. When I discovered that such user-oriented material was not always adequate, I began to wonder if agencies were collecting and using output data. Grant users, legislators, political-level executives, and program coordinators all stand to gain from improved program information of all sorts.

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 gage 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 decisionmakers.

Despite these pitfalls, my staff and I still feel that a reasonable, flexible approach to evaluation analysis can contribute much to fiscal responsibility. This was President Nixon's argument when, in a May 1970 memorandum to agency heads, he urged wider use of program evaluation. In initiating our survey of Federal evaluation practices, we did not wish to advocate any particular approach or technique. We mainly hoped to get some feeling for the extent and nature of evaluation activities in the Federal Establishment as a whole.

In July of 1971 my staff directed a questionnaire to 41 Federal agencies. A copy of the questionnaire appears in the RECORD at the conclusion of my remarks. We received written replies from 39 of the agencies. In the questionnaire we concentrated especially on practices involved in evaluating ongoing Federal domestic assistance programs. However, as the staff proceeded with personal interviews and other contacts with agency evaluation people and interested parties, our scope of interest broadened to include the evaluation and analysis of most governmental activity.

I would now like to summarize the findings of our survey. The report we have prepared contains general summaries of the agency responses, as well as reports on each agency's reply. 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. Of course, in some instances it has been necessary to apply an amount of judgment in piecing together information from the direct answers as well as accompanying documents. It is also important to realize that the general summaries of the agency responses are necessarily only approximations of reality

It seems to me most essential that agencies make serious efforts to define the short and long-term goals of their programs. There is no denying the fact that legislative authorizations often do not pin down the purposes of authorizations. Further, by their nature those governmental efforts with social objectives usually have multiple objects. These realizations do not lead me to accept the often-made argument that we therefore cannot really assess the accomplishments of social programs.

An agency cannot possibly pursue its responsibilities in any coherent fashion without some goal orientation. Of course, it is usually possible to define and measure immediate outputs such as number of houses built, number of persons trained, et cetera. To accomplish the same with ultimate goals such as the improvement of housing or employment opportunities for a particular group in the society is a much taller order.

According to our survey, the definition of objectives and goals is not a highly developed art among the executive departments and the 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 with which to determine whether agency efforts are meeting these standards. Among the major executive departments immediate outputs appear to be measured for most programs in a majority of departments. Ultimate effectiveness seems to be rather infrequently gaged. Turning to the independent agencies, again, immediate output was said to be assessed somewhat more commonly than ultimate effects. The extent of output measurement, of any sort, was reported as considerably more limited by these agencies than by the executive departments.

Program outputs must be related to program costs in order to effectively use program evaluation and analysis to determine priorities and allocate scarce resources.

In other words, one must be able to categorize expenditures in the same terms as program activities. This process is of course complicated by the fact that Congress appropriates money in "input" terms, defined by organizational structure.

Our survey found the major executive departments to be further along than the other organizations in making use of cost benefit or effectiveness study. Nevertheless, in both cases many agencies said that they did not apply this technique to most of their activities or did not provide us with useful responses to the query. As regards the use of some sort of formal PPBS 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 felt that it was essential to find something out about the organization of evaluation and analysis within various agencies. It only makes sense that there must be a proper distribution of resources between program operators and agency-wide management. This distribution should allow program people to make use of their great knowledge of program operations for self-guidance and the guidance of top decisionmakers. Yet these top decisionmakers need to be able to reflect independently on this data and recommendations. To do this, they must have both independent informational as well as analytical resources. It just does not make sense to allow the civil servants who operate programs day-by-day and who may be conscientiously committed to them, to make final decisions about their role in an agency's overall effort.

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 noted the existence of a central unit with major evaluatory-analytical responsibilities. It is important that each agency determine, with guidance from the Executive Office of the President, what sort of formal

structure of evaluation and analysis best meets its needs.

Sheer numbers of analysts, of course, may not be as important as their quality. For example, it is my understanding that the Department of Health, Education, and Welfare considers a small staff of analysts to be adequate for that department's needs. The Department of Agriculture has 11 analysts in its Office of Planning and Evaluation, and the Department of Commerce's Office of Budget and Program Analysis disposes of the services of 20 out of a total of 147 evaluation personnel.

I am most hopeful that the Federal Government will in the future take more interest in encouraging State and local government capacity to manage intergovernmental aid minus extensive Federal requirements. Following upon this concern, in our questionnaire we asked agencies to comment on their efforts to foster evaluative ability among State and local grant recipients. Both executive departments and independent agencies made it clear that almost no programs to support improvements in evaluation and analysis exist. Similarly, almost no functional programs permit the use of money for such purposes.

If we were to help our States and localities develop more capacity for self-criticism, we might be able to eliminate much of the expensive red-tape and bureaucracy now involved in administering Federal domestic assistance. As a consequence some of those at all levels of government who had formerly administered the endless requirements associated with categorical grants might be trained to assess the accomplishments of grants-in-aid. It is interesting to note that a few departments and agencies have given evaluation responsibilities to their regional organizations.

It has always seemed to me that the improvement of evaluative and analytical practices in the Federal establishment could best be achieved through the budget process. If the Office of Management and Budget, and for that matter 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. The quality of this might also improve if OMB and Congress possessed the ability to spot check its validity.

OMB involves itself in agency program evaluation primarily through: issue letters which task agencies on special problems; the requirements for evaluative support set in OMB Circular A–11; studies it undertakes on its own; the work of the budget examiners; and through guidance provided to agencies by OMB's Evaluation Division. All evidence, including exchanges with OMB and the responses of agencies to our letter, lead to the conclusion that OMB involvement with substantive evaluation at the agency level is not great. Likewise, there is not a great deal of evidence indicating extensive independent substantive evaluation of agency activities by OMB.

With this laissez-faire attitude, it is difficult for me to understand how the executive can have adequate information to make tradeoffs among possible expenditures. Of course, we are all aware of the fact that the Office of Management and Budget has a tremendous number of tasks to perform—most of which it does quite well. A letter from Director Shultz of the OMB, presented as a part of my report on evaluation, reveals some useful information concerning his agency's impact on Federal evaluation practices. Perhaps there is a role for the domestic council to play in offering leadership to the agencies, especially as regards the evaluation of domestic assistance programs.

The General Accounting Office is an existing agency which could provide independent evaluations of programs to Congress, as well as assistance to executive agencies. At a later time I plan to treat the question of increased evaluative and analytical resources for the national legislature. A rather small portion of the executive departments, and an even smaller portion of the independent agencies, indicated in response to our inquiry that GAO was actively or regularly involved in evaluating the substantive accomplishments of their programs. They also stated that the Comptroller General's interest in their programs was quite often of a fiscal-procedural nature.

It should be noted, however, that the GAO has considerably increased its involvement in the evaluation of program accomplishments in recent years and plans further advances in the future. Comptroller General Staats has presented his view of the General Accounting Office's role in program analysis in a letter included in my report. By 1973 GAO estimates that of its 3,000 professional staff members about 32 percent will be involved in reviews of program effectiveness and program results. According to the same estimates, only 10 percent of professional staff is currently concerned with purely fiscal audits.

It is clear that GAO has plenty of work to do and does much of it effectively. However, Congress needs to have more independent evaluation of the impact of Federal governmental activity—by GAO, the Library of Congress, its own committees, or perhaps by some other body. The Legislative Reorganization Act of 1970 clearly assigns to the Comptroller General and the Library of Congress additional responsibility to perform substantive evaluations.

In our questionnaire we also inquired as to whether Federal bodies depended primarily on evaluation in-house by full-time staff or on studies contracted out to private consulting firms, research foundations, or universities. A good majority of agencies throughout the Federal establishment reported that they depend primarily on in-house evaluation and analysis. There are only a few instances, such as with HUD's model cities supplemental grants, where program money is available for evaluation. Equally uncommon is the situation, such as with a number of HEW programs, where Congress or the executive has earmarked specific funds for this function. One percent of program funds for HEW health programs and several social and rehabilitation service programs is set aside by Congress for evaluation.

Besides on occasion allocating specific funds for the assessment of program accomplishments, Congress in the 1967 Office of Economic Opportunity Amendments gave explicit instructions that the Director of OEO make a continuing effort to evaluate OEO efforts. These same amendments required evaluation by the Comptroller General.

In conclusion, it has been my hope that through these comments I can call attention to the need for the executive branch to improve and extend its attempts to measure the accomplishments of governmental activities and weigh these accomplishments against their costs. I feel that the study conducted by my staff suggests serious weaknesses in agency evaluative and analytical practices.

We in Congress can encourage the executive agencies to move in this direction in the course of committee hearings and by earmaking, where appropriate, program funds for evaluation and analysis when authorizing programs. We could also demand extensive analytical support for requests for funds and authorizations. At the same time, we must turn to the improvement of our own capacity to use and independently generate analysis and evaluation. These are tools which, when sensibly put to use, greatly increase the possibility of making the maximum use of public funds.

Mr. President, I ask unanimous consent that the text of my questionnaire to Federal agencies, the exchange of letters between myself, and OMB Director Shultz, and Comptroller General Staats letter to me be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 26, 1971.

DEAR ———

I am gathering information for a study of program evaluation in Federal agencies which concerns itself with the whole process of evaluation, from the collection and reporting of raw data to the final comparative cost-benefit/effectiveness analyses. I would sincerely appreciate your cooperation in providing any available information in the following specific areas of concern:

1. How many domestic assistance programs as defined by the 1971 Office of Management and Budget Catalog of Federal Domestic Assistance does the agency administer?

To what extent are agency activities readily defined in terms of objectives and outputs conducive to measurement and evaluation of effectiveness? (e.g., PPB program structures or building block format) How many programs are operated and monitored in terms of definite output measures and goals? (NOTE—"Output measures" does not describe measures of expenditure, but rather the ultimate results of these expenditures.)

2. For which programs are expenditure and output data *evaluated* (i.e., in terms of cost-effectiveness, alternative approaches, experimental variations, program side-effects, efficiency, improved program strategies)?

3. How are the tasks of evaluation organized and distributed within the department/agency?

(a) How is the department/agency evaluation staff arranged (in terms of size and scope of activity)?

Department/agency office of evaluation?

Bureau and program evaluation staffs?

For state and locally administered programs, have evaluation staffs been developed at the state and local levels? Are there program funds authorized specifically for this purpose? (What is the role of state and local personnel in reporting or evaluating information?)

(b) What has been the role of OMB in evaluating department/agency programs?

Independently of agency staff?

In cooperation with agency staff?

(c) What has been the scope of GAO activity in doing *evaluation* studies of department/agency programs?

(d) To what extent have valuation studies been contracted out?

(e) To what extent are date reporting and evaluation performed by:

Participating program staff?

Independent staffs?

4. How has the evaluation staff been funded?

(a) Individual program authorizations specifying evaluation studies of the program?

(b) The Secretary or director's administrative staff appropriations? (Were the funds utilized specifically designated for program evaluation in the budget authorization?)

(c) Other?

5. Is evaluative information made available or could it be made available upon request for use by the legislative branch in considering authorization and funding levels of the various programs? (How much evaluative information is covered by executive privilege?)

6. Are there any projected innovations in the area of program evaluation in the agency?

Any suggestions, further information or examples concerning program evaluation would be greatly appreciated. Please direct such information to Kent Peterson of my staff.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

U.S. SENATE,
Washington, D.C., July 22, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

Attention: Mr. William A. Niskanen, Jr.
Assistant Director for Evaluation.

DEAR MR. SHULTZ: I am gathering information for a study of program evaluation in Federal agencies which concerns itself with the whole process of evaluation, from the collection and reporting of raw data to the final comparative cost-benefit/effectiveness analyses. I would sincerely appreciate your cooperation in providing any available information in the following specific areas of concern:

1. What is the size and structure of the OMB evaluation staff? What is the scope and distribution of OMB evaluation activity? Are there any projected innovations?

2. What is the relationship between the OMB evaluation staff and the evaluation staffs of the agencies?

(a) How are the "tasks" of evaluation distributed between the two levels? (e.g., data collection, program analyses, comparative program analyses, etc.)

(b) What are the pressures acting on evaluation staffs at the two levels which might tend to decrease objectivity? An agency program analysis office has been described as "wearing two hats," it is initially "critical" towards an agency's programs, but then serves as an advocate of those programs vis a vis OMB. How does the OMB evaluation staff overcome these informational difficulties at the agency level? Are there similar distortive pressures within OMB?

(c) Where should the emphasis for expanding and improving program evaluation be focused in view of the need for objective evaluative information?

(1) enlarging agency evaluation staffs?

(2) expanding the evaluation staff at the OMB level?

3. What are the procedures providing for a comparative overview in analyzing

(a) programs with a similar goal?

(b) diverse groups of programs serving different goals?

4. How are the procedures for program evaluation integrated into the budgeting cycle?

(a) How much evaluative information is requested from the agencies in the budgeting process? (samples of relevant budget circulars)

(b) How much *"useful"* evaluation information *is provided* by the agencies in the budgeting process?

5. What is the role of the OMB evaluation staff in making or contributing to policy decisions? What are the structures and procedures involved in OMB's impact on policy-making? What, in your view, should the relationship between evaluation and policy-formation be?

6. What is the present OMB policy in using "executive privilege" to cover evaluative information? What is the impact of executive privilege on the quality of program evaluation information in the executive branch? If evaluative information were to be made public, would program evaluations then become less or more objective? (Should Congress develop its own office of program evaluation? If such a congressional office were established, at what levels of the evaluation process could data be shared, if at all?)

7. What is your reaction to Senator Mondale's proposal (S. 5—the Full Opportunity and National Goals and Priorities Act) which would create a Council of Social Advisors to perform an evaluative, policy-recommending role in analyzing Federal activity in areas of social concern?

What evidence could you give that adequate evaluation is being done in this area already by the present OMB/agency evaluation staff structure?

Any assistance you can provide on this important subject will be greatly appreciated.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1971.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I value your interest in the Federal evaluation process and your support of our efforts to improve the information and analysis available to Federal policy officials. John Collins and Kent Peterson met with our Assistant Director for Evaluation, Bill Niskanen, to provide a general background for our response to your specific questions.

1. What is the size and structure of the OMB evaluation staff? What is the scope and distribution of the OMB evaluation activity? Are there any projected innovations?

The OMB Evaluation Division has 18 authorized positions, divided equally between a Special Projects Branch and an Evaluation Techniques Branch. Each professional staff member has a primary responsibility for one domestic program area and also contributes to the evaluation of selected Government-wide management and procedural problems. The major projected innovation is to give the Evaluation Division the responsibility for structuring the OMB Spring Reviews that provide the policy and budget guidance for agency preparation of their proposed budgets.

It is important to recognize that evaluation is a management technique that includes performance audits of existing programs, management information systems, and analysis of the costs and effects of proposed programs and policies. In this sense, most of the OMB staff is involved in evaluation. The specific role of the Evaluation Division is to improve the quality of evaluation throughout OMB by developing criteria, improving analytic techniques, assisting the other divisions, and by performing special projects.

2. What is the relationship between the OMB evaluation staff and the evaluation staffs of the agencies?

In general, this relationship is professional and informal, primarily involving the sharing of data, research results, analytic methods, and perceptions of problems. The OMB Evaluation Division does not supervise or specifically monitor the budgets and activities of the agency evaluation staffs. One developing aspect of this relation is the development and promulgation of evaluation guidelines in specific program areas; these guidelines are usually developed jointly by the OMB and agencies' evaluation staffs and are incorporated in OMB Circulars.

(a) How are the "tasks" of evaluation distributed between the two levels? (e.g., data collection, program analyses, comparative program analyses, etc.)

Most of the data collection and program analyses are, and should be, conducted by the agency evaluation staffs and by the university and contract research community. OMB tries to assure that the specific studies of most direct interest to the Executive Office are performed, either by organizing a special project or by tasking an agency. The primary formal instrument for tasking an agency is an Issue Letter; these letters are now prepared in the summer for a response by the following spring and are usually restricted to studies of major importance. The OMB program examiners are continuously tasking the agencies for data and studies with a shorter deadline or of lesser importance.

(b) What are the pressures acting on evaluation staffs at the two levels which might tend to decrease objectivity? An agency program analysis office has been described as "wearing two hats," it is initially "critical" towards an agency's programs, but then serves as an advocate of those programs vis-a-vis OMB. How does the OMB evaluation staff overcome these informational difficulties at the agency level? Are there similar distortive pressures within OMB?

The agencies and OMB obviously have somewhat different institutional objectives—the agencies to promote programs for which they are responsible and OMB to constrain total spending and balance programs across the Government—and their respective evaluation staffs are bound to reflect these objectives. This problem is somewhat tempered by a developing sense of professional standards in the analytic community. In recognition of this problem, OMB's study requests to the agencies are increasingly restricted to information that does not directly threaten the agency's fundamental interests. In addition, OMB relies heavily on studies conducted outside of the Government and on studies by the OMB staff to provide parallel sources of information and analysis. We may not be sufficiently aware of similar distortive pressures within OMB, but it is probable that our current budget orientation sometimes makes us unduly critical of some spending proposals.

(c) Where the emphasis for expanding and improving program evaluation be focused in view of the need for objective evaluative information?

(1) enlarging agency evaluation staffs?

(2) expanding the evaluation staff at the OMB level?

At the present time, there does not appear to be a general shortage of analysts in either the agencies or OMB. The primary present challenge is to make more effective use of the potentially available analyses by improving our review processes and, pending these procedural changes, an increase in the supply of analysts will not increase the amount of analysis that is effectively used. In contrast, there may be a greater payoff to increasing the number and quality of analysts working for Congress, an action that would also improve the quality of analysis in the executive branch.

3. What are the procedures providing for a comparative overview in analyzing?

(a) programs with a similar goal?

(b) diverse groups of programs serving different goals?

Most programs serve several goals, some of which are not well defined. Indeed, the necessary coalition for approval of a major program usually includes parties who support the program for quite different reasons. In recognition of the several goals of most Federal programs, OMB is increasingly using several different formats for reviewing the Federal budget and activities. These several formats include the necessary agency and appropriation aggregation, several types of program aggregations, resource-type aggregations, and selected Government-wide overviews of economic and management issues. We are developing review procedures to give increasing attention to the distributive consequences of Federal activities—by income class, demographic group, region, etc.—as well as the incentive effects on the various parties involved in carrying out Federal programs. Our review procedures are still in an experimental state, subject to the necessary procedures to review and publish the budget, but we believe we are working toward a more informative and effective process.

4. How are the procedures for program evaluation integrated into the budgeting cycle?

(a) How much evaluative information is requested from the agencies in the budgeting process? (samples of relevant budget circulars)

(b) How much *"useful"* evaluative information *is provided* by the agencies in the budgeting process?

Program Evaluation materials are submitted at several stages of the budget cycle. The results of major studies prepared by the agencies in response to the Issue Letters as well as studies performed within OMB receive greatest attention in the Spring Reviews. Agencies submit some program evaluation materials with their proposed budgets, both in response to OMB Circular A–11 and to frequent informal request by the program examiners. Some program evaluation material, prepared either by the agencies or within OMB, is included in the program books for the Fall Reviews. A representative Issue Letter and a copy of Circular A–11 are enclosed. The usefulness of agency program evaluation information varies enormously; in general, the basic information on which the agency analysis is based is more useful to us than their analysis and conclusions.

5. What is the role of the OMB evaluation staff in making or contributing to policy decisions? What are the structures and procedures involved in OMB's impact on policymaking? What, in your view, should the relationship between evaluation and policymaking be?

The OMB Evaluation Division has no direct policy responsibility; its primary contribution to policymaking is to assure that the OMB policy officials have the best possible information and analysis on management and budget issues. OMB's impact on policymaking, of course, derives entirely from the powers of the President and OMB's unique role as the only comprehensive staff in the Executive Office. Evaluation can be one of several important inputs to policymaking, but cannot be a substitute for the critical political decisions; evaluation should not be expected to resolve issues when there is a fundamental disagreement on objectives among well-informed parties.

6. What is the present OMB policy in using "executive privilege" to cover evaluative information? What is the impact of executive privilege on the quality of program evaluation information in the executive branch? If evaluative information were to be made public, would program evaluations then become more or less objective? Should Congress develop its own office of program evaluation? If such a congressional office were established, at what levels of the evaluation process could data be shared, if at all?

The President's policy is to use "executive privilege" to the minimum extent consistent with the full and frank discussion of policy alternatives within the executive branch and with the necessary coordination of Administration proposals and consistent, of course, with the normal restrictions on classified material. In general, clearly, individual requests would have to be considered on a case-by-case basis.

As a general rule, the availability of the backup component studies might probably increase the objectivity of these studies, as they would be subject to review by a larger professional audience with, possibly, a wider range of interests. The release of studies that directly lead to a policy recommendation by appointed officials, however, would reduce the frankness of the internal policy discussion.

Because, generally, the basic data on which executive branch analysis is based would also be available to Congress, there would not seem to be any particular need for a separate congressional office of program evaluation, apart from existing committee staff, but of course, Congress would have to judge that for itself.

7. What is your reaction to Senator Mondale's proposal (S. 5—the Full Opportunity and National Goals and Priorities Act) which would create a Council of Social Advisors to perform an evaluative, policy-recommending role in analyzing Federal activity in areas of social concern? What evidence could you give that adequate evaluation is being done in this area already by the present OMB/agency evaluation staff structure?

We do not favor the creation of a Council of Social Advisors as proposed by Senator Mondale. A council of this nature without a specific program or policy focus would most likely evolve into spokesmen for specific policies and would usually be excluded from the primary decision processes. In addition to the agency evaluation staffs, it is important to recognize that the Executive Office review of social programs and policies now benefits from the contribution of the Domestic Council staff, the Council of Economic Advisers, the Office of Science and Technology, and the Council on Environmental Quality as well as OMB, and these staffs include able social scientists from a range of professional disciplines.

I hope that these answers are responsive to your requests. Bill Niskanen can follow up on more details if this would be valuable. Again, thank you for your interest and understanding.

Sincerely,

(S) GEORGE P. SHULTZ,
Director.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 5, 1972.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I appreciate the opportunity afforded me to look over the report which summarizes your findings dealing with Federal program evaluation practices. As mentioned in my letter to you of April 20, you may wish to include a copy of this letter in your report.

I certainly share your view that program evaluation and analysis can contribute much to fiscal responsibility and for this and other reasons most of our audit effort over the past several years has focused on the evaluation of management of Federal programs and the assessment of whether these programs are accomplishing the purposes which Congress intended them to accomplish.

The principal objective of the General Accounting Office is to render maximum assistance to the Congress, its committees, and Members, consistent with our responsibilities as an independent, nonpolitical agency. Meeting this objective with our limited resources requires the judicious selection of assignments and the most efficient utilization of available staff in the conduct of those assignments. Therefore, except as otherwise required statute or external requests, our basic audit policy is to direct available resources and talents to the areas in which they can be most effectively used to fulfill the greatest apparent need and benefit to the Government.

Implementation of our audit policy results in considerable audit coverage of some Federal programs while very little audit effort will be devoted to other programs. For instance, we have performed a number of program evaluations at the Environmental Protection Agency and the Departments of Defense; Health, Education, and Welfare; Interior; Agriculture; and Housing and Urban Development because these departments have many substantive on-going programs which have a considerable impact on a large number of people and require sizable amounts of Federal funds. On the other hand, independent agencies such as the Inter-American Social Development Institute and the Overseas Private Investment Corporation have been in operation for only a little over a year and accordingly our work in these agencies has not been extensive at this point in time.

We are directing more of our efforts to providing the Congress and the Federal agencies with information on the progress made in achieving program objectives and on possible alternative approaches to accomplishing the objectives intended by Congress. For fiscal years 1971 through 1973 we estimate that our 3,000 professional staff members about 21 percent, 28 percent, and 32 percent, respectively, were, or will be, concerned with reviews of program effectiveness and program results. In addition, a substantial portion of our manpower is expended on management evaluations which are designed to achieve greater economy and efficiency in Federal Government operations. Less than 10 percent of our professional staff is concerned with purely fiscal audits.

A significant part of our work is done in response to specific requests by committees of the Congress, often in direct support of their legislative or legislative oversight responsibilities. As a current and important example, we are supporting the Joint Economic Committee in its study of welfare programs by measuring, in six geographic areas, the extent to which poor persons receive benefits from the multitude of Federal programs intended for their aid. To the best of our knowledge, this effort is unique. Also, we have recently evaluated and will shortly report on the impact of a basic change, provided for by present legislation, in the method of distributing funds for maternal and child health programs on the provision of services to program beneficiaries. This work was done at the request of the House Ways and Means and Senate Finance Committees to assist in their consideration of the need for modifying the legislation.

Many of our reviews are concerned with important domestic programs. Following are some examples of our more recent efforts in this area.

1. We reported to the Congress that the solid waste demonstration grant program had limited impact in improving the solid waste disposal problem in the Nation.

2. A report to be issued to the Congress this month will discuss the progress and problems in reducing air pollution from automobiles.

3. A recently issued report to the Congress evaluates the effect of Federal expenditures on the economy of Johnson County, Kentucky. A similar study, undertaken at the

request of Senator Edward Brooke, resulted in a report on our evaluation of the impact of Federal programs on economic development, employment, and housing in New Bedford, Massachusetts.

4. Our report to the Congress on civil defense in the United States provided an evaluation of the development of a nationwide fallout shelter system.

5. In a report to the Congress last month we assessed the dimensions of insanitary conditions in the food manufacturing industry.

6. Over a recent 3-month period we issued five reports to the Congress on our assessment of the impact of the Teacher Corps program at various locations in the United States and we will shortly issue a report on the impact of the program nationwide.

7. A report which will shortly be issued to the Congress will discuss how enforcement of housing codes can enhance achievement of the Nation's housing goal.

8. Two recent reports to the Congress provided evaluations of the housing and education programs for the American Indian.

These examples represent a small portion of the audit effort which we are devoting to program evaluations. We have already provided you with a copy of our annual report for fiscal year 1971. I am providing separately a partial listing of reports which we have issued during about the past 3 years, or which will be issued in the next month or two, on the agencies involved in your study. This listing includes about 200 reports directed to the status and/or accomplishments of Federal programs. From the information included in our annual report and in the listing, I think you will agree that our efforts in the area of program evaluations have been quite extensive.

It is obvious that some agency responses to your questionnaire were not complete concerning our past efforts in evaluating their programs. Some of the responses apparently were prepared by agency people who were not familiar with our work. Overall, I think it would be fair to say that our total effort in program evaluations has been quite substantial and that our progressive increase of both total and multidiscipline staff resources which we have applied in this area in the last 6 years evidences our deep interest in such evaluations. This is not to say that more should not be done. On the contrary, as you note in your report, the Legislative Reorganization Act of 1970, as well as other recent legislative actions, will require the General Accounting Office to place even greater emphasis on program evaluations.

We appreciate your interest in this subject and hope that you will support our program evaluation efforts. If we can be of any further assistance, please do not hesitate to call.

Sincerely yours,

LEWIS B. STAATS,
Comptroller General of the United States.

STUDENT REPRESENTATION ON UNIVERSITY BOARDS OF DIRECTORS

Mr. HARRIS. Mr. President, on February 29, the Senate adopted by a vote of 66 to 28 an amendment which I offered to the Higher Education Act which encouraged college and university boards of trustees to include a student in their membership. My amendment did not make such membership a legal requirement, but did instruct the Secretary of Health, Education, and Welfare to report to the Congress on the effect of student membership on university governance throughout the country.

In the past few weeks it became clear that the language of my amendment, gentle as it was, was not satisfactory to all members of the conference committee. Although the measure has been retained in principle, the conference language has seriously weakened the powerful mandate given by this House to the inclusion of students on college and university governing boards.

Mr. President, a major problem in America is the powerlessness of individuals to influence the institutions which dominate their lives. Our cities are in turmoil, our workers feel that they are totally isolated from their management, and our students feel their constructive criticisms of their own educational system go unnoticed. Little wonder, then, that many of our most responsible and talented young people feel that their protests must be taken outside the system before they can be heard.

I have received numerous communications from students, faculty members, and administrators of schools where students are given a real input into the decisionmaking structure. Those who have had experience with student trustees overwhelmingly endorse the contributions and perspective which these young people have made. And the students feel that they do have a way of making their vote heard.

I am sorry that the conferees were unable to agree to the Senate wording of my amendment; but I am hopeful that the sense of the Senate expressed in the original version, and the endorsements of student representation which I have made public in this Chamber will give colleges and universities throughout America a clear enough mandate that they will work to include students at all levels of the decisionmaking process.

FUNDS FOR AID TO IMPACTED SCHOOL DISTRICT

Mr. MATHIAS. Mr. President, yesterday the House Appropriations Committee approved a $28 billion appropriation measure for the Departments of Labor, and Health, Education, and Welfare. I was most pleased to note that the committee has included in that measure $615.5 million for impacted aid to local school districts authorized under Public Law 81–874. This is an increase of $210.5 million over the administration request, and provides for continuation of the current level of funding for this important program.

Mr. President, I, like many others, am painfully aware of the increasing inability of local governments to finance education through the property tax. The impacted aid program has become a vital source of funds for countless school districts across the country. It has given local authorities the ability and the discretion to meet the challenges before them. Moreover, the program achieves these purposes with a minimum of administrative costs to Federal and local agencies.

I congratulate the House Appropriations Committee for its wisdom in restoring funds to this critical program, and urge the Senate to approve at least an equal level of aid in order to sustain the quality of education we provide for this Nation's young people.

THE AMERICAN WAY OF BOMBING

Mr. CHURCH. Mr. President, the current issue of Harper's magazine contains an excerpt from a pioneering study entitled "The Air War in Indochina." The study was compiled by scholars working under the auspices of the Cornell University Program on Peace Studies.

Understandably, the attention of Americans has been principally focused upon ground combat activity which has generated approximately 55,000 dead American soldiers. However, the air war study makes the argument that air power has been the dominant feature of American military involvement in Indochina.

The study, totaling more than 280 pages, is a most worthwhile contribution to an understanding of the intensity of our military efforts in Indochina. The excerpt in Harper's treats with the growing impersonalization of warfare, typified by a remark of a Marine Corps captain to a report for the New York Times:

> I don't think anyone here thinks about blowing in and dropping bombs and killing a person. It's all very impersonal. You don't hear the bombs. It's all very abstract.

I ask unanimous consent that the Harper's piece be printed in the RECORD.

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

THE AMERICAN WAY OF BOMBING

Since the Battle of Agincourt, where the English longbow was decisive, warfare has become increasingly depersonalized. The distance between the combatants has become progressively greater, and each man has been given a growing offensive capability that permits him to kill many others with a single effort. The massive use of air power in World War II and in Korea contributed to this trend of increasing the physical and psychological separation between combatants and of minimizing the emotional interaction between them. The most recent developments in the instrumentation of warfare in Indochina—especially aerial navigation, target detection, and weapons delivery advances—have accelerated this trend considerably.

So far, advances in navigation and computerized weapons release have had their greatest impact on interdiction attacks by fixed-wing aircraft against stationary, soft targets; some degree of blind bombing capability has been achieved. Ground sensors are used primarily for accumulating intelligence for preplanned strikes on stationary targets, though they are also utilized for immediate strikes against trucks. The airborne sensor devices, on the other hand, have found their most important use in the truck interdiction campaign over the Ho Chi Minh trail, about which the Air Force has recently made such impressive claims. The U.S. night interdiction capability there rests on fixed-wing gunships, first employed in 1968, that carry various combinations of night viewing and other target detection devices.

The enormous U.S. industrial and scientific research base has made possible these rapid advances in weapons technology, but the demand for new military capabilities, plus the availability of a combat testing ground in Indochina, has been a major contributing factor to these developments. The results portend significant changes in the mode of operation of U.S. tactical air power for the future, particularly in counterinsurgency operations. Military enthusiasm for these systems obviously centers on

their technical performance, on their cost savings, and on their increased effectiveness. Spokesmen have claimed that electronic battlefield developments have significantly reduced a long recognized deficiency of tactical air power—its lack of high-confidence, all-weather interdiction capability.

What tend to be forgotten or minimized are the limitations inherent in the system. Senors are vulnerable to decoys and countermeasures, and the possibilities for false responses abound (although the term "false alarm" has been stricken from the vocabulary; one refers now to a *nontargetable activation*). The battle between men and machines is not as one-sided as the machine designers claim. Highly motivated men are amazingly resourceful, and automated detectors are an open invitation to human ingenuity.

Beyond practical limitations there lies a fundamental problem. When friend and foe are intermingled, how can electronic sensing and controlling devices discriminate between them? This remains a basic problem under any conditions. A seismic detector cannot tell the difference between a truck full of arms and a school bus; a urine sniffer cannot tell a military shelter from a woodcutter's shack. The further the U.S. goes down the road to automation, and the greater its capital investment becomes relative to its investment in manpower, the more deeply will it become committed to this blind form of warfare. Gen. William Westmoreland, Army Chief of Staff, has stated: "On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control. . . . I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine." [*Congressional Record*, vol. 116, pt. 18, p. 23824.]

Air Force spokesmen frequently point out that the data from electronic target detection and acquisition machinery are never used without collation with other inputs, and that no counteraction is ever ordered without the intervention of the essential element of trained human judgment. The human operator, however, is terribly remote from the consequences of his actions; he is most likely to be sitting in an air-conditioned trailer, hundreds of miles from the area of battle; from there he assesses "target signatures," evaluates ambiguities in the various sensor systems, collates their reports, and determines the tactical necessity for various forms of action, which are then implemented automatically. For him, the radar blip and flashing lights no more represent human beings than the tokens in a board-type war game. War and war games become much the same.

An account provided us by a retired general further illustrates this potential for depersonalization. He reported that when he was a student at the National War College he began to sense a regularity in the responses of the student officers to the various war-game scenarios endemic to such places of higher military learning. When faced with situations requiring either a diplomatic or a military response to a given crisis, experienced Navy PT-boat commanders tended to favor diplomatic solutions, while Polaris submarine commanders preferred tactical or strategic military responses. Similar distinctions were observed between Army infantry and artillery commanders, and between Air Force Tactical Air Command and Strategic Air Command officers. He concluded that those officers who were confronted directly with the consequences of their actions in the form of human lives lost—whether adversary, neutral, or allied—were more reluctant to resort to military solutions. Those officers whose weapons systems delivered death remotely were much more willing to call awesome amounts of firepower into play.

Moreover, an explicit goal of research-development programs is an improved "real-time" response, in all conditions of weather and visibility, to the information provided by the detection apparatus. The present bottleneck in the automated response process, as perceived by the Air Force, lies in the analysis of this information. According to the head of the Air Force Systems Command Laboratories, the "big problem" facing the labs today is how to analyze and correlate this input data for immediate response; "Microelectronics, coupled with new storage devices, offers some hope of dealing effectively with the data manipulation problem . . ." But, to the extent that this problem in data manipulation is solved, the contribution from human judgment in the target-selection process is likely to decline.

Automated warfare has certain "advantages," however, apart from its technical features. Instruments do not defect. They are not known to take consciousness-expanding drugs, nor to have ethical qualms about coincidental killing of civilians. They do more or less what they are told, and represent a powerful, mechanized, mercenary army.

Ultimately we can have the machines fighting the "target signatures" with no human beings involved on either side. As two commentators have put it, the electronic battlefield ". . . eliminates a constant problem of Vietnam and other wars—that some men must go and fight while others watch on television. With the truly automated system, everybody, including the soldiers, will watch the war on television—the only difference between the Army and the American Legion being the placement of the viewing screen."

The very existence of such an advanced technology produces pressures for its use; it will be hard to resist deploying these powerful weapons and gadgets for "countering insurgency" wherever found. Such a movement may have indirect consequences of considerable import. For example, the channeling of scientific and engineering effort into destructive applications of this sort may well encourage the currently emerging disaffection with technology per se, when in fact technology may be needed for extracting mankind from a wide range of ecological disasters. This disaffection in the U.S. is fueled by the recognition that American scientists and engineers—civilians as well as those working for the Department of Defense—have been deeply involved in the development of the electric battlefield.

The difference between war and a competitive sport has always been clear. A game of tennis cannot be won by blasting one's opponent clear off the court; the concept of "winning" is, by definition, tied to the rules of the game. Not so in war. Here the explicit objective is to reduce the opponent to a state of helplessness or willingness to capitulate. Anything that furthers this aim is part of the efforts; there is no umpire who might invalidate a victory that was won by breaking the rules. Of course, there are moral reasons for not going to excess with the destructive process of war—indiscriminate killing and devastation are repugnant to the individual, and few governments would subscribe to them as a matter of avowed policy. However, the exercise of moral restraint in practice comes under constant pressure from the practical calculations of the moment. If the advantages gained by transgressing a moral limitation appear great enough, the limitation is likely to give away. The practical calculations must of course take into account the possibility that the opponent, or one of his allies, will retaliate in like manner. This is a major factor inhibiting the unrestrained, moral rectitude exerts a very limited leverage. History abounds with examples of ruthless warfare, to say nothing of gratuitous brutality and wholesale massacre, in cases where one of the adversaries was free from the fear of retaliation.

If the effectiveness of moral restraints in practice has never been great, there are factors in the new technologies that serve to undermine the foundations even of those limited restraints. The change in attitude is already profound in the normal exercise of strategic air power. It becomes particularly marked, however, with the evolution of the electronic battlefield and of automated warfare, the full development of which has far-reaching implications.

Remote-controlled warfare reduces the need for the public to confront the consequences of military action abroad. The cost of a fully automated war can be reckoned in dollars and machinery—a small price compared to a harvest of casualties. No longer must the leaders of a nation first establish widespread support for the policies that require fighting a war. Wars can be entered quickly, if need be even in clandestine manner, and fought with minimum repercussions at home. Indeed, an automated war might soon fade from the public consciousness and become *institutionalized*. Modern air capabilities make realistic Orwell's vision of *1984*.

Remote-controlled warfare also reduces the need for emotional conditioning of the armed forces so that they can engage in face-to-face killing. With automated war the combatants are *technicians*. Their powers of destruction are enormous, but their emotional involvement can be small. The use of complex gadgetry and the acquisition of the skills to operate it successfully can endow the entire destructive process with the characteristics of a game. The mere manipulation of the machinery is absorbing and pleasurable, like playing with a super-sophisticated pinball machine. The effects or merits of the actions are not considered; if such questions arise at all, they are dismissed as matters for high-level decision of no legitimate concern to those who execute the commands.

At work, too, is the psychological principle that one's sense of responsiblity is weakened toward persons he cannot see. Through its isolation of the military actor from his target, automated warfare diminishes the inhibitions that could formerly be expected on the individual level in the exercise of warfare. With calm detachment, and without even being aware of it, persons can participate in the kind of indiscriminate destruction and killing that, in the context of conventional ground warfare, has so far been classified as a war crime.

This brief discussion outlines a rather somber view of the consequences of technological developments in warfare, particularly those involving progress toward a greater degree of automation and remote control. This is by no means a look into the distant future: though not yet fully developed, the electronic battlefield is a reality, and the strong pressures for its further refinement and free deployment cannot be ignored. What possibility is there, then, for restoring the balance in favor of restraint in warfare, on both the policy-making level and that of the individual combatant?

This is too broad and difficult a question to answer here. One can suggest certain ways however of creating or reinforcing such restraint. Increased awareness of the destructive power of modern air war with its burgeoning technology could make more people question the use of such destructive power to support limited policy aims. Individuals in positions of responsibility might become more willing to opposition decisions that violate the principle of proportionality and other well-founded rules of warfare. Still, it is no easy task to create greater public awareness of these matters, and to inculcate a greater sense of personal moral responsibility would require an all-out educational effort.

Such an effort would initially be handicapped by the progressive erosion of legal

and moral restraints that has accompanied the development and use of strategic air power. Basic concepts like "military necessity," though applicable in principle to air warfare, have become nearly meaningless in practice. A concerted international effort to review and evaluate the juridical status of air warfare is vitally needed. Big-power agreement to a treaty limiting the use of air power could be a major achievement.

No one familiar with military developments over the past thirty years can believe that such agreement will be reached easily. An absolute prohibition of strategic bombing would probably be more practicable and effective than attempting to define which targets could be attacked at all, or only under specified conditions. Another possibility would be specifically to define air-war crimes in connection with an affirmation or reformulation of the Nuremburg principles, thus helping to institutionalize restraint at all levels. As a further internal restraint it would be well to curb the power of the executive to withhold information from the public. There is also the constitutional issue of restoring Congressional control over war-making activities.

No one of these measures—except possibly the absolute prohibition of strategic bombing—could effectively prevent the widely destructive use of air power, but all taken together possibly could. There doubtless are many other steps that could be taken. What is needed is a package of many mutually reinforcing measures. The design and creation of such a package is an urgent task, requiring imagination and leadership of the highest order.

U.S. POLICY TOWARD INDIA

Mr. HARRIS. Mr. President, the New York Times of May 30 contains a thoughtful letter by Chile's Ambassador to India. The article raises disturbing questions about the course of American foreign policy toward the largest democratic system in the world, the Government of India.

I believe that other Members of the Congress will wish to study the serious questions which Ambassador Miguel Serrano has raised. It helps us to place in context the consequences of the President's disastrous foreign policy toward India and Pakistan. 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:

THE MUSIC OF DECADENCE

(By Miguel Serrano)

For some time the United States Government has been behaving like a man who, with an expensive house almost completed, decides to place a bomb in the living room and blow it to smithereens. For more than twenty years, the United States gave millions of dollars in aid to India, and then, almost overnight, in a seemingly mindless way, it stopped that assistance and began to court India's greatest competitor. This change seems alien to the traditional moral consistency of the American character. Perhaps it is the product of a new computer morality. If so, it represents a dehumanization capable of enslaving or destroying the human race.

This self-destructive impulse is revealed in a whole range of recent events. It is a tableau that threatens the survival of Western culture. To Europe the frivolousness of American foreign policy is especially disconcerting. The cold, hard men who voluntarily undertook the defense of the West now seem strangely untrustworthy. Everyone in Europe realizes that something had to be done to correct the American balance of payments and to reform the international monetary system.

For the last decade European bankers and politicians have been making discreet inquiries round the world concerning the possible devaluation of the dollar. Then suddenly, without consultation, the United States put an end to the convertibility of the dollar and imposed an import tax. These actions created a deep feeling of resentment throughout the North Atlantic alliance. Moreover, the Japanese, who for twenty-five years maintained a close relationship with the Americans, suddenly found themselves being treated like enemies. The ancient doubt began to take form again. The Japanese had accepted Hiroshima as a logical consequence to Pearl Harbor, and had developed an understanding of American rectitude, but now the earlier vision of the white Commodore forcing them to open their ports began to take shape again.

The United States' decision to try to close the gap with China was also undertaken in complete secrecy and without consulting any of its European or Asian allies. This rapprochement has required an abrupt shift in traditional American attitudes. To cite only one disastrous consequence, American silence about East Bengal and its open aid to Pakistan sanctioned the greatest massacre of modern times. This action was part of the price the American Government had to pay for its new relationship with China.

This sudden change, treating one's friends as enemies and one's enemies as friends has created disquiet everywhere. Anyone who has lived in the East will know that Asians will take it as a sign that the civilization of the white man is beginning to decay. This change constitutes what the ancient Chinese called the "music of decadence" that always precedes the death of an empire.

The modern Chinese will be pleased, but the laughter of Mao and Chou En-lai will be cold and sardonic. For them, there is only one people that count—the Chinese. All others are barbarians. And what better sign of barbarism than inconsistency, since it shows a lack of true culture, an insufficiency of feeling and ignorance of history.

It is difficult to understand why the Americans threw away the enormous influence that came with the millions of dollars they gave to India at the moment when India was at last attaining agricultural self-sufficiency and a greater industrialization than China, while at the same time maintaining a democratic parliamentary systems. Just when the aid efforts were bearing fruit, India was abandoned.

Americans, who are certainly generous, nevertheless have this defect of a young people; they want to be thanked, they want to be noticed, admired and loved by those to whom they give things. But for the survival of mankind, this powerful nation must abandon this childish indulgence. Instead of resenting what they imagine to be India's ingratitude, Americans should rejoice in India's independence and power.

It is not a communist country, nor does it allow foreign powers to establish military bases on its territory. More than ever before, it is a power in Southern Asia and in the Indian Ocean. Under Indira Gandhi, Nehru's daughter, it has an extraordinary Government that has only begun its mission. Women have governed countries in all times and places except in the Americas. This again would create suspicion among the Americans for whom the mother is only a superficial influence.

Unless these facts are recognized the Americans will inevitably begin to create on their side of the Pacific the "music of decadence" that the Ming emperors heard at the end of their rule three hundred years ago.

THE SALZBURG SEMINAR IN AMERICAN STUDIES

Mr. MATHIAS. Mr. President, the Salzburg Seminar in American Studies is a unique institution which rose from the ashes of World War II to help Europeans learn more about the United States. Many distinguished Americans such as the late Secretary of Labor Frances Perkins, Justice Byron White, and Justice Potter Stewart have taught at Leopoldskron in Salzburg, Austria, and it was with a sense of both history and humility that I accepted the invitation to join the seminar faculty.

Law, management, culture, urban, and international affairs are among the subjects explored at previous seminars by the faculty, which is traditionally American, and the student body, which is chiefly European. This spring's seminar gave me a chance to explain to the students my views on the changing political scene in the United States. But as the lectures ended and discussion began, the teacher-pupil relationship shifted and I found myself confronting the issues which of concern to the European community on both sides of the Iron Curtain.

Chief among these issues was the fear that the superpowers, the United States, Russia, and China, would engage in another Yalta-type agreement which would enforce some arbitrary world order on smaller nations and independent peoples. I hope that I was able to dispel this fear with respect to the intent of U.S. policy, but we should recognize that such currents of opinion do exist in important areas of the world.

The student body also expressed interest in the European Security Conference which is now being debated in the United States and Canada, as well as in both Eastern and Western Europe. They welcomed the concept of a nation-to-nation meeting to discuss European security in contrast to bloc-to-bloc confrontation but, again, expressed the fear that such a conference would be dominated by the superpowers.

The European students were apparently as concerned about the question of secrecy in government as are many of my Maryland constituents. Our discussion started on the publication of the Pentagon papers, but quickly broadened to focus on the classified document policies practiced by their governments.

It may interest Americans to learn that the role of the press in modern society is as controversial a topic in Europe as in the United States. We spent many hours debating the role of the press and its responsibility as the fourth estate, an instrument of government in a democratic society.

Many students told me of plans to visit the United States during the forthcoming celebration of the bicentennial of the American Revolution. Their plans challenged me to renew my efforts to get a bicentennial plan enacted that will make this enormously important celebration of 200 years of freedom meaningful to all mankind, American and foreign alike.

Finally, and most importantly, I was impressed by the concern for, and interest in the integrity of the American political process displayed by the stu-

dents in Salzburg. These Europeans viewed our political system, not only as students, but as people whose lives would be affected by the American political process. They recognized that the end product of our political system is the choice of American leadership, and they know that the kind of leadership that America gives to the world can be of personal importance to each of them. I never felt a greater sense of responsibility for the integrity of our political institutions and I was inspired to renew my own pledge to preserve and protect the strength, vigor, and honesty of our system so that it will continue to accurately express the will of the American people.

While the Salzburg seminars were originally conceived as an institution to promote education of Europeans in Europe, it should be apparent that it also has much to offer to Americans. Now that Europe has regained its prosperity, now that her ancient universities have resumed their historic duties and now that travel across the continent is not only possible for Europeans, but easier than ever before, it may be time to look at Salzburg for an expanded role in educating men and women from both sides of the Atlantic. If my experience is typical, it would be a worthwhile and useful experiment in international education and I hope it will be considered.

STATE DEPARTMENT GRIEVANCE PROCEDURES

Mr. FULBRIGHT. Mr. President, during the past year the Committee on Foreign Relations has received many complaints about grievance procedures within the Department of State. As a consequence, the committee added a new title to the Foreign Service Act of 1946 which established a procedure for the consideration of grievances in the Foreign Service. The provision added by the committee was modified and approved by the Senate. It is incorporated in the Foreign Relations Authorization Act of 1972.

On May 5, 1972, I wrote Mr. Richard A. Frank, a 7-year veteran of the Office of the Legal Adviser in the Department of State, and asked him for an evaluation of the Department's grievance procedures in the light of his experiences both in and out of the Department. In a letter dated May 31, Mr. Frank sets forth some very interesting and well-informed judgments on the State Department's grievance system. Among other things, he states:

> My experiences with the Department of State and its grievance procedures have, however, not been encouraging; they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

Mr. Frank concludes his letter with the following:

> As you are aware, foreign affairs functions are exempted from the Administrative Procedure Act, and the Department has applied this exemption to virtually all its activities. As a consequence, the Department has never been required to face up to issues of fairness and due process, and it apparently is merely treating personnel matters, including grievance procedures, the way it treats other foreign affairs issues. The Department is not in the habit of following rules, and carries this principle over to the personnel area. Just as the Department desires to formulate foreign policy without participation from outside sources, a patronizing attitude by management has been developed in connection with personnel affairs.
>
> Legislation requiring better procedures and regulations and Congressional scrutiny over the implementation of these regulations can, in the long run, result in the instillment of a sense of due process in the Department so that it would eventually fairly regulate its own personnel system.

Mr. President, I believe Mr. Frank's letter will be of interest to Members of Congress and the general public, and I ask unanimous consent that it be printed in the RECORD.

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

CENTER FOR LAW AND SOCIAL POLICY,
Washington, D.C., May 31, 1972.

Senator J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In your letter of May 5, 1972, you requested my views, technical advice, and evaluation of the Department of State grievance procedures.

My experience with Department of State grievance system stems from my responsibility as counsel to the first grievant to have a completed hearing under the former grievance procedures, and a consultative function in connection with a more recent case pending under the "interim grievance procedures". My interest in these cases has been not only the specific grievances of the persons involved but also the general fairness of the grievance processes in the Department of State.

Rather than focusing on specific provisions of the Department of State's past or existing procedures or on the various proposals for change, I would like to concentrate on the more general questions whether the Congress should play a role in the Department of State grievance process by passing legislation of this nature and by maintaining surveillance, or whether the Department of State should be permitted to promulgate its own rules and operate under those rules without Congressional participation or scrutiny.

Since I was a member of the Office of the Legal Adviser of the Department of State for seven years, my biases have generally been in favor of depending on the Department's integrity and of granting it flexibility. The argument in favor of permitting the Department to act in this area without Congressional oversight is merely that a Government agency ought to be able to handle these matters adequately.

My experiences with the Department of State and its grievance procedures have, however, not been encouraging; they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

The lack of appreciation within the Department for traditional administrative law rights was demonstrated in several respects in the cases with which I am familiar. One example of this involved the Department's unilateral actions in areas where decisions are normally taken only after an adversary proceeding. Under the former grievance procedures, the personnel division of the Department, without a hearing or other adjudicatory process, decided several times over a seven month period that the grievant would not prevail on the merits of his case, and the grievant should not, therefore, be allowed to utilize the grievance machinery. The Department, of course, is not itself entitled to make this decision in this fashion; and, in that case, the judgment turned out to be wholly incorrect, for when a hearing was finally held, the decision by both the Grievance Committee and the Department upheld the grievant's claim. This same issue remains under the "interim grievance procedures". The Grievance Committee unilaterally is able to determine whether it has jurisdiction over a grievance and whether the grievant is entitled to a hearing; the grievant has no right to discuss his position on these issues before the Grievance Committee.

The failure to understand basic administrative requirements was demonstrated in another instance when the decision maker and lawyers presenting the State Department's case collaborated during the course of a hearing. The State Department had no regulation, and still has no regulation, assuring a separation of functions of the advocate and decision maker, and the individuals involved did not comprehend that this collaboration was unjustified, until the Legal Adviser intervened in the matter.

The Department has also failed even to comply with its own regulations. For example, the Department's regulations under the former grievance machinery provided a specific procedure for extention of time limits (3 FAM 1824.2). In a case in which I was involved, the Deputy Under Secretary for Management unilaterally took an extension for an indefinite period in making a required decision and did so without complying with or even referring to the regulations. When we objected to this violation by the Department of its own regulation, the answer was that the Deputy Under Secretary needed "flexibility".

The Department has not been prepared to articulate reasons for its decisions, even though the courts have consistently required that reasons be stated. The former grievance procedures require that the decisions of the Director of Personnel be accompanied by the basis or reasons for his decision. While the Grievance Committee in one case in which I was involved fully stated the reasons for its conclusions, neither the Director of Personnel nor the Deputy Under Secretary for Management provided adequate reasoning when they rejected one Committee recommendation. The interim grievance procedures, rather than being an improvement, do not even require statements of reason for numerous decisions.

In sum, the Department's regulations have been and continue to be defective, and, in addition, the employees at the Department of State handling personnel and grievance matters have not administered these regulations in accordance with due process. I believe that if the Department of State is given more or less unfettered discretion, as it has requested, to promulgate its regulations and to implement those regulations, foreign service officers will not receive the equitable treatment which should be granted in sound administrative practice, and will be able to vindicate rights only through appeals to the courts.

A rather serious question is why the conceptions of Department of State officials about administrative due process are inconsistent with laws and with court decisions on this subject.

As you are aware, foreign affairs functions are exempted from the Administrative Procedure Act, and the Department has applied this exemption to virtually all its activities. As a consequence, the Department has never been required to face up to issues of fairness and due process, and it apparently is merely treating personnel matters, in-

cluding grievance procedures, the way it treats other foreign affairs issues. The Department is not in the habit of following rules, and carries this principle over to the personnel area. Just as the Department desires to formulate foreign policy without participation from outside resources, a patronizing attitude by management has been developed in connection with personnel affairs.

Legislation requiring better procedures and regulations and Congressional scrutiny over the implementation of these regulations can, in the long run, result in the instillment of a sense of due process in the Department so that it would eventually fairly regulate its own personnel system.

If I can be of any further assistance concerning this matter, I would be happy to assist you or the Committee in any way.

Sincerely yours,

RICHARD A. FRANK.

REFORM OF THE SOCIAL SECURITY SYSTEM

Mr. HARTKE. Mr. President, one of the greatest issues remaining in this session of the 92d Congress is the reform of the social security retirement and welfare systems. Both programs suffer from long-term misconceptions and misunderstandings. So long as we fail to make meaningful change in these programs, we perpetuate their feelings and foster public disenchantment and disillusionment.

We have discussed the social security retirement system as a program of social insurance in which workers and their dependents receive benefits based upon the contributions which they and their employers made during working years. In fact, the program is quite different. Employee-employer contributions finance the benefits of presently retired workers. Those currently in the work force are not guaranteed any benefits whatsoever. Should future generations of workers allow themselves to be taxed as current wokers do, then those now in the work force will receive benefits upon retirement. The extent of those benefits is not guaranteed.

Among the greatest inequities of the current social security system is the flat-rate tax imposed to finance retirement benefits. For all too many persons, the social security tax is a greater percentage of income than the more progressive personal income tax.

Clearly, the social security tax is regressive. It is levied at a flat rate. There are no exemptions based upon size of family. There are upper income limitations on the applicability of the tax. And many forms of "unearned" income are excluded.

The rules which have been established around this program are both complicated and unjust. Why, for instance, should a married woman who is also a worker, not receive the full benefits to which she is entitled? Why should a working couple receive less benefits than a couple in which only one partner works? These are illogical situations, but they exist under the current social security system.

Mr. President, Congress has shown little inclination to undertake major surgery on this "sacred cow." On three occasions this year—and countless times in the past—I have offered omnibus proposals to reform the social security system. The most recent of these proposals can be found in amendments 893 and 1050 to H.R. 1.

Among the major changes included in these amendments are proposals for partial general-revenue financing of retirement and medical benefits, and a reduced rate of withholding tax for lower-income workers.

As drastic as these changes may appear to some, I am convinced that they are not the final solution to the inequities of the social security retirement system. Nevertheless, they commit Congress to make necessary changes.

Partial general-revenue financing of retirement and medical benefits recognize the fact that current workers are paying for the benefits of retired workers. Because of this, use of general revenues, financed in large part from taxes more progressive than the social security tax, eliminates a portion of the inequitable burden on the current working generation.

Reduced social security taxes for low-income workers eliminate a major cause of regressiveness in the current social security tax structure.

Mr. President, we must face up to this challenge in 1972. Each of us gets hundreds of letters from constituents complaining of inequities in the current social security system. Most of these complaints are well founded.

Mr. President, I intend to press for major reforms in the social security system during this session of Congress. The time for shortsighted expediency has passed. The most expedient action for this Congress to take is a major overhaul of the social security retirement and welfare programs.

GRADUATION ADDRESS BY H. A. DAVE TRUE, JR., AT COMMISSIONING OF CADETS CEREMONY, UNIVERSITY OF WYOMING

Mr. HANSEN. Mr. President, although a great many graduation speeches are made at this time of year, few people have placed into clearer perspective more worthy guidelines than were spelled out by H. A. Dave True, Jr., president of the University of Wyoming's board of trustees, as he greeted and addressed those men about to be commissioned officers in the Army and Air Corps.

Because I believe Mr. True's remarks are deserving of wide dissemination and readership, I ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY H. A. DAVE TRUE, JR., AT THE COMMISSIONING OF CADETS CEREMONY, UNIVERSITY OF WYOMING

Thank you, Colonel Pelland. Good morning, ladies and gentlemen.

It must be evident to you soon to be commissioned officers, that this large group, including a U.S. Senator, the President of the University, members of the Board of Trustees, Academic Deans, instructional staff within and from outside your departments, families and others, gathered here on an early Sunday morning in competition with the golf courses, the fishing streams, and probably most significantly—the soft beds, demonstrates the number of friends and supporters you and this program have.

While I seldom attempt to speak for the Board of Trustees, this is one instance in which I feel free to do so—to pass on to you the Board's high regard of you in the ROTC programs, your conduct, and the credit you bring to this institution.

Instead of burdening you with promises and predictions for the future, I want to talk simply about a matter which is of significant importance to all of us here today—the troubled Nation that is the United States of 1972.

All here today are well versed on our difficult domestic situations, and all have theories as to the causes. Perhaps these causes find their roots in a decline of standards throughout the United States, the decline of standards which is widely accepted as a way of life. Because of this decline, much of the behavior of our people is confused behavior. True, there are some among us who are deliberately agitating or deliberately attempting to undermine and alter our way of life. But these are few in number. The confused behavior extends far beyond them to encompass many, many others. These other people however are not radicals. They are not actively concerned with destroying our government. They are simply confused by the lack of these general standards.

This confusion of behavior—and of attitude—and of value—and of belief leads directly to resentment, a resentment directed not against any one aspect of life, but which remains unfocused until it can seize upon a single aspect of a single occurrence. Only then does it express itself in violence and disorder. The action may not be even remotely related to the cause.

It is essential to emphasize one point. In the United States we have traditionally granted our people a very large measure of personal freedom, more freedom than has been experienced by any other population in the history of the world. This means that we have permitted differences of opinions, differences of values, differences of attitudes, and differences of behavior in a very wide range.

This must be. We must continue to permit these personal freedoms to flourish unfettered. We must guarantee that the freedoms of the individual remain unchained. Yet there is a grave danger that these freedoms will be attacked. They will be attacked because they are visible. We can see them. It's easy to attack these visible freedoms and as they are attacked, we may thereby narrow the American way of life until it becomes something far different from what we want it to be. Thus we must continually strive to retain as much personal individual freedom as we can.

At the same time we must realize that the only reason we have been able to give freedoms of our people has been that under these personal differences of opinion, attitude, dress, and behavior, there has been an unshakable foundation of significant standards. These standards have been widely accepted and commonly followed, thereby giving a basis of unity and solidarity. Not all measured up to the standards. Many of us failed to do those things which we ought to have done. But when we failed in the past we admitted our failure. We accepted the standards, acknowledged our short-comings, and tried to do better. Today, it seems to me, the pattern has changed. Today the violator of the laws may insist his violation is justified, that it was the only thing to do, that it was the right thing to do, that the laws and standards are wrong, and that he alone is right.

This type of justification undermines the validity of law and law observance, and undermines the foundation of unity and solidarity so essential for the continuance of our Nation. This underscores a vital necessity

in preserving our personal freedoms to as great an extent as possible while remembering that freedom flourishes only on the basis of a foundation of concensus, a foundation of agreement, a foundation of genuine devotion to standards.

These standards need not be set forth in vast and wordy documents. They can be stated best in very brief sentences such as "Do your duty."

Do your duty. This once was a standard applying to everyone. It was widely accepted. It governed our lives, military and non-military alike. Very often we were unsuccessful in meeting the standard, but we admitted our failures and we saw the standard as something bigger than ourselves, something we would continue to follow to the best of our ability.

In recent times two things have happened to this standard. On one hand, we have people who have forgotten the standard, or who laugh at it as old fashioned, or who regard it in other ways as not applicable to today. On the other hand there are the very persuasive voices of mass communication, mass literature, mass involvement—very persuasive voices redefining the way in which we should do our duty. Our duty is often defined for us as completely doing what will please us, doing what will develop ourselves—doing what will make us happy.

If we develop ourselves only for ourselves, if our duty is only to ourselves alone, we very soon discover that life is meaningless, and we very soon come to resent bitterly the meaninglessness of the very life which we, ourselves, have created.

A correspondent once wrote a famous author to tell him: "The whole purpose of life is to put yourself in second place." The purpose of life is to put you in second place—that sounds exactly like the opposite of what I have been saying. It sounds like the opposite of the advice to concentrate on ourselves. It is, in fact, exactly the opposite.

These two polar positions—concentration on ourselves and putting ourselves in second place—are both wrong. They are both wrong because they are both incomplete.

The author who received the advice from the correspondent responded by saying: "The whole problem of life is to find what to put in first place before yourself." That's it. That's the whole answer. That's why many people who today do put themselves in second place are still mistaken. Out of confusion and resentment they put some unworthy thing in first place before themselves.

These young officers of the University of Wyoming Cadet Corps have handled this paradox well up to this present moment. They have developed themselves, they have brought to the fore their abilities, their talents, their potential. More importantly they also have learned that development for yourself only is meaningless. They have learned that it is fatally wrong to put something unworthy before themselves. Therefore, they both developed themselves and they put in first place before themselves a worthy and meaningful goal.

They have put in first place their nation.

Congratulations to you, gentlemen of the Army and Air Force ROTC Corps, and congratulations to the nation which you serve.

Thank you.

DOMESTIC INTERNATIONAL SALES CORPORATION

Mr. HARRIS. Mr. President, during Senate debate on the Revenue Act of 1971, a number of Senators pointed out the grave risk of disagreements with our trading partners which this administration was willing to court in its plan to set up Domestic International Sales Corp. or the so-called DISC. It will be recalled that under DISC half of the export profits of U.S. firms can be sheltered from Federal income tax.

Senators at the time warned that even if many of the shaky economic arguments which the administration was advancing in favor of DISC were correct, our trading partners would be quick to retaliate by setting up similar trade gimmicks.

Today, it is no source of pleasure to report that the critics were right and the administration was wrong. The Wall Street Journal of May 24, 1972, contains an item reporting that the DISC is now propelling the United States toward a new clash with its foreign trading partners.

In answer to questions submitted by the Journal, the U.S. Treasury admits that the United States has quietly agreed to a meeting in about 6 weeks with officials of the European Community to discuss the U.S. DISC proposal. Meanwhile Canada is claiming that its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would receive from the DISC tax deferral.

Mr. President, I think the administration owes Congress an explanation on the issue of DISC. We should know precisely what the complaints of our trading partners are and what the administration proposed to do to meet them.

I believe that other Senators will benefit from reading the brief item which appeared in the Wall Street Journal. I therefore ask unanimous consent that it be printed in the RECORD.

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

TAX REPORT—A SPECIAL SUMMARY AND FORECAST OF FEDERAL AND STATE TAX DEVELOPMENTS

DISC propels the U.S. toward a new clash with its foreign trading partners.

Companies in this country are rushing to set up Domestic International Sales Corporations, half of whose export profits can be sheltered from federal income tax under a new law passed last year. States are sweetening the pot even more. The New York legislature has passed a law similar to the federal incentive.

But trouble is brewing abroad, the Treasury grudgingly admitted yesterday. Foreign nations have never liked the DISC idea and some of them now are protesting. So the U.S. has quietly agreed to a meeting in about six weeks with officials of the European Communities, the Treasury said in answer to questions. Details weren't available. But the nations are expected to meet under the auspices of the General Agreement on Tariffs and Trade. Geneva-based GATT, a trade-liberalizing group of about 100 nations, frowns on export "subsidies," and that's precisely what some other nations deem DISC to be. A Treasury official said the U.S. agreed to the meeting on the condition that discussions include European "export subsidy methods."

Along with foreign talk against DISC, signs of retaliation-in-kind are appearing, too. Canada claims its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would get from the DISC tax deferral.

DEPLETION OF U.S. FISH RESOURCES AND U.S. POLICY

Mr. WILLIAMS. Mr. President, the fish resources of our Nation, and of the world, are in danger of being depleted. Indiscriminate fishing by fleets of all nations, the use of modern equipment which sweeps the sea clean of even the smallest fish, a disregard for the reproductive cycles of fish, and the pollution of our oceans have all contributed to the problem of dwindling resources.

Commercial and sports fishermen have complained in recent years of dwindling fish catches. I have been receiving hundreds of letters from sport and commercial fishermen in New Jersey expressing their alarm at the diminishing fishing resources off the New Jersey coast. I have been keenly aware of the problems which are resulting from the expansion of foreign fishing off our coasts, and I believe we must intensify our efforts to preserve the interests of our American fishermen. Prompt action is essential if we are to conserve our resources.

The complaints of American fishermen are supported by figures which show a downward trend in total fish catch of such species as the Atlantic menhadens, sauries, California sardines, North Pacific herring, and Atlantic scallop. Already the haddock has been hunted off of the Georges Bank off the coast of New England and the yellowfin flounder is gone from Alaskan waters.

A principal cause of this reduction in numbers in overfishing. Overfishing has been given impetus by an expanding market for fish products, technological advances, capitalization of the industry, and competition between national fleets. In recent years the annual consumption of fish products has increased approximately 6 percent per annum. Since 1945 the world catch has increased almost 300 percent. The international trade in fishing products reached $2 billion in 1965, and it continues to increase.

Technological advances and the economic capitalization of the fishing industry have permitted the purchase of new gear which makes wholesale catches more possible. It also makes them necessary if the equipment is to be paid for. Some nations, particularly the Soviet Union and Japan, have rapidly built up their fleets and now comb the world's oceans for fish. Unsound fishing practices are often too tempting to resist. Denmark and South Korea, with no rivers in which salmon spawn, insist on the right to catch salmon on the high seas.

U.S. fishermen are particularly threatened by practices such as these. While the world fish catch increased from 43 billion to 123 billion pounds since 1945 the U.S. catch has remained relatively constant at 4 to 5 billion pounds.

PROBLEMS AND ISSUES

Since the 18th century users of the oceans and their resources have been subject to the rules of international law, the fundamental proposition of which is a 3-mile territorial limit, the rest of the oceans being considered high seas, belonging to no one and open to all.

Subsequently, many nations have unilaterally extended their jurisdiction, some to a 200-mile limit, primarily because of the fish stocks found within that zone. In 1958 and 1960 international conferences, held to deal with the problems created by these unilateral acts, failed to reach agreement on setting limits on national jurisdiction over the sea.

Some nations have interpreted the lack of agreement as leaving them free to set their own jurisdictional limits.

Thus, the problem of resource depletion created by an increase in economic competition and capability is aggravated by ambiguity in international sea law. The result has been confusion, anger, and in some cases international conflict.

The issues are quite complex and will not be easily resolved. The high seas belong to everyone, but different nations have different interests. Industrialized nations tend to have global interests plus the capability to exploit the resources of the ocean no matter how far from home. They tend to favor a more narrow definition of territorial waters, which permits a more extensive exploitation of the oceans by their more highly capitalized and technologically advanced fleets.

The less developed countries, particularly those in South America, favor a more extensive jurisdiction; 10 South American nations at this time claim a 200-mile territorial limit. These nations have rich fishing grounds off their coasts, they are badly in need of capital for economic development, and their economic arguments are intensified by a strong feeling of nationalism.

There are competing interests within nations as well as between nations. The United States, for example, has a west coast tuna fleet which wants to fish in the rich waters off the coast of South America. They want a narrow limit. East coast fishermen, facing the competition of Soviet vessels, tend to want a more extensive jurisdiction.

Furthermore, nations with technologically advanced and aggressive fishing fleets do not want foreign ships too near their territory for security reasons, nor do they want foreign fishermen exploiting resources traditionally reserved for their own fleets.

In sum, the given condition underlying fishery competition is that the oceans belong to all nations. Their status is open to all, with their resources now being overused and thus depleted. To prevent resource depletion, international rules which deal with the two major problems of, first, conserving fish stocks, and second, allocating catches in conserved fisheries, are required.

These problems must be resolved within the framework of economic efficiency by maximizing the net economic return from ocean fisheries. They must be resolved promptly with sound fisheries management and the appropriate international rules.

U.S. ACTIONS IN THE PAST

The United States in order to better preserve and utilize ocean fish stocks, has signed bilateral and multilateral agreements and conventions with other nations. In order to protect and promote the interests of its own fishermen it has passed national law.

The agreemnets and conventions, concluded for the most part in the 20th century, have attempted to conserve, regulate, and allocate fishery resources. Generally, they provide for an international commission, a body to do scientific research, equal representation, and enforcement by the individual State. None have granted the power to set relative national quotas or have made international adjudication of disputes compulsory.

The International Pacific Halibut Convention, signed in 1923, was an agreement between the United States and Canada to investigate and manage a particular fishery. Its powers included setting closed seasons, limiting the catch in specially designated areas, licensing ships and setting gear requirements, closing nursery grounds, collecting statistics and conducting investigations. Its success has been due to the limited number of parties and to their mutuality of interests.

An important agreement, in force today, is the International Convention for the North-West Atlantic Fisheries, founded in 1949. Its Commission recommends conservation techniques, such as closed seasons, closed breeding grounds, gear restrictions, overall catch limits, and size limits for fish. Each nation regulates its own fishermen.

The United States and the Soviet Union are participatories in the Atlantic Fisheries Agreement, signed in 1967 and modified and amended in 1968, 1970, and 1971. The agreement affords protection to four species of fish in the mid-Atlantic area and extends conservation measures to two additional species. These species, which have in the past been heavily fished by Soviet vessels, are important to American commercial and sport fishermen.

The Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas deal with the establishment of controls on the harvesting of tuna and related species. The 22-year-old fishery management program of the former has an outstanding reputation among scientists.

The United States has attempted to protect its fishermen through national law as well as international agreement. A law enacted in 1964 made it illegal for any foreign vessel to fish within a 3-mile zone off the U.S. coast. In 1966, the act was amended to extend the exclusive fisheries zone of the United States to 12 miles, and in 1971 the fine for fishing within that zone was increased from $10 thousand to $100 thousand. In addition, legislation has been passed promoting research and control of disease.

CURRENT U.S. POLICY AND THE INTERNATIONAL LAW OF THE SEA CONFERENCE, 1973

To supplement national law and international agreement, the United States is preparing for an International Law of the Sea Conference, to be held in 1973. Official responsibility for U.S. law of the sea policy was vested in an interagency task force, composed of members of the Departments of State, Defense, Interior, among others, in February of 1970. A number of policy statements have been issued by the task force and the President since that date.

There are two principles upon which international policy should be based. First, issues are to be dealt with in their entirety as part of a systems approach. For example, fisheries will be dealt with within the context of a law-of-the-oceans approach. But this does not exclude bilateral and multilateral conventions. Second, other nations should participate as much as possible in achieving international agreement on these issues.

The administration's policy currently being developed for the Conference includes promotion of a new international treaty fixing the limitation of the territorial sea at 12 miles and giving preferential rights based on a "species approach" to coastal fishing nations. The species approach is based on the principle that the management and harvesting of fisheries should be governed by the biological distribution and migration of fish stocks, rather than by arbitrary jurisdictional boundaries expressed in miles.

The essence of U.S. policy is contained in a statement made on March 29, 1972, by Ambassador McKernan, alternate U.S. representative to one of the committees preparing the Law of the Sea Conference.

Three-quarters of the world's marine fish catch is composed of coastal and anadromous species. Effective management and conservation of these species may be provided by granting coastal States clear and effective control over all such species, in the context of protecting other uses of the high seas. This concept includes inspection and arrest authority. The control exercised by the coastal States would follow such stocks as far offshore as the stock ranges. The coastal State could reserve to itself that portion of the allowable catch that it could utilize. The remaining portion of the allowable catch would be open to harvest on a nondiscriminatory basis by fishermen of other nations but would be subject to the coastal State's nondiscriminatory conservation measures, and reasonable management fees fixed in accordance with an international standard. The extent to which the coastal State preference should diminish traditional distant water fisheries—or vice versa—would be dealt with under a reasonable compromise provision in the treaty. We are opposed to the creation of a zone of exclusive coastal State jurisdiction beyond 12 miles.

The species approach principle of preferential fishing rights for coastal nations has evolved from two basic considerations. First, fisheries research has provided enough information for us to understand the breeding and migration patterns of the most important fish stocks. These findings permit us to make rules which will provide more sound fishery management practices. Second, it was deemed necessary to develop a position which would meet the concern of coastal States and be acceptable to them. The United States, noting the inherent conflict between the interests of coastal States and other States, and recognizing the priority interests of the coastal State, has proposed that coastal States have a priority interest based on their fishing capacity. This permits the coastal States to utilize the fish resources off their coast up to certain limits while assuring that other States will be able to utilize the excess over those limits.

CONCLUSION

I support a comprehensive approach to solving the fisheries problem within the framework of an international sea law agreement. A reasonable territorial limit and preferential rights based on the spe-

cies approach would serve to preserve the interests of our fishermen and those of other coastal States. It would encourage those States to follow the best practices of conservation and efficient management. Agreement on the law should reduce international conflict.

While recognizing that international agreement is often slow and difficult of achievement, we must realize that a prompt resolution is essential in this case. The United States must vigorously continue to pursue bilateral and multilateral arrangements, which historically have been much more successful. We cannot afford the consequences of long delay. For example, prompt agreements should be concluded with respect to sea and river herring whose populations are declining rapidly.

I would prefer not to take extreme actions which would jeopardize the reaching of an international agreement at the Conference. The gravity of the fisheries problem and the danger posed by international conflict makes it imperative that a rational, equitable, and enforceable law of the sea be developed and adopted at the earliest possible moment. But if we cannot secure a prompt resolution of this problem, we must seriously consider extending our fishing zone substantially beyond the 12-mile limit supported by the administration.

RECENT DECISIONS OF THE SUPREME COURT

Mr. THURMOND. Mr. President, the June 5, 1972, issue of the U.S. News & World Report contains an article concerning recent decisions of the new "Nixon Supreme Court."

The article points out a new trend which is taking shape as the Nixon appointees cast the decisive votes in two decisions of the Supreme Court which upheld convictions by split-jury votes.

The rulings held that unanimous jury verdicts are not constitutionally required for convictions on criminal charges in State courts. Thus, the Court is apparently reflecting Mr. Nixon's judicial philosophy of strict construction of the U.S. Constitution.

Mr. President, in view of this recent shift in the Court's philosophy, I ask unanimous consent that the article, entitled "From the 'Nixon Court'—Decisions That Favor Lawmen," be printed in the RECORD.

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

FROM THE "NIXON COURT"—DECISIONS THAT FAVOR LAWMEN

The Supreme Court, as reshaped by Nixon appointments, now appears to be turning in a widely predicted direction—toward strengthened support for law enforcement against criminals.

Two decisions, handed down on May 22, are regarded by many Court observers as indicating what they see as a significant new trend.

The rulings held that unanimous jury verdicts are not constitutionally required for convictions on criminal charges in State courts. They upheld State laws authorizing less-than-unanimous verdicts in Oregon and Louisiana. Thus, they appeared to open the way for other States to pass similar laws.

The votes in both cases were 5 to 4. The majority included four Court members appointed by President Nixon—Chief Justice Warren E. Burger and Justices Harry A. Blackmun, Lewis F. Powell, Jr., and William H. Rehnquist.

NO MAJORITY, BUT—

Mr. Nixon, in appointing the four men, made clear that he regarded them as "strict constructionists" of the Constitution who would reflect his legal philosophy. Alone, they are not a majority of the nine-member court. But all they need is to pick up one additional vote.

In the jury-verdict cases, the vote they picked up was that of Justice Byron R. White, who is considered—along with Justice Potter Stewart—to be a "swing man" who frequently sides with the Court "conservatives."

Justice Stewart voted in the minority along with three justices widely regarded as the most "liberal" members of the Court—William O. Douglas, Thurgood Marshall and William J. Brennan, Jr.

The majority opinions, written by Justice White, rejected the idea that a unanimous vote is necessary to establish guilt beyond a reasonable doubt. He not only upheld Oregon convictions that had been reached by 11 to 1 and 10 to 2 vote but also upheld a Louisiana conviction arrived at by a vote of 9 to 3. Mr. White said.

"Of course, the State's proof could perhaps be regarded as more certain if it had convinced all 12 jurors instead of only nine; it would have been even more compelling, if it had been required to convince and had, in fact, convinced 24 or 36 jurors. But the fact remains that nine jurors—a substantial majority of the jury—were convinced by the evidence.

"In our view, disagreement of the three jurors does not alone establish reasonable doubt, particularly when such a heavy majority of the jury, after having considered the dissenters' views, remains convinced of guilt. That rational men disagree is not in itself equivalent to a failure of proof by the State nor does it indicate infidelity to the reasonable doubt standard."

OBJECTION

A minority report, written by Justice Stewart, said:

"The doubts of a single juror are in my view evidence that the government has failed to carry its burden of proving guilt beyond a reasonable doubt."

In addition to Oregon and Louisiana, Oklahoma and Montana also permit guilty verdicts by a split jury.

The American Civil Liberties Union deplored the Supreme Court ruling as "unfortunate since it illustrates the Supreme Court's new posture, which reflects a lack of sympathy for the rights of criminal defendants."

FEW STATES TO CHANGE?

Most jurists and legal experts questioned by the Associated Press, however, said they did not think the quality of justice would be affected by the rulings. Nor did they expect any rush by States to abandon unanimous verdicts.

The authorization of split-jury verdicts in State courts was not applied to federal courts, which apparently will continue to require unanimous votes for conviction of defendants.

Another Supreme Court ruling of May 22 also was interpreted as an aid to law-enforcement officials.

That ruling upheld the Government's power to compel grand-jury testimony of a witness without granting complete immunity from prosecution. Under this ruling the immunity need only insure that the testimony itself—or leads resulting from it—will not be used in prosecuting the witness. Any subsequent prosecution would have to be based on independent evidence. Justice Powell wrote that 5-to-2 decision, with Justices Douglas and Marshall dissenting.

EFFECTIVE STREET LIGHTING AS CRIME DETERRENT

Mr. BIBLE. Mr. President, we are pleased to report that Metropolitan Police Chief Jerry Wilson has advised me that crime in the Nation's Capital City has decreased by 30 to 35 percent in the last year, with a remarkable reduction of 32 percent in most types of nighttime crime, especially in areas where high-intensity, anticrime street lighting fixtures have been installed.

Three years ago it was my pleasure to call to the attention of the Senate that hearings before our Small Business Committee on the impact of crime against small business across this country showed that effective street lighting was "one of the best deterrents to robbery and burglary." To that we can also add assault-type street and stealth crimes to the person. Since 1969, when we cited the importance of effective street lighting as a crime deterrent, we have been working closely with Mayor Walter Washington and other District of Columbia government officials to use Washington, D.C., as a showcase to point up the success of a program now in progress to upgrade street lighting throughout the city by the installation of high-intensity fixtures as a means of combating the high crime rate.

It is particularly rewarding to see progress in crime prevention brought about by such a low-cost program as improved street lighting with Washington, D.C. as one of the first cities in the Nation to install this new high-intensity type light.

We believe strongly that good street lighting is an effective response to the problems of mugging, burglary, robbery, and the other personalized assault-type crimes. Lighting provides the opportunity for an intended victim to take evasive action. It is also a strong psychological deterrent against a criminal where he can be easily observed in brightly lighted areas.

Certainly, the Washington success story is not going untold. And we hope for greater success when more of the high-intensity lights are installed in Washington and hopefully within the Capitol Hill complex of Government buildings and parklands. Several months ago Newsweek magazine and General Electric jointly produced a film entitled "One Glow of Hope," telling about what more light has done for the business community and for residential areas of this city. This film is now being shown around the country and other cities are making inquiry to Mayor Washington about how these benefits here might be repeated in their own communities.

And emphasizing this success story is the nationwide program now in its 12th year, "Brighten the Night," cosponsored by the 11½ million member General Federation of Women's Clubs and the Reader's Digest Foundation. A feature of this program is a national competition among some 1,200 women's clubs from every State wherein cash prizes are awarded to those women's or-

ganizations who actively promote the installation of effective street lighting as an aid to fighting crime.

It was my high honor to serve as a judge for this national competition several months ago in the Senate reception room across the hall from this Senate Chamber. Joining with me in the judging of entries from 250 cities and towns were District of Columbia Police Chief Jerry Wilson and District of Columbia City Councilman Tedson Myers. And what both amazed and pleased us judges most about this entire program, Mr. President, was the seriousness with which cities, large and small across this Nation, have worked to install better street lights to curb crime and promote safety generally.

As Mrs. Earle A. Brown of Pittsburgh, Pa., president of the General Federation of Women's Clubs, told me while we judged the entries this year:

If this program adds just one light that saves a life on the highway or protects an unsuspecting person from assault, our effort is more than justified.

We agree wholeheartedly with Mrs. Brown's comments and the work of the General Federation of Women's Clubs, the Reader's Digest Foundation, and the work of the Street and Highway Safety Lighting Bureau is to be highly commended. We believe the Nation's Capital City is helping to prove your case.

At noon today at the Hilton Hotel in Denver, Colo., the winners of the 1972 contest were announced by Educational Director Andrew S. Edson of the Street and Highway Safety Lighting Bureau before several thousand women attending the national convention of the General Federation of Women's Clubs. I might say that the State of Alabama took not only top honors but most of the prizes, but Arkansas, Indiana, Maryland, Iowa, Florida, Pennsylvania, California, and West Virginia fared well, too.

Mr. President, I ask unanimous consent to place in the RECORD at the conclusion of my remarks the names of the winners of the 1970–72 "Brighten the Night" contest, together with an article describing various aspects of the Washington, D.C., film, "One Glow of Hope."

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

WINNERS IN 1970–72 GFWC–READER'S DIGEST "BRIGHTEN THE NIGHT" COMPETITION

$2,000 Grand Prize Winner: Cullman County Federation of Women's Clubs, Cullman, Alabama.

$400 First Prize Winner—Class 1—under 1,000 population: Dalecarlia Women's Club, Lowell, Indiana.

$300 Second Prize Winner—Class 1—under 1,000 population: The Women's Club of Jessup, Jessup, Maryland.

$200 Third Prize Winner—Class 1—under 1,000 population: Outlook Club, Earlville, Iowa.

$400 First Prize Winner—Class 2—1,000 to 10,000 population: Women's Club of Saraland, Saraland, Alabama.

$300 Second Prize Winner—Class 2—1,000 to 10,000 population: Progressive Club, Mountain Home, Arkansas.

$200 Third Prize Winner—Class 2—1,000 to 10,000 population: Cutler Ridge Women's Club, Perrine, Florida.

$400 First Prize Winner—Class 3—10,000 to 50,000 population: Cullman County Federation of Women's Clubs, Cullman, Alabama.

$300 Second Prize Winner—Class 3—10,000 to 50,000 population: Presque Isle Women's Club, Erie, Pennsylvania.

$200 Third Prize Winner—Class 3—10,000 to 50,000 population: Sanger Women's Club, Sanger, California.

$400 First Prize Winner—Class 4—more than 50,000 population: Cosmopolitan Club, Mobile, Alabama.

$300 Second Prize Winner—Class 4—more than 50,000 population: Women's Club of Charleston, Charleston West Side Woman's Club, and their Junior Departments, Charleston, West Virginia.

$200 Third Prize Winner—Class 4—more than 50,000 population: Public Welfare Forum of Little Rock, Little Rock, Arkansas.

"ONE GLOW OF HOPE"—THE NATION'S CAPITAL CITY

WASHINGTON, D.C., February 16.—The effectiveness of intelligent community action in helping reduce crime in the streets of the nation's capital was dramatized here today at the premiere of a new documentary motion picture.

Focal point for a nationwide communication program, the 27-minute sound-color film depicts how the District of Columbia is utilizing highly improved street lighting to reduce night crime in many areas of the city by as much as 30 to 35%. The film, titled "One Glow of Hope," was produced by Newsweek Magazine and the General Electric Company in cooperation with the City of Washington.

The film describes how officials of the District of Columbia, working in close harmony with federal agencies, business community leaders, private citizens and other groups, are turning back the darkness of city streets to help curb street crime. These results are confirmed in a series of interviews with Mayor Walter E. Washington, Police Chief Jerry Wilson and a number of government officials, business leaders and private citizens.

Mayor Washington explained: "This is what our endeavor is; to really return the streets of a city in America, the nation's capital, to the people, and that's what we're about. We're lighting the streets."

The District of Columbia Highway Department efforts began in 1968 with less than $50,000 for initial lighting installations. Public demand for more relighting led to the approval of additional funds for further improved street lighting. Other grants came through HUD's Neighborhood Development Program and through provisions of the Law Enforcement Assistance Act.

John E. Hartley, Director of Traffic Engineering for the District of Columbia, points out that just over $1,000,000 had been invested in converting 6,000 street lights by the end of 1971. Plans for 1972 call for the conversion of about 12,000 more lights, covering about 30% of the city's lighting when installed.

The relighting program was initiated to sharply increase light levels. This was accomplished by using a modern high pressure sodium lighting system as well as designing a special conversion kit to fit in the historic Washington street globes.

Police Chief Wilson said that since the relighting: "Our experience has been that in those high-crime areas where we put the high-pressure sodium vapor lighting the crime rate has been down as much as 30 and 35%."

Businessmen testifying to the success of the relighting included a hotel manager who states "Ever since the lighting was installed, there's absolutely no question as to improvement relating to business. We're running 15 to 18% higher than a year ago prior to the new lighting."

According to Mayor Washington: "The only way that we're going to make the long-term decrease in the total crime rate that we want is by the government moving out with this initiative and citizens participating, cooperating because they have something that they really feel and really know is making the difference."

The film concludes that this successful report on a war on crime in the City of Washington has several things that are encouraging to all cities:

"First, high intensity lighting is reducing the streets to the people.

Second, all elements of the public eagerly welcome and appreciate the effort to bring better lighting to their city.

Third, adequate funding is available. Washington's Highway Department began its pioneering efforts with one man's ideas and less than $100,000. The City Council, just like all city councils, responded to the successful beginnings with vastly increased budgets. Private citizens and businesses, eager for better lighting, added personal contributions. The federal government, through Congress, HUD, the Law Enforcement Assistance Act, and other programs showed its responsiveness by providing additional funds. All of these actions are encouraging to all cities. For they indicate there are several significant means, including lighting, to reduce crime. Possibly the singlemindedness of purpose, this cooperative spirit of action is, indeed, our one *glow of hope.*"

Filmed by Vero Productions of Darien, Connecticut, "One Glow of Hope," was produced and photographed by Abbott Mills and edited by Joseph Filipowic.

In addition to the film, the communication program will include a slide presentation describing how various other cities have utilized high intensity street lighting.

It is anticipated that the communication program will be widely used by electric utilities and other industry-wide organizations to carry the Washington story to local governments and civic groups in formulating street lighting programs and provide direction for obtaining funding.

ANTIWAR SENTIMENT TURNS INTO HOSTILITY

Mr. HARRIS. Mr. President, from time to time a perceptive journalist is able to capture the mood of ordinary citizens as they attempt to cope with the problems faced by our society. Everett Groseclose has done this in an article for the Wall Street Journal which describes the way in which the Vietnam war has undermined the faith of our citizens in the ability of our society to reform itself.

Examining the attitudes of people in Dodge City, Kans., Mr. Groseclose found that the mood of the city's residents has changed from a groundswell of support for our involvement in Vietnam in 1966, to war weariness by 1967, to opposition in 1969, to "pessimism, cynicism, fear, and outright hostility" to U.S. military actions in Vietnam today.

According to Mr. Groseclose:

Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. And the major reason, they contend, is the war.

Mr. President, I am convinced that our leaders cannot understand the consequences of what they are doing or they would stop. I wish it were possible for the President himself to talk with the citizens of Dodge City, as Mr. Groseclose did, so that the consequences domestically of our actions in Vietnam could be more clearly understood.

I believe that others will benefit from reading Mr. Groseclose's provocative article. I therefore ask unanimous consent that it be printed in the RECORD.

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

[From the Wall Street Journal, May 23, 1972]

IN A TOWN IN KANSAS, ANTIWAR SENTIMENT TURNS INTO HOSTILITY

(By Everett Groseclose)

DODGE CITY, KANS.—Once again, the mood has changed.

From a groundswell of support for American involvement in Vietnam in 1966, sentiment here by mid-1967 had shifted to war weariness and deep-seated doubts. And by late 1969 many residents of this prairie town of 17,000 had turned downright dovish.

Now, another shift has come. It is characterized by pessimism, cynicism, fear and outright hostility for continuing U.S. efforts in Vietnam. It developed over the past several months, and hasn't changed noticeably since the U.S. started mining the harbors of North Vietnam and stepped up the bombing of military targets in the North.

But far more than just the war and the fact that it is continuing now is involved. Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. The major reason, they contend, is the war.

A SYMBOLIC FAILURE

"Vietnam is symbolic of our failure—the failure of our government and institutions of all kinds—to come to grips with our problems," says Charles M. Barnes, president of Dodge City's Community Junior College. "The war dramatizes our national predicament, our negative attitude toward all kinds of things." Aside from focusing attention on the scarcity of alternatives in Vietnam, he adds, the blockade has done nothing to change the basic outlook and sentiment of Dodge residents.

Mr. Barnes' view that the war has made deep inroads into the way people think and live in grass-roots America is relatively common around the "Cowboy Capital," as Dodge proudly calls itself. Although, of course, not everyone agrees, many residents here repeatedly talk about what the war has done and continues to do to American character, morals, integrity and willingness to place trust in elected leadership.

Indeed, to a visitor who comes to Dodge City for the fourth time in the past six years to gauge the impact of Vietnam, it's clear that things have changed enormously—not only since the first visit in the spring of 1966, but also since the most recent visit in the fall of 1969.

On the campuses of Dodge's two colleges, where attitudes of both faculty and students changed from hawkish in 1966 to active involvement in peace demonstrations in 1969, the mood now is one of despair and dejection. "You sit in the student union and try to talk to people about it, and you get disgusted reactions," says Kathy Ridgway, the president of the student body at St. Mary of the Plains College, a four-year institution. "They feel the subject has been talked to death, and they've given up on having any influence" with peace demonstrations, rallies and the like, she adds.

TOWN AGREES WITH GOWN

Around town, strikingly similar sentiment crops up. "People are just fed up with this war. They're frustrated. They've had it up to here," says W. D. Janousek, touching his throat while he sips midmorning coffee at Schafer's Cafe on Gunsmoke Street (named after the television show whose locale is Dodge). Mr. Janousek, who owns a retail TV and appliance store across the street, adds: "There's a feeling of helplessness. We all feel it, and we don't know what to do about it.

Almost all of Dodge's civic and business leaders blame the mood for voter rejection on April 4 of two issues that many believe would have been beneficial to the community. One was a $160,000 revenue-bond proposal, which wouldn't have involved a tax increase, to help finance a new park, swimming pool and recreation area for the town. The other was a one-year, one-mill assessment to help finance a search for new industry.

Moreover, many say that this mood helped elect a new group of city councilmen, headed by a man whose only campaign promise was negative—to fire Dodge's city manager, regarded by some as an able and conscientious man who had done much for the community. (Once elected, the new council majority promptly made good on its leader's promise.)

NEGATIVE FEELINGS EVERYWHERE

"There seems to be a negative feeling on just about everything—and especially anything that looks like an added tax burden," laments John E. Winter, Dodge's part-time mayor, who works full time as a teacher of driver education at Dodge City Junior High School. He adds: "All this disenchantment and unhappiness isn't just local. It's everywhere, all across the country."

It is impossible to determine precisely how much of such general discontent can be traced to the war and how much can be attributed to other factors—such as uneasiness about the economy, high taxation and racial strife. Nonetheless, the consensus of residents here is that the war's impact is a major element.

Why the dejection?

A few days in Dodge talking with townspeople turns up a number of considerations. The U.S. role in Vietnam combat—and thus U.S. casualties—has been scaled down dramatically in the past couple of years through troop withdrawals, but many residents say the strength of Hanoi's invasion that began on Easter Sunday only proves the failure of the so-called Vietnamization program.

Many also believe that the potential for re-escalation is very real—especially after the U.S. mining of Haiphong harbor. A few pessimists even envision the possibility, unlikely though they admit it may be, that the U.S. could commit more troops, especially if the blockade fails to blunt the North Vietnamese invasion.

"I get the feeling that people around here just aren't willing to see more American lives lost over there, because the way things have been going, you have to wonder if they're lost in vain," says Mrs. William Merrill, executive secretary of the Red Cross chapter in Dodge.

Indeed, casualties play a large part in the sentiment of Dodge's residents. Thus far, 11 men from Dodge and its immediate vicinity have been killed in the war. About that many more have returned gravely wounded, some of them badly disfigured. And almost everyone recalls the shock that was felt in late July and early August 1970. In a three-week period two young men died in the war; both had lived in the tiny community of Wright, about five miles northeast of Dodge.

One of the men was Greg F. Steimel, the son of Mr. and Mrs. Alfred Steimel. Mr. Steimel is chairman of the board of trustees at Dodge's junior college and manager of a large farmer's co-op in Wright; Mrs. Steimel is a well-known feature writer for the Dodge City Daily Globe, the local newspaper. Until her son's death, says a tearful Mrs. Steimel, who has written a number of articles about the war, "like so many other people, we had always just accepted the war, the necessity for men to fight in it." Now, however, she says, "we're completely opposite. All that has changed."

A PEACE PLEA—TOO LATE

Mrs. Steimel and others view what happened at Greg Steimel's funeral as suggestive of the quiet intensity of antiwar sentiment in central Kansas. As is customary in cases of combat deaths, the Steimel family planned to have a military funeral service. Then a delegation of 12 students, all of whom had been Greg's friends at St. Mary of the Plains, called on the Steimel family to ask that military services be rejected.

By that time, however, it was too late to change plans. A daughter of Mr. and Mrs. Steimel made leather peace symbols, which the family and others wore, the symbols—and no one refused one—even the Army man assigned to escort the body. "He told me he absolutely believed in the peace movement," Mrs. Steimel says.

The other casualty from Wright was Richard J. Conrardy. In 1966, when I first assessed the impact of the war on Dodge, Richard's father, Eugene A. Conrardy, expressed fear for the life of an older son, Donnie, who had just been drafted. Mr. Conrardy, then a hawk but now a dove, also complained about having to cut back on the family's farming interests (he has 900 acres) because Donnie wouldn't be around to lend a helping hand. As it turned out, Donnie served in Vietnam without injury; his younger brother wasn't so lucky.

At the post-office building in Dodge, Mrs. Elwood Augerot, who has been the clerk of local draft board 23 since the war began heating up, says that these days "things are actually pretty quiet," especially compared with two years ago. At that time draft calls were still high, and many parents were openly expressing hostility toward the war and personal resentment at her role in drafting their sons.

"The kids are still coming in from time to time wanting to know where they stand, but that's about all, "Mrs. Augerot says. For the young men, she adds, "its just a feeling of helplessness. There seems to be nothing they can do about the war, and that frustrates them." In the past year, Mrs. Augerot's draft call has been almost nonexistent. She has been told to induct only one man, and a volunteer turned up to fill that space.

PROBLEMS FOR RECRUITERS

Across the hallway from Mrs. Augerot's office, however, a Marine recruiter says the absence of the draft threat is making recruiting considerably more difficult. And down the hall, a youthful Army recruiter allows that "you really have to get out there and hustle" to find enlistees. Even then, few are willing to sign up for infantry training "because they figure they'll go straight to Vietnam." Instead, he adds, "they all want to go to Europe or Hawaii."

In fact, there is substantial evidence around Dodge that a growing number of young men are determined to resist any connection with the military forces. Just a few weeks ago, for example, 20-year-old Stanley McMillen, the son of a local powerplant employe, returned home after making national headlines.

By young Mr. McMillen's account, he and nine other young men who had sought release from the Army on conscientious-objector grounds were "hastily discharged" at Fort Sam Houston, Texas, after being imprisoned for almost a week in a maximum-security stockade at Fort Hood, Texas. He contends that he faced "trumped-up" court-martial charges involving disrespect, disobedience and unwillingness or inability to adapt to military life. "The Army just wanted to get rid of us," he says.

VETERANS SEEKING TO FORGET

Over at the First Presbyterian Church, 31-year-old Tom Owen, whose mother is Mrs. Merrill at the Red Cross, works as a custodian full time and attends classes at the

junior college in his spare time. He relates his opposition to the Vietnam war on moral grounds and says the deaths of several friends in Vietnam caused him to give up a military career after 10 years as a Navy medic. "I have a wife and two children," he says, "and I didn't like the thought of those children growing up without me."

Mr. Owen is also treasurer of the Vietnam Veterans Club, organized last October at the junior college. Club members, he says, hardly ever speak of their common memories of the war. Instead, they devote their time and interest to social projects, including the operation of a bus shuttle from homes for the aged to shopping areas. "Most of us just want to forget all about the war." Mr. Owen says.

Leaders of peace demonstrations two years ago agree that the situation is drastically changed. The Rev. Paul Palmer, pastor of the First Presbyterian Church, was one of the first Dodge residents to publicly oppose the war. "I have continued to make my opposition known, but I've found it less necessary to do it from a radical stance because I find that so many people are siding with me now," he says. Still, he is disappointed with the lack of peace-related activities on campus. "There haven't been any rallies in the last year or so, and that's part of the cynicism," he says.

Such attitudes also go a long way toward other things, according to James S. Maag, a second-term state representative, who teaches history at Dodge's junior college. He says such attitudes also contribute to "a general discontent with government at all levels—local, state and national—and their apparent inability to solve our problems." Voter rejection of Dodge's revenue-bond issue and of the assessment to finance a search for new industry, he adds, "is a classic example of the expression of that discontent."

But others in Dodge are expressing their dismay in other ways. Don C. Smith, a 46-year-old attorney, says his opposition to the Vienam war caused him to change his political affiliation from Republican to Democratic slightly less than a year ago. "The war has affected my life, the way I think and the way I feel like no other single thing," he says. "I'm terribly concerned about the possibility of reescalation."

Mr. Smith, who now is a local Democratic leader, expressed his opposition to the war May 13 at the First District Democratic Convention in Pratt, Kan., when he introduced an emotional resolution against continuation of the conflict. The resolution, in toned-down form, was adopted. Mr. Smith also helped deliver seven of Ford County's eight delegates at the district convention to Sen. George McGovern, largely because of the Senator's promise to promptly withdraw from Vietnam. (The session elected six degelates to the national Democratic convention, in Miami Beach; none of the delegates is formally committed, but Mr. Smith and others believe most of the delegates lean toward Sen. McGovern.)

A RARE SPECIES

Not everyone in Dodge, of course, sides with Mr. Smith and like-minded doves, but out-and-out hawks who favor a step-up in military action are indeed rare these days. Nonetheless, many residents contend that President Nixon had little realistic alternative to his blockade of North Vietnam.

One such man is Kenneth S. Johnson, an attorney in downtown Dodge. "Everybody wants to get out, but they want an honorable withdrawal," he says. "They don't want to just walk away." Like many other residents of Dodge, Mr. Johnson also complains that "these days you just don't know who you can believe—not the government, not what you hear on TV and read in the newspapers—you just don't know what the real situation is."

Six years ago the leaders of Dodge's small manufacturing community were complaining about late deliveries of goods, drafted workers and soaring prices. Now they say their problems that were brought on by the war have eased, largely because of lower draft calls, suppliers eager to please after the recession and the effects of economic controls. Business, they say, is generally improving, and they are optimistic about sales and earnings for the year.

But when the subject turns to Vietnam, their optimism vanishes. Stuart Curtis, president of Curtis Manufacturing Co., a maker of gearboxes, says that while he supports the Nixon policy, he is nonetheless dismayed that there seems to be no solution. Down the street at Speed King Manufacturing Co., a maker of conveyor systems, Hector Campbell, president, says: "Nixon has staked his whole future on Vietnamization, but what has happened so far is very discouraging. It appears to date that all the bombing we've done has accomplished exactly nothing, and I guess we'll have to wait and see what cutting off their supplies will do."

Whatever the sentiment concerning the war, a number of people in Dodge are glad they accomplished certain things before attitudes changed. Mr. Barnes, the president of the junior college, proudly shows a visitor through the institution's gleaming new buildings on the campus northwest of downtown Dodge. "Seven years ago," he says, "we passed a $2.5 million revenue bond issue" to help finance the school's $4.8 million construction program. "Seven out of every 10 voters supported it," he adds. "Thank goodness we did it when we did. Today, with attitudes being what they are, there's no way we'd ever get it approved."

SECURITIES SALESMAN SEES A DECLINE IN NIXON'S STOCK

DODGE CITY.—The war in Vietnam is viewed many ways by residents of central Kansas. But perhaps no one looks at it quite the way one securities salesman in Dodge does.

Warren K. Akerson, with the New York Stock Exchange member firm of Edward D. Jones & Co., says the erosion of confidence in the war effort "is sort of like what happened with a stock we recommended about six months ago."

The firm recommended buying shares of Recognition Equipment Inc., Dallas, based largely on the company's contract to deliver automated mail-sorting devices to the U.S. Postal System. But, for a number of reasons, deliveries have been later than expected.

"There's nothing inherently wrong with the company," Mr. Akerson says, but delivery of the devices "keeps getting put off." With the delays, he says, the price of the company's stock, which is traded over the counter, has declined from a 1972 high of $15 a share to $8.625 bid yesterday.

"Finally," he says, "some of the people who bought the stock on your recommendation and watched it go down start to lose faith in you. They start to back off. It's sort of the same thing that's happened with Nixon and the war."

A WHITE HOUSE VIEW OF McGOVERN

Mr. SCOTT. Mr. President, the New York Times of June 7 contains an article by White House Staff Assistant Noel Koch to which I invite the attention of Senators. I do, however, take issue with one point. Contrary to the statement in the article, of 36,709 French POW's and MIA's, only 10,754 were ever returned, and there was never an accounting of the remainder.

I ask unanimous consent that Mr. Koch's article be printed in the RECORD.

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

A WHITE HOUSE VIEW OF MCGOVERN

(By Noel Koch)

WASHINGTON.—President Nixon's journey to Moscow provides an excellent prism through which to view recent demands by Democratic hopefuls for a precipitous withdrawal from Vietnam. Their broadly publicized notion that we can simply pack up and pull out with a claim that we have done "all that could be expected" harkens back to the unusual ethical proposition advanced by Pilate who thought he could cleanse his conscience by washing his hands.

The most persistent voice here has been that of Senator George McGovern, whose design for unconditional departure from Vietnam within some vaguely stated period of time ranging from "within a few weeks" to "within ninety days" recalls a similar promise by French Socialist Pierre Mendés-France as he moved for the premiership in the dismal days of the hapless Fourth Republic.

As a former professor of history, Senator McGovern might have been expected to discern some cause and effect relationship between Mendés-France's ill-advised campaign promise to extract France from Indochina within one month, his even more ill-advised redemption of that promise, and the resumption seven years later of that same war—this time with the United States substituting for France.

The issue today is different, of course—the attempt of an ex-colonial power to reassert itself has become an effort to keep that half of Vietnam which escaped the colonial yoke free from a Communist yoke. But this should have been resolved in 1954, and was not, because expediency assumed a higher priority than responsibility to French politics.

In retrospect, it seems remarkable that France salvaged as much as she did in the process of extracting herself from the conflict. One estimate indicates the Vietminh controlled more than three-fourths of the territory of Vietnam—in the end they settled for less than half.

The South was not expected to survive.

Inexplicably, South Vietnam did survive, and, in a further departure from expectations, Ngo Dinh Diem, the man responsible for the survival of the South, refused to hold the elections which the Vietminh had promised themselves two years before with the hasty acquiesence of the other signatories to the agreement. (These included neither the representatives of Saigon nor those of the United States.)

If the road to Hanoi once lay through Moscow, it is doubtful that it still does. The Vietnamese Communists lost on Soviet terms in 1954. It is likely that they will prefer to lose on their own terms this time. It is, perhaps, for this reason—among others—that President Nixon has not insisted that they accept loss, but rather that they accept reason leading to the accommodation of mutual interest.

If such an accommodation is to be reached, it must come through painstaking and responsible efforts that will insure the lasting peace for which the President has risked his own re-election. For nothing is more certain than that the seeds of American involvement in Vietnam were planted in the politics of France when Pierre Mendés-France—in a prefiguration of latterday Presidential aspirants, such as George McGovern, who have adopted the politics of surrender—promised to have France out of Indochina in thirty days. (In contrast to Mr. McGovern's stated intentions, Mendés-France at least negotiated the return of French prisoners of war.)

The seeds planted in France were nurtured in Geneva when the armistice arrangements were appended for purposes of expediency with a final declaration having vir-

tually no force in international law, and having the most malevolent possibilities. These possibilities were realized when alleged violations of the final declaration served as a pretense on the part of Hanoi for a resumption of the Indochina war.

The United States then harvested the mature and bitter fruits of the hasty surrender when it sought to aid a beleaguered ally. Whether it ought to have done so is a judgment to be levied ultimately on the Kennedy Administration, which sent forces into Vietnam two years before Senator McGovern thought to question such action.

Ultimately, history will show that the actions of both Pierre Mendés-France and Richard Nixon in ending their nations' involvement in Vietnam were dictated by a keen sense of their nations' positions in the matrix of world power. President Nixon will not seek short-term political advantage by adopting means that hold the long-term risk of renewed conflict. This time the war on the Indochina peninsula must be terminated, not merely postponed.

THE NEED FOR RAIL SAFETY

Mr. HARTKE. Mr. President, one of the frustrating experiences of being a legislator is to work hard to develop needed legislation and then to find after all the work has been accomplished that nothing is being done by the administration to make the impact of the legislation felt. We are beginning to get indications that this may well be the case with the Rail Safety Act that was passed by Congress in 1970 by an overwhelming margin. I hope the administration is not ignoring this overwhelming mandate. In this connection, however, I commend to the Senate an article entitled "Rail Safety Law: Chugging Along at a Pedestrian Pace," published in the magazine Occupational Hazards.

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:

RAIL SAFETY LAW: CHUGGING ALONG AT A PEDESTRIAN PACE

On January 1, 1968, a freight train, heading west through Dunreith, Indiana, hit a broken rail, jumped the tracks, and collided with an eastbound train using the adjacent track.

A tank car loaded with vinyl chloride ruptured and caught fire almost immediately. Forty-five minutes later, a tank car loaded with ethylene oxide exploded. A tank car loaded with acetone cyanohydrin had been ruptured.

Water used on the fire reacted with the acetone cyanohydrin to form cyanides and poison the town's water supply.

A cannery and seven homes were destroyed. Miraculously, no one was killed or seriously injured.

On January 25, 1969, a train passing through Laurel, Miss. derailed when a defective wheel on one of the cars shattered. Fifteen tank cars, containing liquefied petroleum gas, exploded and burned. Fires raged for six hours. Fifty-four homes, six schools, and five churches were destroyed, and 1,350 homes were damaged. Two persons died, 33 were hospitalized, and many more were treated for minor injuries.

Three weeks later, a defective and misaligned track derailed a train passing through Crete, Nebraska. Derailed cars struck a tank car loaded with anhydrous ammonia standing on a siding. The tank car ruptured, and an ammonia gas cloud formed. Six persons died, 53 were injured from exposure to the ammonia gas.

PROPOSAL

In the first four months of 1969, train accidents involving hazardous chemicals happended in nine localities in the United States. In their wake, Sen. Vance Hartke (D.-Ind.) introduced railroad safety legislation, which was referred to the Senate Committee on Commerce.

The proposal was still in committee when, on September 11, 1969, a derailment in Glendora, Mississippi involving eight cars loaded with vinyl chloride resulted in explosions and fires that lasted 12 days and caused the evacuation of 21,000 persons from their homes.

The Federal Railroad Safety Act was reported out of committee in December, 1969. The committee report stated, "The basic thrust of the testimony in a voluminous hearing record is that the unsafe conditions which persist on some railroads are very serious, particularly in view of the fact that with the introduction of higher speed, longer and heavier trains, the increased carriage of deadly and dangerous materials, the possibility of a major catastrophe is ever present."

PASSAGE

The Railroad Safety Act passed in October, 1970. The Act empowered the Secretary of Transportation to set and enforce safety standards for railroads. The Secretary was to issue the first body of standards within one year and review and revise them after hearings as necessary. Violation of a standard results in a penalty of not less than $250 and not more than $2,500. Each day the violation lasts, it is considered a separate violation. In cases of emergency involving a hazard of death or injury to persons affected by it, the Secretary is empowered to issue orders prohibiting the further use of facilities and equipment until the unsafe condition has been corrected. The Secretary can grant exemptions from the regulations—if the exemptions are found to be in the public interest and consistent with railroad safety.

The Secretary of Transportation issued the first body of standards (safety standards for railroad track) under the new law in October, 1971. They became effective December 1, 1971 for track constructed after October 15, 1971; effective dates for track installed prior to that date are October, 1972 for most of the standards, and October, 1973 for the rest.

As we go to press, the Secretary was expected to propose a second body of standards governing railroad equipment.

The Secretary has not issued any citations, penalties, or exemptions from the standards, nor has he used his "cease-and-desist" power yet in an emergency.

The law authorizes the Secretary to conduct research, to set record-keeping and reporting requirements, and to enter railroad property to inspect for compliance to the standards. The National Transportation Safety Board is empowered to enter railroad property to investigate accidents.

To date, the Federal Railroad Administration has not hired any inspectors. Its activities under this Act have been confined largely to research, continuing studies on tank car safety begun before the Act was passed.

The law also provides for State participation in the enforcement of the railroad safety program. States may inspect for compliance to the standards and investigate accidents, but the Secretary holds to himself exclusive authority to assess and compromise penalties, to issue cease-and-desist orders in emergencies, and to take injunctive action against railroads. The law requires each participating State to submit an annual report listing the railroads under its authority and the inspections and investigations it's conducted. Participating States get Federal grants-in-aid covering 50 percent of the cost of these programs.

At present, the criteria for State participation has not been set up. An FRA spokesman describes 12 States as "interested" in the program and another 30 as "curious."

UNFULFILLED PROMISE

Al H. Chesser, president of the United Transportation Union, is pleased with the law but displeased with its administration. "The law itself is fine, but we've seen no effort to enforce it," Chesser told us. Chesser was especially critical of what he terms the slowness in promulgating standards, the delayed dates for compliance to the standards, and the lack of inspectors.

He believes the railroads are actively working against the implementation of the Act. "First, they (the railroads) tried to thwart the law's passage, and now they're trying to thwart its implementation," Chesser said.

Chesser thinks the railroads should view the Act with enlightened self-interest. "This law was not passed arbitrarily against the railroads but to help the railroads. Look at all these derailments. In many cases, proper track inspection would have found the $200 track repair that could have saved the railroad $500,000," said Chesser.

The union has not pushed hard for enforcement yet, however, Chesser said it first wanted to give the new FRA administrator, John Ingram, a chance to show what he can do. Chesser believes Ingram "will do a good job if he gets the tools."

John A. Risendal, executive director of safety and special services division of the Association of American Railroads, said the Act gave the secretary "comprehensive and complete authority to set standards for the railroads" but withheld further comment on the Act.

Regarding the standards Risendal said, "It would be premature to comment. Our engineering people are checking their own properties, and on the basis of preliminary perusal, it appears unlikely we can comply with all the standards within the allotted time."

Risendal described some of the safety standards as, "merely good maintenance practices," which, he says, do not belong among a body of legally enforceable standards.

A provision in the Railroad Safety Act required the Secretary of Transportation to submit to Congress within one year of the passage of the Act a study on how to protect or eliminate railway-highway crossings. The first part of the report was submitted last November, and the second part is expected this July.

COROLLARY PROPOSAL

Meanwhile, Sen. Hartke in the Senate and Congressman Brock Adams (D.-Wash.) in the House have introduced as the Surface Transportation Act of 1971, a bill designed to give financial aid to the transportation industry through government guaranteed loans, tax incentives, and tariff regulations. Title IV of the Act however would require States to use 5 percent of their highway trust funds to improve or eliminate grade crossings. The Senate Committee on Commerce is currently holding hearings on the bill, which has the support of the transportation industry. Whether the bill will get to the floor for a vote in this hectic, election year remains to be seen.

ROLE OF LARGE CORPORATE ENTITIES IN AMERICA

Mr. HARRIS. Mr. President, the recent allegations of waste and mismanagement directed at the Lockheed Aircraft Corp. have prompted serious and grave doubts as to the role of large corporate entities in our society. It is obvious that each American taxpayer was the loser in that incident, for it is he who must "foot the bill." It is he who must suffer under an

inadequately funded educational system in order to support sickly business. It is he who must be content with poor public transportation, poor environmental controls, poor housing.

But there are others who suffer from such incidents as that concerning Lockheed Aircraft Corp. One such man is Henry Durham, of Marietta, Ga.

Mr. Durham was employed by Lockheed until May 1971, as a department manager in Marietta. Previous to that time, Mr. Durham had become aware of the amazing mismanagement in Lockheed's C–5A program and, when he attempted to report it, he was compelled to resign his post. Mr. Durham then went on to courageously inform his countrymen of the fantastic waste and seemingly poor practices of Lockheed. In the face of tremendous pressures from his friends and neighbors, Mr. Durham stood by his principles of honesty and fairness to attack the prime employer of his community.

As a result of his grave and commendable efforts, Mr. Durham has been forced to suffer under the most intolerable circumstances. He has been unable to find further employment. He and his family have been effectively ostracized from their community. He has received many hateful phone calls including threats on the lives and well being of himself, his wife, and his children.

What was Mr. Durham's crime for such punishment? He told the truth. He was unafraid to stand before one of the most powerful enterprises in our country and to say that it was not fulfilling the public's trust.

I do not know if Mr. Durham will ever be able to be recompensed for his brave actions. I do not know if he will ever be able to live the life that he and his family deserve. But if he cannot, it will portend a sad future for all Americans. The ills of our society will never be corrected unless an honest man can tell the truth without fear.

I fully support the efforts of the Senator from Wisconsin (Mr. PROXMIRE) to assist Mr. Durham, and because of the importance that this incident has for all Americans, I ask unanimous consent that the report be printed in the RECORD.

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

THE EDUCATION OF HENRY DURHAM

(By Erwin Knoll)

MARIETTA, GA.—Drive west on the highway that cuts through Marietta, past the old town square with its statue of Senator Alexander Stephens Clay, past the sprawling Lockheed plant on Dobbins Air Force Base, where they are building the huge C–5A cargo plane. If you are caught in the traffic crush when a shift lets out, you will find it hard to believe that Lockheed is in trouble—so much trouble that the taxpayers of the United States must keep the company afloat with a $250 million loan guarantee. Lockheed's Marietta payroll is down from 30,000 a couple of years ago to fewer than 20,000 today, but that is still enough to make it the largest industrial employer in Marietta, in Cobb County, in Georgia.

The landscape turns suburban a few miles past the Lockheed plant. You drive along tree-lined streets where comfortable brick ramblers sit on carefully tended lawns—the homes of engineers and computer programmers and middle-management men. The house at 256 Merrydale Drive SW is one of these. The jeep parked in the driveway has an American flag decal and a National Rifle Association emblem affixed to the rear window.

The house, the jeep, the flag decal, and the NRA membership belong to Henry Durham, whose neighbors and former friends have recently proclaimed him Public Enemy Number Two. In Marietta, the top title—Public Enemy Number One—is reserved for Senator William Proxmire, the Wisconsin Democrat who led the unsuccessful Senate effort to block the Lockheed loan guarantee.

The calls have let up lately, though I still get an occasional one in the middle of the night, Henry Durham told me. Sometimes they call me names, sometimes they just breathe into the telephone and hang up. Uptown I see people I've known for twenty years. They give me a dirty look and turn away. A thing like this sure lets you find out who your friends are.

You might suppose that Henry Durham would have many friends. He is a kind, soft-spoken man, proud of his home and family, proud of his participation in community affairs. He was assistant scoutmaster of his son's Boy Scout troop, and likes to coach little league football teams. His wife, Nan, is attractive, gracious, and devout—a native of Marietta who taught Sunday School for more than a decade at the First Presbyterian Church, which she has attended all her life. Their children, sixteen-year-old Melinda, who is called Mindy, and twelve-year-old Henry III, who is called Trey, are popular with their classmates or were until the classmates' parents told them to have no more truck with the Durham kids.

The reaction of the church was what hurt us worst. All of a sudden, when this happened, the church just turned cold as a cucumber. They told Nan that they "understood" she didn't want to teach Sunday school any more. Not one member of the church, not one officer, not the preacher, has made any move at all to ease the community pressure against us. Not one word has been said. You would think the preacher would be the first to hold high the banner of integrity, or at least to affirm that a person has the right to say what he thinks. Not a word.

Some weeks ago Mrs. Durham wrote a letter to the Reverend Billy Graham, whose gospel broadcasts she had long admired. "I felt I needed to get an answer from someone," she explains. "Our family has lived a twenty-four-hour nightmare each day," she wrote. "In our community, it seems that a person could stand in the square in the center of town and shout 'God is dead!'—and people would pass him by. But my husband said, 'Lockheed has been dishonest and grossly mismanaged'—and people are ready to kill him. Signs were put up all over the bulletin boards in the plant and in the rest rooms, 'Kill Durham'. . . . Is God dead in the hearts of these people?" The reply, from one of Dr. Graham's "spiritual counselors," said: "While it is not possible for us to become involved in the legal and political aspects of the situation, we do want you to know that we are having our prayer group faithfully remember your family and your cause. . . ." A bundle of Bible tracts was enclosed.

We didn't understand that Billy Graham was a business, too—a big business. We've had to learn a lot about a lot of things.

Henry Myron Durham has acquired his education slowly, painfully. He is forty-four years old. The neat mustache he grew not long ago is gray, as is the hair at his temples. He has the weathered complexion of an outdoorsman, which he is, and the build of a boxer, which he was. His bearing is that of an ex-Marine. His accent belongs to his native Florida and his adopted Georgia. He speaks carefully, sprinkling his sentences with "you knows" to give him time to organize the words to come.

He has never been employed by anyone but Lockheed. He joined the company in 1951 as a $50-a-week dispatcher, and worked his way up to a $20,000-a-year supervisory post.

I was determined to advance to a vice presidency, or as far as I could go. I've always felt that a person should advance within a company in accordance with his determination, effort, skill, and dedication to doing a good job, you know. I worked long, hard hours—an average of ten to twelve hours a day—and then I'd go in on the weekends. Sometimes they paid me for the overtime and sometimes they didn't—I never asked. I went in on Saturdays, and on Sundays, when my wife went to church, I'd go to Lockheed to catch up on my paperwork and do my planning. Everything had to be perfect. I never left without having organized for the next day.

I neglected my family—I know I did, and I regret it now. When I came home at night the kids would have been fed and Nan would cook another supper for me. Lockheed had priority; Lockheed came first. I can see now how large corporations do that to people. If Lockheed said something was right, you know, it was right. What was good for Lockheed was good for the world, as far as I was concerned.

The education of Henry Durham began in the summer of 1969, when he became a general department manager in the Marietta plant, wtih jurisdiction over some 250 employees involved in production control operations on the C–5A flight line. The big plane was already in big trouble. More than a half year earlier, A. Ernest Fitzgerald, a civilian cost analyst for the Air Force, had revealed before Senator Proxmire's Joint Economic Committee that costs on Lockheed's C–5A contract would run some $2 billion higher than initial projections. In his new job, Durham began to learn why.

I began to notice serious discrepancies on the airplanes almost immediately—starting with the first one I saw. The production people were making parts requests for which they had no authority; the paperwork showed that the parts had already been installed. Some were small parts, no bigger than your fingernail, some were large and tremendously expensive. Thousands of missing parts—and they really were missing.

At first I thought it was just some kind of clerical error. I didn't want to believe that anything dishonest was going on. I wanted to believe there was just some fantastic unseen problem that was causing this, you know. I had always known that Lockheed had problems in quality control, and I had been fighting those problems for years. But this was something bigger.

What was happening, Durham discovered, was that Lockheed was "meeting" its contractual production schedules, and qualifying for Air Force "milestone" payments on the C–5A, by falsifying the completion data. Aircraft would arrive at the final assembly stage still requiring work that should have been completed much earlier—and accompanied by forms indicating that the work had been done. In consequence, parts that had long since gone astray had to be refabricated or reordered at premium prices, and installed at over-time rates. The excess cost, Durham calculated, ran into many millions of dollars.

When I was sure of my facts, beyond a shadow of a doubt, I went to my supervisors and told them about it. I went to see all levels of management—the production manager, the assistant to the director of manufacturing, the director of manufacturing. I went to see all the division managers in production, the people responsible for having the parts installed. At first, they expressed shock and concern, and told me not to worry about it, they would take care of it. Then I began getting adverse, hostile reactions. They would say something like, "You SOB what

do you mean running around talking about missing parts? Why don't you just go mind your own business and let us tend to ours?" That just made me more determined than ever.

All I wanted Lockheed to do was to halt everything, if necessary, and lay all the cards out on the table—admit that there were serious problems, get help, and do something about them. I was worried about the company. I just wanted it to get back on an even keel. Instead, they insisted on going on with the subterfuge.

In the fall of 1969, Durham began compiling and submitting to his superiors written reports and documentary evidence of the chaotic C–5A production process. At about the same time he began to feel the pressure in the plant. People stopped talking to him on the job, and he was excluded from management meetings dealing with production aspects under his jurisdiction.

Finally, they moved me off the flight line. They gave me another job, with equal responsibility, up in the final assembly area. They didn't know it, but I welcomed the opportunity to go up there, because it would give me a chance to check on the upper end of the business, to see if I could find out more about the problem.

I remember when Ship 23 [the twenty-third C–5A to be produced] came up, the papers showed forty-seven items left to be installed. That was real good, but I knew it wasn't factual. So I got some people who were familiar with production paper to go in there with me and check on what was really going on. There were more than 2,000 missing parts, and I wrote another report.

Durham had been present on March 2, 1968, when President Lyndon B. Johnson had come to Marietta to help celebrate the "roll-out" of the first C–5A. He recalls the President saying, "You could put an awful lot of hay in there." Apparently, hay storage was about all the plane was good for at that point. Durham has a memo from a former Lockheed colleague who wants to remain anonymous; he wrote: "This ship, which was supposed to be complete in every detail except for scattered engineering changes, came into the test program a virtual skeleton—missing many large structural assemblies and thousands of smaller parts and electronic components. When the ship was 'rolled out' for the inspection of President Johnson and other dignitaries, many portions of the ship had been hastily structured from plywood and paper and were installed strictly for show. A complete 'teardown' of the aircraft took place immediately after the President's inspection."

The President of the United States can be forgiven for failing to recognize a mock airplane, but what about the inspectors—military and civilian—whom the Air Force constantly assigns to the C–5A production lines?

They never talked to me, and I never talked to them. At Lockheed, you're dead if you talk to the Air Force about a Lockheed problem. That's one of the first things you learn. People have been fired for it.

Either the Air Force inspectors were blind, or there was collusion between Lockheed and the Air Force. I personally don't feel it could have been anything but collusion. They couldn't have missed seeing all this.

On February 24, 1970, Durham received a letter of commendation from Lockheed—one of several in his personnel file. "Among his many qualifications," the letter stated, "are unquestioned loyalty, energy, initiative, product and corporate knowledge, ambition, and insistence on a job well done—first of all by himself, and secondly by all reporting to him." Three months later, in May, he was commended "for a job well done under adverse conditions." Durham now believes these citations may have been designed to quiet him down. If that was the intent, the effort was unsuccessful.

By this time, having exhausted all lower levels of management, Durham had taken his case—and an eight-inch stack of documentation—to R. H. Fuhrman, the president of Lockheed-Georgia.

I gave him examples of double-ordering and triple-ordering of parts. I gave him all kinds of proof. He listened mostly, didn't say much. Finally, he said, "Where there's so much smoke there's got to be some fire. We'll look into it." I said to myself, "Man, at last I'm getting somewhere."

Two weeks later I was told my job was to be abolished. I was offered a downgrade and a substantial pay cut.

Instead, he decided to give two weeks' notice and take a layoff, which would enable him to collect severance pay and other fringe benefits. He felt he "just had to get out of that plant for a while." He sent a four-page letter, with accompanying documents, to Daniel J. Haughton, chairman of the board of the Lockheed Aircraft Corporation, the parent company of Lockeed-Georgia.

"Mr. Haughton," Durham wrote, "I know that many statements made by outside sources regarding Lockheed management are true as far as the Georgia company is concerned. However, I do feel that Lockheed management as a whole throughout the corporation is beyond reproach. I know the Lockheed Corporation had to be built on integrity to be as large as it is and to have enjoyed the respect it has gained through the years."

From Lockheed corporate headquarters at Burbank, California, Haughton replied that he would launch an investigation and advise Durham of the results. Durham is still waiting for further word.

I should have had guts enough to admit that Lockheed just didn't want to do anything about this. The fact is, I wanted to believe in them, you know. All my life I'd heard about Uncle Dan—Uncle Dan this, Uncle Dan that. I really thought the dear old whitehaired patriarch of the Lockheed family was going to do something. I found out that he's in on this thing as much as anyone else.

After a couple of months of lay-off—"I stayed home and talked to my children for the first time in a long time"—Durham was invited to come back to work for Lockheed. He refused to return to the Marietta plant and was given a job in Chattanooga, 100 miles away, at a $5,000-a-year cut in pay. The Chattanooga plant, where Lockheed makes ground equipment for the C–5A, is known to Lockheed employees as the "Siberia" of the corporation.

I discovered that things were even worse in Chattanooga than in Marietta. There was horrible waste and mismangement—absolutely gross. I found tools that were rusting away in the yard, some that had been out there for years. I found them buying material from vendors at exorbitant prices when they had the same material available in Chattanooga—or in Marietta—but they didn't know they had it because they had no inventory controls. I found tons and tons of steel that had rusted beyond recognition. When I tried to clean the place up, we scrapped forty-two tons of ruined metal.

I just couldn't stand it any longer. It was so rotten and so terrible that I finally decided the only thing I could do was to get out and attack the problem in a different way. I hadn't heard from Haughton, I hadn't heard from anybody, so in May, 1971, I decided just to call it quits.

But before I left, Paul Frech, the director of manufacturing for Lockheed-Georgia, came up to Chattanooga to see me. He had heard I might be planning to go outside Lockheed to publicize conditions in the company. He asked me, "Do you know what happened to Ernie Fitzgerald? He's now chief ——— inspector for the Civil Service Commission." [Fitzgerald, who was fired by the Air Force two years ago after testifying before Proxmire's Committee, is still trying to get his job back through the Civil Service Commission and the courts.] He said Fitzgerald would never be able to get a good job as long as he lives. He gave me to understand that anybody who bucks Lockheed or the Air Force is in for a rough time the rest of his life. I just said, "Is that so?" I wasn't intimidated; I was more determined than ever.

Durham returned to Marietta, where his family had remained during his months in Chattanooga, and embarked on a letter-writing campaign. The Lockheed loan guarantee was pending in Congress, and Durham wrote to every member who might conceivably be interested—eighty-six Senators and Representatives in all—offering to come to Washington at his own expense to provide information that might have a bearing on the Lockheed matter. He received sixteen replies—most of them what he calls "Dear Friend" letters thanking him politely for his communication.

One of my great disappointments was with the chairmen of the House and Senate Armed Services Committees. I wrote to them before the Lockheed bail-out bill had reached the floor, advising them that I had irrefutable evidence of gross mismanagement, waste, and corruption on the C–5A military contract. I implored them to let me come up and show them the evidence before they voted on the bill. I felt certain they would be vitally concerned. Aren't they supposed to be overseeing military spending? I never got a word. To this day I haven't heard a thing from them. I've really thought a lot about that.

Durham also wrote to Morton Mintz, an investigative reporter for The Washington Post, because he had read in Time magazine about a book, America, Inc., of which Mintz is coauthor. After interviewing Durham and inspecting his evidence, Mintz wrote a long article about his allegations against Lockheed, which the Post published and distributed to newspapers receiving its wire service. The article appeared in the Atlanta Journal and Constitution on Sunday, July 18, ushering in the final phase of Henry Durham's education.

I started receiving calls by Sunday noon—about the time people were getting home from church—and they increased in frequency through the day and night. The callers were vicious almost every case, threatening my life, my family, my children. They were anonymous—some local and some long-distance. They said I was trying to close down Lockheed and jeopardize the livelihood of thousands of people. One caller said, "The only way you're going to Washington is in a box." Another said, "You won't be here when the sun comes up tomorrow morning." Still another told me, "You've got a pretty daughter now, but she won't be pretty long." In some cases it seemed to be an organized telephone attack—people calling to ask, "How much is Senator Proxmire paying you?" I'd just answer, "Thank you, is there anything else?" and hang up.

I took it rather lightly at first, as something that would go away in a few days. But I slept on a sofa down in the den, with a pistol on the coffee table, and every time I heard an unusual noise I went outside to check. I took all the calls myself—I didn't want my wife and children to hear the vulgar language—and about midnight I would take the phone off the hook so we could get some sleep.

By this time, Proxmire had invited Durham to testify before the Joint Economic Committee. As a Congressional witness, he was entitled to Federal protection, and when the abusive calls intensified instead of abating, Durham appealed to Proxmire for help. For more than two months this summer and fall, Federal marshals stood guard over the Durham family 'round the clock. Their pres-

ence—and some inquiries made by agents of the FBI about threats at the Lockheed plant—seemed to reduce the pressure.

Some of Durham's neighbors, however, protested the presence of the marshals and circulated a petition calling for their removal. Pat Backus, owner of a local computer firm, told the *Marietta Daily Journal:* "We simply do not think this neighborhood should continue to be a garrison. If his life is really in danger, which I doubt, then he should be moved. If there is a danger, we don't want that danger close to our wives and children. Let them move him to a hotel where he could be protected by a single guard instead of a team of them. Maybe he could stay with Senator Proxmire in his Washington apartment."

Duprham, accompanied by two marshals, went to Washington on September 29 to testify before the Joint Economic Committee. His testimony was voluminous and detailed, and was accompanied by letters, reports, production forms—even rusted parts and drill bits from the Chattanooga plant. When he finished, Proxmire told him, "I can't tell you how much I admire your courage. Very few people are called upon to show the kind of guts you have. If it weren't for people like you, we'd have a far poorer country."

Dozens of letters in a similar vein have reached Durham from all parts of the country. Often they say, as a correspondent in Lafayette, Louisiana, put it, "Thank you for being what most of us really want to be but haven't had the courage to be." Some of the letters have even contained small checks. Strangely, none has contained an offer of a job.

The Durham family is living on savings and the $7,000 a year Nan Durham earns as a caseworker for the Cobb County Department of Welfare. They would like to leave Marietta. "I wouldn't look back," says Mrs. Durham, who has lived here all her life, noting that people she has known since childhood will no longer speak to her.

Henry Durham is still writing letters. He wrote this the other day to his new friends in Congress and the press: "Lockheed typifies the large, arrogant Government-military-industrial complex in every way. Anything and everything wrong with the system and the large companies within the system can be found at Lockheed—disastrously rotten mismanagement, waste, unethical business practices, complicity with the Air Force and Government, etc., etc. So, a concerted effort and continuous pressure could result at long last in a foot in the door that in turn could result in drastic changes in military contracting and spending that could save billions of dollars. Dollars that could better be spent to improve the quality of life in our country. After Lockheed, the same pressure tactics could be applied to other serious conditions and social ills. Football games are won by team effort."

When he read recently that the government of Brazil was planning to buy some Orion anti-submarine patrol aircraft designed by Lockheed, Durham dashed off this handwritten note to the President of Brazil: "It should be abundantly clear that anyone purchasing an aircraft from Lockheed at this time will pay far more than the product is actually worth. Also, Lockheed has had great trouble with quality which stems from slipshod and faulty assembly. . . . I am writing you in all sincerity. I am not seeking revenge against Lockheed but am an honest, loyal U.S. citizen trying to correct some serious conditions existing in my country. The Lockheed problem represents a rotten political malignancy which must be removed from American society. I know that you, Mr. President, would be vitally concerned if such costly and unacceptable conditions existed in Brazil. . . ."

I always conducted myself the way the company would want me to. For years I was pro-management and anti-union, because that was what the company wanted. Now I realize that there's a union because the company makes it necessary. I've learned that a union member has protection—he can speak out against company practices because he has a contract. A management man has no protection—he can be fired on the spot.

This is one reason why a corporation can bilk the country out of hundreds of millions of dollars through mismanagement and waste: The people in management who know about these things are too frightened to speak out; to do so would jeopardize their very existence. It's a very strong club the corporation wields—not only over the country but over its own management. It's a very strong lever.

I'm not a pretzel to be bent and twisted. The company owned me up to a point, but when I found out they could do wrong—and, even worse, that they wouldn't do anything about what they were doing wrong—I drew the line. But there are hundreds and thousands of honest people in big corporations who would speak out if they were protected from reprisals. That's something we could do right now—write into every Government contract immunity for people who speak out.

With time hanging heavy on his hands—there is only so much tinkering you can do around a house, only so many letters to write, only so many times you can drive the jeep to pick up the kids at school—Henry Durham has been thinking hard about some things to which he never gave much mind before.

I have become greatly concerned about issues that never bothered me because I thought they were somebody else's problems; now I realize they're everybody's problems—the problems of old people, of poor people. There's something wrong with a society where children born across the tracks can't get enough milk to drink or food to eat and are looked down on by a more fortunate group. There's something wrong with a society whose Government will rescue an outfit like Lockheed and let our environment go down the drain.

My attitude towards the things the company has done has made me look hard at the things my country has done. Until recently I favored the Vietnam war because my Government favored it. If my Government said it was good, it was good. But what my Government did about Lockheed made me start asking questions. I looked at the war and decided—I hope I'm wrong about this—that it has been prolonged to keep our economy going, because so much of our economy depends on the production of military hardware. It's a horrible thing to think that people may have died to maintain production.

I'm beginning to realize some things—even though I'm a Southerner, born in the Bible Belt. We're patriotic in this part of the country, and we've produced many heroes, but I've come to understand that you're just as much of a hero when you see things wrong and do something about them. You're as much a hero to do that as to go out and die in Vietnam. I'm still proud of our country, I just realize we're going to have to do better.

So many things have to be changed in this country, and I'm hoping the young people will do it—not by blowing up toilets but by turning out of office the mossbacks who hold power now. I hope young people will have the courage to do what my generation has been unable to do. I would like to go out and speak to them—to all voting people—about what I have learned. We could have a peaceful revolution in this country that might save the basic qualities of life—instead of turning out more airplanes.

Henry Durham has no regrets—"I would do it a hundred times over," he says—but he would like to be back at work, doing the things he knows how to do on a job that lets a man live with his conscience. There must be a job like that somewhere in America for a man who is competent, honest, and brave. And who has acquired an expensive education.

PERSONS WHO POSE AS BANK EXAMINERS

Mr. BIBLE. Mr. President, a recent communication from Sgt. A. J. Feroah of the Inspectors Bureau, Fraud Detail of the Reno, Nev., Police Department called my attention to a serious fraud being perpetrated against some of our senior citizens by persons posing as bank examiners. The FBI classifies this fraud operation in the general crime category so nationwide statistics are unavailable; however, the experience in Reno is undoubtedly representative of frauds of this kindbeing committed all across the Nation. Thus while public attention naturally focuses on violent crimes such as robbery and murder, this type of crime against the elderly, often unknown and unseen, yet very costly, is ever prevalent in our society.

I am speaking of the elderly persons who become the victims of unscrupulous people who pose as bank examiners in an attempt to con victims out of their life savings. These victims are usually widows and social security recipients whose losses generally represent the victim's life savings.

As reported to me this bunco scheme usually follows a pattern: The intended victim receives a phone call from a person identifying himself as a bank examiner or a detective from the local police department. The caller advises the intended victim that examiners have found bank account irregularities and requests the victim to read, over the phone, the correct amount of money in his account at the present time. The caller then tells the victim he will check the bank records and make a return call. In the second phone call the victim is advised that someone is stealing from the bank account and that their cooperation will be appreciated in apprehending the thief. If the victim agrees to help the examiner or detective a withdrawal of funds is requested with an examiner to pick up the cash at the victim's home. Secrecy is important if the thief is to be arrested.

The victim is relieved of the cash which has been withdrawn and taken with the understanding that the money will be redeposited into the victim's account. Thus, this phoney scheme can rob its victims of their life savings.

I understand some general statements and warnings about such schemes have been published. Yet elderly persons still become victims of the bunco artist. Recently in Reno, four victims were bilked for more than $46,000. All were over 66 years of age. To combat the problem Sergeant Feroah has suggested that the Social Security Administration itself publish periodic warnings alerting social security recipients to such fraud schemes. Perhaps a notice could be mailed out along with social security checks.

I think this idea has a good deal of merit and have brought it to the attention of the Social Security Commissioner.

Also, I think the banks themselves,

associations of bankers, and the Federal Deposit Insurance Corporation should take notice and increase their efforts to alert bank depositors to this kind of scheme.

Unfortunately, many victims are reluctant to report such schemes as this fearing personal embarrassment. Education of the public is definitely needed. Sergeant Feroah and the Reno Police Department are to be commended for calling attention to the matter and for their helpful suggestions. This is certainly a problem that needs continuing exploration.

PENTAGON WRONG ON McGOVERN DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, the Pentagon's appraisal of Senator GEORGE McGOVERN'S proposed budget contains errors amounting to several billions of dollars.

The Pentagon's appraisal of Senator McGOVERN'S proposed defense budget, contains mispricing errors amounting to several billions of dollars. These errors, along with their record of cost overruns on weapons systems, qualify the Pentagon experts as the champion miscalculators of all time.

The Department of Defense has not yet shown that it has made an objective analysis of Senator McGOVERN'S proposals. In light of the highly inflammatory and unsupported charges leveled against Senator McGOVERN by the Secretary of Defense, I am doubtful that the Pentagon is capable of evaluating the proposal in a fair and impartial manner.

The alleged mispricing in the McGOVERN proposal is largely based on estimates of future inflation and future military pay increases. These matters are difficult, if not impossible to forecast with precision.

The lifference between the McGOVERN approach and the Pentagon's approach to the uncertainties of forecasting the future, is that McGOVERN recognizes the risks involved while the Pentagon maintains the illusion that it knows what will happen in the future.

The Department of Defense itself has proven to be a major source of miscalculations not only with regard to weapon system overruns, but also on the size of its own budget, the military assistance program, the Soviet and Chinese treats, the capabilities of the North Vietnam and the Vietcong, and the Vietnamization program.

The Pentagon alleges that McGOVERN overstates the cost of the war in Vietnam by about $5 billion. The statement by the Secretary of Defense that the expanded hostilities in Vietnam could add from $3 to $5 billion to the defense budget, partially contradicts the assertion that McGOVERN understates the cost of the war.

In its a appraisal of the McGOVERN proposal, the Pentagon apparently neglected to take into account the January 1, 1972, military pay raise, when calculating the future costs of military pay.

Some of the figures in the Pentagon's appraisal attributed to McGOVERN do not appear in McGOVERN'S own proposal. Apparently, the analysts in the Department of Defense attempted to reconstruct McGOVERN'S numbers so as to fit their preconceptions.

Thus, the Pentagon takes McGOVERN'S item labeled Equipment. Supplies, and Services—$20.9 billion, and breaks it down into two categories; namely, Operating Costs, other than pay—$0.2 billion and Procurement, R.D.T. & E. and Construction—$20.7 billion.

The Pentagon appraisal then purports to show that McGOVERN'S figures for operating costs other than pay are understated by $7.6 billion.

The facts are that Senator McGOVERN'S tables do not show an item called "Operating costs, other than pay," that he does not place a $0.2 billion figure on such an item, and that therefore the Pentagon cannot demonstrate that the alleged mispricing has occurred.

In my judgment, the Pentagon has taken liberties with Senator McGOVERN'S figures and juggled the numbers to suit their own purposes.

Instead of playing fast and loose with the costs of defense, the Pentagon ought to take a long, hard, and unbiased look at the McGovern proposal.

Senator McGOVERN'S defense budget is the most comprehensive and careful analysis of the real requirements of national security put forth by any Member of the U.S. Senate. It provides the Members of Congress with a realistic set of alternatives to the administration's program and is a major contribution to the improvement of the process by which decisions about military spending are made.

Senator McGOVERN will be given the opportunity to explain his proposal in detail when he testifies before the Subcommittee on Priorities and Economy in Government on June 16, 1972.

OCEAN MAMMALS

Mr. HARRIS. Mr. President, last year I introduced with Representative PRYOR legislation to protect our ocean mammals. It has proven to be a highly controversial piece of legislation and with good reason. It called upon our country to look at the exploitation of our natural resources in a new light. It asked that we not look on these as something to be destroyed for private profit but to be protected for the general welfare.

We had to expect strong opposition to reform legislation on this subject, for it is not easy for people to change attitudes which they have held for years. But the need to alter these attitudes was clear. If we were to continue on our present course, soon there would be no ocean mammals to kill.

Now we are nearing the final stages of legislative consideration of this issue. The Committee on Commerce will soon be reporting a bill to the Senate.

Up to the last moment the pressures on the committee have been enormous. The fur industry, which serves the desires of only the very richest members of our society, has lobbied hard against any change. The conservation groups in turn have pressed for a strong bill.

Recently, the Washington Post published an article by Lewis Regenstein, Washington representative for the Fund for Animals, which attempts to explain the point of view of many conservation groups. In a June 7 letter to the Post, the junior Senator from South Carolina (Mr. HOLLINGS) replied to many of Mr. Regenstein's arguments. The Washington Post editorial then commented on both sides of the issue. I ask unanimous consent to have these articles printed in the RECORD at the end of my remarks because I believe they help to explain the issues involved in the important legislation which the Senate will soon consider. For the same reason I also ask unanimous consent that a May 30 editorial in the Times be inserted in the RECORD at the end of my remarks.

Mr. President, for my own part, I do not feel that I am in a position to comment in detail on the committee bill since work on this still continues. But I do wish to state today that I hope a large number of Senators will actively oppose any bill which represents a step backward from the House bill, which indeed is not an improvement on it.

We must not so riddle the concept of a 15-year moratorium with loopholes and exceptions that in the end one is forced to ask what the moratorium might mean. We must not permit the further importation of hair seal skins from Canada. We must not compromise on efforts to end the slaughter of the dolphins. We must not couch the language of the bill in a manner to suggest to those who will administer it that the goal is sustained slaughter rather than humane protection. We must not skirt the issue of our own kill on the Pribilof Islands.

Mr. President, I wish now to turn to another aspect of this issue—the interests of the Alaskan Natives.

The hearings on the Ocean Mammals bill which I introduced last year have served to bring the issue of protection for ocean mammals to a head. As a result, Congress may well adopt protective legislation this session.

But at the same time, the hearings have served another purpose. They have brought to light what we all suspected. The enemy of the ocean mammals is not the Alaskan Native who takes these animals in modest amounts for subsistence living. The enemy is the commercial firm which butchers tens of thousands for private profit.

It is estimated that the level of kill by Native Alaskans today is very low, running only to approximately 2,500 mammals per year, including all mammals for all purposes. Meanwhile, literally hundreds of thousands of seals and whales are killed by commercial firms which are depleting perhaps forever a resource given to all mankind.

In light of the findings which the ocean mammals hearings have brought to our attention, I am hopeful that the committee will amend the bill in a manner which will protect the interests of the Natives as well as the ocean mammals. In the event that the committee language is not satisfactory, however, I wish to announce that I am prepared to submit the following amendment:

EXCEPTIONS FOR CERTAIN NATIVES

SEC. 107. (a) The provisions of this title, including 103(g), shall not apply with re-

spect to the taking of any ocean mammal (other than a marine mammal specified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by the Indian, Aleut, and Eskimo Natives who dwell on the coast of the North Pacific Ocean or the Arctic Ocean as long as the general level of such taking remains approximately the same on a per capita basis as in the last decade. However, the Secretary of Commerce is authorized to place reasonable restrictions on such taking if he finds the general level to be on the rise.

Mr. President, this amendment should protect the rights of virtually all Natives in Alaska under this bill except possibly one. It is well known that today a few hundred Aleuts now living on the Pribilof Islands every year participate in the slaughter of seals as stipulated in international agreements with Japan, Canada, and the Soviet Union. Congressional hearings have revealed that the primary beneficiary from this slaughter is not the Aleuts but a single U.S. company which processes the seal skins for sale to wealthy people in the continental United States. This is the Fouke Fur Co. located in South Carolina. Although figures are not readily available, data presented in these hearings suggest that the U.S. Government heavily subsidizes the slaughter of these seal skins for the profit of this single company.

Mr. President, I see no reason why the U.S. taxpayers should continue to support an operation which benefits only a single corporation and a handful of wealthy people who like to wear fur coats. Both for humanitarian and commercial reasons, I believe that we should act quickly to end the slaughter of seals on the Pribilof Islands.

But if this were to happen, everyone recognizes that the Aleuts on the Pribilof Islands who now make their living from this seal kill would be temporarily out of work. It is for this reason that the distinguished junior Senator from Alaska (Mr. GRAVEL) announced his intention to submit an amendment, No. 1151, which would compensate Alaskan Natives who would be adversely affected financially by passage of the ocean mammals bill.

I wish to declare my support for measures designed to compensate the Aleuts who may be adversely affected by greater protection for ocean mammals. For years this country has paid wealthy farmers and the giant agribusinesses millions of dollars not to grow crops. We certainly can spend a vastly smaller sum on the Aleuts to make up for their willingness to end the slaughter of a national resource.

I do not believe, however, that this provision goes far enough. We must not only compensate the Aleuts but provide them with other native employment. Therefore I am announcing my intention to submit an additional amendment which would direct appropriate executive departments to find alternate routes of employment for the Aleut peoples on the Probilof Islands. Mr. President, I ask unanimous consent that my amendments be printed in the RECORD at this point.

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

AMENDMENT ON ALASKAN NATIVES

1. In the event that under this legislation reduction or elimination of the United States kill or the kill of other countries of fur-bearing seals on the Pribilof Islands results in the loss of income of individual Indians, Aleuts, or Eskimos employed on those islands, the appropriate agencies of the Federal Government shall be authorized to provide compensation in the amount of 100 per centum of the value of the loss for the individual in question. Compensation shall be determined by an average of the income earned by the individual averaged over the five years prior to enactment of this legislation.

2. The Secretary of Commerce, in conjunction with the Secretary of Interior, the Secretary of Labor and the Administrator of the Small Business Administration is directed to determine and make available alternative methods of employment of individual Aleuts or Eskimos or groups of such individuals now employed on the Pribilof Islands where the abolition or modification of the interim convention on the conservation of North Pacific Fur Seals results in the loss of employment for the individual or group. The Secretary shall report back to the Congress in twelve months within the enactment of this legislation regarding programs undertaken.

[From the Washington Post, May 31, 1972]

PROPOSED BILL, WOULD LEGITIMIZE SLAUGHTER—A LAST CHANCE FOR OCEAN MAMMALS?

(By Lewis Regenstein)

The Senate Subcommittee on Oceans and Atmosphere, chaired by Senator Ernest Hollings (D-S.C.), has drafted and is about to report out a bill which is ostensibly designed to protect and conserve the mammals of the sea: whales, seals, sea otters, dolphins, porpoises, polar bears, sea lions, mantees, and dugongs. The actual language of the bill, however, would have the opposite effect: it would perpetuate and legitimize the present slaughter that is taking place, and allow the U.S. to remain a major market for marine mammal products.

A study of this bill's legislative history reveals a classic case of special interest groups succesfully lobbying behind the scenes to cripple a strong bill in order to protect their own interests, while at the same time maintaining an empty structural shell which seems designed to appease public sentiment. The bill is loftily entitled "The Marine Mammal Protection Act of 1972: A Bill to Protect Marine Mammals." However, its preamble states that it is the will of Congress that ocean mammals be "managed" under a "scientific resource program" in such a way as to achieve a maximum productivity to "insure the continuing availability of marine mammal products which move in interstate commerce." Language in previous drafts and in the House version of the bill which banned killing or importation that was "to the disadvantage of the species or population stocks" concerned has been stricken.

Since the bill is primarily oriented towards vested interest groups which profit from the killing and sale of marine mammals and their products, most of the responsibility for administering the law is given—logically enough—to an agency of Commerce. The National Oceanic and Atmospheric Administration (NOAA). This was done despite the fact that during the Senate hearings, Howard Pollock, deputy administrator of NOAA, opposed the passage of this legislation.

The bill's most obvious weakness is a flagrant exemption to the ban on imports of marine mammal products which was given to the fur industry, particularly that segment which utilizes pelts from the adults and baby "hair" seals killed by the hundreds of thousands each year by Canadian and Norwegian hunters. This loophole was inserted after a secret lobbying effort by Isidore Bergner, a New York furrier who deals in sealskins, acting on behalf of about 45 other New York fur merchants. This group was particularly incensed that the Subcommittee's Draft Bill Number 1 contained an import exemption only for Chairman Hollings' constituents in Greenville, South Carolina, the Fouke Fur Company. Fouke is the world's largest importer and processor of fur seal pelts, including those from Alaskan Fur Seals, and seals killed in South Africa and Uruguay. As with the bill passed by the House, Draft No. 1 allowed seal imports solely for processing and re-export, conditions which neatly satisfied Fouke's needs. However, the bill as now written allows unlimited imports of seal skins and finished products for sale in the U.S. even during the moratorium period during which time all other products are effectively banned. The only condition is that the seals must be killed in foreign "management" programs which meet the approval of—you guessed it—the Commerce Department's NOAA. This Agency's National Marine Fisheries Service (NMFS), headed by Philip Roedel, is already on record as implicitly endorsing the 1971 Canadian-Norwegian seal kill as efficient and humane. In this hunt, a quota was set at 245,000 seals, mostly nursing pups.

Mr. Bergner further requested that the House bills provision banning the import of seals under eight months of age be removed, so that the "whitecoat" baby seals could continue to be imported. The subcommittee obligingly changed the 8 months requirement to one month, thus allowing imports from seals of practically any age. For as Mr. Bergner pointed out in his secret statement, "There is literally no way of accurately determining the age of hairseals. Unlike human beings, they do not possess birth certificates."

This loophole also opens up the U.S. market to seal products from Antarctica, where commercial seal killing operations are expected to begin on a large scale this summer or the next. Thus, the U.S. will continue to provide an economic incentive for other countries to kill seals; and foreign nationals will be allowed to profit in this country from activities in which our own citizens are restricted from participating.

Another crippling provision in the bill allows the issuance of "general" or blanket permits for the killing of any marine mammal to any "persons who are members of a class who have common needs requiring them to take marine mammals." This terminology is so ambiguous that it could refer to any person or group now killing these animals: polar bear hunters and guides; abalone fishermen who kill sea otters to eliminate their competition; or tuna fishermen who kill dolphins and porpoises each year at 250,000–400,000 in one area of the eastern tropical Pacific.

There are several reasons the subcommittee has adopted this pitifully weak bill, including pressure from industry and the Nixon administration. Also effective was a last minute lobbying effort from the hunting and firearms complex, led by the Wildlife Management Institute and Mr. C. R. Gutermuth, who serves concurrently as President of the World Wildlife Fund and Vice President of the National Rifle Association. Dr. Carlton Ray, a marine "biologist" from the Smithsonian who is expected to head or participate in the Marine Mammal Commission set up by the bill, opposes a cessation of the killing of marine mammals and lobbied vigorously against a strong bill. Another significant factor was Senator Hollings' determination to protect his home state constituents, the Fouke Fur Company, which in turn led to a near total exemption for the fur industry as a whole. But most important of all was the attitude of the other committee members. Senator Stevens (R-Alaska) adamantly opposed any measures to provide ad-

equate protection to ocean mammals, the killing of which is a big industry in Alaska. The indifference of the other members of the Subcommittee, including Senators Weicker (R-Conn.), Cook (R-Ky.), Griffin (R-Mich.), Inouye (D-Hawaii) and Long (D-La.) has allowed this "management," antiprotectionist attitude to prevail. And Senators Pastore (D-RI), Spong (D-Va.), and Hart (D-Mich.), while claiming to favor a stronger bill, have not been as active as the bill's opponents.

In response to letters from the public, Senator Hollings is sending out a form letter stating that "the government must take action to protect these threatened animals. It is highly possible that ocean mammals are a vital link in the chain which binds together all living things. I think we must act now to prevent their destruction before it is too late." Ironically, if Senator Hollings' bill is not significantly strengthened before it is passed, it may indeed be too late. For we will have lost what is perhaps our last chance to legally halt the slaughter, suffering, and eventual extinction that man is visiting upon these unique, intelligent, and highly-evolved creatures of the sea.

COMMENTS ON PROTECTING OCEAN MAMMALS

As chairman of the Senate Subcommittee on Oceans and Atmosphere, I consider it my responsibility to respond to the opinions of Mr. Lewis Regenstein as stated in the article, "A Last Chance for Ocean Mammals?" It is unfortunate that The Washington Post has allowed its editorial page to be used to propagandize half-truths and misstatements of fact. The difficulty in attempting to shed light on such a complex situation as the marine mammal legislation is that the truth seldom is as dramatic or as sinister seeming as is the slander.

First, the full Committee on Commerce will indeed consider several amendments to Committee Print No. 1, which was reported by the subcommittee on May 10. These would include amendments to both expand executive authority to declare or lift moratoria, as well as tightening import restrictions. There is no final version of the bill until it is reported officially by the full committee.

Second, what does the bill do? It establishes a 15-year moratorium on the killing or capture of all marine mammals, including whales, seals, sea otters, dolphins, polar bears, sea lions, manatees, and walruses. We selected this time period in order to provide a complete life cycle for study and observation of various species of marine mammals, since so little is known about them. There are several important exceptions to the moratorium, each approved for valid scientific and diplomatic reasons.

It is mandatory that we remember that Congress acting alone cannot begin to solve the worldwide marine mammal problem. . . . Contrary to the article by Mr. Regenstein, we believe our bill provides the stimulus to launch immediately a round of international negotiations aimed at protecting and conserving all species of marine mammals.

The exceptions are:

1) The selected harvest of 3- to 4-year-old bachelor male seals, surplus to the breeding and reproduction needs of the population, will continue pursuant to United States obligations under the North Pacific Fur Seal Convention. At the same time, the bill provides for an intensive examination of the conditions of the herd to determine if the population saturation is at its peak. If not, then efforts will commence immediately to reduce the taking of seals through renegotiation of the treaty with Russia, Canada and Japan. It is undisputed fact that the scientific application of wildlife management principles to this fur seal herd have restored it from the brink of extinction to its present healthy status. It is also acknowledged fact that without this treaty, and because of commercial pressures, there would no doubt be a return to open ocean sealing. Should we allow this to happen, then the indiscriminate slaughter of these animals would take place on the high seas where as many as three or four would be lost for every one taken, and there would be no distinctions made between males, females or immature animals. This could decimate the fur seal herd quickly, as occurred prior to the treaty.

2) General class permits may be issued to the American tuna fishermen who participate in the yellowfin tuna fishery of the southwest Pacific Ocean, but only insofar as these fishermen adapt to gear and fishing methods found to cause the least feasible hazard to the three species of porpoise associated with the tuna. During a two-year period of scientific and technologic investigation, the tuna industry will be required to cooperate with government and academic research to eliminate the incidental taking of porpoise. At the end of this two-year period, it is envisioned that all U.S. flag vessels will have changed to fishing methods which will reduce to insignificant levels the taking of porpoises.

3) Committee Print No. 1 would allow, under certain circumstances, the importation of weaned seals for processing and sale in the United States. However, as chairman, I intend to offer an amendment to the bill to close the U.S. market to any and all hairseal products except those produced by native Alaskans. However, Mr. Regenstein erred in implying that the bill would allow the importation of pelts from the baby "Whitecoat" Canadian harp seal. The provision of allowing seals above one month was based on the fact that "Whitecoats" shed their white fur before one month of age, becoming "beaters" which leave the pack ice and effectively escape, in large part, to the open sea, where sealing is prohibited. The Post participated in this deception by printing a photograph of a "Whitecoat" pup. The committee is as distressed as anyone at the scenes of slaughter of these three to 10-day-old pups, and had no intention of allowing their importation, as Mr. Regenstein was fully informed by subcommittee staff.

4) Permits could be issued for the taking or importation of marine mammals for scientific research or for display in public oceanariums under strict regulation.

5) And, finally, the taking of such mammals would be permitted to continue in Alaska as part of the traditional cultural pattern of Eskimos, Aleuts and Indians, and to preserve their reliance on marine mammal products as part of their patterns of living and interacting on the fringe of our economy.

Of concern to me is the attack on this bill as perpetuating and legitimizing the present slaughter of marine mammals, when the opposite is true. The bill places sharp restrictions on the ability of any group of individuals to kill marine mammals. The appropriate secretary, working with the Marine Mammal Commission, must approve a strict set of limitations on each species, proceeding through a public hearing and judicial review, and a further hearing and review process in the granting of perimts—and all of this would be beyond the 15-year moratorium. If the Fund for Mammals thinks this is weak legislation, then what they seek must be the ultimate rejection of the killing of any animal for any purpose, including legitimate hunting in the United States. Personally, I do not believe we have reached that point yet, although this legislation sets broad precedent for protection of animals as well as the application of a tested field of scientific, biologic knowledge of wildlife conservation.

The Subcommittee on Oceans and Atmosphere and its members, rather than being disinterested and uninvolved, have gone to considerable effort to examine all sides of this issue in an attempt to create good legislation which will be to the benefit of marine mammals, not just to appease emotional pressures based on uninformed or misinformed propaganda. In the case of porpoise related tuna fishery, we know that it would have been simple and popular to clamp a one-year deadline on the incidental taking of porpoise, and then turn our backs, smugly considering our duty done. The industry simply would go to a flag of convenience, sell its tuna elsewhere, and the porpoise would continue to suffer. We chose instead to try to work with the industry to make certain that all nations join us in protecting porpoise and dolphin.

We are convinced that the bill which shall be reported to the floor will do these things, and that the United States will lift a standard for the world to follow in making certain that all species of marine mammals will continue to coexist with man on this planet we share with all living creatures.

ERNEST F. HOLLINGS,
U.S. Senator.

Washington.

FOR YOUR INFORMATION

On may 31 we printed on this page an article by Mr. Lewis Regenstein, Washington representative for the Fund for Animals, Inc., Mammals Protection Act of 1972" now before the Senate Commerce Committee. Today our Letters section is devoted to responses from two United States Senators and a scientist actively involved in that legislation. All three letters display a remarkable sensitivity to Mr. Regenstein's charges. Because this exchange of views dramatizes problems which crop up in many legislative arguments, especially over complex and emotionally charged issues such as the fate of baby seals, it may be useful—For Your Information—to review some of the attitudes involved and the ways in which we believe politicians and the press can best promote rational legislation.

At the heart of the dispute between Senators Hollings and Stevens and Dr. Ray, on the one hand, and Mr. Regenstein, on the other hand, is a basic disagreement over what should be the aims and therefore the provisions of legislation to "protect" ocean mammals. All parties object, as this newspaper has in the past, to the current absence of controls over the slaughter of ocean mammals, including seals, whales, dolphins and porpoises, Senator Hollings and Stevens and Dr. Ray, along with many interested organizations, support the bill which—as Sen. Hollings outlines in his letter—would impose a moratorium on the killing or capture of all marine mammals, and prohibit imports of marine mammal products, with some exceptions. To its advocates, this bill provides *substantial* protection to the species now endangered in the seas, and they view it as "strong." From this different perspective, Mr. Regenstein measured the bill against the yardstick of *complete* protection; since some killing of mammals would continue under the bill's exceptions, Mr. Regenstein judged it "weak."

How the bill looks depends on where you stand. This is a common and legitimate debate, akin to those raging constantly over civil rights, taxation and the war—to mention just a few other subjects on which people of differing attitudes constantly hurl value judgments back and forth. What is unfortunate in this instance is that today's correspondents, rather than resting on the merits of their own case, or simply challenging the premises or practicality of Mr. Regenstein's view, felt compelled to burden their responses with free-swinging accusations such as "half-truths," "slander," "absolute lie" and "consistent vendetta." Mr. Regenstein's statement which Sen. Stevens labels an "absolute lie," for example, was firmly grounded in Mr. Regenstein's judgment that the marine mammal protection bill Sen. Stevens

backs is *not* adequate. It would have been enough for the Senator to disagree.

There is considerable persuasiveness in the view, underlying Sen. Hollings' position, that the marine mammal bill now under review is a real gain and, subject to certain improvements, may represent the longest step toward stopping the killing of these species which the Congress is willing to take this year. There is also considerable educational value, in our view, in permitting Mr. Regenstein—or another articulate advocate of a "purist" position in another field—to explore on this page the ways in which, from that angle, a relatively progressive measure is less than perfect. We welcome such articles, just as we welcome the substantive parts of today's letters in rebuttal.

It seems to us that the pending Hollings bill reflects the push and pull of many interests, including conservation groups, research scientists, elements of the fur and import industries, and Alaskan natives—all of whom have been actively "lobbying" for their views in competitive and apparently reasonable ways. There may be defects in the result; on the basis of the evidence so far, there is nothing disgraceful about it, and we regret that the architects of the "mainstream" position feel so defensive about criticism from their flanks. Creative compromise is, after all, an essential legislative art. Those who manage to gather their forces under large umbrellas should not be so nervous about the few who choose to stay out in the rain.

[From the New York Times, May 30, 1972]

TO PROTECT DOLPHINS

The Senate Commerce Committee is nearing a decision on the Marine Mammal Protection Act. As passed by the House, this bill had serious defects which reflected more concern for the profits and convenience of the commercial tuna fishing industry than for the welfare of the highly intelligent dolphins and other ocean mammals threatened with extinction.

In the Senate version, there is some significant added protection but it has also some weakening provisions. For example, at the behest of a small segment of the fur industry, the bill would permit the import of skins from seals more than one month old. That would mean the clubbing to death of baby seals, which horrified the American public when it was shown on television, would continue to have a commercial justification.

The bill establishes a fifteen-year moratorium on the killing of marine mammals by American citizens. The tuna industry, which inadvertently and needlessly slaughters thousands of dolphins every year, receives a special two-year exemption which could be renewed annually at the discretion of the Secretary of Commerce. The bill provides ample research funds to encourage the tuna industry to develop less deadly fishing methods but there is no firm cutoff date beyond which it would have to stop its current cruel practices.

Two amendments are indispensable if the Senate bill is to represent any improvement over the House version. First, Senator Humphrey, Democrat of Minnesota, has proposed that the special exemption for the tuna industry be limited to one year with no possibility of renewal. Secondly, Senator Hart, Democrat of Michigan, seeks to transfer all authority under the bill from the Commerce Department to the Interior Department, which now shares a small piece of the power. This change is highly desirable. Interior has a strong conservationist tradition while the oceanic administration in Commerce is the former Bureau of Commercial Fisheries with a new name but the same old exploitative, pro-industry attitudes.

A GRATEFUL IOWA MOTHER THANKS TAXPAYERS

Mr. HUGHES. Mr. President, in a short time the Senate will begin its consideration of welfare reform. As we debate this controversial—and so very human—subject, it may be well for us to bear in mind what ADC, aid to dependent children, is all about. We hear a lot about "welfare cheaters" and "freeloaders," who, according to official statistics, make up about 1 percent of the welfare load. Even if the percentage of those who should not be on the welfare rolls were as high as 10 percent, what of the other 90 percent? Who are they? What are they like? What are their problems? Since the bulk of our money goes for ADC, perhaps we should study more closely just who the families are that are helped by this program.

One such family is the Struthers family of Storm Lake, Iowa. Ten years ago, Mrs. Phyllis Struthers was left alone with her four small children, shortly thereafter giving birth to her fifth child. This family of six was left with nothing but unpaid bills and very little hope for the future. The only way Mrs. Struthers could hope to keep her family together was by applying for ADC, which she did only as a last resort because she had been taught to regard welfare as a disgrace.

But with the meager income provided by ADC, Mrs. Struthers managed to keep her family together, and at the same time to go to college to get the education needed to become self-supporting. Through scrimping and saving and sheer hard work, the family has grown up together, and the last ADC payment has been made.

The story of this family can be told many thousands of times over, and I think we should keep it in mind during the coming weeks. The full story has been ably related by Robert Krotz in the Des Moines Sunday Register of May 28, 1972. 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:

HOW ADC SAVED HER FAMILY—A GRATEFUL IOWA MOTHER DECLARES: "I WANT TO THANK TAXPAYERS"

(By Robert Krotz)

STORM LAKE, IOWA.—Ten years ago Mrs. Phyllis Struthers' husband ran away, leaving her with four small children, a pile of unpaid bills and little hope for the future.

A few weeks after her husband disappeared, Mrs. Struthers gave birth to her fifth child.

Shortly afterward, several creditors came to her home and repossessed most of the family's belongings.

"My husband had bought everything on time and hadn't made the payments," Mrs. Struthers recalls. "They took everything—the refrigerator, the beds, they even took linoleum up off the floor."

With only a high school education, no particular job skills, and a back injury that prevented her from doing heavy work, Mrs. Struthers found she couldn't support her family alone. It appeared she would have to give up the children.

"I could just see all my children going to some detention home or juvenile home or orphanage, and I couldn't stand it. They were all I had left. I was really down," she remembers.

As a last resort, Mrs. Struthers reluctantly applied for and began receiving Aid to Dependent Children (ADC) from her county welfare office to support her family.

"It was hard for her to do because my parents had always taught us to regard ADC as some kind of disgrace," she recalls. "I had to fight a lot of psychological and emotional upsets. I had the idea that divorce was a mortal sin—and here I was, a divorcee and an ADC mother."

Ironically, Mrs. Struthers laughs a lot as she reminisces about her past hardships, but her laughter is that of a person whose memories are so painful that to not laugh about them is to cry. Her eyes water and she sniffles as she laughs, and she laughs about "this awful cold" as she dabs at her nose with a tissue.

COLLEGE GRADUATE

But those things were 10 years ago. A lot has changed since then.

For openers, Mrs. Struthers, 36, a pert, pleasant woman, is now a college graduate. She graduated near the top of her class at Buena Vista College here this year with a 3.27 grade-point average (4.0 is perfect).

In September she will begin work as a fifth-grade teacher in the Dunlap Community School District. Eighty other teachers applied for the same job.

Mrs. Struthers and her five children are still very much together, and the closeness of their family relationship is obvious to even the casual observer.

Instead of ending up in detention homes, the Struthers youngsters—Fred, 18, Phillip, 16, Felicia, 14, Starr, 13, and Sheila, 10—have grown up into the kind of wholesome, attractive kids that usually are seen only in milk commercials.

The debts Mrs. Struthers' husband left her have all been paid (although some new ones were created by the cost of her college education), and the family belongings that were repossessed 10 years ago have been replaced.

LAST ADC CHECK

This month, after 10 years of being on welfare, Mrs. Struthers accepted her last ADC check. Now, she says, she's eager to begin working and paying taxes "so I can help someone else get back on their feet."

And to every taxpayer who reads this, Phyllis Struthers says thank you.

"I don't imagine I could find words that would fully express my gratitude; there just aren't enough words," she told two visitors recently in the living room of her modest home here.

"But I just wish the taxpayers and the government could only know how sincerely I appreciate everything they've done for me and my family," she added. "I don't know what I would have done without ADC; it saved my family, that's all there is to it."

Mrs. Struthers said ADC, ranging from $125 to $279 monthly, was her family's only source of income for the last 10 years.

She said she stretched her monthly ADC allotments by shopping carefully for bargains, sewing most of her family's clothing, and "raising a big garden and doing a lot of canning and freezing every year."

SQUEEZE $5 FROM BUDGET

She gradually replaced the home furnishings that were taken away by "squeezing $5 out of the budget here one month, sneaking another $5 out from there the next and saving it all aside until I had enough to buy something. Then I'd start saving again for something else." She bought nothing on credit. Relatives also helped by donating some of their home furnishings, she added.

Mrs. Struthers said she insisted that her

children mow lawns, babysit and perform other odd jobs in their spare time "because I wanted them to learn the value of work and I didn't want them to develop the attitude that, 'Oh, well, the government will always take care of us.'"

She explained that ADC regulations required that most of the children's earnings be placed in savings under their names, and couldn't be used to supplement ADC aid.

In addition to her financial debts, Mrs. Struthers said she also worked to repay "my debt to society" by teaching an intermediate Sunday school class, working in the nursery, and singing in the choir at First Presbyterian Church here. She also worked in a volunteer "meal-on-wheels" program for Storm Lake's elderly.

The first six years after her divorce, Mrs. Struthers stayed home and took care of her children. Then after all her children were in school, she spent the next four years doubling as a mother and college student.

SCHOLARSHIPS, LOANS

She financed her college education through scholarships, grants and long-term government loans.

"When I first enrolled in college and my instructors found out I was an ADC mother, some of them acted a little standoffish toward me, as if they didn't think I was going to be around very long," she remembers.

She also remembers that her first year of college was particularly difficult, mainly because of reoccurring family problems.

"The first semester, while I was taking tests, my sister was in a bad car accident in California and I took off three weeks to go out and see her because she wasn't expected to live, but she did," said Mrs. Struthers.

"Then the second semester, I was right in the midst of my English final exam and I had to get up and leave because they called me to tell me my mother had died.

"The kids always seemed to be getting sick. It just seemed to be one of those years. And we had this little rickety old house and the furnace was always blowing up.

SON IN COLLEGE

"Things like that were always making me fall behind, and then I'd have to work extra hard to catch up."

But she survived, she explained, by "missing a lot of sleep and burning a lot of midnight oil."

While Mrs. Struthers was finishing her senior year, her oldest son, Fred, enrolled at Buena Vista as a freshman. He is currently paying his own way through school by attending classes in the morning and working as an electrician in the afternoon.

Mrs. Struthers said her attitude toward ADC has changed considerably, but she's well aware that many people still feel as she did 10 years ago.

"Someone knows a bad ADC mother, so they think they're all that way," she said. "People tend to stereotype ADC mothers the same way they stereotype religion, race and everything else. But it's not true; you've got to know the individual before you can judge.

"There are ADC people who just want more and more and more," she adds, "but I think the taxpayers ought to know that there are many of us who really use the money wisely and really need it, and without this kind of aid to keep families together, I think the cost to the public in the long run would be much greater.

SHE REMARRIES

"I know the help I received through ADC made all the difference for me and my children."

And that ends the Phyllis Struthers story. For Saturday, in a brief ceremony at Call State Park near Algona, she became Mrs. Ed Rich. Her new husband is an Algona electrician.

The bride prepared for her wedding by getting out her sewing machine several weeks ago and whipping up the wedding clothes for everyone in the ceremony.

"It was fun," she bubbled as she displayed the brightly colored gowns and shirts.

"You'd think I was 16 and had never been married before, the way I'm getting ready for this wedding," she laughed, this time with no sniffles.

She even made her husband's suit and her own wedding slippers.

PRICE TOO HIGH

"I looked at some shoes downtown but they cost $15, and I decided that was too much to pay for something that I'd only wear once," she casually explained.

The Rich family—"We're going to be 'poor' Rich'," Mrs. Rich quips—is now preparing to move to a new home in Dunlap.

"Everything's really going nicely now," Mrs. Rich smiled before the wedding. "Finally, it seems as if the sun is shining."

THE GENOCIDE TREATY AND AMERICA'S ROLE IN THE WORLD

Mr. PROXMIRE. Mr. President, article I of the International Convention of Genocide says this:

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

If, as I strongly recommend, the United States were to join the 75 nations who are already parties to this treaty, we, too, would undertake the prevention and punishment of genocide. This would be an important commitment; and it is a commitment which some opponents of the treaty are reluctant to make. The tragic consequences of our intervention in Vietnam have persuaded many Americans that we should not undertake involvement in events far away from home.

But a decision to isolate ourselves from the rest of the world would draw the wrong lesson from our painful experiences in Vietnam. We cannot and ought not limit our concerns to what happens within our own borders; we are necessarily affected by and concerned about what goes on in the world. Rather than try to withdraw from international involvement, we must take care that the nature of that involvement is just and in our national interest.

What, then, would we commit ourselves to by ratifying the Convention on Genocide? First, we would be committed to the enactment of legislation, such as proposed in S. 3182, to outlaw genocide within our own country. Second, and what is particularly relevant to my remarks today, our commitment to prevent genocide abroad is spelled out by article VIII of the treaty, which says:

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

What ratification of this treaty would not mean is unilateral U.S. responsibility to prevent genocide all around the world. We would not be world policemen against genocide; we would join with other nations in the United Nations to act against genocide. This is, I think, most appropriate. The United States has neither the resources nor the authority to enforce even these minimal moral standards on the conduct of all other nations. The universal realization of a right even as obvious and elementary as the right of groups of people to live is not an easy thing to achieve. Prudence will dictate that even the collective force of many nations cannot defend that right in every case. But surely such collective action is what will make that defense possible. What the treaty does is define genocide as an international crime, and establishes international authority to combat it. This convention helps build a structure to settle matters of international importance by the responsible collective action of the community of nations. Such a structure is of the utmost importance to world peace.

I therefore urge the Senate to speedily ratify the Genocide Convention.

POPULISM

Mr. HARRIS. Mr. President, the New York Times Magazine on June 4 published an unusually comprehensive article on "Populism," written by the distinguished historian C. Vann Woodward.

In describing the origins of populism in this country, Professor Woodward demolishes the false belief, often found in the popular press, that the old populism was necessarily racist in origin. On the contrary, Professor Woodward notes, many of the early leaders made repeated efforts to bring black and white together. Their purpose was to end a political tradition which enabled unprincipled politicans to exploit racial hatreds.

According to Professor Woodward, it was during the cold war period that the myth arose that the old Populism was racist. Intellectuals at that time found themselves under attack from Senator Joe McCarthy; and in attempting to explain the roots of popular support for McCarthy, many of these observers falsely identified the early Populist tradition as the cause of our trouble in the 1950's. Very few of these men were historians. Fewer understood the efforts of the early Populists to work across race lines.

Summing up, Professor Woodward suggests that the fate of the new populism may determine the political future of our country. For if the premise of the new populism is wrong—namely that the average working people of all races and nationalities in this country can work together against the vested interests—then our future is bleak indeed.

Mr. President, I ask unanimous consent that Professor Woodward's provocative article be printed in the RECORD.

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

THE GHOST OF POPULISM WALKS AGAIN

(By C. Vann Woodward)

American political culture encourages the periodic revival of ghosts. The practice has become traditional. Revivals and celebrations of the past are national rituals. Before fully recovering from a Civil War Cen-

tennial, we gird ourselves for a Revolutionary Bicentennial. We have had two Whig parties and two Republican parties, and now we appear to be pregnant with a second Populist movement, some would have it a populist fad or myth. Populist slogans and populist candidates abound.

Some politicians proclaim themselves populists and even more are rather indiscriminately labeled populists. The term crops up everywhere—in book titles, manifestoes, speeches, editorials. It is used, as it always has been, both as a term of abuse and a term of praise, depending on the ax the user has to grind or the history he has read and how he understands it. Increasingly it turns up in improbable and unaccustomed quarters and more and more as a term of approbation rather than approbrium.

After a Rip Van Winkle sleep of 80 years, an old Populist of 1892 would awake in a bewildering world of 1972. He would not blink twice at a populist Senator from Oklahoma and one from South Dakota, or be startled by a Governor of Alabama in populist clothing, a Lieutenant Governor of Virginia who calls himself a populist, or assorted populist types in the Lower South. Those were all old Populist territories in the nineties with authentic traditions and precedents. What would give our old Populist a turn would be the sight of a populist from Maine or one from Park Avenue. What he would make of a self-proclaimed populist from West Virginia who bore the name John D. Rockefeller 4th, or the Presidential candidacy of Dr. Benjamin Spock on a populist ticket, or references to the "populist style" of Spiro Agnew—is beyond imagining.

Any resemblance between the late 19th century Populism and the movement now struggling to be born would at first appear entirely superficial. The world of Tom Watson, Cyclone Davis, Stump Ashby, Sockless Jerry Simpson, James B. Weaver and Mary E. Lease was a remote, intensely provincial, horse-and-buggy America of a forgotten long ago. Their world was rural, their values agrarian, their problems largely agricultural, their movement bred of prolonged depression. To many Americans today their language would seem quaint, their temper overwrought and some of their ideas cranky.

On the other hand, when one takes account of their grievances, their political and economic plight, their enemies, the coalitions they formed, the issues they raised, the platforms they wrote and the strategies they used, the remoteness and irrelevance of the old Populists diminishes and they begin to come into focus. They spoke for the little man against the establishment, the provinces against the metropolis, the poor and deprived against the rich and privileged. The issues they addressed centered on the unequal distribution of wealth and income, and the unjust distribution of power. These issues included prices, wages, money, taxes, unemployment, monopoly, consumers' rights, big-business corruption of government and government selling out to business.

In a moment of exasperation, the economist Henry Demarest Lloyd once called his fellow Populists "a fortuitous collection of the dissatisfied." And so they were. The mass of them were farmers, however, and their dissatisfactions were bred of three decades of agricultural depression, the last of which coincided with the worst industrial depression up to that time. Debt-ridden, mortgage-ladened, impoverished and helpless, millions of farmers saw themselves slipping from landowning to tenant status. Bitter and desperate, they undertook for a time to speak for and lead the oppressed of all classes.

Back of the Populist revolt were many organizations, unions and cooperatives, such as the Grangers and the Knights of Labor, but none was as powerful as the Farmers' Alliance. Founded about 1875 in Texas, it exploded with new ideas and militant zeal in 1886, and swept through the whole South, establishing thousands of suballiances at the community level. In three years the Alliance claimed four and a quarter million members. Semisecret, highly centralized, with its own press and official corps of "lecturers" or propagandists, the Farmers' Alliance radicalized and disciplined the future Populist cohorts. The larger part of a similar but much smaller Northwestern Alliance merged with the dominant Southern organization as a National Alliance in 1889 and the Knights of Labor affiliated with it.

The "demands" of the Alliance evolved into the Populist platform. They focused on issues of money and credit, land and industrial monopoly, and transportation. They called for the abolition of national banks, Government control of credit and money and a substantial increase of the money in circulation by several means, including free coinage of silver. They also wanted the break-up of trusts and monopolies; an eight-hour law for labor; Government ownership of railroad and telegraph lines; a Federal income tax; initiative and referendum; and direct election of Senators.

Feeling strong enough to take over the Democratic party in the South in 1890, Alliance men did in fact elect 45 Congressmen and three Senators pledged to support their demands, and secured control of eight state legislatures. In the West, Alliance men set up several independent third parties of different names that elected eight Congressmen and two Senators. When most of the Alliance-elected Congressmen from the South lined up behind a conservative Democratic candidate for Speaker, Tom Watson of Georgia left his party and became the "People's party" or Populist candidate for Speaker, with support of the Western third-party men. Thus the new party had a Congressional delegation before it had a national organization.

At a national convention the Populists welcomed alliance with the Knights of Labor, the Single-Taxers, the utopian Nationalists, Greenbackers and Prohibitionists, and attracted several Socialists. Their main problem lay in bridging the cleavages between the disconnected sections, parties, races and classes they sought to unite. They revived the old agrarian alliance between South and West, divided since the Civil War by the bloody-shirt issue. They struggled hard to unite black and white voters in the South against the racist propaganda of the old party. They appealed to labor and won over the declining Knights of Labor, but not the growing American Federation of Labor.

William Allen White of Kansas called Populist leaders of his state "wild-eyed, rattle-brained fanatics," and the very nicknames of such leaders as "Calamity" Weller of Iowa, "Bloody Bridles" Wait of Colorado and "Cyclone" Davis of Texas, lent themselves to the stereotype. But the variety of leaders defied generalization. They ranged from Virginia aristocrats with the oldest and most distinguished names to Texas evangelists and ex-cowpunchers. More typical was the middle range that included Tom Watson, twice the party's Presidential nominee and once the nominee for Vice President. A successful lawyer and editor, and a prolific author of history books, the red-headed Georgian was, before his party's collapse and his personal deterioration, utterly fearless and a formidable orator.

Leonidas L. Polk, a distinguished North Carolinian who was president of the National Alliance, was assumed to be the Populist choice for the 1892 nomination, but on his death James B. Weaver, the old Greenbacker from Iowa, was put forward. In spite of handicaps, the new party cast more than a million votes for their Presidential candidate, and elected 10 Congressmen, five Senators, three Governors, and some 1,500 members of state legislatures. In the elections of 1894 the third party increased the vote it polled in 1892 by 42 per cent, mainly in the South, and badly frightened the Democrats.

Democratic insurgents took over their own party in 1896, unseated the conservatives, and invited the Populists to put aside their more radical demands and support William Jennings Bryan on the silver issue. In spite of resistance by radicals, the silverites had their way. The Populists ran an independent ticket in two more Presidential elections, but the fight over fusion with Democrats in 1896 tore them apart and they never succeeded in reuniting.

The Old Populists left a vital heritage of protest and precipitated a historic realignment of American politics. It is far-fetched, however, to picture them as a model for modern radical reform. They lacked firm grip on the problems even of their own time. Their parochial idiom, their evangelical style and their pentecostal politics are about as far removed from the present as anything in our history.

But to catch the echo of the past in the present, to capture the appeal the Old Populism has for the New, one has to listen closely to the rhetoric of 19th-century Populism in old manifestoes, platforms and speeches. Here one senses the shared moods and common impulses of the two periods. They are moods of suspicion and resentment and a sense of betrayal, tones of frustration, disillusionment and alienation, disenchantment with the old parties, flashes of anger at injustice and neglect, disgust at private opulence and public squalor, indignation over fraud and bribery in government and corruption in high office, outrage over privilege of special interests and the arrogance of the rich.

As an example of the desperate tone and apocalyptic rhetoric of the Old Populists, the preamble of of their platform of 1892 is often cited. It begins: "The conditions that surround us best justify our cooperation; we meet in the midst of a nation brought to the verge of moral, political and material ruin."

Yet neither the rhetoric of 1892 nor the bill of particulars that followed would seem especially out of date in any number of current-day speeches and editorials. The New York Times, for example, can ask rhetorically "Whether a new rot has infected the American political-economic system" (April 2, 1972). According to a Harris Poll last September, a majority of Americans indicated distrust of every major institution in the country—business, the press, the media, the old parties and government in general, all the way up to and including the Presidency.

The New Populists on the whole enjoy advantages over the Old in their attack on common targets. They have more to shoot at, for one thing, and the targets are usually larger. The "bigness" that so disturbed the Populists of the nineties was minuscule compared with the bigness of the present. One has only to compare, for example, Standard Oil then with General Motors now. The old-fashioned Robber Barons were more conveniently personalized, but their corporate counterparts of today are more flagrant, as demonstrated by the recent histories of the nation's largest railroad, the nation's largest corporate conglomerate, or the nation's largest defense contractor.

The power of banks, which terrified the embattled farmers, was peanuts compared with the present day concentration of bank power. In their wildest paranoid and conspiratorial dreams of interlocking directorates and financial monopolies, the Old Pops never imagined anything so extensive and elaborate as exists today among the largest commercial banks and the largest insurance companies.

There are certainly far more opportunities for contemporary scandal in view of the proliferation of Government contracts for national defense highways, housing, airlines, health, education, welfare and agriculture. There are opportunities for Government sub-

sidies, handouts and favoritism for business beyond anything dreamed of in the philosophy of the Old Pops. Besides a $4-billion annual subsidy to big corporate farmers, and fabulous subsidies to the largest defense contractors such as Lockheed, Boeing and General Dynamics, there are depletion allowances and import quotas for the powerful oil industry. Our Byzantine Federal tax structure has correctly been called "welfare for the rich and free enterprise for the poor," with built-in shelters, loopholes and exemptions that are closed to small incomes and wide open to the billions of the wealthy.

POPULISM: "A MOVEMENT CLAIMING TO REPRESENT THE RANK AND FILE OF THE PEOPLE"

Ready and waiting for the New Populism, therefore, are many of the issues that were exploited by its 19th-century predecessor plus a great many more concerns of the same character which have even greater popular appeal and explosive potential. The question remains, who will exploit them and to what ends? Will the resulting movement head to the right or the left? Is there any quality inherent in the nature of populism that dooms it to retrogressive and reactionary uses? Is there something about the ideology of populism, or about the type of leaders it produces or attracts, that justifies the rather sinister reputation it has among some intellectuals and more widely among the literate public?

To answer these questions, we must assess the findings of some scholars and look over the leaders populism has produced in the past as well as the potential leaders of the present in this country. But first a cursory glance at manifestations abroad might be instructive, for populism of one kind or another has found root lately in many parts of the world besides our own.

A conference of international scholars brought together in London five years ago to discuss world-wide manifestations of populism opened its summary report (a book entitled "Populism: Its Meaning and National Characteristics") with a phrase consciously lifted from the "Communist Manifesto" of 1948: "A specter is haunting the world—populism." Five years ago, the specter admittedly assumed a fantastic variety of forms. Among manifestations cited in the report were Poujade of France, Peron of Argentina, Vargas of Brazil, Zapata of Mexico and Belaunde of Peru. Populist leanings were found in Frantz Fanon's African following, in Gandhi's Indian movement, in the Sinn Fein of Ireland, in the Iron Guard of Rumania, even in the doctrines of Tito, Mao and Castro.

A populist international has, of course, never developed, and to imagine a summit conference of world populists is to evoke comparison with the Tower of Babel. It would bring together left- and right-wingers; fascists and egalitarians; parliamentarians and totalitarians; the working class, middle class and peasants; movements that grew out of both rural and urban settings; and from developed and undeveloped countries (though predominantly the latter); upheavals bred of depression as well as booms; people with progressive as well as reactionary yearnings; and those with forward-looking as well as nostalgic impulses. It would also bring together movements that had never been conscious of one another, were unaware of a common denominator, and rarely adopted the name "populist."

Their grouping is not their own idea but that of theorists who impose on them the populist classification. Admitting the looseness and the contradictions inherent in the term, the theorists point to the looseness with which the terms "capitalism," "communism," and "democracy" are used, holding that "populism" is no more vague and that its use is equally unavoidable. When pressed for definitions of populism, political theorists say they are speaking more of a syndrome than an ideology, a situation rather than a theory, an emphasis, a dimension of political culture rather than a system. They speak of movements found "among those aware of belonging to the poor periphery of an industrial system," either in provinces or ex-colonies. Populism is a "tension between metropolis and province," an upheaval of the little man, the neglected many against an indifferent establishment. It proclaims the supremacy of the "will of the people," the common folk over the sophisticated, the wealthy, the powerful and the corrupt.

The two classic historical examples of populism, apparently the only two that embraced the name, occurred in the late 19th century in Russia and the United States. Mutually unaware of each other, they shared some characteristics, but their differences were more numerous. For one thing, Russian Populism was made up of intellectuals without a mass following, American Populism of a mass following with few intellectuals. Illuminating comparison is difficult, however. For example, there is the contrast between the figures of Czar Alexander II and President Grover Cleveland as national symbols of what populists of the two countries opposed; there is also the remarkable encounter between Count Leo Tolstoy and William Jennings Bryan—an interview without communication, as it turned out.

Beyond the obvious point that populism assumes many forms (as, indeed, do capitalism and Communism) and that comparisons are dangerous, this excursion abroad leaves us with the conclusion that for an understanding of the American heritage of populism we had best stick pretty closely to its domestic history. Even then we are confronted with sharp differences of opinion and interpretation among scholars. Populists and their forebears, and the populist tradition, have from the start had rough handling from conservative historians. But until the nineteen-fifties, historians of the progressive, liberal or radical tradition generally treated populists with respect as people with legitimate and serious grievances, striking at real economic and social evils, proposing rational and sometimes ingenious reforms, and working within the reform tradition toward humane ends.

A startling reversal of this picture took shape in the mid-nineteen-fifties at the hands of intellectuals caught in cross-currents of the cold war. Mainly social scientists rather than historians, these revisionists published numerous works, but most of their strictures on populism find expression in contributions to a book edited by Daniel Bell, "The New American Right" (1955). None of the writers repudiated democracy, but they fixed on populism—or what they loosely and sometimes wrongly identified with it in all periods of American history—as embodying the seamy and sinister side of democracy, often referred to as "mobism" or "plebiscitarism."

Few professed much knowledge of the historic party of Populism or historic Populists, but those who did joined in attributing to the 19th-century movement a basically irrational mentality that was expressed in paranoidal obsessions, conspiratorial delusions, nostalgic dreams of a golden age and hostility to industrial progress. Populists were described as opportunists given to demagogic exploitation of racism, anti-Semitism and the hatred of foreigners (xenophobia) and immigrants (nativism).

Most of the revisionists were more interested in the present than in the past, and were particularly concerned over the mass support Senator Joseph McCarthy was then winning in his anti-Communist crusade of character assassination. They seized upon populism, in its newly conceived reactionary image, as proto-Fascism and the roots of authoritarianism—the "radical right" and all that was retrograde in the mid-nineteen-fifties and in the whole American political tradition. Thus Prof. Talcott Parsons of Harvard discovered "elements of continuity between Western agrarian populism and McCarthyism," and Prof. Edward A. Shils of Chicago thought them connected by "a straight line." An extreme statement by Peter Viereck declared that underneath the old populism "seethed a mania of xenophobia, Jew-baiting, intellectual-baiting and thought-controlling lynch spirit."

This interpretation of historic American Populism, or one derived from it, is the one still fixed in the mind of the educated public. It has given the word the sinister connotation that it has for so many, and is responsible for the moral and political disreputability under which the New Populism suffers. Many informed people, even some who are—or otherwise would be—drawn to support the new movement, continue to renounce or apologize for the heritage of Populism and to disavow any connection with it.

Thus even Jack Newfield and Jeff Greenfield, authors of "A Populist Manifesto: The Making of a New Majority," a spirited platform for the New Populism, feel obliged to renounce the proper heritage of the movement in their book. And in a subsequent appeal they write: "We emphasize a 'new' populism because there was plenty wrong with the old Populism which flourished in the late 19th century: racism, paranoia, xenophobia. The movement we seek rejects these poisons."

If popular protest and radical reform movements of the present are obliged to cut their roots with the past, they will wither and die. If they, unlike those of the past, habitually regard political impulses in the mass of ordinary people as inherently irrational or poisonous, they cut off their source of support. If every mass protest against existing institutions is discredited as "populist," we are lost. If intellectuals and enlightened folk are alienated from the sources of revolt, mass dissent will be consigned to the demagogues, the racists and the unscrupulous. The very core of the democratic faith is at stake here.

Rarely have crises in public affairs so closely coincided with scholarly concerns. Yet the public has fallen behind the scholars. The sinister interpretations of populism, biased by the mood of the mid-fifties, have been since then subjected to searching criticism in monographs and articles of limited circulation, some yet to be published. These have effectively disproved the charge of penopholia and nativism, discounted the evidence of anti-Semitism, and greatly diminished and brought into perspective of a racist society the charge of racism. They have stressed the reality of Populist grievances, the vital importance of Populists' issues, the rationality of their demands, and the courage of their leaders. If Populists were anti-intellectual, we are reminded that intellectuals of the time were hysterically anti-Populist. The late Richard Hofstadter, whose "Age of Reform" (1955) shaped much of the earlier view but not its extreme form, conceded the validity of much of this criticism in later publications.

A curious twist of history, it can now be seen, fastened upon the Populists a reputation for the tactics, bigotries and policies of their enemies, their betrayers, or a few old Populists like Tom Watson who did not age gracefully. Only thus can a George Wallace be conceded the mantle of Populism. A Ben Tillman or a Jim Hogg, or their . . . gone, the Heflins, Bilbos and Cole Bleases, are now regularly labeled "Populists," yet they were the bitter enemies of Populism. It was they who disfranchised the Negro and used white-supremacy demagoguery to destroy Populism. It was the Populists who tried and often succeeded, at a time when Negrophobia was approaching a peak, in uniting black and white voters behind the party of reform.

As for the theory giving more recent right-wing demagogues populist roots and origins, it received a severe blow from a study by Michael P. Rogin, "The Intellectuals and McCarthy" (1967), which proved that the overwhelming majority of those who sent Joe McCarthy and his supporters to the Senate were antiprogressive regular Republicans and predominantly economic conservatives.

Few scholars are so naive as to believe that the mass of people who support any leftward movement are devoid of irrational and retrograde impulses. Nor for that matter are the masses who support rightist movements in the old parties. Certainly the populist masses had their share of such impulses, and it was always a struggle between leaders who appealed to the retrograde and those who addressed the better nature of the discontented. The same sort of struggle is raging today for leadership of the nascent New Populism.

As a matter of fact the New Left students were among the first to sense the rise of incipient populism in the nineteen-sixties and make ineffectual bids to organize and capture it. At one New England university a professor of history, known for his writing on populism, was repeatedly approached by student activists seeking his support for reviving the Populist party under New Left auspices. His advice was that nothing was better calculated to alienate the sort of people they sought to attract than certain "lifestyles," class attitudes and varieties of arrogance. The New Left tried but failed. The later efforts of some chastened old New Lefters to organize populist sentiment at the community level through their New Americans Movement remain indeterminate.

The Nixon Republicans, with their appeal to "The Silent Majority" and "Middle America," were trying in their way to capture at least a share of the same constituency. It is not too fantastic to regard Vice President Agnew's assaults on the "effete East" and assorted sophisticates in this light. The Nixon-style populism, however, has already written off one element essential to any successful populist coalition—the black votes. The "Southern strategy" and the Presidential stand on busing and other race issues indicate that clearly enough.

Last September populist-watchers with strict standards believed they saw the genuine article emerging out of Oklahoma when Senator Fred Harris announced his Presidential candidacy. The son of a sharecropper from Mississippi, he spoke the true idiom in down-to-earth style. "No more hogwash" was the way he paraphrased his real slogan for the networks. "There simply cannot be a mass movement without the masses," he maintained, and he meant masses of all colors. He spoke, he said, "in the spirit of the old Populism," which he believed "contains lessons with modern applications." After six weeks he withdrew from the race, declaring simply, "I am broke."

George Wallace of Alabama, in spite of the crippling attempt on his life, continues to be a formidable contender in this field. The busing issue is the latest version of his original stand as defender of segregation and white supremacy. He knows that hard-line segregationists can have perfectly rational economic grievances and political demands, and makes his pitch accordingly. Any candidate for the Democratic nomination in 1972 who seriously addresses himself to the valid and rational issues of discontent, Senator George McGovern, for example, will have to contend with an opponent skilled at combining and confusing the irrational with the rational. The two candidates will be appealing to overlapping parts of the same constituency. After Senator Robert Kennedy was assassinated and Senator Eugene McCarthy was eliminated from the race in 1968, many of their supporters turned to Wallace in the general election. Four years later we seem faced with the possibility of a re-enactment of such a struggle.

Both Senator Humphrey and Senator McGovern are making bids for the neo-populist constituency, each in his own way. Humphrey has made more explicit concessions to the Wallace line on busing, and, like Wallace, relies less on economic issues than on folksy identification with the masses. McGovern, on the other hand, has drawn a rather strict line against racist appeals and in his dry, firm, sometimes angry voice, hammers home economic issues and his program of reforms. Acknowledging a kinship between his supporters and those of Wallace, and insisting that the latter be granted a hearing at Miami, McGovern goes so far as to say, "Governor Wallace and I have different solutions, but both of us are saying with a perfectly straight, clear conscience that we are fed up with conditions as they are."

An air of paradox hangs over the Humphrey-McGovern contest. While the former history professor, McGovern, apparently clings to the darker interpretation of historic Populism and disavows the Populist label, he is closer to the old Populist tradition in his economic reforms and his moral outrage than any of his opponents. Yet organized labor leans more to Humphrey than to McGovern and so do the black voters. Both of these Humphrey constituencies seem to be guided by historic allegiances and debts of the past rather than by concerns of the present. McGovern's advantage lies in his appeal to youth and in his anti-Establishment reputation. That reputation is indispensable to any Populist leader and Humphrey has not been able to acquire it.

It must be admitted that the New Populism is still a sentiment and not an organization. Candidates seeking to co-opt that sentiment for their national ambitions do have organizations, but not the sentiment itself. The new populists lack what the old Populists had painfully built up by the rank and file in their local and state organizations, founded on the discipline and radical education of the Farmers' Alliance, vital precursor of the party. Lacking such discipline and political education, the new populists are more susceptible to demagogic appeal. In dragging them into national politics prematurely, Presidential candidates act in a parasitic rather than a constructive role and may dissipate the sentiment before it achieves coherence.

Part of the antiestablishment tradition of both populist movements is a distrust of the two old parties. Then and now they are pictured as equally reactionary, corrupt and cynical—Tweedledee vs. Tweedledum. The obvious answer is a third party. Wallace may still be able to run a replay of his third-party adventure if he is not the choice at Miami. If the Democrats nominate an establishmentarian we may well have a second "third" party, dividing the populists into hostile right- and left-wing camps.

The chances of the Democrats co-opting the populists a replay of the Bryan performance of 1896, are not to be dismissed out of hand. It is true, as Newfield and Greenfield point out, that the main current of Democratic thought has run counter to the party's populist tradition for a generation. Labor unions enlisted in the cold war and liberals grew conservative and elitist. The party rejected Estes Kefauver, who had the common touch and the true populist reform zeal, and fell under the charm of Adlai Stevenson and John Kennedy, bewitched by "style." What there was of the populist in Lyndon Johnson was quickly submerged under his Vietnam disaster and he was scorned as much for the one as for the other by liberal elitists.

Signs of a reversal of the élitist current in the Democratic party are not lacking. Bobby Kennedy's reception among South Bend blue collars and in Watts pointed the way in 1968, and George McGovern is claiming his mantle. The drastic reform of delegate elections for the Democratic National Convention now curbs the dominance of bosses and party establishmentarians and gives youth, blacks and women a striking prominence. The submerged populist tradition has a better opportunity of surfacing than it has had in many years. As in '96, of course, the populists may be joining a losing coalition.

It remains to see what part the New Populism may play in the major voting realignment that political scientists have been predicting, and whether 1972 may qualify as one of our historic "critical elections." These realignments and critical elections have periodically served to relieve the build-up of tension in our society and restore the health of the party system and the body politic. They have come in cycles of 29 to 36 years: 1800, 1828, 1860, 1896, 1932. Each one from Jefferson to Franklin Roosevelt was founded on a new coalition, represented major breaks in the voting habits of millions and reflected widely perceived national crises such as slavery, the Populist revolt or the Great Depression. Dominant sentiment on such polarizing issues either captures one of the major parties or forms a new one: Anti-Masons in the eighteen-twenties. Free Soilers in the eighteen-fifties, Populists in the eighteen-nineties, La Follette Progressives in the nineteen-twenties.

By almost every sign we are already ripe for a new realignment, whether it comes now or later. More than the normal span between "critical elections" has elapsed. Huge blocs of voters have cut loose from traditional moorings: the South growing more Republican, New England more Democratic, blacks and other ethnic groups more independent and politically conscious. Ticket-splitters multiply, and between a fourth and a third of all voters now classify themselves as independents. Some 25 million persons between the ages of 18 and 25 will be eligible to cast their first votes for President in 1972, and almost half of them refuse to profess affiliation with either of the old parties. The aimless drift and confusion of the old parties that has always preceded a major realignment has long prevailed.

The great unknown is which of several possible issues or combinations of them will polarize the voters, be captured by the winning candidate, precipitate the new realignment and shape the dominant coalition. "Rational" or "irrational" issues? Is race "the one question in American life today that seems to pack the emotional punch necessary for a party realignment" as David S. Broder, author of "The Party's Over," fears? Fred Harris would seem to agree. "Race is the central fact in American politics today," he writes, "because it is the deepest and most dangerous problem of American life." If so, the new realignment could be an ugly one. Ominous questions of this sort lend an urgency and poignancy to the questions we have been raising about the new and old populism.

Few who write about or instruct or govern ordinary Americans have kept in very close touch with them in recent years of crisis. One who has both kept in touch and kept his faith in them is Dr. Robert Coles of Harvard, author of many fine books about them. "In my experience," he writes, "if ordinary 'average' Americans are anything, they by and large are loyal to this nation's populist tradition. It is a tradition that goes back into the 19th century, when farmers and factory workers railed in down-to-earth language against 'big-money boys' and 'the crooked politicians.' It is a tradition that includes white Southerners, among them avowed segregationists, Mid-western small-town people, miners and blue-collar workers. And it is a tradition that is by no means dead."

History would appear to be forcing a new test on that tradition. On the outcome of that test—and on the frustrations and fears, the real problems and grievances, the good sense and good faith of the people who submit to it—hangs the shape of our future.

THE WAR, GOLD, AND THE DOLLAR

Mr. SYMINGTON. Mr. President, 1 month ago, the price of gold on the London market was $54 an ounce, at that time the highest in history.

Yesterday, the price of gold on the London exchange soared to $64.85. Today it was $66.75. This is nearly $29 higher than the official monetary price of $38 an ounce and some $24 higher than the market price in January.

As I noted in my last of three recent statements on this subject, European bankers point out that:

The more gold prices exceed the official price of $38 an ounce, the weaker the dollar seems to look psychologically. That compounds the task of restoring confidence.

Also compounding the problem of confidence in the dollar are the increasing deficits in the U.S. balance of trade, the continuing deterioration in our overall balance-of-payments position, and the mounting inflation here at home, due primarily to our continuing heavy and tragic involvement in Southeast Asia.

Surely a strong economy is as vital to the well-being of this Nation as a strong military posture; and therefore, it would appear essential that steps be taken now to reverse the trends noted above, thereby restoring confidence in the dollar.

A NEW PENSION PROPOSAL

Mr. McGOVERN. Mr. President, Stephen Duane started working for the Great Atlantic & Pacific Tea Co. when he was 19. He worked for that company for 32 years, participating in a company pension program and looking forward to secure retirement income. But then the plant where he had been working closed. He was still 4 years short of the early retirement age, and he forfeited his pension rights. Stephen Duane did not decide to close that plant, the company did. And when the company decided to close that plant, they took away not only his job but also his pension. For 32 years of pension benefits in lieu of wages, Stephen Duane received nothing.

This sort of experience is far too common. People who have participated in pension plans for years find, when it is too late, that they have no "vested" rights. If they lose their jobs, or change jobs, or if their company goes out of business, then they have no rights in the pension plan in which they may have participated for most of their working lives. Inadequate vesting provisions are particularly conspicuous in the mining, transportation, and service industries.

Even a worker with vested rights is not secure. Pension funds have been mismanaged in every conceivable way.

George Silver worked for 30 years for the Michigan Tool Co. in Detroit. Then his company announced plans to cease operations in Detroit and move South—one of the domestic runaway industries. And it turned out that the pension plan to which George Silver had contributed had been mismanaged. It was the company's fault, but it was George Silver who lost out.

In fact, the beneficiaries lose out even when they do not actually forfeit their pensions for lack of funding. Pension funds are commonly administered in the interests of the managers rather than the beneficiaries. A company will invest pension funds in its own activities, rather than seeking the highest return on the beneficiaries' money.

Senator HARRISON WILLIAMS' Subcommittee on Labor has documented astonishing cases of pension fund abuse by corporate managers. One large data-processing equipment manufacturing company has invested $41 million of pension money in unsecured loans. A Midwest cable corporation has in the last 5 years charged off as "administrative costs" more than one-third of the benefits paid.

The executives of our large corporations are provided for well in their companies' pension plans. It is the men and women who staff the assembly lines and the offices whose pensions are likely to evaporate. The insecurity of pensions has long been a matter of deep concern for working people in America. It has made old age a time of poverty and lost hopes for millions of Americans. Yet except for modest regulation of union pension funds, it is an area which the Federal Government has virtually ignored.

A NEW APPROACH

To assure complete protection of worker rights the entire system ought to be overhauled. The essential need is to assure secure and well-managed systems.

The best approach would be to take the management of pension money out of employers' hands, and permit each employee to select a fund in which to establish a retirement account. This proposal was originally made by Ralph Nader. Employers would still contribute toward their employees' retirement, and they would still get tax deductions for those contributions. But instead of creating their own funds, they would pay into funds selected by the employee.

An important first result of this system would be immediate vesting. The money in an employee's account would belong to him from the day it was paid in. If he changed jobs his pension rights would not be endangered and the new employer would contribute to the same account. The pension would also be secure if the company went out of business. And an employee's spouse would be assured of the pension in the event of the breadwinner's death.

The funds themselves would be private and competitive, licensed and regulated by the Securities and Exchange Commission. The competitive feature would have two important benefits. It would guarantee that managers of the funds would compete to offer the greatest return on investment. And by giving employees the opportunity to go elsewhere, it would be the strongest possible safeguard against mismanagement.

Federal employees are permitted to choose between several medical insurance programs, and the resultant competition has benefited the employees greatly. Free choice in the selection of pension funds could be equally beneficial.

The fact that employers would no longer be responsible for the administrative work associated with pension plans would make it feasible for many new employers to begin pension programs for their employees.

Contributions to an employee's retirement account are essentially a deferment of wages in order to guarantee a secure retirement income. Employees should be able to choose how much income they wish to set aside for future security. They should be permitted to voluntarily make additional contributions to their retirement accounts, and should receive tax deductions for such contributions.

MINIMUM PENSION CONTRIBUTIONS

These steps would protect workers against forfeiting their pensions, but additional steps must be taken to see that pensions are raised to adequate levels, and that pension programs are extended to cover the tens of millions of workers who now have no private pension rights at all.

I recommend that future minimum wage legislation should include requirements for minimum employer contributions to pension funds. Pension contributions, which are, after all, deferred wages, are just as legitimate subjects for minimum wage legislation as ordinary wages are. By including minimum pension requirements in future minimum wage increases, we can gradually achieve an insured adequate pension for all workers.

DISTRIBUTION OF WEALTH

Mr. HARRIS. Mr. President, one of the great undiscussed issues of our time is the distribution of wealth in this country. More and more of our public figures finally are beginning to understand that the distribution of income in the United States is unfair. From time to time in newspaper articles we now read the troubling revelation that the top 20 percent of the income bracket receives around 41 percent of the Nation's income after taxes, whereas the bottom 20 percent receives only around 5 percent.

But how much more unequal is the distribution of wealth. According to a survey by the Federal Reserve Board published in 1964, the wealthiest 20 percent of the population in 1962 owned 75 percent—I repeat 75 percent—of all private assets. Meanwhile, the poorest 25 percent of all families had no net worth—their debts equaled their assets. And the wealthiest 8 percent of the population owned 60 percent of all private assets.

Unfortunately, most American economists are not interested in this problem. They are lost in the clouds of macroeconomics and view wealth distribution as an equity question which is political most economic in nature. They, therefore, help to insure that no one will talk about it, that it will remain the great secret of our economy.

There is, however, an outsider to the profession who has attempted to force

the establishment economists to face up to the problem of the unequal distribution of wealth in the United States. The man's name is Louis Kelso, a highly successful San Francisco lawyer. The author of several books and articles on various mechanisms which would attempt to broaden the ownership of stock and real property in the United States, recently he encountered a breakthrough. Although economists would not listen to him, the new Governor of Puerto Rico would.

Governor Ferre thus proposed the creation of a Proprietary Fund which would assist the citizens of Puerto Rico to become stockholders. The idea behind his fund was not crude leveling but the creation of a mechanism which would insure that as the Puerto Rican economy grew, the benefits of growth would be more widely distributed among the population. In other words, his purpose was to attempt to bring to a halt the current system which permits those already owning great wealth to accumulate even more. His intention was to enable the little guy to have a chance to become a property holder.

The Ferre proposal soon gave rise to an exchange of views between noted economist Paul Samuelson and Kelso. Although the exchange is perhaps more polemical than a real examination of the problem would require, it is instructive.

In the case of Samuelson, despite hard points which Kelso must answer, we see again the unwillingness to face up to the problem of the distribution of wealth. Nowhere in Professor Samuelson's contribution is there any concern expressed over the extremes in wealth ownership on the island of Puerto Rico.

In the case of Kelso, whatever we may think of his recommendations, we have a man who at least is talking about an important problem. I am not judging his scheme one way or another. Neither man goes into sufficient detail for an outsider to judge the logical rather than the polemical face of the argument. Nevertheless, I rather feel Kelso won the exchange and for this reason. If his scheme is economically faulty as Samuelson suggests, then I agree with a point Kelso has made repeatedly, namely that the more established economists should come forward with a scheme which is not faulty. For the problem of such gross disparities in ownership is a real one. It will not go away because our more established economists ignore it.

Mr. President, I believe that others in the Senate will benefit from study of the Samuelson-Kelso exchange of views. I therefore ask unanimous consent that it be printed in the RECORD. I also ask unanimous consent that an article from the Wall Street Journal on the Puerto Rican plan be printed in the RECORD, as well.

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

[From the San Juan Star, Apr. 27, 1972]

THE PROPRIETARY FUND CRITICIZED

(By Paul A. Samuelson)

(EDITOR'S NOTE.—The following was released Wednesday by Senate President Rafael Hernandez Colon. Samuelson is the Nobel Prize-winning professor of economics at MIT who lectured at the University of Puerto Rico earlier this year.)

Statement by Paul A. Samuelson on House Bill 1708, concerning the Patrimony for the Progress of Puerto Rico (the Proprietary Fund).

1—This statement is prepared at the request of the president of the Senate of Puerto Rico, soliciting my views on the wisdom of this measure. The views I express are my own and have no relation to the views of any political parties or factions in Puerto Rico. Moreover, I make no pretense toward expert knowledge of Puerto Rico: I confine myself to problems of broad general economic principle, relating to the distribution of income and to economic development.

2—The general purposes of the bill must strike an economist as being vaguely philanthropic if not grandiose. One would wish for the typical citizen of any land both higher real wages and higher non-wage income. However, the guiding philosophy that underlies the bill is that associated with the two-factor theory of Louis Kelso (and various collaborators such as Mortimer J. Adler). Kelsoism is not accepted by modern scientific economics as a valid and fruitful analysis of the distribution of income, but rather it is regarded as an amateurish and cranky fad. Although it has been put forth in more than one book and has been around for a long time, the principal learned journals of economic science—e.g., the American Economic Review, the Royal Economic Journal, the Harvard Quarterly Journal of Economics, the Chicago Journal of Political Economy—have steadfastly withheld recognition and approval from the doctrines of Kelsoism. Its central tenet is contradicted by the findings of economic empirical science: according to statistical study of macroeconomic trends, by such distinguished scholars as Professor Simon Kuznets of Harvard (Nobel laureate in economics for 1971), Senator and Professor Paul H. Douglas (award winner for his Cobb-Douglas statistical measurement of the aggregate production function), MIT Professor Robert M. Solow, and numerous researchers at the National Bureau of Economic Research under the directorship of Arthur F. Burns, chairman of the Board of Governors of the Federal Reserve System, economic adviser to Presidents Eisenhower and Nixon, the contribution of labor to the totality of GNP is in the neighborhood of 75 per cent, with only 25 per cent attributable to land, machinery and other property.

Moreover, an increasing proportion of labor productivity is attributable in modern economics, such as Puerto Rico is aspiring to become, to investment of "human capital" in the form of education and skill enrichment. This 75–25 per cent breakdown is diametrically opposite to the Kelso presuppositions, which are purely speculative and not based upon econometric analysis of the observed statistics of nations at different stages of development.

3—Because the basic economic principles underlying the proposal are faulty, it is likely in practice to prove a cruel disappointment to the Puerto Rican people. Beyond its fundamental weaknesses, the proposal has many pitfalls and loopholes that the American Congress would condemn it to oblivion. Let me enumerate only a few of the defects that struck me at first study of the matter. If so many defects appear on the surface, think how many more a careful and informed analysis would reveal.

(a)—It is a first principle of sound finance that families at low income level must not invest so heavily as more affluent families in venture equities. Although Puerto Rican incomes are higher than they used to be and higher than in many Latin countries, island incomes are lower still than in any of the 50 states. It would be rash for California, our most affluent state, to tempt people into venture equity investment by guaranteed bank loans and various gimmicks of government guarantees and tax abatements. How much more rash for Puerto Rico.

(b)—You cannot get something for nothing in economic life. The scandal of John Law in ancient France pretended otherwise, and led to fiasco. I fear the same in this case. If the Commonwealth guarantees bank loans to purchase Patrimony stocks, it has thereby less credit to expend in other directions of development. What advantage is there in a dollar of dividends if it slows down the growth of productivity of real wages by tens of dollars?

(c)—The Commonwealth has a limited tax base. It must not squander that base. It must expend it prudently in developing industry. Every dollar of tax exemption squandered on the Patrimony is that much less of a dollar available for other Bootstrap operations. Here in the states, we have much experience, much of it sad, with venture capital efforts—the disastrous Small Business Investment Companies with their water tax exemptions, etc. All the least, very wealthy men who can afford to lose their money, should be relied on for such risky ventures. To tempt, or coerce, the masses and the poor into such avenues is to invite, if not disaster, at the least disappointment, economic inefficiency, and waste.

(d)—Further, the program is open to dangerous pitfalls of corruption, political patronage, and tax avoidance. Thus, if one has tens of thousands of dollars of capital gains in a business, and even if it makes no economic sense for this to be acquired by the Patrimony, there is a tax reason for selling to that body and temptation to lobby with some future government official to have this done. Who will be able to prevent this or even recognize that such a miscarriage of sound finance is taking place? To avoid inheritance tax, some men will send for the priest and at the same time acquire tax-exempt Patrimony shares, only to have their heirs sell off those shares after they have performed their loophole functions.

These are not vague possibilities. As consultant to the U.S. Treasury over the years and as an expert witness before congressional committees, I have had occasion to see every chink in the law exploited in this way, and yet I have never seen a mainland bill so carelessly drafted in terms of providing such tax-avoidance opportunities. The Puerto Rican legislature is warned!

4—In summary, despite the laudable intentions of the Patrimony bill, a careful cost-benefit analysis of its features in terms of scientific economics must raise grave fears concerning its unsoundness for a commonwealth anxious to elevate the standard of living of its citizens.

KELSO ANSWERS SAMUELSON'S ATTACK ON THE PROPRIETARY FUND BILL

(By Louis O. Kelso and Patricia Hetter)

We are grateful to Senate President Rafael Hernandez Colon. He has succeeded in doing what we have failed to do in more than a decade of effort. He has enticed a Keynesian economist—indeed, the dean of Keynesian economists—to break the conspiracy of silence which the profession has drawn around two-factor economics. More, he has wrung from Professor Samuelson an admission that the conspiracy has existed.

Professor Samuelson is correct in stating that "the principal learned journals of economic science," which he proceeds to name, "have steadfastly withheld recognition of approval from" two-factor economic concepts. The conspiracy extends beyond the refusal of the learned economic journals to publish articles, review books, or to acknowledge the existence of two-factor theory in any form. In the 14 years that have passed since the publication of The Capitalist Manifesto, no academic economist who has dis-

agreed with it has seen fit to accept numerous invitations to subject two-factor concepts to public debate and discussion. Nor have two additional books, numerous articles and lectures succeeded in tempting the dissenting academic economists to engage in open, forthright dialogue.

The official silence which the academic economics fraternity has carefully preserved over the years does not mean that academic economists have not heard of two-factor theory or are indifferent to the challenge it offers to their 30-year reign over men's minds and the economic policies of the governments of the West. During these same years we have acquired an impressive collection of private "economic analyses" and "critiques" written by academic economists. Not one of these "refutations" has ever reached us through the courtesy of its author, or through the medium of print. The academic economist knows that controversy spreads ideas. Therefore, he prefers to attack underhandedly by stealth, using his self-conferred status as "expert" to disparage two-factor economics and to intellectually intimidate anyone of prominence who appears likely to succumb to this dangerous new heresy.

Even surreptitious attacks would be welcome and valuable if they were addressed to the actual concepts and assumptions of two-factor economics, and to the concrete business applications and the proposals and policies which this line of thought suggests. But this has yet to occur. Invariably the academic economist constructs out of a melange of fact and fiction a conceptual scarecrow which, he assures his reader, is an accurate representation of Kelso's ideas. With self-righteous ostentation, he then proceeds to demolish this effigy straw by straw, to demonstrate of what flimsy stuff it is constructed.

We had supposed that an academic economist of Prof. Samuelson's distinction would be above such shabby tactics. But his statement on the Ferre Fund is indistinguishable from the works of his minor league precursors. Like them, Prof. Samuelson has not bothered to read the books or articles which set forth the ideas he presumes to criticize. He does not understand two-factor economics. He does not understand the mechanics of the Proprietary Fund. He does not, by his own admission, understand the economy of Puerto Rico or the aspirations and needs of its people. Before we present the evidence for this harsh judgment, however, we would like to make a few general remarks about the academic Keynesian economist and the relationship between Keynesian economics and the state of the world today.

During the thirty-five years Kelso has spent as a corporate and financial lawyer among the men who actually organize and manage the wealth-producing enterprises that academic economists theorize about, the only professional economists he has encountered were in staff capacities, mostly in very large banks. Economists, particularly academic economists, have no function in the productive sector of the economy. They theorize about it (from a distance), they are supported by it, but they are not part of it.

The layman is inclined to believe that the "economist" is the final authority on all things economic; the economist, being human, does not discourage the illusion that without him the macro-economy would come crashing down about our ears in ruin. Happily for mankind, however, the facts are quite the opposite. We think it would help the people of Puerto Rico to evaluate Prof. Samuelson's contribution if we briefly considered the subject matter and limitations of Keynesian economics. For Prof. Samuelson is, of course, a Keynesian.

In his own words, "I first resisted the Keynesian revolution, and was finally won over." [1] Not only is Prof. Samuelson a Keynesian economist, he is the archetypical Keynesian economist. From the same New York Times interview, published shortly after he was awarded the Nobel Prize in economics in 1970: "Mr. Samuelson gladly accepted the award as evidence of the respect still due, in his opinion, the Keynesian school of thought. 'I have never been,' he said, 'a lone wolf outside the frame of reference of modern economists generally. My faults are the faults of my contemporaries. I have been through all the metamorphoses.' " [1]

But the world is waking up to the fact that Keynesian economics is not quite as "scientific" as its practitioners pretend. Sweden, one of the first countries to run its economy on Keynesian principles and widely proclaimed as a model of success, is in deep economic trouble. Here is the distinguished economics journalist Leonard Silk reporting to the New York Times from Stockholm:

"Public indignation over the failure of governments to solve the problem of inflation by conventional monetary and fiscal measures—without causing more unemployment than is politically tolerable—is starting to force a breakup of economic dogmas and political alignments throughout the Western world. The trend is comparable to the impact on politics and economics of persistent mass unemployment in the 1930's. But now as then, *public demands for improvement in economic policy are in advance of what either the economics profession or the politicians are yet prepared to offer.*" [2] [Italics ours.]

After 40 years of the harshest redistributive taxation in the Western world (average income tax 40%, sales tax, 17%), a Swedish government commission in 1968 found that taxation and social policies had little effect on income distribution, and that concentration of ownership of capital is even greater in Sweden today than in the United States or England. Inflation rampages on—it was 6% in 1971.

Recently the influential magazine, Saturday Review, devoted an issue to questioning the relevance of Keynesian economics. Here is Robert A. Solo of Michigan State University; not as illustrious an academic economist as Prof. Samuelson, but more honest.

"It comes down to this: the Establishment economics that is taught in the universities, proliferated in the journals, regurgitated in the councils of government, with all its mountains of published outputs, has not advanced our capacity to control our economy beyond what it was in the late 1930s.

"That after the clear failure of neo-classical and Keynesian concepts and techniques of monetary and fiscal control, the nation is left with no answer to the persistent and profound economic problems of inflation and unemployment save a wage-price freeze in the manner of World War I or World War II attests to the sterility of economic thought and policy." [3]

In 1971 the distinguished journalist Edwin L. Dale, Jr., of the New York Times, himself an economist, brought back what he described as a "cautionary tale" from England. There a great debate had raged over the question of whether Britain should or should not join the European Common Market. About a week before the decisive vote in Parliament, two letters appears in the Times of London. The first letter, signed by 154 full-time teaching officers of economics in British universities, predicted that the economic effects of joining the European Common Market "are more likely to be unfavorable than favorable to Britain." The second letter, signed by 142 full-time teaching officers of economics in British universities, predicted that these economic effects "are more likely to be favorable than unfavorable to Britain."

"Thus did the informed British public receive the verdict of the 'experts,' following about 10 years of erudite discussion and a mass of written material (including statistics) that probably equaled the entire literary output of the productive eighteenth century," commented Edwin Dale. He went on to explain that the issue was not the merits of Britain's entry into the Common Market. The issue was economists.

"In the United States we have gone through the strange drama of the monetarists versus the fiscalists while the economy itself was going to pot. We have had ever more complex econometric models of the economy wtih ever more dubious results.

"As the mountain of literature grows, and the mathematical equations become more impenetrable, and the predictions become more suspect, it is fair to ask a cruel question: are we seeing the decline and fall of the economists' empire?" [4]

The failure of Keynesianism in Great Britain was conceded as long ago as 1968. The august journal, The Economist, wrote the obituary. It recalled that Keynes had observed at the end of his magnum opus. "The General Theory of Employment, Interest and Money":

"Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist."

The Economist then delivered the coup de grace:

"The piquant situation today is that Keynes himself is now a defunct economist." [5]

It is true that The Economist only dethroned Keynes in order to crown Hilton Friedman and his monetary doctrines. But now the monetarists, after a brief day in the sun, are themselves defunct. At the American economy with ever more dubious results. New Orleans in January of this year, Milton Friedman made this memorable confession:

"I believe that we economists in recent years have done vast harm—to society at large and to our profession in particular—by claiming more than we can deliver. We have encouraged politicians to make extravagant promises [which] promote discontent with reasonably satisfactory results because they fall short of the economists' promised land." [6]

At the same meeting, Arthur Okun admitted, in the words of The Wall Street Journal, "How distressing it was for himself and other Johnson administration fiscalists that the 10% income tax surcharge of mid-1968 failed to dampen the inflationary boom. 'When we were able to call the policy tune . . . the economy did not dance to it,' he ruefully recalls." [7]

Nor does Arthur F. Burns, chairman of the Board of Governors of the Federal Reserve System, seem to consider Keynesian economics the last word in scientific exactitude. In July of 1971 he issued this understatement of the fiscal year: "The rules of economics are not working in quite the way they used to." [8]

And this brings us to the heart of the matter.

Society imposes on "experts" in other professions—most particularly the sciences—the most rigorous standards of accountability. Society does not bestow honors on engineers whose bridges collapse, nor do people queue up to consult physicians whose patients mainly end up in the cemetery. The reward of a lawyer who counsels his client to ruin is not the Nobel Prize but a malpractice suit. But economists so far have been excused from having to submit their theories to the test of empirical reality which society imposes on more mundane disciplines. In the forty years that have turned all economists into Keynesians, the diagnoses, proposals and remedies emanating from this profession have

---

Footnotes at end of table.

been consistently in error. The institutional walls between our actual and potential productive power on the one hand and our proliferating poverty and misery on the other have remained. These theories display without exception the fatal characteristic which Pasteur, who was a true scientist, declared the infallible sign of a false theory, namely, "the impossibility of ever foreseeing new facts; whenever such a fact is discovered, those theories have to be grafted with further hypotheses in order to account for them." [9]

"True theories, on the contrary," continued Pasteur, "are the expression of actual facts and are characterized by being able to predict new facts, a natural consequence of those already known. In a word, the characteristic of a true theory is its fruitfulness." [10]

With a sound theory, in other words, you can make accurate predictions. But the "scientific economics" of Prof. Samuelson and his colleagues is virtually useless for providing reliable information about the future. The ancient Roman Senate consulted public soothsayers or augurs before every important act of policy, government or war; these haruspices—liver inspectors—would report on the will of the gods by examining the entrails of sacrificed animals. Academic economists are the augurs of our day, although their clients could probably learn more about the future by reading an academic economist's entrails than by consulting his prognostications and econometric models.

Here we venture to make a modest prediction. The world is about to discover that economics is only potentially a science. True "scientific economies" is two-factor theory, not yet recognized in the circles of the academic economists. Fashionable economics today is in exactly the same state that medicine was before the germ theory of Pasteur. Prof. Samuelson considers two-factor economics a "crankish fad." We consider his one-factor economics preposterous quackery which enlightened people will soon discard. Puerto Rico, indeed, is already in the process of doing just that—which is the real motivation for Prof. Samuelson's attack.

The fundamental absurdities of Keynesian "scientific economics" are generously illustrated by Prof. Samuelson in his statement.

To begin with, the Professor asserts that the central tenet of two-factor economics is "contradicted by the findings of empirical science," as personified by various Keynesian colleagues and institutions whose names he proceeds to drop for the next 10½ lines—in the belief, evidently, that the people of Puerto Rico will be intimidated by this fusillade of authority into relinquishing the right to think for themselves. Prof. Samuelson would do well to recall the wise warning of one of his colleagues, the British economist Colin Clark: "Economists, speaking collectively, have a remarkable capacity for being wrong." [11]

Unfortunately, Prof. Samuelson has either dashed off his statement in careless haste, or entrusted its preparation to one of his students. For he neglects to identify two-factor economics' central tenet. He implies that it is the opposite of what empirical "economic science" has found, namely that labor contributes about 75% to the total GNP, and land, machines and other property only 25%. If Prof. Samuelson means that labor receives about 75% of the total income in the economy, while capital owners receive about 25%, this is such a universally-known fact that no one would bother to dispute it. This statistic is not the central tenet of two-factor economics, however. Since Prof. Samuelson does not seem to be able to locate its central tenet, perhaps he will not be offended if we venture to enlighten him.

The central proposition of two-factor theory is simply that there are two factors of production, people and things, and that the function of technology is to shift the burden of production from the human factor to the non-human. Each factor produces wealth in exactly the same sense—physical, economic, political and moral. An individual can legitimately and effectively engage in the production of wealth through the ownership of either factor, or, as common sense suggests, through a combination of both.

This is a momentous and basic truth which Prof. Samuelson could not refute even if he understood the significance of what is asserted, which he does not.

It is also a truth which neither the economic policy of the United States nor that of any other nation recognizes. Under the tutelage of one-factor Keynesian "scientific economics," the economic policy of all the Western nations is exactly the same. Full employment of the labor force alone is relied upon to enable all people to produce an adequate income. It is full employment that is the number one goal—not the highest level of affluence attainable with current technology and consistent with environmental protection and wise resource use. The Keynesian economic goal is indistinguishable from that of the Soviet Union, and its imitators in Cuba, China, etc. Its spirit may be summarized in a phrase: Full toil for all forever.

Puerto Rico, through the Ferre Plan, would be the first government in the world to recognize that things produce wealth as well as do people and that in an age of accelerating technology, a family can rarely produce an affluent standard of living for itself through labor alone, even if all of its members are employed. Each consumer unit must have the opportunity to produce some of its income through ownership of productive things, as well as through employment. No Keynesian has ever suggested such a policy, nor could he, for his pre-industrial tunnel mind is focused on just one factor of production, labor, and his ideal for humanity is to make a toiler out of every human being not confined to his crib or his bed, and to leave the ownership of proliferating and ever-more productive capital to the already rich.

The people of Puerto Rico must be alerted to one other Keynesian blind-spot before we dispose of Prof. Samuelson's other erroneous and irrelevant criticisms of the Ferre Fund. Keynesian doctrine is totally oblivious to the concept of private property. It is indifferent to ownership—to its legal attributes, to its personal, social and economic benefits, to the relationship between private property and freedom, to the economic and social consequences of the concentration of ownership of industrial wealth (with only a handful of exceptions), and to the hole of private property in power diffusion. To the Keynesian, the income produced by capital exists only to be redistributed. Property, like freedom, independence, leisure, affluence, love of peace, and other human desires, are "values," and "ethical judgments," and the Keynesian economist is not concerned—to quote Prof. Samuelson's best selling economics textbook—with "basic questions concerning right and wrong goals." These are beyond the realm of their "science."

Property, of course, is a supreme value—it is only private property in one's labor power that distinguishes the free man from the slave. Being oblivious to property, the professional economist also ignores the evidence that most human being are fiercely attached to their property, resent parasites, and strenuously resist all the plans of the professional Keynesian economist to redistribute their property income, from labor or from capital, to the less productive or the non-productive. In the 8th edition of Prof. Samuelsons textbook, Economics, the concept "property" appears in the index only twice, one of these entries being "Property taxes." A total of 71 pages is devoted to employment, full employment and unemployment. This emphasis eloquently reveals the Keynesian blind spot.

But the American economic dream—indeed, the universal economic dream—has never been toil, but a defendable property relationship between the individual and the productive land, structures, and machines on which economic wellbeing depends. The Keynesian "scientific economist," who considers the realm of value judgments none of his affair, does not understand that his sacrosanct goal of full employment is itself a value judgment, for if capital instruments are the source of affluence and leisure, why should men and women be condemned to make their productive input solely through toil and labor? Why should economic policy fly in the face of technological facts? Why should the rich get more capital and the poor stay capital-less?

The goal of the Proprietary Fund is to eventually create a generally affluent Puerto Rico. Employment opportunities will be greatly increased by the new consumer demand that the Proprietary Fund will help unleash. Full employment should be an important *effect* of the Ferre Plan. It is not the *goal*. Its goal is greater affluence for Puerto Ricans.

Mr. Samuelson states that "one would wish higher real wages and higher non-wage income for everyone." This pious sentiment confuses the issue at the outset. The Proprietary Fund envisioned by Gov. Ferre is not designed to create just any kind of "non-wage income." It is specifically designed not to create any of the kinds of non-wage income that the Keynesians rely so heavily on to accomplish redistribution. Indeed, it is precisely such kinds of non-wage income that bloat the statistics Prof. Samuelson cites as evidence that labor *produces* 75% of the economy's goods and services. That labor *receives* 75% of the economy's income does not mean that labor produced it. The statistics include income obtained through organized coercion, doles, unemployment compensation, redistributed income removed from the productive sector through taxation, governmentally subsidized boondoggle paid for by taxpayers (income channeled through boondoggle is disguised to look like "wages," but actually represents non-productive make-work grants, subsidies, or other types of hand-out).

Not a trace of criticism is due labor unions or individual wage-earners for this development. The responsibility rests squarely on Keynesian "scientific economics" which lie, misrepresent or equivocate about technology's logic and function. Keynesian "scientific economists" assure workers that technology causes the productivity of their labor to rise, although the facts are just the opposite. The Keynesians, in short, with their one-factor myopia, have put the workers and their unions in a position where, as inevitable technological change robs them of the adequacy of their labor power, their Keynesian-misguided institutions do not restore and enhance that productive power by building capital ownership into them. Keynesian doctrine forces labor to demand more pay for less work—a short-term gain that is quickly offset by the resulting rise in the cost of living.

Prof. Samuelson frequently invokes the "findings of economic empirical science" based on "statistical study of macrocosmic trends." But a real scientist looks behind observed phenomena for the explanation or cause. To ignore the role that coercive redistribution plays in the national income statistics, and to assert that all the income diverted to labor represents real productive input, is about as "scientific" as reading a thermometer while holding a blow torch under the mercury bulb.

Footnotes at end of table.

As for the scientific basis of Keynesian economics, Prof. Samuelson's advice to beginning economists who study his textbook, Economics, reveals his contempt for scientific method:

" 'Satchel' Page, a great baseball player, once said: 'Never look back; someone may be gaining on you.' This is good advice in economics, too. Do not look back to see what caused past layoffs; look forward to see what you have to do to restore high employment. This is more efficient—and more helpful.

"Better still, this approach means you do not have to decide whether the pessimists are right who argue that inventions will kill off more jobs than they create. Why care? *In every case we know that high employment without inflation will require monetary and fiscal policies of the correct magnitudes and mixed economies know what needs doing.*" [12] [Italics his.]

The Ferre Fund is designed to enable men born without capital, or without adequate capital, to buy it, to pay for it out of the income *it* produces, to own it and thereafter to receive capital income in addition to their wages.

"Wishing" is one thing. Translating the wish into action is another. Perhaps Mr. Samuelson would come forward and identify those of his works (written works, that is) where this "wish" has been translated into an actual proposal for enabling the nonpropertied many to obtain capital ownership. We have searched his writings carefully and are confident that no such proposal has ever been made or implied. Since Prof. Samuelson is a millionaire and is proud of his speculations in the stock market, it may be presumed that he is aware that capital ownership exists and is a good thing—for Prof. Samuelson and the 5% or so of families who monopolize ownership of capital assets in the United States and elsewhere.

As for the Proprietary Fund proving "a cruel disappointment to the Puerto Rican people," that is a strange prophecy, considering its source. Keynesian "scientific economics" has been disappointing people in one economy after another for almost 40 years. Since 1932 the Keynesians have pretended to be fighting poverty. In actuality, they have invariably confined their attacks to the *effects* of poverty, while meticulously ignoring its cause: the low economic productiveness of exclusively labor-dependent people unassisted by capital ownership in an economy where progressively more goods and services are produced by the non-human factor of production owned only by a few families at the economy's pinnacle. As a consequence, and with rare exceptions, the only poverty consistently cured under Keynesian policies and prescriptions is the poverty of Keynesian economists. Little wonder that Gov. Ferre's proposal to attack the causes of Puerto Rican poverty by building capital ownership into the people has triggered Prof. Samuelson's desperate effort to save the Keynesians' faces. He libelously insinuates that Gov. Ferre is the modern day counterpart of the 1720 infamous stock swindler, John Law, who nearly bankrupted France with his fraudulent scheme.

As for the "defects" that Prof. Samuelson thinks he sees in the Proprietary Fund proposal, not one is well founded.

"It is a first principle of sound finance that families at low income levels must not invest so heavily as more affluent families in venture equities." The professor has managed to overlook the fact that the Proprietary Fund involves making available to the average worker the logic of business investment that is traditionally used by the business corporation itself on behalf of its stockholders: to provide them with access to *nonrecourse credit* on terms where it will be used to buy newly issued stock, the proceeds of which to the corporation will be used to acquire business capital on terms where it will pay for itself. The Proprietary Fund, like the growing applications of two-factor financing techniques used in business in the United States, does not call for any deductions from the worker's paycheck, nor for investment of his savings. Thus, it is a kind of investment which enables the man born without capital to invest in the largest and best managed corporations on terms where, when the productive capital has paid off its financing cost, he can own it, protect it, and enjoy its income. Nothing in the Proprietary Fund proposal, nor in any use of two-factor theory to build equity ownership into those who are born without capital, involves any "venture equity investment" by the individual either of his income or his savings. Thus Prof. Samuelson, by misrepresenting the nature of the proposal, seeks to mislead his readers and his clients.

'You cannot get something for nothing in economic life," says the professor. What the professor implies here is that (1) one who does not own capital can legitimately acquire it only to the extent that he foregoes the use of current income for consumption and (2) that one cannot acquire income without personal toil. The first point, as noted above, happens to be contrary to the basic self-liquidation logic of financing capital formation that is standard operating procedure in well-managed businesses everywhere. The second implication happens to be a variation on a favorite phrase that Prof. Samuelson repeats over and over again in his writing and in his lectures: "There is no such thing in economics as a free lunch."

In the pre-industrial past, the "no free lunch" assertion was true for most men. Today, it is not true except to the extent men continue to be victims of one-factor Keynesian thinking. The essence of two-factor theory is that there are two factors of production, the human factor or labor, and the non-human factor or capital. In the sense that men may legitimately and properly enjoy income produced by their privately owned capital, there is such a thing as a toil-free lunch. Indeed, the industrial world lives primarily on toil-free lunches, and as technological advance progresses, it will increasingly do so. In the sense of saving toil, you can indeed get something for nothing in economic life, and it is the purpose of the Proprietary Fund to make this advantage of technology available to those who traditionally do not own capital. That Prof. Samuelson will have many of his most cherished misconceptions trampled upon by such a program is perhaps of less importance than solving the problems of poverty for the masses and the inadequacy of their purchasing power for the merchants.

Prof. Samuelson darkly hints that 'if the Commonwealth guarantees bank loans to purchase Patrimony stocks, it has thereby less credit to expend in other directions of development." What he conveniently overlooks is that the proceeds of the Patrimony Fund received from the credit-financed purchase of its stock is indeed invested in economic development. That is one of the main purposes of the Proprietary Fund.

"The Commonwealth has a limited tax base. It must not squander that base. It must expend it prudently in developing industry. Every dollar of tax exemption *squandered* on the Patrimony is that much less of a dollar available for other Bootstrap Operations." Prof. Samuelson again resorts to incredible misrepresentation. One of the prime purposes of the Proprietary Fund is the developing of industry, the building of the Commonwealth tax base, the the expansion of Commonwealth private industry. All of the expertise that has been used in "Bootstrap Operations" will be used in the operations of the Proprietary Fund, with this difference: the ownership of the industry thus developed and expanded will be built into private individual citizens of the Commonwealth.

The scientific professor, in referring to the sad experience of the United States with "venture capital efforts" is disregarding in total the objectives of the Proprietary Fund. Its function, exactly like the function of "Operation Bootstrap" is to bring to Puerto Rico or expand in Puerto Rico the largest, best financed, best managed and most prosperous business corporations that can be found. The difference is that a portion of their ownership, to the extent financed through the Proprietary Fund, will be in the individual Puerto Rican employee, without any deduction from his paycheck or investment of his savings. Capital, in well-managed businesses, pays for itself, not just once, but repeatedly. The object of the Proprietary Fund is to assure that the first time following investment by the Proprietary Fund that the capital pays for itself, it will be owned outright by the employee-investors (through non-recourse credit) in the Proprietary Fund. The scandalous distortion about "tempting" and "coercing" the masses and the poor into giving up their limited wealth is simply "scientific" misrepresentation.

"Further, the program is open to dangerous pitfalls of corruptions, political patronage, and tax avoidance." If Prof. Samuelson can conceive of any greater corruption than that fostered by the "scientific economists" through their subsidized boondoggle in agriculture, industry, education, research, foreign aid, and elsewhere, we would like to know about it. The cheap political trick of trying to prevent sound change by conjuring up visions of misuse and human fraud is an old one. The fact of the matter is that those economies which do not make the ownership of capital available to the great majority of their citizens inevitably invite fraud and corruption.

The American Dream, so far as economics is concerned, is the ownership of a private holding of capital that will produce a private supplement to income. The "scientific economists" have succeeded in defeating realization of this dream for most Americans for 40 years. Without legitimate avenues to buy capital, pay for it out of what it produces, and to own it and enjoy its economic security and its support to political freedom, fraud inevitably becomes a part of the distribution structure itself. Thus the activities in recent decades of the "scientific economists," in limiting the masses of citizens of every economy to the solution of their personal income problems through employment (real and pretended) alone, are the chief perpetrators of fraud and corruption. If men cannot acquire capital ownership legitimately, in a world where it is perfectly clear that the ownership of capital is critical to their wellbeing, then they will acquire it illegitimately.

The important truth is that all schools of one-factor economic thinking—the "scientific economists"—are obsolete. The "scientific economists" of the Keynesian or Keynesian-Samuelson schools, like "scientific Marxism," are as non-scientific and as contrary to reality as it is possible to be. Their theory of the "rising productivity of labor" (a more grotesque version is called "increasing human capital") is a hoax. It consists of measuring the output of two factors of production (the human and non-human) in terms of the input of one (the human) and attributing all gains, where comparisons are made, to the human factor. In reality, the gains in productiveness are not in the human factor but in the non-human factor. It is capital that is the source of our increasing affluence, and when "scientific economists" deprive most men of the legitimate, effective and speedy means of acquiring the ownership of capital, they deny them the right to freedom, to leisure, to peace, and to affluence.

Footnotes at end of table.

Gov. Luis A. Ferre is a modern hero in his earnest effort to make the ownership of capital accessible to those Puerto Ricans who are not born with it. It may well serve the purpose of Gov. Ferre's political opponents to call upon the pseudo-scientific economists like Prof. Samuelson to mislead the public as to the nature and purpose of the Proprietary Fund bill, but it does not serve the interests of the people of Puerto Rico, nor their future prosperity, nor their liberty.

Puerto Rico has before it in the Ferre proposal the opportunity to show all of Latin America, and indeed all of the world, that there is an alternative to socialism, either of the Marxian variety such as that found in Cuba, or of the Samuelson variety that is gradually converting the United States economy into state capitalism.

FOOTNOTES

[1] New York Times, Nov. 7, 1970, p. 2–E.
[2] New York Times, Oct. 7, 1970, p. 67.
[3] Saturday Review, Jan. 22, 1972, p. 47.
[4] New York Times, Nov. 7, 1971, p. 7 Financial Section.
[5] New York Times, Nov. 6, 1968, p. 53.
[6] The Wall Street Journal, Jan. 10, 1972, p. 1.
[7] The Wall Street Journal, Jan. 10, 1972, p. 1.
[8] Statement before the Joint Economic Committee, July 23, 1971, p. 2.
[9] The Life of Pasteur, by Rene Vallery-Radot (Garden City Publishing Co., Inc., N.Y.), p. 243.
[10] Op. cit.
[11] The Cost of Living, a pamphlet (Hollis & Carter, London) 1957.
[12] P. 319, Economics, 8th Edition.

[From the Wall Street Journal, Mar. 29, 1972]

IN PUERTO RICO, STOCKS FOR EVERYONE

(By Richard F. Janssen)

SAN JUAN.—To examine garden-variety government giveaways, one needn't come to Puerto Rico. To the chagrin of conservatives and the applause of liberals, governments around the world long have been handling out everything from false teeth to flour and beans, from welfare checks to subsidized mortgages.

But one does have to come to Puerto Rico to find a government planning a giveaway that is uniquely seasoned to both liberal and conservative tastes: shares of stock, and for nearly everyone.

In essence, Puerto Rico is considering opening up to the average mechanic or garbageman the same avenue a wheeler-dealer might take toward investment in a corporation with no cash outlay of his own—borrow money from a bank, use it to buy stock and use the dividends to pay off the loan. To make this painless approach to investorhood feasible on a mass basis, the Puerto Rican authorities propose to prearrange and guarantee the loans, and provide the stock through a sort of government-run national fund.

If the bill being pushed by Gov. Antonio Luis Ferre is enacted (and prospects appear good), it could gradually transform Puerto Rico into a "commonwealth" in actuality as well as name, making it an island populated almost entirely by capitalists. All this, advocates admit a bit nervously, may flow from a theory that no country has hitherto tried to apply, and one that most prominent American economists dismiss as a crackpot dream.

MR. KELSO'S THEORY

For years now, Louis O. Kelso, a San Francisco lawyer-author, has been telling people about his "theory of universal capitalism." It holds that the economy would grow much faster if the earnings of capital went to the great mass of people poor enough to speed them swiftly on a worldy goods they need, rather than to a tiny slice of wealthy investors already sated with possessions.

If the theory takes roots in Puerto Rico's lush tropical climate, it just might be transplanted to northerly industrial nations. Canadian officials are already expressing interest, sources here say, and the more enthusiastic backers can envision long-poor Puerto Rico someday leading the U.S. itself into a bright new era in which every worker enjoys a sizeable "second income" from his dividends.

So what happens here is "important for the world," says Joseph A. Novak, a 41-year-old private tax lawyer from Massachusetts. Mr. Novak finds himself the key man in the effort to tailor the theory to Puerto Rican conditions. His assignment owes much to some chance personal encounters.

Mr. Kelso met once with Gov. Ferre some time ago, while on a mission involving a much narrower aspect of his dream, a corporate employe stock ownership plan. On the airplane back to the mainland, Passenger Kelso happened to sit next to Passenger Novak, and sparked his interest. Last summer, chance struck again. Gov. Ferre tapped Mr. Novak's law partner to be his treasury secretary, and Mr. Novak sent the idea up through the newly personalized channels. He almost instantly drew the assignment to draft a detailed plan, which stayed quite secret until the governor sprang it early this year.

If it succeeds, the impact could be nothing less than "to save capitalism," Mr. Novak asserts. By giving almost everyone "a piece of the action," he figures, there's at least a fighting chance to counter the alienation of the young and poor, and to inspire employes to greater loyalty and diligence. Maybe, others add, it would even make workers less likely to resort to strikes and sabotage such as the much-criticized-local telephone company has suffered lately.

Failure, on the other hand, could cause at least as much grassroots disillusionment with the free enterprise system here as the collapse of speculative off-shore mutual funds has among Europe's small stockholders.

Even if so much weren't potentially at stake, the details of the plan would be inherently intriguing. And they could, of course, make it foolproof, or mask a fatal flaw.

The basic instrument is to be the "Proprietary Fund for the Progress of Puerto Rico," known popularly in Spanish as the "Patrimonio" and in English as the "Ferre Fund," a nicety not lost on the governor's political opponents in this election year. Every employed Puerto Rican with gross wages between $800 and $7,800 a year would be eligible to buy convertible preferred shares in the fund. In turn, the fund's professional managers would invest in a diversified portfolio of commercial, industrial and agricultural operations in Puerto Rico.

The individual shareholders could buy in "without putting up a dime," Mr. Novak stresses, because the government expects banks to make fully guaranteed loans to every eligible person. And there's a free bonus to lure eligible investors into the plan; if a worker borrows his proposed first-year limit of $50 to buy the preferred shares, the government will draw from a $10 million appropriation to buy him a matching $50 of common shares.

With priority accorded to those at the lowest end of the income scale, planners expect they'll be able to accommodate about 200,000 of the 800,000 eligible investors the first year. The dividends on both classes of stock will be earmarked for paying off the bank loans, at which point the preferred shares will be converted into common and the worker-investor can start pocketing the dividends.

That should take only about five years, they figure, counting on shrewd investment decisions and a generous array of tax advantages to produce a return to the fund of 20%, maybe even 40% annually. (If it does take longer than five years, the government pays off the bank loans and gets all the dividends until it in turn has been paid off.) Under the law, the individual's credit record would be protected against any blemish.

For earnings to be at least 20% annually is "not all that unrealistic," Mr. Novak argues. Some of the investment will be in small, presumably fast-growing local ventures, and in most cases the fund will insist on a "relatively high" dividend payout before investing. The fund will be free of all taxes, and it can issue tax-exempt bonds to supplement its resources.

That's not all. If the fund owns, say, 25% (the proposed maximum control) of a corporation, then 25% of that company's income tax will be turned over to the fund in addition to the dividends. To encourage people to sell shares they now own in profitable existing businesses to the fund, the bill would make their capitol gain tax-free. These receiving dividends on fund shares won't pay any income tax on them, and higher-income residents earning up to $18,000 a year will get an income-tax deduction for buying up to $100 in fund common shares under a "supplemental investment plan." This might provide many more millions to add to the fund's basic first-year resources of $20 million.

HAZARDS CONCEDED

There are hazards, even ardent backers concede. At one extreme, the fund could become too successful. Within a few decades, some figure, it could prosper so massively that it would clearly be the most pervasive force in Puerto Rico's economy, in effect socializing or nationalizing much of industry, agriculture and retailing. Conceivably, the fund's chunk of big U.S. and foreign companies doing business in Puerto Rico could give it the pivotal voice in proxy fights, pollution-policy battles and other corporate issues, with global reverberations.

At the other extreme, it could be starting so small that it will stay that way. The prospective five-year wait for the first dividend check could deter many from even bothering to make the trip to the bank and to fill out the loan application. And then the dividends might not be more than a few dollars a year, or an almost imperceptible few cents a week, far from enough to bring a meaningful reordering of social attitudes and economic standing.

Despite a lot of local press attention, proponents are well aware that overcoming apathy, misunderstanding and outright mistrust rank as major problems. "The Patrimonio? I know noting of it," shrugs Umberto, a short-order cook in a working-class restaurant here; nor does he want to, and not because he's uninitiated in the world of finance. "A few years ago I bought stock in a very famous food company, and now I hear nothing from them—except I read that they are bankrupt."

Unsettling for one Ferre plan fan is that he tried to explain it to the family cleaning woman, finally settling for the simplest possible description that it is "just like *acciones*," Spanish for common stocks. Only she hadn't heard of acciones. Other potential investors are unshakable in their misimpressions. "It is only for government employees," insists Juan, a part-time waiter who cites his credentials as a student of political science as authority. Besides, he argues, "I am a socialist, and this is a reactionary sham."

Some more careful analysts come to much the same conclusion. The suspicion can't be avoided that the Ferre Fund is "little more than a dressing up of the facade of the body politic, or worse still, politicking for the working class vote in an election year," contends an article by Richard Gillett, di-

rector of the Puerto Rico Industrial Mission, and Jose J. Villamil, a professor in the University of Puerto Rico Planning School.

A BASIC OBJECTION

The basic objection, these and other academic critics contend, is that with an unemployment rate running around 12% there are other things that Puerto Rico needs more—among them a more progressive tax system and greater budget outlays for housing, welfare and other services rendered more directly to the poor.

Legally required profit-sharing by individual companies probably would have more impact on worker morale than this "indirect and most likely ineffectual" economy-wide form, suggests the university's Prof. Arthur J. Mann. He doubts it can do much to redistribute income; now, he calculates, the poorest fifth of Puerto Rican families have 3.2% of the income, while the richest fifth have 47.2%.

The advocates appear no less sincere, however, in wanting to reach the same ends of a more equitable distribution of wealth, and in a way that strengthens rather than weakens the free enterprise system. Anyway, the appeal of "something for nothing" is so elemental that labor and political leaders to the left of Gov. Ferre's GOP-oriented New Progressive Party generally aren't inclined to risk outright opposition.

So it appears that Mr. Kelso's long-scorned plan for a short-cut to universal capitalism is due for its first practical test. It is hard to shake the thought that it is probably just as well that the test take place on a very small island. But it is also hard to avoid the conclusion that it is well for the test to be made.

DISCONTINUANCE OF THE POSTAL ACADEMY

Mr. HARRIS. Mr. President, I invite the attention of Senators to an article by William Raspberry, about the decision that was recently made to discontinue the Postal Academy program as of June 30, published in the Washington Post of Monday, May 22, 1972.

The Postal Academy, now operating in six cities throughout the United States, is patterned after the New York Urban League street program, whose primary purpose is to reach inner-city youngsters who have dropped out of school for such reasons as need for a job, rebellion against the public school society, trouble with the law, family difficulties and pregnancy, and to get them to resume their education.

I am very disappointed that such a program, tailored to the needs of young people whom our society has not been able to reach, is being discontinued. When the Government spends thousands of dollars on study after study trying to determine what programs would aid the poor, it demonstrates its insincerity by dropping a program with a proven record of success.

For further review by Senators, I ask unanimous consent to have printed at this point in the RECORD, along with the newspaper article, a fact sheet giving some background information on the history of the Postal Academy, its aims and its financial needs.

I urge that serious consideration be given by the Departments involved to reconsider their previous decision and continue this very important program for those young people who so desperately need encouragement and help in getting back into the mainstream of life.

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

ANOTHER BAD DECISION

(By William Raspberry)

Sometimes you wonder if there isn't somewhere in the bowels of the federal establishment a deputy under secretary in charge of official madness.

If there is, he could be the guy who ordered the end of the Postal Academy Program, effective the end of next month.

The Postal Academy, modeled after the Urban League's Street Academy program in New York, has been in operation for two years in six cities. Its purpose is to reach inner-city youngsters who have dropped out, or been pushed out, of public school and get them to resume their education.

By the account of a government-ordered evaluation study, the academy was doing its job very well.

"There seems to be real pride, hope, positive attitudes, feelings of accomplishment and the kind of aspirations that one would hardly expect to find among a group of inner-city school dropouts," the evaluation report said at one point.

And at another: "As in most experiments, there were both successes and failures. The prime objective of the program—to educate and motivate disadvantaged school dropouts—appears to be the strongest part of the program and generally is being achieved."

The evaluators recommended continuing funding. The letters informing academy leaders that funding won't be continued don't contend that the program has been a failure, either here or in any of the other cities where it operates (Atlanta, Chicago, Detroit, Newark and San Francisco).

In fact, the letters don't say much of any thing at all by way of explanation.

You can get an off-the-cuff explanation from former Assistant Postmaster General Ken Housman, though.

"Red (former PMG Winton "Red" Blount) is gone, and the people in there now aren't interested in this kind of effort, in my opinion. It's a damn shame."

If that sounds a little bitter, Housman is entitled. It's his baby that's being thrown out.

Housman, an official with Union Carbide at the time, was one of the leaders in the movement to get businesses involved in the prototype Street Academy program, sponsored by the Urban League in New York.

When he was tapped to come down to Washington as assistant PMG, he brought his enthusiasm for the academy program with him.

"I wanted to build on what I already knew about the Street Academy program and also the special advantages of the Post Office. Postal people are walking the street, every day, making direct personal contact with the people we were interested in reaching.

"Also, the Post Office had the advantage of being nationwide; it was in every city. I saw it as a chance to use some of the country's untapped resources to tackle some of the problems of the country."

Housman, now a vice president of Amtrak, said he limited the Postal Academy to six cities initially because he thought the idea needed proving.

"Well, I think we proved some things," he said last week, "and I'll be mad as hell if it's not going to be used somewhere."

The program's most useful findings in dealing with youngsters who haven't made it in regular school programs, he said, are:

Part-time work is vital "if you're going to keep a youngster interested in school instead of in hustling."

You have to be interested in the total lives of people, not just their education.

You don't need certificated teachers. "It's interest and dedication that turns these kids on."

"Look at the (evaluation) report," he said. "Well, that's factual. That's not an effort for publicity, that's not a grandstand play. In fact, when it first came out I wouldn't even permit publicity on it.

"But the report reflects enthusiasm, both on the part of the students and on the part of the teachers (mostly postmen detailed to the program). It's the same spirit as in the early days of the Peace Corps."

There's a good deal of evidence that he's right. A good many of the postmen involved with the program, for instance, are saying they won't exercise their right to return to the Postal Service if the program folds.

"In fact, most of us aren't going back," one of them said. "Not in protest. We just feel we have to do something for the 280 youngsters who are still in the program."

THE POSTAL ACADEMY PROGRAM: A CASE FOR SURVIVAL

The Postal Academy Program, located in six cities across the country, involving approximately 1500 staff and students at an annual budget of 4 million dollars has been evaluated by the Department of Labor as an "asset to their cities." The evaluators took time to document the "air of exuberance" in these storefront schools accommodating young high school dropouts looking forward to their High School Equivalenncy Diplomas and a chance for a college experience.

Despite proven success and the crying need to restore the victims of our inner city schools, the Postal Academy Program is being *closed down!*

SOME HISTORY

The Postal Academy Program has its roots in the decade long experience of the New York Urban League Street Academy Program. There, a handful of men daily faced the desperation on the faces and in the hearts or urban youth and slowly evolved the concepts and practices which became Street Academies and Harlem Prep. Late in 1969, a few of the leaders in New York brought their vast experience and successful model to Washington and convinced the Post Office Department, Labor and O.E.O. to inaugurate a federally funded program marrying the concepts and experience of the street academies with the resources of the Postal Service.

The Postal Academy Program brought from New York the concepts of small storefront schools identified with the communities in which they were located. This structure was filled out from the resources of the Postal Service.

The Academy staff was selected primarily from qualified postal employees interested in dealing with youth, who were then detailed to the program full-time. Academy students received part-time jobs in the Post Office in the evenings. In addition, the Post Office provided such services as educational materials from their dead letter office, transportation and administrative support.

More important than the structure and services to the success of the Postal Academy Program is the attitude which the staff has toward high school drop-outs. It believes that students in the acedemies have as high or higher potentials than those who remain in school. It feels they dropped out for a variety of reasons that often had nothing to do with academics—need for a job, rebellion against the public school society, trouble with the law, family difficulties, pregnancy. Therefore, it feels that if an atmosphere of learning and development different from the public school which they left can be created in the academy, there is no reason that the students could not achieve. For this reason, it emphasizes motivation, self concept, and

academics rather than job training. For this reason, too, it encourages the students to aspire high—beyond the GED to further education or to a challenging career.

The program emphasizes three points which it believes are important in its ability to reach dropouts. First, it believes that academics must be set in the student's life context and that his everyday needs must be met as well as his academic needs. Thus, the academies have unique staff members called streetworkers, who establish close relationships with students, counsel them, and meet their housing, job, health, legal, and other personal needs whenever required—regardless of time or day. It is trying to correct a failure of the public schools and most social service agencies which only deal with a part of youth's life and fail to come to terms with his total life.

Secondly, the Postal Academy Program believes that the establishment of friendly, trusting relationships among staff and students is a prerequisite for motivation and learning to take place. Thus, in the selection of staff, the Director of an Academy places greater emphasis on the ability of the staff member to convey genuine concern, respect, and appreciation to the students than on his academic or professional credentials.

Thirdly, the program, through its academic and related activities, attempts to help the student to place all knowledge, skills, and concepts in a context of a larger search for adequate values and life style for a person of the future. It believes that knowledge is worthless unless a student places it in a context of what he thinks is important to him and what he wants to do with his life.

In May 1970, the Postal Academy Program first opened its doors to an initial group of 250 students in sites in five cities—Atlanta, Chicago, Detroit, San Francisco and Washington, D.C. located in a variety of renovated community buildings in the urban centers. Each of the academies recruited an initial group of fifty high school dropouts, aged 16–22, under the direction of a local community oriented Director.

In the two years since then, the PAP added two new academies in the existing cities and opened a new academy in Newark. The enrollment has grown to 1,275 and the academies are showing the first fruits of success. As of January 1972, scarcely one and one-half years after opening, the Postal Academy Program has recorded 58 students who are in college, 95 students who have received their high school equivalency diploma, 103 students who entered full time employment, 16 students who entered the armed services, and 57 students who returned to the public schools. In November 1971, the Department of Labor conducted an extensive evaluation and had high praise for the quality of the staff and of the educational program and of the enthusiasm of the students.

ABOUT FUNDING

In its first year of operation, the Postal Academy Program was financed by the Department of Labor and the Office of Economic Opportunity while the Post Office Department contributed ten percent of the total 4 million dollar budget. As now, no formal funding arrangements were established and the money was allocated through informal arrangements between the Secretaries of Labor and OEO and then Postmaster General Winton Blount.

In fiscal year '71, O.E.O. was replaced by the Department of Health, Education, and Welfare. In fiscal year '72, the budget was made up of the following components.

Department of Labor	$1,585,098
Health, Education & Welfare	2,127,400
U.S. Postal Service	386,800
Total fiscal year 1972 Budget	4,099,298

These funds are still coming from informal agreements between men in high places. It is also true that much of the H.E.W. money is from their MDTA funds which makes the Department of Labor a substantially larger contributor than the above breakdown would indicate.

The Postal Academy Program is a victim of these informal funding patterns. It is basically an education program and the Postal Service and the Department of Labor are now unwilling to continue funding a program which does not fit in their respective plans. H.E.W. is also unwilling to continue its funding for reasons that remain obscure. About all that can be concluded is that our government thinks in categories and the Postal Academy Program, despite its record of quality, doesn't fit in an established category.

Each mayor's office in the six cities has endorsed the program and has expressed dismay that the present administration would take more than $600,000 out of each of their cities at a time when just the opposite is needed.

Who will suffer? Those with careers will continue. Those in the Postal Academy Program with credentials will choose new jobs. Again, only the students in the academy will suffer. Only they will come to a dead end, maybe the final deadend.

APPEAL

The Postal Academy Program must not be allowed to shut down! Pressure must be brought on the offices of the Postmaster General, the Secretary of Labor and the Secretary of Health, Education, and Welfare to face up to their obligation to place the program in a suitable home to see that it is refunded. The Office of Management and Budget has attempted to resolve this dilemma but to no avail. Now Congress must demand that action be taken by the administration to preserve the only successful alternative to the inner-city dropout crisis.

Our country cannot allow compartmentalized bureaucracy to destroy the hopes of thousands of young dropouts attempting to make it within the system.

What happens to a dream deferred?

Does it dry up
Like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
Like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?

LANGSTON HUGHES.

SURFACE MINING REGULATION

Mr. MOSS. Mr. President, with my distinguished colleagues, the Senator from Idaho (Mr. JORDAN), the ranking minority member of the Subcommittee on Minerals, Materials, and Fuels, and the Senator from Wyoming (Mr. HANSEN) the subcommittee toured Utah, Idaho, and Wyoming as a part of our year-long efforts to meet the problems of surface mining throughout the Nation.

I have presided over days of hearings and flown over hundreds of miles of land from the Four Corners area of our own Southwest to the cool, clear, alpine meadows of the Stillwater over Montana, and the broken hollows and denuded mountaintops of Appalachia, inspecting surface mining operations and seeking solutions to the problem of how to keep the beauty of our fragile land, while extracting the minerals which we need for energy and industrial development.

For those of us in the developing West, putting our resources to work is an accepted fact of life. For those in the East whose resources are dwindling and for whom an open space is a premium to be zealously guarded, mining, particularly of coal, with its concomitant degradation of water supplies and the environment, has become anathema to be fought by environmentalists at every turn of the road.

In my own State, we looked at sand and gravel pits composed of alluvial deposits along the mountain edges of Salt Lake Valley and flew into the mountain areas where we were pleased to find compatible use being made of an ongoing mine operation and an active ski resort. We flew over the vast checkerboard of solar evaporation ponds on Great Salt Lake where there are extensive surface operations recovering potash from brines of the lake. Of course, one of the wonders of the world is the Bingham Copper pit at the Kennecott Copper Co. where surface mining has been proceeding for many years and will be carried on for a long time yet. The vastness of this operation defies the imagination and serves to emphasize in a very obvious way the difficulties in defining reclamation requirements to meet Appalachia requirements and the Bingham pit.

To the north in the State of Idaho, we looked at phosphate operations where extensive efforts are being made to reseed and claim the lands being mined under regulations of the Department of the Interior and pursuant to Idaho State law. Much of the effort was voluntary on the part of the companies involved. This is not to say, however, that this has always been the case and our tour showed us both the good and the bad—from no reclamation on the early mines to the sophisticated methods on ongoing mines of today.

In our sister State of Wyoming, we journeyed through an area which had contained a bustling coal mining town at the turn of the century and which is now part of the high grass, good grazing land with lakes and rolling hills. The sites of coal operations could be seen in subsidence pockets dotting the hillside from underground mines. In one remarkable instance, we toured a coal seam which lies in a continuous vein from 102 feet to about 40 feet where erosion has removed the upper layer of coal. In uranium pits in Wyoming, reclamation has begun under Wyoming State law even before the uranium production has begun.

In all of our travels, the recurring theme was of the diversity of the mineral wealth and the unique problems varying within each State in the geologic pattern, weather conditions and so forth. The problems which we encountered in our surface mining operations in Appalachia differ remarkably with those of the West.

America depends upon its mineral and energy resources for many commodities and services: phosphate for fertilizer; iron and chrome for steel; uranium for

nuclear power; sand, gravel, and stone for construction; and coal and oil shale for fuel. These mineral resources are critically essential to the Nation's economy and security. We must find a way to meet the need and mitigate and avoid environmental damage.

The potential for surface mining operations in the Western United States is staggering. Coalfields underlie approximately 68.7 million acres, and are the major source of low-sulfur coal required to meet environmental standards for air pollution control. In 1970, production of western coal was about 29 million tons. Projected production for 1990 is over 11 times that, or about 338 million tons. Heavy demands for more coal-powered electrical generating plants to meet the Nation's increasing power crisis can be expected to result in a rapid increase in coal production until such time as commercial breeder-nuclear power reactors become a reality.

The establishment of effective mining and reclamation systems for development of mineral resources by surface mining is urgently needed to prevent undesirable environmental conditions detrimental to the general welfare, health, and safety of the population.

It is my hope to present to the Senate within the next several weeks a surface mining bill which the committee has been working on long and hard which will recognize the co-existing policy concepts adopted under the Mineral Policy Act of 1970 and the National Environmental Protection Act of 1969.

I wish to thank the many fine people in the States of Wyoming, Utah, and Idaho who welcomed us and provided us with a comprehensive tour of mining areas and the Secretary of Defense and his competent people who made our aerial inspection of remote areas possible.

MEXICO IMPOSES TOUGH NEW CONTROLS ON GUNS; AND IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

Mr. BAYH. Mr. President, I noted with interest an article in the Washington Post on June 6, 1972, stating that Mexico is imposing tough new controls on guns. The prevalance of firearms in Mexico is somewhat comparable to the situation in the United States. But Mexico has followed the lead of countries throughout the world in taking strong action to curtail the accessibility and use of firearms. The regulations which Mexico has adopted are not necessarily those that the United States should adopt and certainly this Senator is not suggesting legislation reflecting Mexican laws. Nevertheless, the action taken by the Mexican Government will certainly be of interest to Members of this body. Mexico, like the United States, has a long frontier tradition of a heavily armed citizenry and purely local controls of firearms, but they have recognized the need for a national system of firearms regulations.

I ask unanimous consent to have printed at this point in the RECORD the article by Marlise Simons, published in the Washington Post.

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

MEXICO IMPOSES TOUGH NEW CONTROLS ON GUNS

(By Marlise Simons)

MEXICO CITY, June 5.—Mexicans today began handling in illegal firearms and registering permitted weapons as a tough new gun-control law went into effect.

The law is the country's first serious attempt to deal with an alarming level of violent crime and rid Mexico of its image as a nation of "bandidos" and "pistoleros."

There was some public opposition to the law, and minor amendments were made by Congress, but no powerful gun lobby comparable to that in the United States exist here.

Under the new law, a civilian may own only one small-caliber pistol, and all other weapons are reserved for use by the army and police. All firearms must be surrendered or registered, and permission to carry a gun will be granted only in rare circumstances.

From now on each household will be permitted one pistol which must be kept at home, although the government responded to public pressure by agreeing to consider the car as an extension of the home.

These home permits for small-caliber guns will be granted only to adults who can read and write, who have done their military service, who are gainfully employed and who have no criminal record.

But with an estimated 6 million unregistered weapons loose in the country, implementing the law and breaking a long-standing habit will not be easy.

To the majority of Mexicans a gun is a natural accessory. A weapon has become a traditional symbol of a man's "machismo," the Latin concept of masculinity that invariably involves drinking, cruelty to women, defending one's honor and flashing a gun.

Much of Mexico's violence therefore stems from crimes of passion and honor, although there are no realiable figures on the number of killed and wounded with firearms.

Many incidents go unreported or unpublished, but there are daily stories in the press about lovers' quarrels, labor disputes, insults or traffic incidents that are settled by showdowns with guns.

Shoot-outs have even occurred in the Chamber of Deputies, the last time three years ago. No one was seriously hurt.

Analyzing their tradition of violence and their impersonal contempt for death, Mexicans recall the sacrificial practices of the Aztecs, who needed the blood of humans to nourish their gods. The Spanish invaders imported their own belief that damaged pride and honor must always be avenged.

Mexico's modern history has been turbulent, first fighting the Spanish conquistadors and then invaders from France and the United States. Its revolution of 1910 lasted over a decade, taking more than a million lives.

Even if the Mexican revolution romanticized the "pistoleros" who killed indiscriminately and died violent death themselves, today's Mexicans are glad to have peace. Yet the disregard for human life persists.

In 1968, the army, acting under orders, fired on a protest meeting of students and workers in Mexico City, killing close to 300 people including women and children.

Only last June, a student march was broken up by progovernment terrorists carrying submachine guns and at least 30 people died.

This "official violence" and the lack of faith in their system of justice make many Mexicans hesitant to surrender their arms. In the remote areas of the country gun law still rules, with politicians and landowners using "pistoleros" to control dissidents and peasants arming themselves in self-defense. In urban areas, no day goes by without police using their position to rob or extort money from violators of the law.

Since last year's wave of bank robberies and political kidnaping, the Mexican policeman—even the traffic cop—is armed with large-caliber weapons. Under the new law, such weapons are reserved for the army, but policemen continue to carry them despite this law and public protest.

Defense Minister Gen. Cuenca Diaz recently explained that the law "aims to control the wave of violent crimes, to combat gun-running and to prevent lesser authorities and influential people from abusing the right to own a weapon.

"Mexico is a peaceful country," the general went on, "and its citizens do not need to walk around armed."

Just how peaceful the citizens themselves consider the country, and how much protection they believe they can count on from the authorities, will be determined by the level of adherence to the new law.

For ordinary citizens, buying bullets or a pistol used to be as simple as ordering a cup of coffee, but private armories are now closed down and sales are to be strictly controlled by the government. Smuggling arms into the country, a highly profitable business—especially automatic rifles from the United States—will be punished with one to 15 years' imprisonment and a fine of $8 to $8,000.

Sanctions for owning an illegal weapon will vary from three months' to three years' imprisonment, a fine from $4 to $8,000, or both.

"Many Mexicans want to sell their guns at the moment," said a former armory owner who is now converting his shop into a snack bar. "But since there are no bullets, no one wants to buy."

Mr. BAYH. Mr. President, I also noted an article entitled, "In Britain, the Absence of Arms Contributes to the General Docorum," published in the Wall Street Journal of June 6, 1972. By strictly controlling the sale of firearms, that Nation has limited the flow of weapons among the civilian population to a bare trickle. I am the first to agree that there are numerous distinctions between Britain and the United States, but if the United States could regulate more clearly their firearms controls, we might be able to receive the same "beneficial effect on the flavor of life" in America as those in Britain.

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

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

THE GUN: IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

(By Felix Kessler)

LONDON.—At about 5 p.m. on May 11, the prime minister was chatting with members of Parliament in the House of Commons lobby when a stranger approached, pulled out a pistol and shot him in the chest.

About 10 minutes later, Prime Minister Spencer Perceval was dead. That was in 1812—and though it occurred 160 years ago, it was Britain's last political assassination. (The murderer, a bankrupt named John Bellingham, was convicted and hanged a week after the shooting.)

Today, it's only slightly more difficult for strangers to get close to members in the houses of Parliament—but it's a lot harder for anyone to obtain a gun in Britain. By strictly controlling the sale of firearms, the nation has limited the flow of weapons

among the civilian population to a bare trickle.

This has had a distinctly beneficial effect on the flavor of life in England. Prime Minister Heath as a rule travels without a motorcade and accompanied by only a single bodyguard. Occasionally hecklers pelt him with eggs or paint—in Brussels a girl hurled ink—but the outright violence that has hit politicians and other public figures in America hasn't been a threat to Mr. Heath or other British politicians.

There are, of course, numerous reasons for the overall gentler quality of life in England. For one thing, the nation lacks the rough-and-ready frontier tradition of America. For another, it has far fewer of the social and racial tensions that mark American life. But the absence of guns also clearly plays a role, and one of the most important facts is that, just as the populace is unarmed, so is the policeman.

Sociologists and police officials believe that, just as violence can beget violence, the sight of British policemen proceeding unhurriedly and unarmed through the roughest neighborhoods has, over the decades, helped mold the calm and even passive character of the people. Because until just a few years ago the death penalty was extracted for killing an unarmed policeman, even criminals made a point of being unarmed.

There has been a sharp rise in the armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry guns now. But the police are still opposed to carrying guns. Reginald Gale, chairman of the Police Federation, which represents some 95,000 of Britain's policemen, says that practically none want guns and that the most would refuse to carry them if requested.

FEARS FOR THE INNOCENT

"If forced to carry them, a lot would resign," he says. "No one wants to be associated with the first policeman who draws a gun and kills an innocent member of the public."

On rare occasions, English policemen are issued guns for special missions. But only twice since 1911 have they shot to kill—and in each case a berserk gunman was the target. In all England and Wales, with a population of 50 million, only 29 gun homicides occurred in 1970, compared with 965 in New York City alone, with a population of less than eight million.

These statistics, of course, exclude Northern Ireland, where bombs and firearms in the past three years alone have claimed more than 300 civilian, military and police fatalities. "Those of us who grew up in England know that Northern Ireland is a special case," says Clive Davies, a Liverpool University sociologist. "All this and more occurred in 1916. Ulster's history has always been like that."

Compared with the United States, where the nation's borders were achieved through violence that made firearms a necessity for survival and where the vigilantes were sometimes synonymous with law and order, Britain has for 150 years been a model of decorum. The densely settled and enclosed nature of the British Isles has bred a sense of self-discipline that has tended to keep the citizenry from punching, stabbing, maiming, shooting or even severely insulting one another. Historians and sociologists like to point out that Britain hasn't been invaded in 900 years, and the homogeneous nature of the populace has helped the country withstand the social and industrial strains that have toppled other European governments.

To be sure, some note that the subdued nature of the British and the relative absence of violence aren't all positive. "This is basically a static society," observes Mr. Davies. "You only have real violence where you also have a mobile, upward-achieving society."

Nevertheless, there doubtless would be more violence here if Sir Robert Peel hadn't stipulated that the London police he established in 1829 be unarmed. The London policeman has subsequently maintained a friendly relationship with the public that's unmatched elsewhere. Not only is the policeman unarmed, but his 15-inch nightstick is normally tucked out of sight down his right trouser-leg and rarely brandished, even when angry demonstrations threaten to boil into riots. Handcuffs are also seldom carried, since courts have awarded damages for unnecessary use.

The seemingly ingrained courtesy of British police is largely reciprocated by the public and has been an essential ingredient, according to many officials, in forestalling violence and preventing the rise of an armed populace. T. A. Critchley, in his book "The Conquest of Violence," remarks that it hasn't all been inevitable. Had the police been established at a time "when all adult males were required to keep arms, the police themselves would have been armed; and it is unlikely that any later government would ever have felt it safe to disarm them."

England nowadays doesn't rely solely on long-established tradition for maintaining a gunless society. Firearms laws are stringent by American standards, and the penalties for violations are stiff: You can be imprisoned for three years simply for possessing a rifle without a certificate, and terms of 10 to 14 years are meted out regularly to those carrying real or even imitation guns during a crime.

A rifle or pistol can't be acquired without a certificate from the police, and, as the law makes clear, "they will not issue a certificate unless they are satisfied that you have good reason for having it, that public safety is not endangered, and that you are fit to be entrusted with a firearm."

With these conditions, only 220,000 rifle and pistol certificates were in effect in 1965, and a more stringent law in 1968 brought the number down to 216,000, with each weapon requiring a separate certificate. The Home Office says it hasn't tabulated statistics since then from England's local police departments, but indications are there has been a further reduction in the number of weapons in civilian hands. Although private security guards can apply for certificates, a Home Office official says that "it's most unlikely that people who want to guard premises would get one from any local police." Neither bank guards nor other armored car guards customarily carry guns.

"People who ask for a gun to protect themselves or their homes are just the ones who are going to get turned down," says a spokesman for the London metropolitan police. "As long as guns are there, they tend to be used."

Since 1968, police certificates have also been required for shotguns, and 600,000 have been issued. Unlike holders of the other firearms certificates, the shotgun holder is entitled to obtain as many shotguns as he wishes, and police must show cause why he can't have a certificate, rather than the owner being required to provide a reason for possession. But with crime statistics pointing to a rise in armed robberies particularly with sawed-off shotguns, there's a mounting campaign for still-tougher firearms laws.

"The majority of people probably would want tighter regulations," says a Home Office spokesman.

Baroness Wotton of Abinger, a criminologist who's leading a campaign in the House of Lords for stiffer laws, says that 23 people were fatally injured by shotguns last year (official statistics haven't been released yet) and that the police have been too lax in issuing certificates. "You could get six shotguns and hang them on your front door," she claims. "I can't see why we have to have all these guns."

While the British strictly license sellers and purchasers of firearms, large numbers of illegal weapons are still smuggled into the country. An amnesty before the 1968 law went into effect resulted in 25,000 firearms being turned in; past amnesties yielded up to 76,000.

Although firearms are a relatively minor problem here by American standards, the authorities aren't complacent. Police officials observe that 47 policemen on duty were killed from 1900 to 1965, when the death penalty was abolished, and 12 in just the following six years. That has resulted, in addition to the push for stiffer firearms laws, in a campaign for restoration of the death penalty.

Comparing gun laws and violent crime in England and America, the New Law Journal, a weekly published for British lawyers, says that the principal difference "is one of degree. And though public attitudes to firearms in the two countries differ also, and in this country are relatively more receptive to control, the need in present circumstances for a radically different approach here is nonetheless real." Tom Harper, the Journal's editor, says that "there are too many guns around" and not even law-abiding people should be granted certificates unless they establish a very special need.

Similarly, C. H. Rolph, a writer and policeman for 25 years, wants all firearms withdrawn from the civilian population and more stringent controls by authorities to curtail illegal imports of weapons. He says that "far too many (German) Lugers and other foreign weapons" arrive in Britain and that the Ulster situation, with a heavily armed civilian population, is proof of the laxity of border checks.

If a gun lobby can be said to exist in England, its impact is minimal compared to that in the United States. The National Rifle Association here, unrelated to the powerful American organization of the same name, has a membership of about 15,000. The National Small Bore Rifle Association has 70,000 members in 2,800 clubs. Both are target-shooting groups, and their members are responsible for a substantial portion of the firearms certificates issued here. Both also oppose tighter restrictions. Although the clubs sell guns, there's nothing like the American firearms industry here to wage battle against more stringent controls.

Mr. Rolph believes the police resist being armed because both they and the public are long familiar with the present situation and feel comfortable in it. But he rejects any notion that American police could profit from the British experience and shuck their arms. "You can't disarm the American police without first disarming the American public," he says. "It would be suicide sending a policeman on the streets of New York without a gun."

Even in England, the lack of firearms occasionally is suicidal for policemen. The Blackpool chief of police was shot dead last summer when he grappled with an armed man escaping from a jewelry store holdup. More often, though, the unarmed policeman has helped save lives by his cool presence and persuasive powers.

When one police constable accidentally stumbled onto a bank robbery in December 1970, for example, he noticed two men armed with shotguns—and one was holding a baby, evidently as a hostage. Recalls the policeman:

"I drew my truncheon, pointed to the baby and then to the two raiders. We did not say a word, but they knew what I wanted. There was a pause, then one of the raiders nodded. I knew he meant I could take the baby away." By the time the policeman returned, the robbers had made off with $130,000. But no lives were lost.

It's obvious that an unarmed policeman can't exchange shots with robbers, a fact

that lessens the danger to innocent bystanders. Nor does he shoot fellow policemen by mistake or kill fleeing offenders like pickpockets, whose crimes aren't otherwise punishable by death. Police can, of course, obtain firearms when necessary, and 5% are qualified marksmen. Their weapons are kept locked in police station; none bring them home, thus reducing the chance of accidental shootings.

AN AMERICAN FOREIGN POLICY FOR ISRAEL

Mr. HUMPHREY. Mr. President, the President has just returned from a visit to the Soviet Union, after having reached several important agreements with that country. One item which was noticeably absent in the joint communique released at the end of the Moscow Summit Conference was any substantive progress with respect to the Middle East. President Nixon does not seem to have convinced the Soviet Union that a continuation of its present policies in Arab countries only serve to raise tensions in that part of the world and, consequently, to weaken the prospects for a negotiated settlement.

What we see, instead, is a continuation of Soviet military incursion into that highly volatile part of the world. It hardly serves to strengthen peaceful Soviet-American relations to find that the Soviet Union openly supports and sustains governments which applaud the kind of indiscriminate human slaughter which occurred so recently at Lod International Airport in Israel.

The United States must firm up its policies in the Middle East so that no doubt remains as to our commitment to stand by Israel in an attempt to facilitate a negotiated settlement by the parties directly involved. I have spelled out in a recent statement what I think should be the main thrust and the principal goals of American foreign policy in the Middle East. Mr. President, I ask unanimous consent that the statement, published in the Near East Report of June 7, be printed in the RECORD.

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

SENATOR HUBERT H. HUMPHREY:
A PERSONAL STATEMENT

An American foreign policy which is truly responsive to the needs of this nation and the new requirements for international understanding must include the clear and consistent recognition of our commitment to Israel. This commitment is based on experience, the history of the birth and struggle for the survival of the State of Israel, and above all, it is rooted in our affirmation of human rights for people of all races and religions.

In sum, it is in the national interest of the United States to maintain our commitment to Israel. Our overall interest is in facilitating peace in the Middle East. For the United States, the goal rests on the supposition that the Arabs and Israelis must settle the outstanding issues between them through the negotiating process. The focus of our attention should be on ways to reduce the threshold for a renewed outbreak in hostilities and for creating a climate which facilitates direct negotiations by the parties themselves.

The United States can do a great deal in this regard, but success or failure is as much a function of whether the Soviet Union exercises restraint by refraining from any further military or political interference in the Middle East. Once the Soviet Union decides to assume a stand-off position, the chances for direct negotiations are that much greater.

Any settlement of the Middle East, to be viable over a long term, must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

The settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy Places.

At the moment Arab intransigence towards negotiations is reinforced by actions taken by the Soviet Union, which is steadily building up Soviet personnel, military equipment and influence in the Middle East and along the coast of North Africa. Joint communiques frequently issued by the Soviet Union and the Arab countries have been provocative and a clear indication to Israel that it must seek outside support.

Unfortunately, our own government has been too slow in recognizing the trend of increasing Soviet involvement in the Middle East and has failed to grasp its full significance for the security of Israel.

Only after substantial Congressional and public concern was expressed did the Administration act appropriately. In May of 1970, during the "war of attrition," I went to Israel and after conferring with its leaders strongly recommended that the U.S. supply Israel with the military equipment it needed, including Phantom jets, and make it clear to Russia that we were so committed. I also joined with 77 other U.S. Senators in October 1971, in introducing a resolution urging the sale to Israel of Phantom jets which were essential to maintain her defense capabilities.

Early this year, the Congress, with my support, also included $50 million of supporting assistance to Israel as part of the Foreign Assistance Act of 1972. I favor increasing this figure for 1973.

I have proposed other steps which our government should take to implement our commitment—that the United States recognize Jerusalem as the capital of Israel, that we provide continued assurances of economic and military support, and that we exert diplomatic and moral pressure in behalf of the Russian Jewish community and Syrian Jewry now suffering under a heavy yoke of persecution.

Israel is founded on the moral tradition of providing a haven from persecution for Jews throughout the world. For this reason, it has a very special role to play in the international community. As much as we would like to think that religious persecution no longer exists, we know otherwise. There are 2.2 million Jews now living in the Soviet Union who are living in an alienated world, separated from their religion, their culture and their national identity. There are 5,000 Jews in Syria whose lives are severely restricted in contravention of the Universal Declaration of Human Rights, which Syria and the Soviet Union have signed.

I have urged repeatedly that President Nixon make every effort to discuss with the Soviet Union the question of the persecution of Soviet Jews, their right to emigrate, and the establishment of ethnic cultural exchanges between each of several minority groups with sizeable populations in both the United States and the Soviet Union. I have urged the President to do this during his scheduled trip to Moscow.

I have joined with other Senators in cosponsoring legislation which would provide $85 million in special assistance for the settlement of Soviet refugees in Israel. This sum will cover only a portion of the expense when you consider the enormous costs Israel has had to incur for its own defense and for the settlement of refugees.

There is more that Americans can do and I know there is more I can do. I know what must be done and I have the will to do it. Moral conviction and a yearning for greater understanding in the Middle East are my motives. Peace is my goal.

SOUTHERN POLICE INSTITUTE

Mr. COOK. Mr. President, one of the most serious problems confronting the United States at this time is the ever-escalating crime rate. It is no longer sufficient merely to place a badge on an individual and give him a revolver and tell him now that he is a policeman, he is prepared to rid the community of crime. As the criminal element becomes more sophisticated in the commission of crimes it is mandatory that our law enforcement officers likewise become more sophisticated in the apprehension of offenders. It is for this reason that I am so enthusiastic about the accomplishments of the Southern Police Institute conducted by the University of Louisville in Louisville, Ky. The institute, oftentimes referred to as the "West Point" of police work, has trained some 3,600 persons from over 40 States and 12 foreign countries in its 21 years of existence. As a Kentuckian, I am extremely proud of the fine record which the institute has established over the years and the service which it has provided not only the State of Kentucky, but also the Nation.

For those who would like to know more about the institute, I ask unanimous consent to have printed in the RECORD an article written by Mr. Stan Macdonald and published in the Louisville Courier-Journal of May 30, 1972.

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

SOUTHERN POLICE INSTITUTE: UNIVERSITY OF LOUISVILLE GROOMS FUTURE POLICE CHIEFS

(By Stan Macdonald)

J. C. Goodman was a sergeant in the Charlotte, N.C., police department when he attended the Southern Police Institute in Louisville some 20 years ago.

He recalls that before attending SPI he knew little about policing beyond the cop-on-the-beat functions.

Goodman says the experience was a turning point. "I was on a one-way street," he says. "I decided I wanted to be an administrator."

Today, Goodman is Charlotte's police chief.

An unusual case? Not a bit. A number of police chiefs and other top police administrators around the nation are SPI graduates.

Traditionally, policing and academics have rarely gone hand in hand. The Southern Police Institute, which is part of the University of Louisville, has been a notable exception.

Law officers refer to the institute as the "West Point" of police work. It is one of the best known police schools in the nation. It concentrates on producing officers who can run and administer police departments.

The curriculum taught at the institute's fast-paced 12-week terms was almost unheard of in police circles two decades ago when the school was founded. Even today it probably produces some frowns.

Subjects include personnel management,

the use of computers in determining crime patterns, crowd psychology, budgeting and constitutional law.

Not exactly the cop as egghead—but the institute does stress the police officer as part businessman and part lawyer. And there is good reason for this. According to SPI's teachers and students, most of the policemen are of supervisory rank.

John C. Klotter, institute director, says simply, "Policing is big business . . . A large percentage of the budget of a municipality or a county is for public safety. If we don't have good administration in the public safety section, then we're going to waste a lot of money."

Police departments, like business and industry, have to train personnel, select and assign their manpower, prepare budgets, keep accounts and purchase equipment. "The only difference here," Klotter says, "is that the product is the protection of the public."

If policing is big business, so is police education, thanks largely to an increasing amount of federal grants available for police training and education. Law enforcement courses and educational programs are mushrooming at colleges and junior colleges across the country. The Southern Police Institute prides itself as a forerunner in this field.

A law enforcement training complex at the U of L has grown up around the institute. In recent years the university has established the School of Police Administration and the National Crime Prevention Institute. SPI and the Crime Prevention Institute are separate but are both under the School of Police Administration, which offers a four-year undergraduate degree program.

ABOUT 3,600 HAVE ATTENDED

Klotter is both the dean of the police administration school and director of SPI.

The Southern Police Institute began in 1951 as a small, cramped operation in the second floor of a University of Louisville service building. The first class had 25 students and one-full time instructor.

Although the institute originally was to serve 11 Southeastern states, its scope soon grew nationwide. Officers from a wide geographical area asked to attend.

The needs for such police training were many and they remain:

Law enforcement authorities say repeatedly that policing is growing more complex and police must keep pace with the times. Modern business techniques, they say, are essential if police departments are to be run efficiently and effectively. Civil rights questions pose delicate and sensitive police problems. Protests and demonstrations must be dealt with. U.S. Supreme Court decisions require that policemen adopt new procedures and reforms.

Today SPI—largely through foundation grants—has a building of its own, five instructors and about 60 students in each class.

About 3,600 persons connected with law enforcement from over 40 states and 20 foreign countries and several federal agencies have attended the institute's 12-week terms or its two-week seminars.

Four seminars are held each year. They focus on particular areas, especially those of current concern to police. Recent topics have been "bombings, assaults, ambushes and murders of officers" and "civil disorders and riots." Leading experts in the subjects being studied are brought for one-day lectures at the institute.

M'CANDLESS WAS FIRST DIRECTOR

The school's 47th class will graduate Friday, and if the past is an indication, some of the sergeants and lieutenants presently enrolled will eventually become chiefs of their departments.

David A. McCandless was instrumental in founding the institute and was its first director until he died at 65 last year. He set a direction and a tone.

McCandless was a staunch defender of the policeman. He was resentful that legislative bodies were often unwilling to raise police salaries until a crisis arrived. He thought the news media should be more understanding of the complexity of the policeman's job.

But McCandless saw much need for self-improvement in policing and he was concerned that more policemen didn't appear to share this view. In one of his last interviews, he said he was most troubled by the lack of interest of many veteran officers in "improving themselves and their departments," he said. "It is difficult to overstate the resistance of a number of officers to change, no matter what the change it."

Students at the institute today seem to agree. "We have kind of spurned the idea of technical training and it has harmed us, slowed us down," says Capt. Gene Fawley, of the Cuyahoga Falls, Ohio, Police Department. "We just don't have enough of a general education to understand all the complex problems we have to deal with," he adds.

During the 12-week terms, which are offered twice a year, there is little time for anything but education. It's a cram course—providing intensive "in-service" training without keeping an officer away from his job for more than a few months.

TUITION IS $500

The program has its pressures; it's not intended to be a vacation. Hard work is expected and it is possible to flunk out, although this has rarely happened.

Classes run each week day from 8:45 a.m. to 4 p.m. For one hour the students may be lectured on "spans of control" in utilizing manpower, for the next hour they may examine U.S. Supreme Court decisions concerning an accused person's constitutional right to counsel.

Discussion in the classes often is lively. Much of it is give and take, and the officers don't hesitate to ask questions.

The school isn't a "mutual admiration society," said psychology instructor B. Edward Campbell. One function, he said, is to make officers "aware of some of the shortcomings of the past." He added, however, that the purpose isn't to "lock horns" because nothing else would be accomplished.

The officers quickly learn there is a lot they didn't know which directly concerns their jobs. "I really thought I knew constitutional law but after sitting in class for a few hours I found out how much I didn't know," said Lt. Otis Hinton, of Raleigh, N.C. "I thought I was doing a top-notch job with the squad at home but now I realize some of the things that I didn't do. Being a policeman is a hell of a job."

The ratio between applicants and those admitted to the institute is running about 5 to 1, Klotter said. Police chiefs recommend the men whom they want to send to the school. A university committee then makes the selections. To be considered, all applicants must have a high school diploma or its equivalent and must "pass" a college aptitude test.

Once admitted, a man has incentives to work hard. The police chiefs expect their men to utilize their training when they return. A poor showing at the institute could possibly lessen an officer's advancement in his department. An officer who does nothing at the school is wasting his time and the taxpayer's money. Tuition for each student is $500, and in many cases this is paid through federal funds given to local law enforcement agencies for police education and training.

Some officers, Klotter said, arrive with a "here I am, teach me" attitude. But he added that this is immediately discouraged. "We tell them the first day that if they already have their minds made up, they might as well go home."

Klotter doesn't recall any officer leaving the first day but he says that "sometimes the pressure is so great that students have gone home after a week or two."

Klotter himself isn't the high-pressurized type. The 53-year-old former FBI agent is a quiet, friendly man. But he also is a man who hates to waste classroom time. For him there is too much to teach and learn and too little time.

STUDENTS CALLED "SHARPER"

Students at the institute wait anxiously for the day when Klotter will arrive late for his constitutional law class. Invariably, however, he is always there when the bell rings, clutching textbook and lecture notes. He also has been known to ask if anyone would like to have class on a holiday.

Instructors at the institute say today's students are generally "sharper" and more highly motivated. This is largely due, they say, to the fact that many police departments have raised their entrance requirements. When the institute began the average student hadn't finished high school. Today he has about one year of college.

The institute's curriculum also is changing. In the first years, technical training like fingerprinting, traffic control and crime-scene investigation were stressed. But these subjects are now taught at local police recruit schools and the institute has moved its emphasis to police administration. Very few police schools in the nation offer this type of instruction on an "in-service" basis.

Next fall the terms will be expanded to 14 weeks in length because a new course in "communications" is being added to the curriculum. Klotter said that a good percentage of students have difficulty expressing ideas.

LOCAL ACADEMY NEEDED

The institute gets high marks from many in law enforcement. But it also isn't without criticism. At least one student this term questioned trying to give officers from both small and large police departments the same administrative training. He said a large department may have very different training needs than a small one. "It's difficult in providing a program that's geared to the middle of the road," he said.

The city of Louisville gives $10,000 a year to the institute and the city Police Department has by far more graduates than any other department. Many Jefferson County police officers also have attended the institute. County Police Chief Russell McDaniel and city Police Chief Edgar Paul are graduates of the institute and both speak highly of it.

But some law enforcement officials feel that the local governments haven't taken enough advantage of the institute's resources and, at the same time, the institute hasn't been aggressive enough in pushing for more local criminal justice training programs.

Stephen Porter, executive director of the Louisville-Jefferson County Crime Commission, thinks a local Criminal Justice Training Academy for police as well as correctional personnel, court officials and social workers would be a great benefit.

"The academy," Porter said, "should be based on the experience of the Southern Police Institute, the School of Police Administration, the U of L law school and the Kent School."

Some officials said there has been resistance to such an academy. But Klotter and Chief Paul indicated their support.

WELFARE REFORM

Mr. HARRIS. Mr. President, on June 6 an article by Nick Kotz, published in the Washington Post spelled out a probable scenario for the welfare legislation soon to be before the Senate for consideration. Mr. Kotz is an able, perceptive, and

knowledgeable reporter in the area of welfare reform and has, in my opinion, done a great service by publicly spelling out what so many Members of the Senate have privately felt for some time now. His conclusion is that Members of the Senate who have the best intentions may in fact be a part of moves which will result in a regressive, punitive bill that will be disastrous for those millions of our citizens forced into poverty and onto the welfare rolls. I ask unanimous consent that the article be printed in the RECORD. I hope that Senators will read it carefully before voting for any half-way step toward welfare reform.

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

"AS THE POLITICAL RHETORIC HEATS UP": A CRUCIAL STAGE FOR WELFARE LEGISLATION

(By Nick Kotz)

As the political rhetoric heats up in a presidential election year, candidates once again are promising they will stamp out welfare loafers who are living it up at taxpayers' expense. Governor Wallace would put an end to the welfare bonanza created by liberal "pointy heads." Senator Humphrey, even though he has co-sponsored a generous welfare bill, has adopted a campaign tone hostile to welfare recipients. President Nixon has been asserting that emptying bedpans at $1.20 an hour is just as rewarding a job as being President.

It is in this atmosphere that Congress reaches a crucial stage in its three-year consideration of so-called "welfare reform" legislation. At this time, it is awfully hard to find anyone who is speaking for and to the human needs of those 12 million children, old people, and disabled who comprise more than 85 per cent of the welfare "deadbeats." Their case deserves to be stated in a country that still prides itself with concern over the helpless, the powerless, and the child.

Ironically some of the welfare poor are just as worried today about protection from their "friends" (liberals in Congress and newspapers like The Washington Post and New York Times) as they are sickened by their enemies. They thoroughly understand the intentions and motivations of Senator Russell Long (D-La.), the Finance Committee chairman, who is openly preoccupied with the present shortage of women willing to wash his shirts for poverty wages. Long and a majority of his committee and the House Ways and Means Committee traditionally have approached welfare with a keen interest in maintaining a cheap, helpless labor supply in the South and elsewhere.

But members of the National Welfare Rights Organization composed of poor people who must exist on welfare, and their allies in the National Council of Churches, are far more perplexed, but no less worried about the liberal legislative strategists who keep pushing this year's welfare reform bill toward the White House.

Advocates for the welfare poor, such as NWRO and the Council of Churches are convinced that Congress is now virtually locked into a legislative course that almost certainly will leave present welfare recipients worse off than they are today. Yet this legislative drive is being kept alive by liberals flying under the banner of welfare reform and an interest in helping the poor, but unmindful of the likely outcome.

This is the legislative scenario that is envisioned by these spokesmen for the welfare poor:

1. The House has already passed a Nixon administration welfare bill, which could result in a loss of legal rights and benefits for 90 per cent of the recipients now on welfare. The poor in only four or five states might end up better off. Food stamp aid, now amounting to $2½ billion annually to 12 million poor, would be eliminated. Numerous hard-won legal rights are stripped from the poor. A family of four would be guaranteed only $2,400 a year, which is about one-third of what the Labor Department says it takes to live on a low-level budget in a typical American city. The reform in the bills is that the working poor will get benefits for the first time.

2. The Senate Finance Committee will report out a bill, that will make even the most regressive features of the administration's House-passed bill look generous by comparison. If that bill contains subtle measures to control the poor, the Long bill openly punishes welfare children and their mothers.

3. The White House will then negotiate a compromise bill with a single senator, Abraham Ribicoff (D-Conn.). The White House needs Ribicoff and liberal Democrats because the administration can't find a half dozen Republicans to support its own House-passed bill. Ribicoff needs help from the White House because his own proposal, which helps rather than punishes the poor, also probably cannot pass the Senate.

So the President and Ribicoff strike a compromise restoring a few of the legal rights which other proposals snatch from the poor, and offering at least a better guarantee that millions of poor people won't have their already inadequate benefits cut still further. (To Ribicoff's credit, he is the one liberal senator to have designed and worked hard on a practical, generous welfare plan.)

4. The Senate, depending on how many liberals have deserted the floor for presidential and other campaigning, will probably approve some form of Nixon-Ribicoff compromise. The quality of the compromise will depend on the mood of the White House, which has swung to a punitive attitude on welfare, and of Senator Ribicoff, whose volatile views about the poor have varied from punitive to human understanding.

At best, the Senate will pass a bill that improves somewhat on the House version and guarantees that current welfare and food stamp recipients aren't left worse off than before. Such a guarantee would require ironclad provisions that state benefits above the minimum are maintained, that food stamps are retained or replaced dollar-for-dollar with cash, and that welfare recipients are not denied their civil liberties and legal rights.

5. A Senate-House conference committee will then convene to consider the different House and Senate versions of welfare reform. The committee will probably consist of the senior members of Long's Finance Committee and Rep. Wilbur Mills' Ways and Means Committee. Based on past voting records, there is not among these senior men a single one who will support decent living standards for the welfare poor.

The conference committee will reach a compromise. If the Senate conferees make any pretense of supporting the Senate-passed bill (which they violently opposed), then the compromise probably will be no worse than opening the way for 80 per cent of the poor to suffer reduced benefits.

6. The conference bill will be reported back to the House and Senate floors, just as Congress is about to adjourn and political demagoging of welfare has reached election year fever pitch.

The House will approve the conference report overwhelmingly, over the protest of the Black Caucus and a few dozen others.

The Senate also will pass the bill by a wide margin after first hearing the belated protests of a few liberal senators that the bill should be defeated because it takes bread out of the mouths of already undernourished children.

It will be a good vote for most members of Congress. It will be considered a good political vote not only against welfare loafers but for social security increases. (Social security and welfare are considered in a single package.) Few congressmen would consider endangering a social security hike in an election year.

7. President Nixon will sign the bill, announcing his greatest legislative achievement—which will put an end to the welfare mess.

8. About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children. Senator George McGovern and others who fought for the last six years to end hunger in America will sadly discover that the hungry are right back where they started, without the principal food program that was starting to help them.

The legislative scenario described here doesn't have to be acted out. It can be short-circuited in several ways.

A Senate majority of liberals and moderates could conceivably exercise a collective profile in courage. But this would require action now. These senators would have to pledge, starting this week, that they will kill any legislation that hurts poor people. Ribicoff hasn't made that pledge. They will have to decide that the fate of millions of poor Americans should not be decided in private negotiations between a single Democratic senator and the White House, nor by two ultra-conservative finance committees whose members have hard hearts when it comes to poor people. These senators will have to forswear the political luxury of casting one vote for poor people and then resignedly voting for a final bill that punishes the poor.

These senators will have to decide, as have NWRO and the National Council of Churches, that there is a price that is too high to pay for a few elements of structural reform.

The price is too high when it includes increased suffering for innocent children. The price is too high when it strips poor Americans of the rights they have won the last 10 years in the U.S. Supreme Court. The price for establishing the principle of aid to the working poor is too high when it includes increased misery for 15 million already miserable people.

The welfare bill also could be killed by a coalition of senators who refuse to hurt the present welfare poor, and conservatives who disapprove of aid to the working poor.

Noticeably absent from the entire debate are a few facts about welfare.

1. There are no more welfare cheaters than there are income tax chiselers.

2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.

3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

Many of the women are needed at home to care for small children. Many do work—at poverty wages. Many more want to work but can't find jobs that would pay them enough to support their families. Many can't find jobs at all. Many are not qualified for jobs.

But these kinds of facts do not register on the minds of people who want to believe something else. The welfare recipient becomes a convenient scapegoat for a troubled society.

So the genuine representatives of poor people watch with dismay while their self-appointed liberal champions keep the welfare legislation rolling, without attention

to legislative realities that could end disastrously for the poor. The poor still look for the champions who will say "no" to legislation that could mean less food for 8 million children and millions of elderly who already can't afford an adequate diet.

OVER 50 YEARS IN SCOUTING

Mr. PROXMIRE. Mr. President, Boy Scout Troop 409 in Wausau, Wis., was founded in 1918. The man who served as its first scoutmaster, Richard Eiseman, was recently honored for his long service to the youth of Wausau.

Mr. President, I ask unanimous consent that an article published in the Wausau Record-Herald of May 15 be printed in the RECORD.

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

BOY SCOUT TROOP 409 MARKS 50TH ANNIVERSARY

Boy Scout Troop 409, sponsored by the Stettin School Parent Teacher Association, observed its 50th anniversary Sunday at Thomas Jefferson School.

The unit, which has actually seen 53 years of uninterrupted scouting, is the only troop in the district and the second in Samoset Council to reach the 50-year mark.

The troop attained the 50 years last year, but just recently received national clarification on the organization date.

Originally organized as Troop 9 in 1918, Troop 409 was at one time the only scout troop in existence in the council. The situation continued for two years, 1928 to 1930, during which time Richard Eiseman, in addition to serving as scoutmaster, was acting scout executive. He and C. C. Yawkey kept the council charter alive.

The Rev. Eastwood of First Presbyterian Church and the late Henry C. Manecke were the troop's first scout leaders in 1918.

In 1918 E. J. Hopkins was the leader and Eiseman became actively involved in scouting at this time at Underwood Memorial Chapel.

Hopkins was followed by Karl Schmidt, a local attorney, with Eiseman as assistant scoutmaster. In 1921, Eiseman was appointed scoutmaster.

He served continuously in that capacity until 1942 at which time he enlisted in Army during World War II. After his discharge in 1945, he again took over Troop 409 and served until 1947 when he retired from active scouting.

During the war years, Emil Ammentorp took over the troop's operation for two years.

Other scoutmasters and their terms of service include Robert Egeler, 1948 to 1953 and 1956; David Hase, 1954 to 1955; Kenneth Schaefer, 1957 to 1965; Larry Schaefer, 1966; John Sadenwasser, 1967 to 1968; William Hussong, 1969; Francis Fassino, 1970, and current scoutmaster, John Stroesenreuther, who took over in 1971.

Troop 9 became known as 409 in the late 1950s and transferred to Stettin School then.

The unit has had as many as 69 scouts registered. There are presently 14 scouts enrolled. These include Bill and Karl Boeselager, Bruce Fochs, Wes Hawkinson, Scott Karasek, Leland Koenig, Steve Misoni, Jim Rogge, Brian Smith, David Schreiber, Keith and Peter Soma, Tom Williams and Randy Woldt.

The troop also sponsored a junior scout program at one time, enrolling 101 boys, ages nine to 12. This was organized by Eiseman before the national headquarters entered the cubbing field actively.

The group has had 20 Eagle scouts during its history. These include Norman Gahnz, Robert Manecke, Harold Neitzke, Earl Kutchery, Jay Dudley (deceased), James Bibby, Albert Dahl, Fred Reich, Donald Manecke, Glen Gritzmacher, Earl Brandt, Jack Heybl, Robert Fehl, Terry Wadinski, Jim and Larry Schaefer, Robert Wolslegel, Thomas and Marcus Hawkinson and David Strobach.

The Sunday observance included a talk and charter presentation by John Hedquist, Stevens Point, council commissioner.

Hedquist discussed a commissioner's duties, which include solving problems that arise within units and maintaining registration within the council.

He also talked about the various campaigns conducted by the boy scouts through the years, ranging from conservation to drug abuse and ecology.

"Although the ranks and requirements for boys may have changed through the years," he said, "the aims are the same, citizenship training, character building and physical fitness."

He then discussed some of the changes to take place in scouting.

These include immediate presentation of awards when they are earned. Previously, a boy might have to wait several months between the time he earned an award and the time he actually received it.

Previously a boy entering boy scouting automatically became a tenderfoot. With the change, he will have to be a member for two months and must earn two skill badges prior to receiving the tenderfoot rank.

Skill award and merit badge requirements for first and second class ranks will be increased.

Youth will no longer be called boy scouts, Hedquist said, rather they will be known as scouts.

A leadership corps will be established for 14 and 15 year-olds. Training will be required for this and one of the scouts will be a member of the troop leader council, previously called the patrol leader council.

Master of ceremonies for the evening was John Tetzlaff, a member of the executive board.

A year certificate was presented by Russell Johnson, district executive, to Wes Hawkinson, senior patrol leader of Troop 409.

Jerry Madison, home secretary for Rep. David R. Obey, D-Wausau, presented the troop with a flag that had flown over the nation's Capitol.

A special troop neckerchief was designed and presented to all those involved in the troop and its anniversary celebration.

Troop Eagle scouts received certificates and past scoutmasters received plaques.

Donald Manecke presented a special 50-year service award to Richard Eiseman.

The invocation and benediction were given by the Rev. George Robie, assistant pastor, First Presbyterian Church, Wausau.

In addition to Stroesenreuther, and Williams, troop personnel include Todd Orthman, executive officer, Keith W. Smith, committee chairman; Edwin Strobach, and Robert Boeselager, committee members; David Strobach and Marc Hawkinson, assistant scoutmasters.

IN COMMEMORATION OF AFRICAN LIBERATION DAY

Mr. HUMPHREY. Mr. President, on May 27 of this year more than 12,000 people gathered in Washington to commemorate African Liberation Day. Several distinguished speeches were given, some of which remonstrated against the lack of initiative by the United States to promote the liberation of persecuted black majority populations in Africa with a view toward the implementation of social and racial equality in all countries of the African continent.

At the time of the Washington and San Francisco demonstrations for Africans' Liberation I issued a statement proposing a set of guidelines for U.S. policies toward black southern Africa which are in keeping with the traditions which we uphold in our own country. Mr. President, I ask unanimous consent that this statement and the statement I issued upon the release of the British Government's Pearce Commission findings on Rhodesia be printed in the RECORD.

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

WASHINGTON, D.C.—Senator Hubert H. Humphrey issued the following statement today in observance of African Liberation Day and the first national African-American Conference on Africa at Howard University:

IN COMMEMORATION OF AFRICAN LIBERATION DAY AND THE AFRICAN-AMERICAN CONFERENCE ON AFRICA

This year's marking of African Liberation Day and the first national African American Conference on Africa comes at a time when the majority of black Southern Africa is still not free. This annual commemoration has stirred a new consciousness among black and white people alike that this grave injustice to the majority population of Southern Africa is an affront to the principles of the United States and the cause of civil rights the world over.

On Africa Freedom Day in 1961 I said:

"We believe that the people of Africa—all of Africa—must be given a chance for freedom of choice—the opportunity to plan and achieve the cultural, political, economic, and social development to which they are entitled."

In 1961 several African countries were still under colonial rule, but in most instances steps had been taken by the European countries to move rapidly towards independence and majority rule. The United States was applying its own diplomatic pressure to accelerate the movement.

It is now 1972 and there are still at least 35 million non-whites living under the colonial-type rule of 4 million whites. It is 1972 and we find our own government backtracking on the cause of African liberation abroad and the cause of civil rights here at home. The two are interconnected, for ultimately an administration's foreign policy is an extension of its policies at home.

In 1972, President Nixon spoke of an African dilemma and noted that "Southern Africa contains within itself the seeds of change." In practice these words have come to mean resignation and even complacence with the *status quo*.

Today I offer a broad outline of steps to be taken in the assumption of an active and constructive policy towards Southern Africa.

1. *Rhodesia*—The United States should strictly observe UN sanctions until independence with majority rule is achieved. It should encourage the convening of a new constitutional conference with the participation of black and white Rhodesians, as well as representatives of the British government.

2. *Namibia (South West Africa)*—The United States should take full account of the legal consequences of the UN General Assembly vote and the World Court's advisory opinion. Our government must refrain from any acts and in particular any dealings with the Government of South Africa which would imply recognition or support of the South African government's rule over this territory. Instead, the U.S. government should restrict American investment operations in Namibia to dealing with the United Nations. Taxes on the profits of American companies in Namibia should not be paid to the government of South Africa

but to the UN itself which is now the legal trustee of Namibia.

3. *South Africa*—The United States should restaff its embassy in Pretoria to include a proportionate number of blacks as an indication of our own government's strong opposition to apartheid. Corporate responsibility is a reflection of U.S. policy on apartheid. American corporations in South Africa should, therefore, be encouraged by our government to achieve the equal employment opportunity standards which we insist upon in our own country.

4. *Portuguese territories of Angola, Mozambique and Guinea-Bissau*—An immediate study should be made of our military assistance program to Portugal to determine just how essential this assistance is to NATO and the extent to which our military aid is diverted to Portuguese colonial governments to aid in their fight against the local liberation forces.

5. Our government should set up a Citizens Committee to study and report on U.S. relations with Southern Africa and U.S. support of UN policies in Africa.

These actions can contribute to ending violence and hostility between races. They are steps to achieving human freedom and dignity.

HUMPHREY CALLS FOR INDEPENDENCE WITH MAJORITY RULE FOR RHODESIA

The British Government's Peace Commission has just announced its flat rejection of the proposed formula for an independent Rhodesia. I applaud their decision.

The Commission was formed to study the acceptability, to the people of Rhodesia, of the new formula. Its findings conclusively indicated that the porposal was unacceptable, unacceptable to the Rhodesians, and to the majority of Africans.

How could this proposal be acceptable when it endorsed the inequality between the majority black and the minority white populations in Rhodesia. How could this proposal be acceptable to Africans who are striving to build their countries on a foundation of human rights and liberty. How could this proposal be acceptable to our own government unless it cares little for the principles laid out in our own Bill of Rights and amendments to the Constitution, unless it cares little for the cause of blacks, or colored peoples as much as whites the world over.

I am hopeful that the Pearce Commission's decision will lead to a constructive effort to attain independence with majority rule for Rhodesia. I urge our own government to add its support to the British government and the people of Rhodesia to attain this goal.

Until independence is achieved with majority rule, I support the position of the British government and the United Nations of maintaining economic sanctions. I view the importation of chrome to the United States as a serious violation of these sanctions and of the principle of UN enforcement procedures. It is incumbent upon the Congress and President Nixon to restore all trade sanctions observed by the UN against Rhodesia.

HEALTH CARE

Mr. McGOVERN. Mr. President, the Nation's health care system is in critical condition.

Overall, it costs about $70 billion a year in private payments and public taxes.

But it is not delivering the treatment Americans need, when they need it, where they need it, and at prices they can afford.

And it is falling far behind in recruiting and training the people we must have to preserve the Nation's health in the future.

Recently I visited Harbor General Hospital in Torrance, Calif. It has dedicated young physicians and a capable staff. It is as good a public hospital as there is in this country.

Yet, a women with a sick child must often wait 6 hours for a few minutes of treatment in its clinic.

Accident cases die before they get to the emergency room, because many of the ambulances which bring them here lack survival equipment.

A medical care patient who cannot qualify as an indigent pays $146 a day.

And Federal cutbacks are making it harder and harder for Harbor General to find the funds it needs for research and expansion.

The truth is that Harbor Hospital's patients are as much a victim of the system as they are of accidents and disease.

It is the system of lax regulation that keeps medical costs consistently the fastest-rising component of the price index.

The system of poor supervision that allowed Blue Cross to make a $92 million profit on its Federal employee program last year, while pleading poverty in order to get approval of a 22-percent increase in premiums.

The system that limits the number of young people who can go to medical school, while doctors' offices resemble factories, thousands of communities have no doctors at all, and even the affluent suburbanite finds it impossible to get hold of a doctor on weekends.

And the system of governmental indifference which has cut back the medical program in California, and tried to increase the deductible payments for medicare at the Federal level.

We must break this system before it breaks our health, and before it breaks the people of all income levels who suffer accidents and disease.

The Nixon administration's response leaves almost everything to be desired.

In the past 40 months we have seen a constantly growing patchwork of inadequately conceived, overlapping, and uncoordinated health programs, accompanied by a proliferation of complex—if not incomprehensible—regulations.

We have seen a veto of desperately needed Hill-Burton funds for hospital construction.

We have seen a veto of legislation to train more family physicians; cuts in Federal aid to medical students, and the deletion of over $25 million from the research budgets of the National Institutes of Health.

The Federal Government cannot and should not attempt to solve all health problems by itself. It cannot do the work of State and local governments, doctors, and other health personnel.

But certainly it must take the leadership role in medical care. It is the Federal Government's ultimate responsibility to assure the health and welfare of the American people.

I propose here today some new directions to help fulfill that obligation.

First, we must adopt legislation to insure against the spiral in health bills borne by the individual.

The cost of medical care has been rising at a rate twice as fast as everything else. The daily rate on hospital rooms in major cities is 15 percent higher than it was last year.

Yet, 20 percent of people under 65 have no health insurance at all; nearly half have no coverage for care outside a hospital; 20 percent are not covered for the cost of surgery; and the scope of private health coverage held by most Americans leaves them wholly unprepared for the catastrophic health bills they are receiving now.

The best answer presented thus far is the health security plan which I am cosponsoring with Senator KENNEDY and 23 other Senators. It would help provide more doctors and skilled medical technicians, and it would permit all Americans to receive medical care at costs they can afford.

Second, we should greatly improve the organization and efficiency of the entire health delivery system.

Today's fragmentation of the medical system means that available manpower is often misused, hospitals are often poorly managed, expensive facilities are needlessly duplicated, and costs tend to defy rational controls.

The health security plan includes to deal with this problem. But we should also encourage, support, and guide the private sector to organize itself into "medical care corporations" or "health maintenance organizations." Such agencies would include doctors, hospitals, laboratories, nursing homes, mental health facilities, and other health services under one organizational and financial roof. The prototype HMO, the Kaiser-Permanente health care program throughout the west coast, has been operating successfully for 40 years. Such organizations should be encouraged with start-up money and through the collection and dissemination of needed research and management data.

Third, emergency medical services should be dramatically improved.

People under 38 years of age die more frequently from accidents than from any other cause. Heart disease and strokes are the biggest killers over 40. And thousands of people in both groups could be saved if emergency medical services were upgraded just to meet what is already technically feasible.

Priorities should include the training of ambulance attendants, designing and equipping emergency vehicles, communications systems, and the staffing and organization of hospital emergency rooms.

Fourth, medical services must be delivered to areas of acute shortage, particularly in rural areas and central cities.

Both areas have a major stake in the communications and transportation systems that would be available under regional emergency medical services systems. But they also need more medical personnel. The National Health Service Corps should be expanded, with particular attention to this special inadequacy.

The most promising route is to foster the establishment of rural area and community health centers in areas not presently served, staffed by paramedical

personnel and stocked with medical equipment from the 1,500 prepackaged health units now stored by the civil defense program and not used.

Fifth, action is needed to stem the rising costs of drugs.

Whether the bill is paid by the patient or the public, the price of drugs used for both immediate and long-term treatment should be a matter of serious concern. Extension of medicare to include prescription drugs should include a requirement that such drugs be prescribed by their generic name. Further, the patent period for commercially produced drugs should be shortened to 5 years, and patent holders should be obliged to license them to competitors after that period. When this was done in the case of penicillin, the price dropped nearly 100 percent.

THE NORTHEASTERN FOREST FIRE PROTECTION COMPACT

Mr. MUSKIE. Mr. President, 1972 marks the 25th anniversary of an event which resulted in passage of one of the most unique and significant pieces of forest fire protection legislation ever enacted in the history of our country.

The Northeastern Forest Fire Protection Compact, created by an act of Congress, was the first intergovernmental body of its kind and has served as a model of mutual aid for other sections of the country. Its establishment was a direct result of a series of disastrous forest fires which burned throughout New England and the Northeast during the autumn of 1947. In that year, my own State of Maine experienced the most devastating fires in its history in which 220,000 acres of forest and wildland were burned 2,500 people were made homeless, and nine communities were leveled or practically wiped out.

The events of 1947 pointed up the critical importance of interstate and Federal cooperation to deal effectively and promptly with forest fires. As a consequence, the 81st Congress on June 25, 1949 enacted Public Law 129 authorizing the Northeastern Forest Fire Protection Compact. Three years later on May 13, 1952, the 82d Congress enacted Public Law 340 authorizing Canadian participation in the compact.

Several Senators well remember the forest fires of 1947, for they participated in passage of the legislation authorizing the Northeastern Forest Fire Protection Compact. Senator AIKEN, of Vermont, with 12 cosponsors, guided S. 1659 through to enactment at Public Law 81–129. Senator PASTORE, as Governor of Rhode Island, on May 8, 1950, executed the document which made his State a member of the first Interstate Forest Fire Protection Agency.

Mr. President, all of us, especially those who were in any way connected with the establishment of this Compact have a deep interest in its development, progress, and accomplishments. The devastation caused by the 1947 forest fires was most severe in the State of Maine. At that time, Austin H. Wilkins, at present forest commissioner for the State of Maine, was supervisor in charge of forest fire control in the organized towns. He is a member of the Compact Commission and served as chairman in 1969–70. His firsthand knowledge of conditions throughout the State in 1947 and action on the fireline provided excellent qualifications for writing "The Story of the Maine Fire Disaster" published in the Journal of Forestry in August 1948.

This account not only vividly describes the disaster, but sets forth the reasons for establishing an intergovernmental mechanism for preventing the recurrence of the events which took place in the fall of 1947.

Mr. President, I ask unanimous consent that the article entitled "The Story of the Maine Forest Fire Disaster" be printed at this point in the RECORD.

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

THE STORY OF THE MAINE FOREST FIRE DISASTER

(By Austin H. Wilkins [1])

Never in the history of the state of Maine have a series of forest fires caused such devastation and privation as those which ran rampant in October, and November, 1947. There is nothing from historical records of the state to indicate that a major forest fire disaster ever before occurred in the fall. In the recent fire disaster winter set in before the fire lines were totally extinguished. In some sections, hose lines were frozen into the ground while others were buried under snow to be recovered in the spring.

The loss of property was not wholly confined to the forests. When one measures a loss in terms of human privation and hardship, the destruction of many inhabited dwellings and crossroad neighborhoods in the late season was tremendous.

Approximately 220,000 acres of forest, hay fields, and pastures were burned. This is a little over 1 percent of the total 16,783,000 acres of forest land in the state. Graphically, a straight line 313 miles long and one mile wide, extending from one extreme corner of the state to the other, would be an equivalent to the area burned.

It is estimated that the total property loss was $30,000,000, and fire suppression costs $500,000. This loss in a general classification includes the destruction of many fine homes and cottages and most all of their furnishings; sets of farm buildings, livestock, and farm machinery; boys' and girls' summer camps; antiques that can never be replaced; a famed cancer research laboratory; factories, stores, and businesses; telephone, telegraph, and power lines; trucks, tractors, and automobiles; public buildings; sawmills and lumber yards; millions of feet of mature timber and thousands of cords of cut and uncut fuelwood and pulpwood, and even the soil was so severely burned that nature will require many years to rebuild. In the tragic wake of this destruction 16 persons lost their lives, 2,500 were made homeless, 9 communities were leveled or practically wiped out, and 4 other communities suffered extensive damage.

One serious false impression must be corrected here before actual accounts of the fire are related. In spite of heavy property losses and extensive areas swept over, the whole state of Maine did not burn up nor did a major portion of it. It is unfortunate that leading newspapers outside of New England and national radio broadcasts, carried the exaggerated information that "The State of Maine was aflame." The psychological damage done by this false impression can result in a most serious effect upon the state. As an illustration, the publisher of a weekly newspaper received a letter of condolence from his newsprint supplier regretting to learn that he had been "burned out" (which he wasn't) and advising that his November and December paper supply would be allocated elsewhere. A quick long distance telephone call soon straightened out the situation. There are many other similar cases. It is going to take much true publicity to get the facts across to the people of the country to prevent Maine being "written off" by tourists, vacationers, sportsmen, businessmen, and others.

The writer in describing the scenes, events, and conditions prior and during the diaster cannot be too detailed because of the many aspects of the whole situation. One must realize that there was not just one major forest fire but a series of widely scattered fires. Any oversight in mentioning persons companies, agencies, or occurrences is not deliberate. There just isn't time to include all in this paper.

The contributing factors should first be considered. They were the character of the season, ground conditions, and fire hazards following lumbering operations building up to and extending through the disaster period.

The snowfall of 1946–47 was normal. But in early March, an abnormal warm spell set in which caused the snow to quickly melt and disappear from the woods along the entire coast line and for several townships inland. Temperatures in the high eighties broke long-standing weather records. There was also very little frost in the ground. Thus, there was the unusual condition of fields and woods clear of snow at about the same time. To those engaged in fire control this was an ominous sign.

However, for the months which followed to the middle of July, the season was wet and cold. The average precipitation for April, May, and June was over 5 inches. In one section of the state there were five continuous days of rain from April 30 to May 5. Heavy rains also fell in May and June. There were many days of overcast skies and slight drizzles.

In the middle of July, a complete reversal of weather conditions started and remained unchanged for the next four months. This marked the beginning of a prolonged drought which accumulated to 108 days before any appreciable rains fell on November 8. There were several periods of 25 to 35 continuous days without any trace of precipitation whatsoever.

Continued days of warm, drying, gentle winds from the southwest and northwest quarters began to have a marked effect upon the soil moisture, wells, lakes, streams, ponds, and vegetation. By the first of October, with no break in the drought, several danger signs became very real and threatening. The water level of wells and lakes receded to unprecedented low marks, small streams dried up leaving here and there little stagnant pools. Bogs and marshes could be crossed without any sign of wetness, and the forest floor was practically without moisture.

The hardwood foliage began to show the effects of the drought. Lack of moisture caused the leaves to dry while still on the trees. Many fell prematurely and when crushed in the hand were pulverized. During the fire, hardwood trees flamed up just like a conifer. In stands of hardwood growth, fires actually crowned. Sometimes leaves would fall like snowflakes in a storm and quickly ignite on the hot ground and jump across trenched firelines. There were several early killing frosts but little coloration as in other falls. The nights were hot and very little dew formed.

Conditions were so dry that the soil would not hold together. Very few farmers did fall plowing because of the difficulty of laying over furrows. When crews were constructing fire lines the soil would spill off the workmen's shovels like loose sand. Bulldozers working around fields and woods raised no-

[1] Maine Forest Service, Augusta, Maine. Senior member, S.A.F.

thing but clouds of dust. Often in establishing a fire line a second run was made to lay up sufficient mounds of earth for a fire stop or for the crews to work with.

Wood in buildings became dry. The moisture in shingles, clapboards, foundation timbers, and wooden steps was greatly reduced by the evaporating rays of the sun.

Added to these physical dry signs were the reports from fire danger stations of a class 4 fire danger day continuing for periods of 15 to 20 consecutive days. There were several reports of a class 5 danger day.

Within the last 10 years four very distinct factors contributed toward the accumulation of this serious forest fire hazard. First, the slash hazard of the hurricane of 1938 had not been entirely eliminated; second, the severe snowstorm of 1945 caused heavy tree bending, branch and top breakage; third, the accelerated cutting operations during the war to supply wood so essential for the national emergency; and fourth, the continuing lumber operations to meet a vast program of post-war reconstruction.

At this point a brief word should be said about the state-town fire protection set-up in order to better understand what happened when the fires raged. The State Forestry Department is a cooperating agency only with the organized towns in forest fire control. Under the existing statutes the municipalities are responsible for their own fires. The state does not have any authority but cooperates by providing services of trained wardens, tools, and equipment, at no cost to the towns. The state further helps by paying one-half of the suppression costs on forest fires up to 1 percent of the town's valuation. It also maintains lookout towers, storehouses, and trucks. The only authority the state can exercise is what the selectmen of towns wish to give. They can and often do deputize the state wardens.

Normally, the state closes the lookout towers, storehouses, and lays off some of the wardens by the first of October. Charged with functioning within a limited budget, and expecting fall rains, the state did close out some districts. As fires began to occur the second week of October, everything was reopened at full strength, although it was pitifully inadequate to handle the situation which was to arise a week later.

Thus, the week of October 20 found the state, as a whole, powder dry and with about 50 small fires going. All were considered under control. By Governor's Proclamation, a ban was already in effect closing the entire woods of the state to smoking or building of any fires. This was made effective at sunrise, October 17, and continued in force until November 12, making one of the longest periods of woods' closure on record.

On October 21, strong winds blew all day and several fires broke out of patrol lines and then began the race of terror, climaxed by the all-day wind gale on the twenty-third. What happened that day and subsequent days is still a nightmare.

The major fire disaster in southern Maine will be referred to as the York County fire because 15 towns were involved. The situation, prior to the big wind of October 23, was this: This county had been cut heavily for pine lumber for the last 10 years leaving behind a tremendous volume of slash which was powder dry. A fire had burned for several days at North Kennebunkport but was more or less being held in check. Another fire was going on the Shapleigh Plains, an area of scrub oak and pitch pine, which had covered about 1,000 acres. Line patrols had been lessened but not stopped. Still another fire was going in the town of Wakefield, N.H., just over the Maine line. These fires were located at widely separated points. When the day of the big wind of October 23 came these three fires were whipped into a fury never experienced by natives or fire fighters in that section. The Wakefield fire jumped across the state line into Maine and raced until it met the Shapleigh fire a distance of 8 miles. In the meantime the Shapleigh fire was racing through towns southward and ending at a point 19 miles from its point of origin. The North Kennebunkport fire, fanned by the wind, carried a solid wall of fire clear to the Atlantic Ocean wiping out valuable popular summer beach sections.

After the smoke had cleared away it was found that the Wakefield and Shapleigh fires which had joined did not catch up with the North Kennebunkport fire. Thus, there were two separate major areas burned. The total acreage covered was 131,000 acres with an estimated perimeter of 150 miles of fire lines. It is anticipated that 100,000,000 board feet of timber can be salvaged. Sawmill operators are now busily engaged in this work with millions of board feet cut as logs or already turned into lumber.

It was an awesome sight to see the solid walls of roaring fire sweeping over mountains and across level areas, consuming everything in their path. The smoke hung so thick and heavy for days over the area that it was difficult to determine at times just how near or far away the fires were. The sun did not penetrate through the thick pall of smoke for over ten days. Men using trucks, cars, and bulldozers had to use their headlights as much in the daytime as at night.

The state forest fire watchman on Ossipee Lookout had to abandon his tower together with a state police radio technician. Fortunately, the fire had slowed down at night and just crept over the mountain causing negligible damage to the tower.

The sound of the onrushing fires on fronts of several miles is described as a continuous roar.

The blackout conditions because of several communication and power lines added to the problem of fire suppression and evacuation. Stories of heroism are heard everywhere; fire fighters making last ditch stands; families just escaping before their homes became enveloped with flames; and efforts to rush help where needed.

In the actual fighting of the fires, there was an abundance of manpower and equipment. However, there was no organization to handle fires at disaster level. When the fire, got beyond town size there was no centralized control to coordinate the various protective agencies. It was not until two days later that organizational set-up began to function at state level and and orders were handed down through properly authorized channels.

Appreciating that water was scarce, virtually whole fleets of big and small tank trucks were moving bumper to bumper to areas where they could be emptied onto burning buildings, fire in the woods, or wetting down protection strips. One cannot mention here all the names of those who provided heavy equipment except to state that offers to assist came from most everywhere. Grateful acknowledgment is made to all of them.

The intensity of the fire is of special interest. Fanned by gale velocity winds, fires crowned through stands of pine and yet did not drop down to develop a surface fire. In other instances, the crown fire traveled hundreds of feet ahead of the surface fire. In still other places, the fire was blown so hard that only an inch depth of the humus was burned. It is mystifying to see places where the fire virtually blew itself out. Charred leaves and twigs rained down on some sections to actually blacken the ground but contained no live fire brands.

A half-mile out to sea a heavily wooded island burned like a flaming torch.

The burning of the settlement of Newfield was tragic. It is hardly conceivable that a whole settlement could be so completely consumed. In the Goose Rocks, Cape Porpoise districts in Kennebunkport, over 200 dwelling places, most of them summer cottages, were destroyed. The State Forestry Department lost its valuable storehouse at Alfred. Practically all of the equipment was out on the fires. Insurance coverage will permit rebuilding sometime this spring.

The Fryeburg-Brownfield fire is another story of flame and smoke roaring madly over mountains and sweeping across valleys. This fire, like the others, broke out of bounds by the wind of October 23. On that day it travelled a distance of 13 miles. Jump fires were carried great distances ahead of the main fire, making it difficult for fire fighters to make a determined stand. The technique of back firing was used to good advantage in some instances. Miles of back fires were started from bulldozed fire lines and widened, old dirt roads. It is said that this was a battle of the bulldozers. In the anxiety of many to save buildings and woods this method of fire suppression did not always save the situation. The oncoming head fire was too unpredictable and much effort was wasted.

Conditions were equally dry in this area with numerous cutovers to feed the fire. The loss of the two communities of Brownfield and East Brownfield was indeed tragic. Roads were crowded with people, livestock, cars, teams, and wheelbarrows fleeing before the fire. One could drive for miles and see where telephone poles were completely consumed, while in other places just the tops of poles and the crossarms would be dangling in mid-air.

The dry stubble of cut hay fields burned like spring grass fires, often igniting house and barn foundation timbers. Pilots engaged to assist in the control work could see little due to the dense rolling clouds of black smoke.

The watchman on a nearby lookout had to abandon the tower for two days because of the choking smoke and haze conditions. Typical "yellow days" hung over the area for nearly a week.

Rough estimates place a figure at 20,000,000 board feet of timber to be salvaged. Operations are already in progress.

It is believed that approximately 20,000 acres burned over.

The Bar Harbor fire followed a pattern similar to the others. A small fire was being held in check until October 23. Then the wind came. An all-day blow from the northwest quarter fanned the fire out of bounds and caused tremendous damage to many beautiful palatial residences and surrounding forest growth. Because of the rugged terrain, characteristic of Bar Harbor and Mt. Desert, the problem of fire fighting was most difficult. The dense growth of spruce and other softwoods was sufficient for the fire to travel hard and fast, fanning out into many fingers. As the fire swept over mountains and valleys at will toward the compact section of Bar Harbor there was enacted one of the most dramatic scenes of the disaster. With the causeway road leading to the mainland blocked by flames, a second Dunkerque took place with fleeing residents rescued by Coast Guard patrol boats, the Navy, and many private boats. Inasmuch as the Acadia National Park (federal land) was considerably involved, some form of martial law was in force. Federal soldiers from the Dow Airfield gave valuable assistance to augment the local organizations. Through long lines of hose, water was pumped by boats from the Coast Guard and the Navy.

Here too, as in the other burns, some timber salvage program is to be worked out. Estimates place 17,500 acres burned over.

The last major fire to be mentioned occurred in Washington County and known as the Centerville-Jonesboro fire. This fire originated in a pulpwood operation. Again the strong wind of October 23 fanned this fire out of control and burned 20,000 acres. Much fine cut and uncut pulpwood was destroyed. Lack of water necessitated long

hauls by trucks and tractors, and laying of long lines of hose. Many miles of hose were laid out. It was on this fire that winter set in before all the equipment had been picked up. Heavy bulldozers laid back and buried miles of live fire which continued to smoke late into December.

A brief word should be *written* here as to the organizational set-up. It is frankly admitted that there was no fire action plan to meet such a disaster. As previously stated, the small municipalities have always handled their own fires. When the fires began to get beyond town lines and whole communities engulfed or threatened, then the job was turned over to the State Forestry Department. The Governor, on the evening of October 23, declared a state of emergency and broadcast to the people of the state that all should turn to and give whatever help at their command to the Forestry Department. The response to this appeal was magnificent. The department was immediately placed on a 24-hour schedule for the duration of the emergency.

It was not until two days later that things began to smooth out and organizations function under a single head. The agencies of the Red Cross, National Guard, State Police, State Fish and Game Department, State Highway Commission, Army, Navy, F.W.A., American Legion, Civil Air Patrol, Boy Scouts, U.S. Forest Service, municipalities, colleges, industries, and many others all contributed toward the tremendous task of patrolling fires and rehabilitation. Even dry ice was dropped by planes in an effort to make it rain.

Over 150 separate fires were going or being patrolled at one time or another during the week of October 20. It was natural that the state as a whole should revert to a set-up reminiscent of the days of the O.C.D. (Organization for Civil Defense). Towns not affected by fires began to mobilize manpower and equipment. Rumors of sabotage caused towns to maintain 24-hour road patrols, form vigilante groups, establish road blocks and watches from every vantage point. The state issued special car stickers for entrance to and from fire areas. Lookout towers were manned around the clock on a 24-hour schedule for over two weeks. Even the coastal lighthouses cooperated in this detection work.

The public was so thoroughly aroused to the fire danger that any new fires could almost be "ringed" by crews of men. In one instance over 200 men with every conceivable fire tool and equipment converged on a small 10-acre fire. It would have had to go between the legs of men to escape. Even a septic tank was mounted on a truck and used to haul water.

This vigilance continued until the crisis was over. Welcome rains came on November 9 and brought to end one of the worst periods of forest fire devastation known in Maine. It is significant to state that man and the facilities at his disposal did in a large measure bring under control most of the major fires before the rains came. In retrospect it should be noted that not a single life was lost of the thousands engaged in actual fire fighting. The reported 16 deaths were due to indirect causes.

It is especially noteworthy to state that in the Maine Forestry District, where over 10,000,000 acres of vast wild timberlands are located, there were no major fires such as those going in the organized towns. This was probably due to better organization and preparation.

In summary, what was the most valuable lesson learned from the disaster? It can be summed up as a need for centralized control, premised on law—a single authority to handle such situations at the various levels of organization, and mandatory training of state and town wardens.

A master state fire plan must be drawn up calling for legislative action combined with appropriation of sufficient funds. It should contain the combined thoughts and ideas of all cooperating agencies and be an expression of what the people of Maine want and are willing to pay to get forest fire protection.

SOME SIDELIGHTS OF THE DISASTER

The State Forestry Department sent the following telegram to the D. B. Smith Company, Utica, New York. "Rush immediately 200 Indians." The astonished Western Union operator asked if we really meant 200 live Indians. The young lady was quickly advised.

A family moved all of their furnishings and valuables to another house some distance from the path of the fire only to learn that the house was burned and their own saved.

Army transport planes flying from Newfoundland to Westover Field, Mass., reported 30-mile tail smoke out to sea from the Bar Harbor fire.

Several stories are told of sophomore college students who took charge of some of the fire control work and did a credible job. It was learned later the men were majors in the army during the war.

It is told that a farmer saved his home by using a hard cider barrel and contents as an extinguisher which had been preciously stored in the cellar for enjoyment for the coming long winter nights.

Eye witnesses speak of live embers being blown by the wind onto sides of old houses and barns and held there until the clapboards ignited.

A local mutual insurance company had just reinsured itself shortly before the disaster and was able to pay its burned-out policy holders.

A most peculiar story, verified by several, is told of a patrolman observing several small fires all in straight line of each other leading away from the fire line. Five little fires were found and were traced to a dried up mud hole where a raccoon lay dead and almost completely singed.

A freak is reported of the branches of a pine resting on the roof of a shingled barn. During the fire the branches were burned but the barn did not ignite.

A colony of beavers hindered the suppression work by repeatedly rebuilding their dam which had been dynamited to let the water through.

Another colony of beavers is credited with first beginning timber salvage operations. Hardly had the fire passed near their winter houses when they began cutting the burned trees leaving high stumps to get away from the charred wood.

Mr. MUSKIE. Mr. President, the Maine forest fire disaster of 1947 brought a realization that no single State could afford to employ and equip a forest firefighting organization adequate to cope with such a catastrophe. Gov. Frederick G. Payne of Maine and the citizens of Maine and other State sought better forest fire protection. The first step was a conference of the New England Governors at the Massachusetts State House in November 1947. This led to several subsequent conferences attended by officials of interested agencies.

In the discussions and studies that accompanied this effort, several objectives and several difficulties became apparent. The primary objective was to assure the possibility that a State facing a threat of serious forest fires could be aided by the forest firefighting personnel of a neighboring State. The difficulty was the question of the powers, immunities, rights, and liabilities of the forces of the aiding States.

In essence, this was the heart of the problem, but there were other suggestions that would strengthen such a pattern of cooperation. It was suggested that some permanent agency be set up which, through its membership and its power of reporting and recommending, would by its very existence serve to integrate the forest fire protection services of the States of the region into a cohesive and organized pattern. In addition, it was suggested that a regional forest fire plan ought to be developed, while at the same time each State would be obligated to maintain a forest fire plan of its own. Another interesting problem was the situation along the international boundary with Canada. Some of the States that fronted on that boundary were anxious, if possible, to have any plan for cooperative aid include the adjacent Canadian Provinces.

With the necessity for securing a legally binding agreement among the States and a permanent basis for a joint interstate agency it was decided that an interstate compact was necessary.

For this purpose a conference of the State Foresters of New England and New York was organized and met several times during 1948 and 1949 under the auspices of the Massachusetts Commission on Interstate Cooperation and the Council of State Governments. The Draft of a compact was formulated to encompass these several objectives.

The Council of State Governments played a major part in the details of drafting the compact legislation which was introduced by it in the Congress and through the several State joint legislative committees on interstate cooperation in the State legislatures.

The enactment of Public Law 129, 81st Congress, approved June 25, 1949, authorized the establishment of an interstate forest fire protection compact in the Northeast. Within 4 months, six of seven specified member States had become party to a northeastern interstate forest fire protection compact. Rhode Island, whose legislature was not in session the previous year, became the seventh State by joining in 1950.

The citations and dates on which the compact was executed by the Governors are as follows:

Connecticut, Public Act 236 of 1949; September 30, 1949 (Chester Bowles, Governor).

Maine, Chapter 75 of 1949; August 23, 1949 (Frederick G. Payne, Governor).

Massachusetts, Chapter 457 of 1949; August 23, 1949 (Paul R. Dever, Governor).

New Hampshire, Chapter 302 of 1949; September 1, 1949 (Sherman Adams, Governor).

New York, Chapter 744 of 1949; October 18, 1949 (Thomas E. Dewey, Governor).

Rhode Island, Chapter 2430 of 1950; May 18, 1950 (John O. Pastore, Governor).

Vermont, Public Act 271 of 1949; September 14, 1949 (Ernest Gibson, Governor).

ORGANIZATION OF THE COMMISSION

By January 1, 1950, legislative requirements had been met and the commission met to organize on January 19 of that year, electing Perry Merrill, of Vermont, as chairman; Arthur S. Hopkins, of New York, as vice chairman; and appointing committees on rules and regulations and organization. After a general discussion

on the compact setup, adjournment was had to March 10, 1950.

At that meeting the rules and regulations prepared by Mr. Fred Zimmerman of the Council of State Governments were approved, a budget for expenses to July 1, 1950, prepared, and R. M. Evans appointed executive secretary. The meeting also fixed the date of the first annual meeting for July 17, 1950. Mr. Evans began work May 4, 1950, from office space furnished by the White Mountain National Forest at Laconia, N.H. The commission was now in business a short 9 months after congressional approval of the compact.

The first annual meeting in Boston was an important one. From its deliberations came the pattern which was to guide the commission in its pioneer interstate fire protection work. A budget for the year July 1, 1950, to June 30, 1951, in the amount of $7,500 was approved and assessments made on the several States in proportion to the Clarke-McNary estimates for "basic protection." This method is still in use.

A technical committee composed of the State foresters was established to supervise a coordinated training program and to formulate procedures in all technical fire control problems. Uniform closure laws, regional and State fire plans were also discussed and the officers and secretary reelected for the ensuing fiscal year.

CANADIAN PARTICIPATION

Representatives of the Provinces of New Brunswick and Quebec attended the first annual meeting of the compact in Boston.

On May 2, 1951, the Province of New Brunswick adopted an Order-in-Council giving authority to the Minister of Lands and Mines to negotiate and enter into an agreement for participation in the Northeastern Interstate Forest Fire Protection Compact subject to the approval of the Department of External Affairs of the Dominion Government at Ottawa. Representatives of the Department of External Affairs approached officers of the commission as well as the eastern office of the Council of State Governments for full details concerning the compact.

It was now in order to secure the additional consent of Congress as called for in Public Law 129 with reference to participation in the compact by Canadian Provinces. A draft bill to accomplish this purpose was prepared, containing the simple implementing language required by both the compact and Public Law 129. In addition, it contained provisions designed to cover any questions that might arise under the immigration laws or under the tax laws dealing with exports and imports. Public Law 340, 82d Congress, approved May 13, 1952 filled this need.

Although the Province of New Brunswick seriously considered becoming a member of the compact in the early 1950's, it was Quebec which was the first Canadian Province to become a member of the Northeastern Forest Fire Protection Compact on September 23, 1969.

The April 1970 issue of American Forests carried an article entitled "The Quebec Joinder" which describes the ceremony at which Quebec joined the compact. The author Alfred E. Eckes is a 38-year veteran employee of the U.S. Forest Service who has spent much of his career in the northeast where he acquired a wealth of information about the Northeastern Forest Fire Protection Compact. For the past decade, he has been assigned to the cooperative forest fire control program in the northeast and has provided liaison to the compact organization.

Mr. President, I ask unanimous consent that the article entitled "The Quebec Joinder" be printed at this point in the RECORD.

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

THE QUEBEC JOINDER

(By A. E. Eckes)

September 23, 1969, was an historic day in the annals of forest fire prevention and control in North America. In joining the Northeastern Interstate Forest Fire Protection Compact, the Province of Quebec pledged that it is now a full-fledged partner in the task of providing forest fire protection to forests situated along the 500 miles of common border shared with the states of Maine, New Hampshire, Vermont and New York. The agreement is called the Quebec Joinder.

The solemnity of the occasion was marked. Dignitaries from both countries who gathered at Quebec's Legislative Council Chamber knew this was an important "first" that brought two neighboring countries into a full partnership. Prime Minister of Quebec, the Honorable Jean-Jacques Bertrand, was there. So was the Minister of Lands and Forests, the Honorable Claude G. Gosselin. Representing the Northeastern Forest Fire Protection Commission was Chairman Austin H. Wilkins, Forest Commissioner of the Maine Forest Service, and Governor Kenneth M. Curtiss, of Maine.

Many of those present had long memories of past killing fires, some of mutual concern to both countries. Beginning with Peshtigo Fire of 1871 in Wisconsin and continuing through the Sundance Fire of 1967 in Idaho, there is a long list of fire spectaculars including numerous death-dealing disasters. October 1947, loomed even more importantly in the minds of the new partners. Throughout the northeastern states and eastern Canada, the days had been hot, dry and dark. A summer drought became a nightmare. In Maine, three major fires—Alfred, Brownfield and Bar Harbor—burned more than 250,000 acres. Numerous lesser fires burned in the New England States, New York and Canada.

Property losses ran high. Homes were burned, numerous small industries and businesses wiped out, family possessions lost, and villages and schools destroyed.

In the wake of the fires, there was a new realization in both countries that no single state could afford to employ and equip a forest fire organization adequate to cope with a holocaust as had been experienced.

A Governors' conference, followed by subsequent studies by representatives of interested agencies, led to a decision to employ the Interstate Compact device to provide the suppression forces and facilities which would be required should another catastrophic fire situation occur. The 81st Congress enacted Public Law 129 granting consent and approval of Congress to an interstate forest fire protection compact: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the consent and approval of Congress is hereby given to an interstate forest fire protection compact, as hereinafter set out; but before any province of the Dominion of Canada shall be made party to such compact, the further consent of Congress shall be first obtained."

In 1952, the 82nd Congress enacted legislation which gave consent and approval for joinder of the Canadian Provinces.

These Acts made it possible to establish the first interstate compact for prevention and control of forest fires. The six New England States and New York, along with any State or Canadian Province contiguous to a member State, were specified in the law as eligible for membership. Six states enacted necessary legislation in 1949 and the Northeastern Forest Fire Protection Compact became effective. The legislature of Rhode Island met in 1950 and approved a measure that enabled compact membership.

For 20 years, 1949–1969, membership in the Northeastern Forest Fire Protection Compact remained at seven States, though the latch string was out. The Canadian Provinces of Quebec and New Brunswick indicated interest in membership but encountered obstacles which prohibited an early joinder. Throughout the years, representatives of the forest agencies of these provinces worked to remove the obstacles. Persistence paid off and by mid-1969 it was clear the Province of Quebec would soon be ready for joinder. September 23, 1969 was the day selected for Quebec to become a full partner.

Invitations were sent out to selected forest fire control people in the United States and Canada to participate at the ceremony. During the ceremony Minister of Lands and Forests Gosselin stated "This agreement will make it possible for Quebec to provide fire protection to the forests situated along the five hundred miles of common border that we share with the States of Maine, New Hampshire, Vermont and New York and this in a manner that will be altogether more efficient and economical.

"We have had in the past a profitable experience in dealing with this commission particularly in the field of personnel training but we felt that we should join this group in order to establish a more systematic approach in our efforts. The agreement will permit the establishment of integrated programs for the conservation of a resource that spreads on both sides of the border and that is equally important to our countries. The compact bears on all aspects of the prevention and suppression of forest fires and includes the conditions under which mutual assistance will be granted.

"It must be remembered that fire knows no border and that therefore coordination of efforts is vitally important. Furthermore modern techniques of fire control rely on extensive use of aircrafts as well as other heavy equipment and therefore it is necessary to spread the utilization of that costly material over the largest possible area in order to keep operating costs within reasonable limits. This is why the agreement which is signed today opens a new era in the protection of our south shore forests and we deem that we are fortunate to be able to profit from over 20 years of experience in fire control."

Speaking for the Governors of the seven member States, Governor Curtiss, of Maine, replied:

"A great American poet, Robert Frost, once wrote that 'Good fences make good neighbors.' It was the sort of remark that a New Englander might be expected to make for it tells us in a brief, pointed way that while we respect one another, we recognize each other's right to independent thoughts and action. Today's compact signing ceremony is but another example of this. In reality, of course, we have been able to call for help and receive it when fighting fires in our vast woodlands for some time.

"Just two years ago a disastrous blaze was sweeping across our northern region and it was the airborne firefighters from Quebec who rushed to our aid and helped drown the fire.

"During many emergencies along our border there have been men from Canadian cities and towns who have hurried to our aid, and when the need has arisen, we have reciprocated.

"The idea of a compact to formalize this Gentlemen's Agreement between nations and states is but a reaffirmation of this agreement."

Then the agreement was signed by the Minister of Lands and Forests Gosselin, representing the Province of Quebec, and Commissioner Wilkins. The Province of Quebec was now a member of the first forest protection compact, and the compact had become an international fire control agency.

Mr. MUSKIE. Within a year, following "The Quebec Joinder," the Province of New Brunswick became a member of the Northeastern Forest Fire Protection Compact. A news item released at Fredericton, New Brunswick, on June 9, 1970, describes the ceremony at which this Province became a member of the compact.

Mr. President, I ask unanimous consent that the news article entitled "New Brunswick Joins Fire Compact" be printed at this point in the RECORD.

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

NEW BRUNSWICK JOINS FIRE COMPACT

FREDERICTON.—The province of New Brunswick today (June 8, 1970) joined the Northeastern Forest Fire Protection Commission, an agency which includes the New England States, the State of New York and the Province of Quebec.

The agreement calls for mutual aid in fighting forest fires and integration of regional fire plans and training programs.

Premier Louis J. Robichaud and Natural Resources Minister W. R. Duffie signed the Northeastern Forest Fire Protection Compact" on behalf of New Brunswick.

Signing for the Commission was its Chairman, Austin H. Wilkins, Forest Commissioner for the State of Maine. Governor Kenneth M. Curtis of Maine also signed in his capacity as representative of the New England Governor's Conference.

The mutual aid provisions of the Agreement cover 5.4 million acres of New Brunswick forests, and includes all of Charlotte, Carleton, Victoria and Madawaska counties and parts of Saint John, Kings, Queens, Sunbury and York Counties.

The Northeastern Forest Fire Protection Commission was formed following the disastrous fires in New England in 1947 to provide for mutual assistance in meeting extreme forest fire emergencies.

New Brunswick Forest Service personnel have taken part in the Commission's training programs in the past and the agreement signed today will formalize such participation.

Speaking at a luncheon following the signing, the Premier welcomed Gov. Curtis and officers of the Commission to the Province and expressed his pleasure that New Brunswick had joined with its neighbors in a cooperative approach to the problems of forest protection.

The Premier referred to the agreement as further evidence of the friendly co-operation that has always existed between the two countries, especially in the Atlantic area.

"For many years the province has benefited through the attendance of our fire protection personnel at the kind invitation of members of the Compact. With the signing of this formal agreement we are now in a position to take an official part in assisting the activities of the Commission. I am sure that such direct participation on our part will be mutually advantageous to all concerned," said the Premier.

THE COMPACT IN ACTION—MUTUAL AID

Mr. MUSKIE. Mutual aid provisions of the compact were invoked for the first time in August of 1952 when extremely dry conditions and stubborn fires were affecting Maine, New Hampshire, Massachusetts, and Rhode Island. Arrangements were made through the Secretary and when calls for assistance resulted Vermont provided New Hampshire with pump operators and standby service. Maine received pumps and hose from New York in less than 5 hours from time of request.

In October of 1963 extreme conditions in New York resulted in requests for hand tools, pumps, and hose. These requests were honored by Rhode Island, Connecticut, and Maine. Maine also had standby manpower ready to go.

Later that month Massachusetts reached a "state of emergency" and requested assistance through the Secretary. Standby men and equipment were made available from Maine, Rhode Island, and the U.S. Forest Service.

Massachusetts had problems again the next year and in May of 1964 utilized manpower and tank trucks from Connecticut and Rhode Island.

In August of 1965 a large, uncontrolled fire in Maine resulted in five member States providing aid. Pumps and hose were furnished by Massachusetts, New York, Connecticut, New Hampshire, and Rhode Island.

Although over 12,000 acres of forest land had been burned over, compact aid had helped prevent a recurrence of the disastrous fires 18 years before under similar conditions.

The latest call for compact assistance came through the U.S. Forest Service in Washington for possible assistance to the Province of Ontario. Fifty thousand feet of hose and 23 portable pumps were made available for transport by military aircraft. Fortunately the situation cooled and dispatch was not necessary.

TRAINING

On November 14–16, 1950, the fire control officers of the region met at Laconia, N.H. This was an important meeting because out of it came agreements and recommendations which determined the direction and kind of the training programs of the commission. The basic purpose of such a program was determined to be as follows:

To enable the compact "on short notice to assemble from its several States fire control personnel capable of functioning as a well-coordinated, smoothly operating team to take on the handling of a large forest fire," it was recognized that the same principles of organization would apply to fires of any size in varying degrees. It was also emphasized that in-state training based on the commission's standards was a must if uniformity was to be secured.

Two months later the commission held its first training session in Laconia, N.H., on January 29 to February 1, 1951. The subject was "Fire Control Organization and Its Operation." In August of the same year the technical committee approved the proposed scheme of interstate training and urged its continuation.

A second training meeting on organization was held October 2–5, 1951, at Norfolk, Conn. This was a simulated exercise or dry run. This exercise, participated in by fire personnel from all seven compact States, clearly demonstrated the need for the proposed type of training.

Following this dry run, the technical committee on November 13–14, 1951, formally adopted a detailed training policy under which all subsequent training sessions have been conducted.

The program originated with the need for uniformly trained personnel who could move from State to State as needed, and be fitted into the firefighting organization of a sister State without further instruction as to how the firefighting job was to be done. The training program is conducted by the commission in cooperation with the U.S. Forest Service, State forestry departments, State university forestry departments, and private organizations.

In brief, the purpose of the program is to train persons who, in turn, are expected to train others in their home States. The aim is to teach such persons how to cooperate in controlling large or "campaign" fires.

Since the inception of the compact training program in 1951, 23 training sessions have been held, providing more than 650 hours of instruction in the various facets of forest fire control. Subjects covered include, compact fire control and organization, campaign fires, fire suppression fundamentals, weather forecasting, management of men and equipment, presuppression planning for critical high hazard areas, interpretation of fire records and data, fundamentals of ignition and combustion, fire prevention, law enforcement, instructor's training, air operational procedures, weather and fire behavior, mechanized forest fire control, fire planning, organization for large fires and other related subjects.

Some State forest fire control personnel have attended nearly all of the training sessions, and hundreds of individuals have attended one or more training sessions. Attendance has not been limited to member States, but forest fire control people from outside the area have been invited to attend either as trainees or program specialists.

An analysis of the forest fire record of the seven States joining the compact shortly after the fire catastrophe of 1947 shows that these training sessions have paid good dividends, as there has been a substantial increase in efficiency in controlling fires. Unfortunately the prevention of man-caused fires has not had similar success. Forest fire prevention is made difficult by an expanding and mobile population and increased hazards.

FOREST FIRE STATISTICS

NORTHEASTERN FOREST FIRE PROTECTION COMPACT (MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, NEW YORK, CONNECTICUT, AND RHODE ISLAND)

5-year period	Number of fires in 5 years	Average per year	Acres burned in 5 years	Burned area acres per year	Average size (acres)
1945-49	29,243	5,848	488,826	97,765	16.2
1950-54	30,623	6,124	250,962	50,192	8.5
1955-59	34,632	6,926	196,640	39,328	5.2
1960-64	51,989	10,398	158,191	31,638	3.2
1965-69	56,616	11,323	131,377	26,275	2.1

The Northeastern Forest Fire Protection Compact is effectively accomplishing the purposes intended by the Congress. It is indeed a pleasure, Mr. President, to review a program which, over the course of 25 years, has filled an important need and has served as a model for similar efforts in other parts of the Nation.

ADMINISTRATION WITHHOLDING MORE THAN $400 MILLION IN FISCAL YEAR 1972 FOOD STAMP FUNDS

Mr. HUMPHREY. Mr. President, on May 26, 1972, I called public attention to the fact that the administration is planning to return more than $400 million to the Treasury in unspent food stamp funds appropriated by Congress for the program for fiscal year 1972. On May 31, 1972, I wrote Senator HERMAN E. TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, asking that the committee, in cooperation with the Senate Subcommittee on Agricultural Appropriations, investigate why 20 percent of money appropriated by Congress for the food stamp program in fiscal year 1972 has not been spent. Yesterday, Senator TALMADGE responded to my request by indicating that he has asked Secretary of Agriculture Butz to comment on my charges and to explain what actions have been taken by the Department this past year to improve and expand the program in accordance with congressional directives to do so.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Senator TALMADGE requesting this investigation.

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

May 31, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committeee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I was very disappointed to learn last week that the U.S. Department of Agriculture will likely return to the Treasury at the end of next month over $400 million in unspent funds. Congress appropriated $2.285 billion in Fiscal Year 1972 to operate the food stamp program, but it now appears that spending by the Administration will not exceed $1.860 billion, or about $425 million less than provided.

USDA in presenting its budget proposals to Congress in January for the 1973 Fiscal Year revealed it would turn back $198 million in food stamp funds in the 1972 Fiscal Year to the Treasury. These estimates assumed that program expenditures, including the value of bonus coupons to individuals and families participating in the program, together with operating and administrative costs, would be $2.087 billion. Against this amount, the Congress had appropriated about $2.2 billion and had authorized a carryover from fiscal Year 1971 of $89 million, or a total of about $2.285 billion to finance food stamps in Fiscal Year 1972.

While USDA program officials will not cite the specific amount they estimate will be returned unspent from the food stamp budget, they have acknowledged the actual level will be at least $400 million.

In view of those revelations, I wish to request that the Senate Committee on Agriculture and Forestry, in cooperation with the Senate Subcommittee on Agricultural Appropriations, investigate why 20 percent of money appropriated for the food stamp program has not been spent, and why the Administration has not taken action to improve and expand the program in accordance with Congressional direction to do so.

The Administration last week acknowledged that unemployment would remain high through the rest of 1972. If the Administration is aware that millions of Americans are going to continue to suffer from low income, then the least it could do is show some compassion and use the resources Congress has provided to help minimize the impact of such conditions.

Your favorable consideration of this request is very much appreciated.

Sincerely,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, this action by the Nixon administration is further evidence of its consciously contributing to hunger and malnutrition and openly ignoring the efforts of Congress to help underfed Americans by deliberately withholding a substantial amount of the funds which Congress has appropriated for this purpose.

This action by the administration also has to make you wonder about its basic credibility. In early May, the President announced that he was going to ask Congress for additional $45 million to expand the school breakfast and summer child feeding programs. Now we learn that he is simultaneously planning to turn back almost 10 times that amount in needed food stamp funds to the Treasury:

It is clear to me that food stamp bonus amounts could have been increased this past year and that action could have been taken to reach the 12 million or more people who now do not participate in the program. Furthermore, in view of the Administration's acknowledgement that unemployment is expected to remain high through the rest of 1972, this action by the Administration is nothing short of a callous disregard of the low income problems that millions of Americans will be faced with during this period. The least the Administration could do in view of this situation is show some compassion for these people and use the resources Congress has provided to help them minimize the adverse impact of such conditions.

Congress appropriated $2.285 billion in fiscal 1972 to operate the food stamp program, but it now appears that the administration will not use more than $1.860 billion, or about $425 million less than that provided by Congress.

In presenting its budget proposals to Congress in January for the 1973 fiscal year, USDA revealed it would turn back $198 million in food stamp funds in the 1972 fiscal year to the Treasury.

These estimates assumed that program expenditures, including the value of bonus coupons to individuals and families participating in the program, together with operating and administrative costs, would be $2.087 billion.

Against this amount, Congress had appropriated about $2.2 billion and had authorized a carryover from fiscal 1971 of $89 million, for a total of about $2.285 billion to finance food stamps in fiscal 1972.

While USDA officials will not cite the specific amount they estimate will be returned unspent from the food stamp budget this fiscal year, they have acknowledged that the amount will be at least $400 million.

Mr. President, it would appear that Congress will again have to take action to force the administration to implement both the letter and spirit of the food assistance laws it enacts.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD three tables showing monthly performance under the food stamp program and the budget analysis for the program for this fiscal year.

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

TABLE 1.—MONTHLY PERFORMANCE, FOOD STAMP PROGRAM (FISCAL 1972)

[In thousands]

Month	Participation	Bonus stamps
July	10,414	138,371
August	10,668	143,560
September	10,610	141,435
October	10,601	141,601
November	11,070	148,717
December	11,184	149,956
January	11,070	150,690
February	11,355	154,018
March	11,460	156,272
April [1]	11,660	159,000
May [1]	11,800	161,800
June [1]	12,060	164,600

[1] Participation is assumed to increase 200,000 persons monthly The bonus rate for each new participant is assumed to be $14 per month.

TABLE 2: FOOD STAMP PROGRAM—BUDGET ANALYSIS [1] FISCAL 1972

	Million
Appropriation	$2,196
Unobligated balance available, start of year	89
(Available for operations)	2,285
Unobligated balance lapsing	198
Total obligations [2]	2,087

[1] Data Source: The Budget of the United States, Fiscal 1973.

[2] Includes $50 million for administration, other costs.

TABLE 3: FOOD STAMP PROGRAM—REVISED ANALYSIS, FISCAL 1972

	Million
Available for operation [1]	$2,285
Bonus Stamps [2]	1,810
Administration, Other [1]	50
Total Obligation	1,860
Unobligated balance lapsing	425

[1] Table 2.

[2] Table 1.

PROBLEMS OF THE SMALL BUSINESSMAN

Mr. McGOVERN. Mr. President, competition is the strength of our free enterprise system, and the greatest single threat to our economic system is the mounting pressure against small businessmen. Study after study has shown that prices to the consumer are significantly lower where there is effective competition, and in our efforts to insure the survival and strength of small business, literally billions of dollars of benefits are at stake for every man, woman, and child in this country.

Since the 19th century, it has been recognized that the many features of our economic system and our Government policy that benefit the growth of big business domination need to be counterbalanced with a positive small business policy. Since 1953, it has been national policy to "aid, counsel, assist, and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise—and to maintain and strengthen the overall economy of the Nation."

Unfortunately, despite lipservice to these goals, the present administration has acted as if free enterprise meant not competition but large corporations. The long term growth in economic concentration has continued and even accelerated in the last 3 years. The share of Federal procurement going to small businesses has continued to decline. The recession brought on by the administration's economic policies has been a depression for small businessmen. In 1970, the profit margins of small businessmen declined by 32 percent; the after tax profits of small manufacturing corporations declined by 45 percent; the rate of business failures increased by 17 percent.

When Lockheed was in trouble, the administration rushed through Congress a $250 million emergency loan guarantee. The administration has shown no such solicitation for failing small businesses—of which there are 10,000 every year. On the floor of the Senate, I attempted to add an amendment to the bill providing for $2 billion of loan guarantees for farmers and small businessmen, but the administration's supporters defeated this proposal.

Our small business policy should include an immediate end to the recession, a more vigorous Federal procurement effort, a review of Federal requirements and specifications as they affect small businesses, a crackdown on crimes that affect small businessmen, assistance to small businessmen who face compliance deadlines for new regulations, and reform of the tax laws as they affect small businessmen.

With respect to the tax laws, I am a cosponsor of Senator BIBLE's bill, S. 1615. This bill contains provisions to encourage the establishment and growth of small businesses. It also provides for an eight-step graduation in the corporate income tax rates, to provide relief for small businesses. The corporate tax rate would be lowered to 20 percent for income up to $50,000.

Numerous small businessmen have faced problems in complying with new regulations adopted in the last few years as safeguards for consumers and employees. On April 1, 1969, I was one of the original cosponsors of S. 1750, the bill to guarantee the availability of capital for small businesses facing compliance problems. In the words of the 1971 report of the Senate Small Business Committee, this bill "was designed to make small businesses—the partners in progress rather than its victims." Key provisions of S. 1750 have been inserted as amendments to the Egg Products Inspection Act of 1970, and other legislation.

I am currently cosponsoring S. 1649, introduced by Senator BIBLE, which would permit the Small Business Administration to make emergency deadline compliance loans to small businesses on terms not otherwise available. I hope that this will ameliorate some of the problems that small businessmen face.

A NEW FOUNDATION FOR AN AMERICAN POLICY TOWARD ISRAEL

Mr. McGOVERN. Mr. President, in my first year in Congress I voted against a proposed aid package for the Arab countries because I knew that this aid, which was intended for use against communism, would only be used against Israel.

I am proud that I resisted Vietnam-type thinking as applied to the Middle East. I am proud that I have resisted the idea that we should support any dictator, whether Nasser in Egypt or Thieu in Saigon.

Mr. President, some see an analogy between Vietnam and the Middle East. I see only a paradox.

A flimsy dictatorship in Saigon is backed with the hugest arsenal of firepower ever assembled in history. But the citizens of the free democracy of Israel must wonder from year to year whether they are again to slip to the razor's edge of survival.

Huge sums are spent to develop modernistic weapons that are tailored exactly to the needs of the strong men in Saigon. But the army of Israel must depend on carefully shepherded leftovers

Hundreds of thousands of men and women and children die to make Southeast Asia a model of unshakeable commitment. But Israel is still in danger after a generation of war because the commitments of her friends have been abandoned again and again and again.

Lives have been lost because it has mistakenly been claimed that our national interests and our democratic ideals are at stake in Southeast Asia. But in treating our aid to Israel as a favor rather than a permanent relationship we have been deaf where those needs and ideals are really at stake.

We have talked about self-determination in Southeast Asia. Yet we have failed to give our unequivocal support for the principle that the problems of the Middle East must be solved by the nations of the Middle East themselves.

Mr. President, it is a foolish priority that this Nation spends hundreds of millions of dollars designing people sniffers and spider mines and other bizarre weapons for use in guerrilla warfare in Southeast Asia rather than reinforcing Israel's capacity to wage desert warfare in the Negev and the Sinai.

Our primary goal in the Middle East should be clear. We seek a secure peace that will guarantee the military security and economic soundness of democratic Israel. The cornerstone of such a peace must be mutual agreement upon recognized national boundaries that are defensible and capable of deterring future aggression. The arbitrary and erratic lines drawn as Israel's temporary boundaries after World War II were largely responsible for three wars.

If we make a commitment to Israel as firm as our commitment has been to Saigon, I do not think that Israel will have to endure another generation of warfare.

I suggest the following four points as the foundation for American policy.

First, Israel's modern deterrent is the most effective guarantee that could exist for the current cease-fire or for a permanent peace. When we have hesitated in our military support for Israel the fragile fabric of peace has been weakened. When we have supplied this help, conditions have stabilized. At a time of massive Soviet arms shipments to other states, we have an obligation to furnish Israel the advanced aircraft and other equipment necessary to prevent attack.

Our sale of these weapons should not be made contingent upon Israeli agreement to American diplomatic demands. It should be an ongoing commitment based solely upon the military requirements of the day.

Second, Israel needs substantial economic aid. Israel's per capita defense budget is, of hard necessity, the largest in the free world. Yet it must continue to provide for refugees from the Soviet Union and elsewhere. Much of Israel's economic aid has come in the form of contributions by thousands upon thousands of citizens of this country. But our Government can do more than it has. In this connection, I have proposed an $85 million program—from available refugee funds—to help defray the costs of settling new immigrants from the Soviet Union.

Third, Israel needs our diplomatic support. This should include support for Israel's basic peace proposals and for her positions in the arenas of diplomacy, including the United Nations.

Recently the United States joined in voting criticism of Israeli administration of Jerusalem. Yet in the last 20 centuries, Jerusalem has never seen better rule than it has today under the Israeli administration of Mayor Kollek. The people have jobs—Arabs and Jews. Health care is available to all. The holy places of all religions are fully protected and under repair. I wish that we could make these claims about our country. The people of Jerusalem have gained from Israeli administration and should continue under it. The United States should recognize Jerusalem as the capital of Israel and move our Embassy there.

Finally, Israel needs our help in restraining Soviet activity in the Middle East. For 15 years, the Soviets have fished in the troubled waters of the Eastern

Mediterranean. Their weapons and the stationing of their own personnel represent a difficult obstacle to negotiations. I would hope that, in the new period of negotiation that has opened up with the Soviet Union, we might do what we can to persuade them to join with us to encourage the kind of nonimposed settlement that would take the Middle East out of the theater of big-power confrontation.

The policy measures that I propose are an investment in the future. They will bring closer the permanent peace that is the first need of Arabs and Israelis alike. They will bring closer the day when all of the nations of the Middle East can use their resources for growth rather than war.

SENATOR HUGH SCOTT'S RECORD ON CONSUMER LEGISLATION

Mr. COOK. Mr. President, American consumers are more aware of their function in the marketplace than ever before. Shoddy goods, misleading advertising, and poor service have all been looked at by the Congress and the Government's various consumer protection offices. Consumers are just not that easy to fool. Our esteemed minority leader, Senator HUGH SCOTT, of Pennsylvania, has long advocated sound legislation to protect consumers. I ask unanimous consent that Senator SCOTT's record on behalf of consumers be placed in the RECORD.

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

92D CONGRESS

Legislation

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act.

S. 3136—To amend the Federal Food, Drug, and Cosmetic Act to regulate the amount of lead and cadmium which may be released from glazed, ceramic, or enamel dinnerware.

Votes

Voted for appropriations to provide consumer protection and services.

Voted for the Motor Vehicle Information and Cost Savings Act.

Voted for the Consumer Product Warranties and Federal Trade Commission Improvement Act of 1971.

Voted for the Wholesome Fish and Fishery Products Act of 1971.

THE 91ST CONGRESS

Legislation

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1689—To protect children against dangerous toys.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 3204—To require safety devices on household refrigerators.

S. 3822—To provide insurance for member accounts in State and Federally chartered credit unions.

S. 3941—To provide penalties for the use of lead-based paint in certain dwellings.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted to require identification of sexually oriented mail advertising and to provide for its return, if unsolicited at sender's cost plus a surcharge.

Voted for the Consumer Protection Organization Act of 1970.

Voted for the Securities Investor Protection Act of 1970.

THE 90TH CONGRESS

Legislation

S. 1003—To increase protection afforded consumers against injurious flammable fabrics.

S. 1129—Fire Research and Safety Act.

S. 2268—Requiring meaningful disclosure of the cost of credit in advertising promoting retail installment sales, loans, or open-end credit plans.

S. 2966—To limit categories of questions required to be answered under penalty of law in the decennial censuses.

S. 3771—To amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, etc.

Votes

Voted for the Truth in Lending Act.

THE 89TH CONGRESS

Legislation

S. 3054—To provide for a study of serious interruptions of certain essential services due to power failures, etc.

S. 3059—To authorize Secretary of Agriculture to regulate animals used for research, experimentation, etc.

Votes

Voted for the Tire Safety Act of 1966.

Voted for the Fair Packaging and Labeling Act.

Voted for the Humane Handling of Research Animals Act.

Voted for the Traffic Safety Act of 1966.

THE 88TH CONGRESS

Legislation

S. 774—To promote quality and price stabilization, restrain unfair distribution, equalize rights of producers and resellers in the distribution of goods identified by distinguishing trademarks.

S. 1249—To protect consumers against misbranding, false invoicing and false advertising of certain wood products.

THE 87TH CONGRESS

Legislation

Senate Resolution 119—To establish a Select Committee on Consumers.

THE 86TH CONGRESS

Legislation

S. 73—To prohibit certain acts involving import, transport, possession or use of explosives.

Senate Joint Resolution 160—To combat traffic in obscene matters.

ILLINOIS SENIOR CITIZENS QUESTIONNAIRE REPORT

Mr. PERCY. Mr. President, 6 months have now passed since the conclusion of the White House Conference on Aging, at which over 500 recommendations were made for improving life for our elderly citizens.

Although no one anticipated that all of these recommendations would be adopted, it was hoped that they would be reviewed carefully by appropriate public and private agencies, and that the best and most important among them would be put into effect.

The recommendations made collectively by the more than 3,400 delegates have already proved useful in giving public officials guidance with respect to actions they can take. At the time of the conference, however, I felt it would be useful as well to have the benefit of the individually expressed views of the delegates, and I therefore distributed a special questionnaire to my constituents represented in the Illinois delegation. Their responses were informative and interesting, and insofar as they pertain to certain provisions of H.R. 1 and other legislation now pending before Congress, I would now like to share them with my colleagues:

Question No. 1: Inadequate income is frequently mentioned as the most serious problem confronting senior citizens today. Do you agree with this view? If not, what do you feel is the most serious problem?

Eighty-eight percent of the delegates agreed that inadequate income is the most serious problem—at least in terms of needed response by the Government. Furthermore, as Nils Axelson, with the Evangelical Covenant Church of America, pointed out:

It is also true that the elderly poor are least able to do anything about improving their own financial situation.

Next to inadequate income on the list of serious problems came health, for, as Mrs. Fred Kushmer, of Lombard, Ill., stated:

If you do not have good health, you have nothing.

Significantly, a substantial number of the delegates indicated that loneliness and isolation among the elderly constitute a problem as serious—if not more so—than inadequate income. The chairman of the delegation, Joseph L. Gidwitz, indicated this by saying:

Among the less visible problems are loneliness, a feeling of purposelessness, a feeling of rejection, malnutrition—malnutrition, because so many older people do not bother to secure an adequate diet—and other causes that contribute to mental deterioration.

This view was reaffirmed by Percy Shue, a representative of Kiwanis International, who responded to this question in part by saying:

I would suspect that their most serious problem would probaby be expressed in some context of human relations—uncertainty about their future, finding life meaningful and enjoyable, separation from those they most love, and so forth.

Question No. 2: Do you agree or disagree with the concept of a guaranteed annual income for the elderly poor? If you favor this concept, what would you recommend as a reasonable and proper guaranteed annual income?

Eighty percent of those who responded agreed with the concept of a guaranteed annual income. Recommended incomes ranged from $1,500 to $4,500 for an individual per year; from $3,500 to $7,200 for couples. The average of those figures recommended for an individual was $3,123; for a couple, $4,557. Most of those who supported the concept of a guaranteed annual income felt that it should reflect changes in the cost of living as well as differences in the living standards found to exist in various parts of the country.

The 20 percent who disagreed with this concept disagreed strongly, and expressed fears that the guaranteed income would destroy one's incentive to plan for his retirement and to help himself, thereby eroding his sense of self-respect and dignity.

Question No. 3: Do you favor a liberalization in the Social Security earnings limitation, now set at $1,680? If so, what would you consider a reasonable figure for the earnings limitation? Would you support a total elimination of the limitation?

The delegates were virtually unanimous in supporting liberalization of the earnings limitation, or "retirement test," and there was strong sentiment in favor of eliminating the test altogether.

Question No. 4: Do you support the idea of increasing substantially the minimum monthly Social Security payment? If so, what do you feel would be a reasonable minimum?

Eighty-eight percent supported raising the monthly benefit substantially, but the figures recommended varied widely. The most commonly suggested figure was $150 per month for an individual. The current minimum is $74.

Question No. 5: Do you feel Medicare should be extended to cover prescription drugs?

Ninety-five percent responded affirmatively to this question. In favoring the extension of medicare to cover out-of-hospital prescription drugs, however, the delegates cautioned that the Government should watch for unwarranted increases in the price of drugs, and that it should exercise certain controls.

Question No. 6: What do you feel are the greatest shortcomings in our Social Security and Medicare programs? Can you give specific recommendations for improving the program?

Criticism of the social security program—especially when measured against that of the medicare program—was relatively mild. There were no particular features of social security viewed as shortcomings on a widespread basis, although several delegates did single out the earnings limitation as one of the more undesirable aspects of the program. Other aspects cited as shortcomings included: a. inadequate benefits; b. inequities in the treatment of widows versus other groups; c. little return for the self-employed.

Medicare, however, seemed to draw nothing but negative comments, and on the basis of the responses, one would conclude that it is an inadequate and poorly administered program.

In commenting on its inadequacy, delegate Jerome Hammerman, a professor at the University of Chicago, stated:

Medicare has been described as a "leaking umbrella." The idea is right, but the quality and coverage of protection are very spotty.

Recommendations for making the program more adequate included: a. extension of medicare to cover eyeglasses, hearing aids, and dental service; b. elimination of deductions and copayment features; and c. more emphasis on preventive health care.

The administrative shortcomings of medicare were depicted in these terms by Miss Caroline Redebaugh, a registered nurse with the Orchard Glen Nursing Home in Dixon, Ill.:

Medicare has grown to be a bureaucracy where paperwork is considered more important than the patient. The entire program needs to be looked into, reviewed, and evaluated from a humanistic point of view as opposed to an accountant's viewpoint.

Professor Hammerman made this comment:

Present administrative interpretations of "skilled" nursing care have gone to ridiculous lengths in refusing coverage for all except the most exotic forms of illness, forcing us to use the most high cost facilities to qualify for this insurance coverage. The aged—and providers—are forced to play a game of Russian roulette, never knowing in advance what needed service will be considered eligible and what will be disallowed. The result has been untold hardship on all, and a growing loss of confidence in the honesty and effectiveness of the whole program.

Complaints were made that "it takes forever to process claims," and suggestions for improving the administrative aspects of medicare included: a. better procedures for notifying recipients of termination of benefits; b. elimination of the practice whereby payments for services already rendered are denied retroactively.

In summation of what is wrong with medicare, one delegate, Mrs. Agnes Czachor, replied tersely:

Too many people in the office don't know what they are doing.

Question No. 7: Do you feel there has been any improvement in the nursing home conditions in Illinois since the exposés of last spring? Should the Congress take further action in this area? If so, what specific actions would you recommend?

Interestingly, the consensus answer to this question was that there has been some improvement. Not surprisingly, however, this optimism was expressed in cautious terms, and the continuing need for vast improvement and for constant surveillance of homes was stressed. The answer given by Ben Levinson, of the Northwest Home for the Aged, in Chicago, summarizes well the responses of the others:

There has been some improvement in nursing homes since the exposés of last spring. These improvements will be temporary unless: 1) owners are made to comply with laws, rules, & regulations affecting them; 2) the point system of payment for care is abolished; and 3) some way is found to get physicians into long-term care facilities to treat the patients and supervise health care.

A word about the "point system" in Illinois. It is wasteful, extravagant, and encourages abuse and fraud. It makes patients dependent instead of self-reliant, inactive instead of active, and creates an unhealthy environment in which a man loses interest in all things, including life itself. The facts supporting these conclusions are well known to interested people familiar with the "point system."

Miss Redebaugh felt that while standards are generally adequate, enforcement is not, and that "enforcement is the key word to any legislation." I would certainly agree with this view.

Question No. 8: Do you feel the Age Discrimination in Employment Law needs to be strengthened? Have you personally encountered age discrimination in either applying for a job or in obtaining auto insurance? Or can you give information concerning friends or acquaintances who have encountered such discrimination?

Surprisingly, almost half the delegates had no opinion on this question, and indicated that their knowledge of the problem was so limited that they could not respond strongly either way.

Half the delegates indicated that the age discrimination in employment law does need to be strengthened, but for the most part, these delegates did not cite specific examples of age discrimination within their own personal experience, nor that of their acquaintances.

One delegate opposed strengthening the law, commenting that "age cannot be an excuse for employment."

Question No. 9: The Senate Aging Committee recently held hearings on "A Barrier Free Environment for the Elderly and the Handicapped." The hearings focused on problems which can arise from poorly or thoughtlessly constructed public facilities. Presumably you would support making transportation facilities more accessible to the elderly and the handicapped; would you—and could you—actively work toward this goal in Illinois?

All of the delegates who responded to this question expressed sympathy with the goal of making transportation facilities more accessible to the elderly and the handicapped; 58 percent actually said they were in a position to work actively toward this goal. In commenting on the "architectural barriers" issue, several delegates brought up the issue of reduced fare programs for senior citizens on mass transit facilities, indicating strong support for such programs.

One delegate, Robert Rummenie of Quincy, Ill., made the suggestion that:

Two possibilities (for making transportation facilities more available to the elderly) lie in the use of school buses—if the insurance angle and availability of experienced drivers could be worked out—and some sort of transportation stamp program, similar to food stamps.

Question No. 10: Do you have any suggestions as to how the Federal Government could help alleviate the housing problems of the elderly?

Aside from general agreement that the Federal Government should foster conditions conducive to the development of more, better, and more reasonably priced housing—a goal desirable for all age groups, and not unique to the elderly—the delegates recommended:

a. creating conditions which allow elderly people to remain in their own homes;

b. easing the property tax burden;

c. providing social and supportive services in and around housing for the elderly;

d. rehabilitating old buildings—again, so that residents can remain in environments familiar to them; and

e. upgrading of the 202 program.

Question No. 11: What do you feel has been the primary value of the 1971 White House Conference on Aging?

The delegates were almost unanimous in saying that the primary value of the conference was to focus much needed attention on the most serious problems of the elderly. The conference also served to bring together people knowledgeable in the field of aging, so that they could pool their wisdom and put together a reservoir of suggested solutions for the administration, the Congress, and the various State administrations and legislatures to act on during the coming years. A generally shared view was that expressed by Chauncey Lee from Springfield, who said:

The conference was well organized, the delegates dedicated, hardworking people, but

it will all be in vain if no recommendations are implemented. The Executive Director for the Governor's Committee for Senior Citizens, Clarence Lipman, said that "if Congress in its wisdom would just follow the recommendations that came forth at the Conference, the senior citizens who attended would feel the conference was well worth the effort they put into it."

In summing up the meaning of the White House Conference on Aging, and the task before us, I think the comments of Professor Hammerman are most appropriate:

Clearly the most serious problem confronting older people is their very real exclusion from the main areas of political, economic, and social life; the fragility of familiar and primary relationships, and the unfortunate position usually accorded the superannuated, unneeded, and unwanted in society. To reverse this negative attitude toward the aged is the ultimate sum and substance of our concerns.

SENATE MUST ACT ON H.R. 1

Mr. President, I believe the remarks made in response to this questionnaire underscore the importance of congressional action on H.R. 1, the omnibus social security, medicare, and medicaid bill now before the Senate.

Every single day I am receiving letters from constituents asking: "What has happened to the social security bill? When can we expect to see an increase in our social security benefits?"

Enactment of H.R. 1 is critical to the millions of older Americans who must depend largely upon social security for their income, and I would once again like to note the urgency with which we must consider this legislation and the many amendments I have introduced that will move a long way toward correcting the injustices evidenced by responses to my questionnaire.

SOUTHERN RURAL ACTION, INC.

Mr. COOK. Mr. President, at a time when all the Nation is concerned with welfare and unemployment and the Government's role in solving these problems, there are examples of initiative being taken by nongovernmental institutions. One such organization is the Southern Rural Action, Inc., which has attempted to create jobs for the rural poor in the manufacturing and construction industries. President Nixon recently said of this organization.

By offering on-the-job training in building construction, you have provided skills, jobs and homes to a number of persons who had previously lacked them and have thus added pride and dignity to their lives.

I ask unanimous consent that the article in the New York Times of May 8 be printed in the RECORD.

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

RURAL ACTION HELPS TO GIVE POOR SOUTHERN BLACKS JOBS AND PRIDE

ATLANTA, May 7.—Dr. Randolph T. Blackwell, director of Southern Rural Action, Inc., unrelentingly walked the back roads of the South attempting to create jobs for rural blacks where none existed and instilling community pride where it seldom existed.

Now after six years of guiding an organization where personalities run a distant second to programs and projects, there are those in other self-help agencies around the nation multitalented staff has demonstrated rural America does not have to become a sprawling ghost land as some have prophesied.

A practical, often crafty administrator who instinctively knows and relates to the problems of the poor, uneducated and deprived. Mr. Blackwell readily admits Southern Rural Action has by no means solved the nagging unemployment and housing problems of the stagnant masses trapped in backwoods America. But he hastens to add:

"We are trying to make it impossible for anybody to argue that it can't be done by demonstrating what can be done," he stresses.

INDUSTRIES ESTABLISHED

By demonstrating, Mr. Blackwell points to the 20 light industries S.R.A. has created in small hamlets of Georgia, Mississippi, North Carolina, South Carolina and Alabama, since his organization was founded in 1966.

From an original staff of four that has grown to 26, Mr. Blackwell and his supporters have built eight garment factories, four brick manufacturing plants, three silk screen shops, two roof truss operations, a cabinet shop, a bakery and a woodwork plant.

Products from these places come by way of such unheralded towns as Mt. Bayou, Miss.; Uniontown, Ala., Plains, Ga., and Choctaw, Ala., to mention a few. Funding to develop these projects has been left primarily to the largesse of individuals, churches, trade unions and women's organizations.

In June, however, Southern Rural will be reconsidered for a second $200,000 Housing, Education and Welfare (H.E.W.) grant that is applied to administrative needs only. The fact that the efforts of his staff has also caught the eye of President Nixon pleases Mr. Blackwell.

In a recent letter to the S.R.A. director, President Nixon wrote: "By offering on-the-job training in building construction, you have provided skills, jobs and homes to a number of persons who had previously lacked them and have thus added pride and dignity to their lives."

Possibly the showcase of what Southern Rural is accomplishing is found in the small community of Plains, Ga., located in the black belt of Southwest Georgia and which also is the home of incumbent Gov. Jimmy Carter. ("Make it clear that we were there long before Mr. Carter became Governor," notes Mr. Blackwell, "and that we didn't climb on any political backs.")

There, in one of the 10 poorest counties in Georgia, Southern Rural has constructed a roof truss plant capable of turning out 60 trusses per day; a brick plant used for training as well as supplying materials to buy homes; a $20,000 community center that was constructed from the ground up mostly by local black teen-agers who in turn will run the center.

But the largest project has just gotten under way. On April 17, ground was broken for the construction of 15 low-income homes to be built in Plains ranging from $9,000 to $14,000, with payments scaling from $35 to $55 monthly depending on family size and household income.

PROVIDE FOR THEMSELVES

When completed by September, Africana Village will be additional evidence, as Mr. Blackwell often points out, "that want to provide for themselves, and in fact want to provide for themselves, if given the opportunity."

Mr. and Mrs. Henry Tatum, a black couple with seven children ranging from eight to 21 years old, were the first to move into a home constructed in Plains with S.R.A.'s assistance. Their oldest son Jimmy made and laid many of the bricks used to build the family's modest four-bedroom home.

Every enterprise that S.R.A. undertakes winds up in the hands of the employees or coordinators of a project. Once a business, like the sewing plant in Blue Ridge, Ga., or Greene County, Ala., is self-sustaining, workers determine their own salaries, manage the plant and provide for expansion if necessary.

MOST UNITS SHOW PROFIT

Most of the capital generated by the small industries is fed into the local community, thereby stimulating whatever growth is possible.

While there continues to be lean months where Southern Rural doesn't know where the next project dollar is coming from, Mr. Blackwell refuses to take money from the businesses he has helped to establish. "You're not helping people when you're benefiting from their labors," he says.

From all indications, all but two of the businesses Southern Rural has helped to start are showing a profit. The two exceptions are a brick plant in Choctaw County, Ala., and a factory in Huntsville, Ala., that manufactures disposable hospital garments.

Occasionally, Mr. Blackwell, who was a former program director of the Southern Christian Leadership Conference (S.C.L.C.) when Dr. Martin Luther King was alive, will undertake a project that gives the needy services instead of jobs.

For example, in Russum, Miss., S.R.A. has formed a water association and will shortly provide the system necessary to pipe water into the homes of 38 families there whose only source of any kind of water until now has been rain barrels.

Wedded to the principle of total community development, S.R.A. through Mr. Blackwell's leadership has sought to assist mainly poverty pockets of the South with projects diverse enough to make it possible for everybody to participate.

"If we are going to reverse the downward trend of these (poor) counties, it will take the efforts of everybody. And most of the places we have been going into in fact have been going downhill for the past 100 years."

WE CANNOT AFFORD TO BE COMPLACENT ABOUT U.S. PRODUCTIVITY

Mr. PERCY. Mr. President, increased U.S. economic productivity is at the core of our domestic economic recovery and our international competitiveness. There is a debate, however, about the nature of Government's role in increasing productivity.

One point of view is that productivity rises or falls in tandem with general economic activity, that there is no particular reason to worry about poor productivity now, and that it will improve almost automatically as business conditions genreally improve.

The other point of view, which I and my very able colleague, Senator JAVITS, share, is that the United States is entering a period when productivity cannot be expected to rebound upward along with an upward trend in the business cycle. We think that an analysis of the causes of low U.S. productivity indicates the presence of factors, especially changed employee attitudes, that will lead to continued productivity sluggishness. We believe that so much depends on increasing our Nation's productivity that Government must take an active role in encouraging labor and management to take special steps to increase it.

The differences between the two points

of view are well illustrated by an exchange of views in Fortune magazine between Mr. Sanford Rose, an associate editor of Fortune, and Senator JAVITS and myself. In the February issue of Fortune, Mr. Rose, in an article titled "The News About Productivity Is Better Than You Think," CONGRESSIONAL RECORD, page 3767, expressed the view that productivity is essentially a reflection of the level of general economic activity, and that we can expect it to improve rather automatically as the economy recovers.

In our rejoinders in Fortune's May issue Senator JAVITS and I responded that we cannot expect automatic productivity increases and that Government must now take an active role in encouraging productivity improvement.

I think this exchange of views amply illustrates the current division of opinion about the importance of governmental steps to increase productivity. The same differences were expressed in the Joint Economic Committee's hearings on national productivity, which were held April 25 through 27.

In my view Government must take an activitist role in increasing productivity. I very much hope that the Joint Economic Committee's hearings report will reflect this urgent need, which I believe is gaining increased acceptance.

I ask unanimous consent that this excerpt from Fortune magazine be reprinted in the CONGRESSIONAL RECORD at this point.

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

HOW GOOD IS THE NEWS ABOUT PRODUCTIVITY?

(NOTE.—In "The News About Productivity Is Better Than You Think" (FORTUNE, February), associate editor Sanford Rose argued that all the recent talk about a "crisis in productivity" may be somewhat overdone. Two members of the Joint Economic Committee of Congress, Senator Charles H. Percy and Senator Jacob K. Javits, vigorously dissented. We are pleased to publish their remarks.)

Senator PERCY. I do not share Mr. Rose's optimistic analysis that U.S. productivity rates will almost automatically achieve their 1950–65 levels as the economy recovers. My view is that since 1965, when productivity rates began to drop, some quite fundamental social changes have taken place that will, in the long run, depress U.S. productivity unless we take special remedial steps.

I agree with Mr. Rose that low U.S. productivity performance in the 1965–70 period was directly related to the distorted economic forces at work in those years. I am also keenly aware that the productivity increase we are now experiencing is a cyclical phenomenon that normally occurs in periods of economic recovery. But will productivity growth return to the 1950–65 rate after this short-term recovery, and even if it does, can we afford to be content with that level of performance?

In the short term I believe that a determined effort to increase productivity rates is essential in order to achieve price stability, speed removal of wage-price controls, and improve our international competitive position. Such an effort is also necessary to help achieve important long-term objectives. There is an urgent need to create greater real economic growth so that we can more readily afford to solve our social problems. A number of experts have indicated that our productivity potential is significantly greater than the 3 percent annual average growth from 1950 to 1965. The question is, how do we achieve "optimum" levels?

I have urged my fellow legislators to recognize the pressing national need to adopt tax and other measures that will provide incentives to stimulate growth. Likewise, I have tried to make both business and labor more aware of the need for a substantiral long-term increase in productivity growth rates through such techniques as job enrichment and redesign, group incentive-pay plans, manpower planning for adjustment and upward mobility, and joint labor-management efforts to increase productivity through such means as formation of productivity teams or councils at the plant level. What must be communicated is a national concern, a sense of "productivity consciousness." Instead Mr. Rose's analysis encourages a renewal of complacency about what I consider a very serious problem. I argue that inadequate emphasis is given to at least four important changes that have been taking place.

REBELLIOUS WORKERS

Mr. Rose, like too many others, seems reluctant to accept the fact that the work force of the 1970's is simply not the same as the work force of the 1950's or the 1960's. As he points out, it is younger and better educated. Today 60 percent of the work force has a high-school education, compared to 30 percent thirty years ago. As a result, employee attitudes are changing. Even as jobs have become more and more standardized and routinized, the idea is taking root that work must be a fulfilling, personally rewarding experience. Unless the new work force is motivated to do the blue- and white-collar jobs industry needs done, the fact that it is on average younger and better educated could well be a disadvantage, not, as Mr. Rose indicates, an advantage.

The fact that the work force is different and, more important, is dissatisfied, has been convincingly explained both by former Assistant Secretary of Labor Jerome Rosow in his report on America's blue-collar workers, and by Mr. Judson Gooding in his series of articles for FORTUNE, particularly those titled "Blue-Collar Blues on the Assembly Line" (July, 1970) and "The Fraying White Collar" (December, 1970). There is evidence that America's productivity is being handicapped by high quit rates, excessive absenteeism, pilferage, overt sabotage, resistance to change, and rebellion against union leadership.

The point is that these changes in attitude and job performance require businesses to change as well, and many of them are doing so. At Polaroid, Texas Instruments, General Mills, and other companies, efforts to enrich jobs and motivate employees by giving them responsibility for their jobs, and for the pace and ways in which they do them, have paid off handsomely for companies as well as employees. Such techniques should be emulated.

The special problem of low productivity in service industries creates another long-term drag on productivity that is not given enough emphasis in Mr. Rose's analysis. And we have come to the end of the substantial off-farm migration that helped boost private-sector productivity growth by an estimated 0.2 percent to 0.3 percent a year in the pre-1965 period.

FASTER GROWTH ABROAD

Finally, I do not think Mr. Rose's analysis adequately takes into account the changed position of the U.S. in the world economy. A special effort to increase productivity in all sectors of the American economy would be necessary for this reason alone.

The spread of technology throughout the world, the increased use of modern management techniques, the availability of capital, and the installation and renewal at very high rates of highly sophisticated plant and equipment have created an entirely different situation now than in the postwar period, when the U.S. economy was in a predominant position.

Strong corrective measures have been taken, with my own active support as a legislator, to restore the competitive position of the U.S. economy. Realistic exchange rates and dampened inflation will help create a more favorable trade balance. Enactment of the 7 percent investment tax credit and more liberal depreciation rules will help make treatment of U.S. capital investment more nearly equal to that of our major competitors.

Even if our more stable and more competitive economy does regain a 3 or even 4 percent level of productivity growth after 1972, we will still remain at the low end of the productivity growth scale. For example, at the rate of 3.1 percent for the 1960's, U.S. productivity growth was lower than that of (in ascending order) the United Kingdom, Canada, Switzerland, France, Germany, Belgium, Italy, the Netherlands, Sweden, and Japan.

A fundamental requirement for significant progress is a change of attitudes. Management must take a new look at workers and their jobs. Both labor and management should re-examine their adversary relationship and begin working together to achieve common objectives. Higher rates of investment and more dynamic research and development will result in significantly improved performance.

We cannot be complacent about the fundamental problems we face. We must be more active in urging concentrated efforts to generate a substantial long-term increase in productivity. In short, we must become a productivity-conscious nation.

The rewards are certainly worth the effort. Faster real economic growth will enable us to afford solutions to our national needs. Increased quality of output will help reassure and satisfy consumers. More jobs, higher-paying jobs, better and more satisfying jobs will help cure our labor force's "blues." Ultimately, the U.S. economy will again be the most competitive in the world.

Senator JAVITS. Indeed, I wish the news about productivity were better than I think. However, this otherwise well-written and researched article fails badly on at least four important counts.

First, it makes no mention of the fact that during the past six years the rate of productivity increases in other industrialized countries has exceeded both our average and, in most cases, our peak performance. Germany, Japan, and Canada, to name a few countries, are increasing their output per man-hour at rates that severely threaten our ability to maintain price competitiveness for long periods of time. The figures on productivity growth in those countries from 1965 to 1970, incidentally, are 5.3 percent, 14.2 percent, and 3.5 percent respectively.

The article states that "for all this chatter about a 'productivity crisis,' the years 1971 and 1972 might well produce the greatest back-to-back gains in over twenty years"; however, even this peak performance is expected to be overshadowed by the gains in Japan, which is currently suffering under its worst postwar recession.

Second, the article does not clarify the direct connection that increased productivity has with price stability. The economy was simply following the inexorable laws of economics when our sagging productivity performance in 1969 and 1970 coincided with a price situation that seemed to be getting out of hand. Similarly, the prospects for price stability during the Phase Two period are enhanced by the fact that productivity is following the normal cyclical pattern of increase. We shall need above-average rates of productivity growth if we are to expect the wage gains and price

stability that are the goals of economic policy.

Third, there is no description in the article anywhere of the role that increased productivity can play in satisfying the immense social needs that have been generated by our affluence. Modern society now demands clean air and waters, higher-quality education, better housing for all, efficient mass transit, and a myraid of other expensive services. Politicians compete for superlatives in describing how America deserves new, and costly, programs for improving the quality of life.

Well, where are the money and the resources for these programs going to come from? The Office of Management and Budget recently informed us that there is only $5 billion of leeway left in the 1976 federal budget for new programs. A Joint Economic Committee study concluded last year that without above-average productivity increases the economy itself would be capable of absorbing only $44 billion in new programs over the 1972–76 period. Place these figures alongside the bill that is given merely for cleaning up air and water pollution in America—$70 billion—and the need for greater productivity gains becomes obvious.

A final issue completely missed by the article is the effect that our success in increasing the educational level of Americans has had on worker attitudes and, therefore, productivity. It seems clear to me that the government should take the lead in promoting new ways of employing our intelligent work force, which possesses immense potential but no longer conforms to the blue-collar stereotype—if it ever did so conform—under which management science has developed.

These are only a few of the flaws. Others include the fact that there is no mention concerning the effect of R. and D. on productivity, of profit-sharing and other incentive plans, or of the National Commission on Productivity, which is spearheading the government's work in this field.

Although I believe it is necessary to call the nation's attention to our need to increase productivity, I am no pessimist. The American working force has the greatest potential of any nation's for productivity improvement, and for raising our standard of living and that of others. But there is much work to be done in changing our attitudes toward work and "humanizing" the work environment so as to bring our full productive potential into play.

SANFORD ROSE REPLIES

Many of the criticisms relate to omissions that were unavoidable in an article devoted to the broad dimensions of the productivity problem. But the Senators made some curious points that require a response. They note that many other countries have exceeded our productivity performance and that this, in Senator Javits' words, "severely threatens our ability to maintain price competitiveness." Surely Senator Javits is aware that price competitiveness depends not merely on relative movements of productivity change but also on relative trends in hourly compensation. From 1960 to 1965, for example, U.S. productivity increased far more slowly than that of most of our competitors, but so did U.S. wages. Unit labor costs in the U.S. actually fell during this period, while those of other nations were rising sharply, and the U.S. trade surplus increased.

Since 1965 our trade surplus has evaporated, in part because our productivity has lagged, but also because of outsize wage increases. In the future our productivity will probably continue to rise at a slower rate than that of our major competitors—though the gap will almost surely be less than in the past—but this need not mean a deterioration in price competitiveness. In fact, there are encouraging signs that relative price movements will favor the U.S. for much of the next two to three years.

Moreover, both Senators seem to forget that competitiveness is defined, in economic terms, as equilibrium or surplus in the current account of the balance of payments—that is, goods *and* services——rather than in just the merchandise trade account. Considered in this light, there can be little doubt that the U.S. will remain a formidable world competitor. While our surplus on "visible" trade will fall short of the level reached ten years ago, our balance on "invisible" trade will undoubtedly rise. Computers, aircraft, etc., are not the only trade goods that the U.S. possesses. Management is also a trade goods—indeed, perhaps the most important one—and the U.S. will shortly earn enough from its overseas management to offset any weakness in the visible-goods area.

Senator Percy refers to certain structural changes in the U.S. economy that would tend to dampen the rate of productivity growth. But the article did take these changes into account. It pointed out that, according to estimates by the Bureau of Labor Statistics, the shift to service industries could lower the rate of productivity growth by 0.2 percent a year during the 1970's, while the shift away from farms could reduce it by an additional 0.2 percent. The article notes, however, that the B.L.S. is currently projecting an *increase* in the rates of productivity gain in many industries. These increases will offset about half the loss from the occupational shifts, leaving a net potential decline of about 0.2 percent.

Senator Percy argues that discontents in the labor force may jeopardize commitments to productivity. Everyone talks about new worker attitudes, but no one seems able to document them, except by isolated examples that in themselves prove little. Senator Percy says that one problem is high turnover rates, but while turnover rates were higher in the late 1960's than in the early 1960's, they were no higher than in mature stages of previous economic expansions. Moreover, they fell when the recession began, just as they had always fallen in similar circumstances.

Senator Percy says that absenteeism is excessive, but offers no evidence that it is rising—nor could he, I believe, present compelling evidence on an economy-wide basis. In preparing this article, I made an extensive effort to find statistical support for the idea of *pervasively* deteriorating work attitudes, but could find relatively little.

It is helpful to alert people to the need for higher productivity, but it is dangerous to overstate the problem. It took an unconscionably long time to deflate economic expectations during the late 1960's. Let us hope that it does not take quite so long a time to reflate them during the 1970's.

LEGAL SERVICES

Mr. COOK. Mr. President, in respect to the bill S. 3010, which would amend and extend the Economic Opportunity Act of 1964, as amended, I need not remind this body of the importance of this deliberation, in view of the fact that legislation in many respects similar to the present bill was passed by this body last fall, only to be vetoed by the President, a veto, I might add, which was subsequently sustained.

Included in the new bill as ordered reported, is a provision for the creation of a new National Legal Services Corporation which would replace the legal services program now with the Office of Economic Opportunity. It is entirely possible that the Congress may permanently fix the Federal role in legal services for many years to come. The critical need for all Members of this body, before committing themselves to such an outcome, to become fully aware of the very serious issues raised by S. 3010, is what brings me to the floor today.

There are a number of serious problems in the committee bill which all of my colleagues should recognize.

Last year I introduced on behalf of the administration S. 1769, the Legal Services Corporation Act. Subsequently on September 9, 1971, I offered this measure as a substitute for the legal services provision in S. 2007. Although the amendment failed by a very close vote, it did I believe focus the Senate's attention on some very serious problems; namely, accountability and criminal representation. To my satisfaction these problems and others, have still not been resolved.

In regard to accountability, there are a number of problems. First there is the board of directors, the governing body of the proposed Legal Services Corporation. The bill as reported is far superior to the original version which provided the President with only 6 out of 17 appointees. The committee version now empowers the President to appoint 10 out of 19 board members. But in reality, factors such as executive committee authority and the power of a working majority to set policy still clouds this issue.

But even more disturbing is the total lack of control over the activities of the proposed corporation. Section 913 states very clearly:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

This not only limits congressional review, except in audits, but also restricts the Office of Management and Budget in its budget review role. I believe this to be an intolerable situation.

The section dealing with criminal representation is also a slight improvement over the previous version vetoed by the President. However, I believe it is an improvement in form rather than substance. The bill vetoed by the President (S. 2007) contained a so-called criminal representation prohibition as does section 906(i). However, that section is replete with potential loopholes. I believe this section should likewise be tightened up.

There are many other issues which are equally important and which I hope some of my colleagues will study and debate. These include lobbying by the corporation's attorneys, political activity—employees are not subject to the Hatch Act, lack of criteria establishing standards for eligibility and others.

Mr. President, I do not especially wish a role which many will conclude as being against legal services for the poor. I favor such services as a means of insuring citizens of limited means the opportunity of resolving their means "within the system." However, I will think twice before supporting the Legal Services Corporation in its present form. I plan to

offer amendments to correct many abuses in S. 3010. Furthermore, I will consider amendments either striking title IX or separating it from the rest of the bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, in executive session, the Chair lays before the Senate the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. The question is on the confirmation of the nomination of Mr. Kleindienst to be Attorney General of the United States. The vote will occur at 4 p.m. this afternoon. The time between 1 p.m. and 4 p.m. will be equally divided between and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HRUSKA).

WAIVER OF GERMANENESS RULE FOR REMAINDER OF DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule concerning germaneness be waived for the remainder of the day.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR CADETS AND MIDSHIPMEN

Mr. MANSFIELD. Mr. President, if the Senator from Indiana would yield to me without losing his right to the floor, I ask unanimous consent, as in legislative session, that the Senate turn to the consideration of Calendar No. 526, H.R. 9096.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

Calendar No. 526, H.R. 9096, a bill to amend ch. 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

The Senate proceeded to consider the bill.

Mr. HARTKE. Mr. President, I have discussed this matter with the Senator from Colorado (Mr. ALLOTT), who is interested in this legislation. We have also had hearings on this matter. We have come to an understanding as to what the bill is to cover. And I think it is important for us now to proceed with this bill to provide this needed service to the cadets and midshipmen.

Mr. ALLOTT. Mr. President, I wish to extend my sincere appreciation to the distinguished senior Senator from Indiana for his graciousness in holding hearings on this bill on May 27. Because the Air Force Academy is located in Colorado, I felt perhaps an extra amount of responsibility to fully acquaint myself with this legislation prior to its consideration by the Senate. Therefore, I particularly want to thank the chairman for making this hearing record available to us.

Mr. President, I would like to ask the Senator from Indiana if I am correct in my understanding that this bill is to extend to service academy cadets and midshipmen the privilege of purchasing SGLI, a privilege which is currently available to all active duty personnel?

Mr. HARTKE. The distinguished senior Senator from Colorado is correct. At present there are nearly 2.9 million servicemen who are insured for $42.5 billion. This bill would extend eligibility for coverage under servicemen's group life insurance to approximately 12,500 cadets and midshipmen at the four service academies. I should like also to point out that this past May 17 the Veterans' Administration declared a 15 percent reduction in premium rates which are listed in the committee's report on H.R. 9096. The new rate for full $15,000 coverage is now $2.55 a month.

Mr. ALLOTT. Am I correct in my understanding that currently, service academy cadets have available to them commercial life insurance coverage specially designed for this group of individuals?

Mr. HARTKE. It is my understanding that certain commercial group life insurance policies are available to cadets and midshipmen at some but not all of the service academies.

Mr. ALLOTT. Am I also correct in understanding that there is no intent by the enactment of this legislation to discourage cadets and midshipmen from availing themselves of SGLI coverage in lieu of commercial coverage which may be available to them; or in any way to discourage the private sector from continuing to be able to offer coverage to the cadets and midshipmen?

Mr. HARTKE. That is correct. It is the intent of the legislation to correct an anomalous situation in which cadets and midshipmen were unintentionally excluded in coverage under SGLI when that program was first enacted. I think we all recognize the value of adequate insurance and this bill is not intended to exclude or eliminate other policies which will be of value to these young men in obtaining the best and most extensive coverage suitable for them.

Mr. ALLOTT. Mr. President. I would like to ask the distinguished chairman if it would be his desire that appropriate information be available to the cadets and midshipmen so that they can make an informed, intelligent decision relative to life insurance coverage?

Mr. HARTKE. As I have indicated, it would be my hope that the cadets and midshipmen would make informed decisions which would enable them to have the best possible coverage. I would assume that the Deartment of Defense and the respective Academy superintendents would adopt appropriate regulations to that end.

Mr. ALLOTT. Once again, Mr. President, I wish to thank and commend the Senator from Indiana for his diligent work on this particular piece of legislation which I believe is meritorious and which will afford a broader range of selection of insurance coverage to cadets and midshipmen comparable to that available to active duty personnel.

Mr. HARTKE. I thank the distinguished senior Senator from Colorado for his kind remarks. I am most mindful that as the ranking minority member of the Appropriations Subcommittee on HUD-Space-Science-Veterans he has consistently shown an active interest and deep concern for the programs over which the Committee on Veterans' Affairs has legislative authority.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 9096) was ordered to a third reading, was read the third time, and passed.

AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. HARTKE. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 11417.

The PRESIDING OFFICER. The clerk will state it.

The legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 6, 1972, at pp. 19824–19828.)

Mr. HARTKE. Mr. President, the conferees have completed work in resolving the differences between the House and Senate versions of the pending Amtrak legislation. The conference report lays out in detail the results of the conference. I think it appropriate, however, to make some special comment about a few of the items which were considered.

First, the Senate agreed to recede from its provision in section 1 of the Senate

bill establishing a flat salary limitation on all Amtrak officers not to exceed the level of salary for Cabinet-level officers now fixed at $60,000 annually. We accepted the House version which also contains a salary limitation at the same level but modifies the limitation so as to make it possible for officers of the Corporation to enjoy a salary greater than $60,000; provided, however, that any excess over the limit must come from net profits. We were concerned that the House modification would inadvertently provide an incentive for officers of the Corporation to severely limit the Amtrak network, discontinuing after July 1, 1973, all unprofitable routes or services and retaining only the profitable routes. This might have meant, unless circumstances change, that the system would be pared down to consist solely of the Metroliner service between Washington and New York. Such result would, of course, be a gross distortion of legislative intent, and the House conferees agreed that we should admonish Amtrak management to remember that its responsibility is to provide service on a nationwide scale. Accordingly, the conference report at page 10 states that the provision of section I of the agreed-upon bill relating to excess salary payments from their profits is not intended "to serve as an incentive to discontinue any part of a nationwide system of intercity passenger service." This should eliminate any question about management's continuing responsibility to maintain rail passenger service where needed in accordance with the principle of the act. The profitability of a particular service is only one measure of need.

Another problem which has arisen is the practical question involved in applying the Freedom of Information Act—5 U.S.C. 552—to a quasi-public corporation such as is required by section 3(b) of the conference bill. Amtrak has within the past few days indicated that because it is not an agency of the Federal Government, that it will be difficult for it to comply with certain provisions of the Freedom of Information Act. It is pointed out, for example, that much of the Freedom of Information Act is concerned with rules, regulations, and standards promulgated by an agency. Amtrak in the normal course of its business would not issue rules, regulations, or standards in the nature of those issued by a Federal agency.

But it does not appear that this should present an overwhelming problem to Amtrak. Certainly, if a part of the Freedom of Information Act cannot operate on Amtrak, then it should not be considered applicable and Amtrak need not be concerned with complying. It is quite clear, however, that the reason for including this section in the bill is to insure that the public, which after all is footing the bill for Amtrak operations, should have the right to scrutinize the Corporation's operations. Beyond this general principle, it would seem that Amtrak management need only exercise good commonsense in deciding whether a particular provision of the Freedom of Information Act can as a practical matter be made to apply to Amtrak operations. I would also point out that if this section of the act presents a problem for Amtrak, the Corporation has only itself to thank. This section was adopted after members of the Senate Commerce Committee and others had been made aware of several instances during the past year in which Amtrak refused to make information available to the press and private citizens. Nevertheless, if this section proves to be onerous, I, for one, would be happy to entertain the possibility of an amendment.

It is also of importance to comment on a provision of the House version that was acceded to by the Senate concerning section 22(1) of the Interstate Commerce Act. The Department of Transportation in a letter dated May 3, 1972, expressed concern that section 3 of the House bill, now section 3(a) of the conference bill applying to section 22(1) of the Interstate Commerce Act, would inadvertently subject Amtrak to provisions of the Interstate Commerce Act pertaining to rates, fares, and charges. The conference committee, in its report at page 11, makes clear that there is no intention by virtue of the reference to section 22(1) to in any way change the impact of the Interstate Commerce Act upon Amtrak.

The amount of financial assistance contained in the conference reported bill represents a compromise by both Houses of Congress and further represents, I think, the best possible position achieveable by the Senate conferees. Briefly stated, the conference committee recommendation for financial assistance compared to the Senate approved version is as follows: The Senate approved $270 million in Federal grants, plus $2 million annually for certain international service. The conference committee agreed upon a figure of $225 million in direct grants retaining the $2 million annually for international service. The Senate bill contained an increase of $150 million in loan guarantees above existing law which would have brought the total in loan guarantees to $250 million. The conference committee agreed to a $50 million increase in loan guarantees to be effective upon enactment, and $50 million more in loan guarantees to be effective on July 1, 1973, bringing the total available by that date to $200 million. The Senate bill also contained four amendments earmarking $15 million for experimentation, $100 million in loan guarantees for urban corridors, and $50 million in loans for urban corridors. These three amounts were stricken from the Senate bill by the conference committee except that the Senate language on experimentation contained in section 7 of the Senate bill was retained as section 6 of the conference committee bill.

Mr. President, while there were several other less significant changes agreed to by the Conference Committee, I think the foregoing discussion has outlined the most significant changes. The Senate conferees supported the Senate position with enthusiasm and, I think we have, with the House conferees, developed a very fine bill. Certainly, there is not as much in the final legislation as the Senate thinks is necessary but Amtrak will now be better equipped to upgrade rail passenger service in the United States.

I think it appropriate to emphasize at this point that Amtrak should consider that it has a mandate to carry out a thorough evaluation of the basic system. Under existing law, Amtrak's discretion to discontinue service in the basic system will be greatly expanded on July 1, 1973. But Amtrak management should not look upon this as an opportunity for a wholesale shutdown of all rail passenger service that is not profitable by that time. Rather Amtrak should exercise its discretion with great care. It should not discontinue service that has not received a thorough testing from every standpoint including both marketing and service. Government's interest in transportation and Amtrak's interest, therefore, should not be to measure profitability as a goal in itself. Rather, it should strive to insure that rail transportation services are available for those citizens who need the services. This may or may not mean that the service makes money.

There can be little question that thus far Amtrak has failed to make the kind of effort that the Congress and the public had hoped that it would make. During the past year, because of inadequate funds, Amtrak has had a ready-made excuse, albeit a very inadequate excuse. In the year to come, Amtrak will have available to it substantial resources to launch sound improvements in rail passenger service. We in the Congress have made clear that we expect Amtrak management to take advantage of the opportunities and begin a thorough testing of rail passenger service. There is little question that for the foreseeable future there will be a continuing role for Amtrak or at least rail passenger service in a balanced transportation system. Amtrak must now begin asserting itself in that role. It is anticipated that a year from now we may once again be required to examine Amtrak's performance. I hope that those of us on the Commerce Committee will be able to present a better report on Amtrak performance in fiscal year 1973 than we were able to present for the past 12 or 13 months.

Mr. WEICKER. Mr. President, I wish to join my distinguished colleague from Indiana (Mr. HARTKE) in urging the Senate to adopt the Conference Report on H.R. 11417, to amend the Rail Passenger Service Act of 1970 and provide financial assistance to Amtrak for the purchase of modern railroad passenger equipment.

In approving this conference report, the Congress will be taking the lead in committing the Nation to the long-term improvement of intercity rail passenger service.

Recently, some influential voices in government have been saying that passenger trains should be retired to the same museum that holds the stagecoach.

Others say that rail service should continue but only in its present precarious state, glued together by the hopes of a few rail buffs and allowed quietly to fade away before the onslaught of the automobile and the airplane.

These views are rejected by this conference report.

Rail passenger service is an essential facet of a balanced national transportation system. Over 200,000 miles of railroad track exist all over the country, serving every major metropolitan area in the Nation. Rails connect city centers which are often miles and hours from airports. Rails carry people far more efficiently than highways which cover two to three times the amount of increasingly scarce real estate. Rails serve smaller cities which are ignored by airlines and cut off from the world by all modes other than the automobile.

With all these advantages—and the relatively low cost of using existing tracks—it is incredible that knowledgeable people, people in a position to take meaningful, affirmative action, are willing to allow the American rail passenger to disappear at the very same time that every other developed nation in the world is investing billions in new technology to speed people along the ground.

It is with pride that I congratulate my fellow conferees in the Senate for taking the lead in burying the array of negativism expressed by so many in government and committing themselves to a new day in rail passenger service.

Mr. President, this was not an easy conference. The conference committee was confronted with almost 20 issues. I had hoped we could return with more of the provisions of the Senate-passed bill. However, confronted as we were with an adamant position of the House on certain major issues, I think we have done well.

I especially again want to compliment our chairman and leader in this matter, the Senator from Indiana (Mr. HARTKE).

For example, we were able to maintain the Senate provision with respect to pass privileges for railroad employees, an amendment authorized by the distinguished senior Senator from Delaware (Mr. BOGGS) which had been adopted by the Commerce Committee. Similarly, the Senate managers were able to prevail on at least that part of the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) providing standards for additional experimental service by Amtrak. Unfortunately, we were not successful in "earmarking" the additional funds sought by the balance of Senator BROOKE's amendment.

As for Federal grants, the House-passed measure authorized $170 million plus $2 million annually for international service. The conference compromise would authorize Federal grants of $225 million, $55 million over that passed by the House, or more than half the increase sought by the Senate.

I would like to make one point at this juncture—that it is not only the $55 million that is important, but, rather, what that $55 million is to be committed to; and we come back to this Senate Chamber as conferees with a commitment that Federal moneys will not only be used to cover operating deficits—which is a rather bleak purpose at best—but, rather, that it is money which will be used for capital improvements, research, and development.

As for loan guarantee authority, the House-passed measure made no change in existing law, leaving the amount at $100 million. The Senate, on the other hand, had increased this amount by $150 million to a total of $250 million. The conference substitute represents an increase of $100 million in two steps. The first step raises the total to $150 million immediately and the second takes it to $200 million after July 1, 1973.

Mr. President, the increase in the amount authorized for Federal grants and the loan guarantees, especially that after June 30, 1973, is particularly significant when recognizing that Amtrak's legal obligation to operate passenger service runs only until July 1, 1973. At issue here is what I believe to be a basic philosophical difference between the Senate conferees—if not most members of this body—and the House conferees.

During debate on the Senate version of H.R. 11417 in this Chamber last April 27, the distinguished junior Senator from Maryland (Mr. BEALL) correctly observed, in quoting from the House Report on the original Rail Passenger Service Act of 1970:

> This is a constructive attempt to salvage an essential system of intercity rail passenger service to meet the needs of the public.

Amtrak also has been characterized by Secretary of Transportation Volpe as a vehicle—

> To conduct a nationwide test to determine the appropriate role and level of rail passenger service in the development of a transportation system.

Similarly, the report of the House Interstate and Foreign Commerce Committee accompanying H.R. 11417 noted that:

> We fully recognize that Amtrak was to be a substantial degree an experimental effort to determine the appropriate role and level of rail passenger service in the development of a balanced national transportation system.

Mr. President, I do not quarrel with the characterization that Amtrak does represent "an experimental effort." And, I believe that most Members in this Chamber would concede that Amtrak is an experiment, albeit one that no doubt most of us would wish to see prosecuted with considerably more vigor than has been demonstrated thus far. Yet, when we got to conference on H.R. 11417, I was surprised to learn of a very sharp philosophical difference between the Senate and House conferees as to the outlook for intercity rail passenger service after the completion of this "experiment" next July 1. This Senator believes—and very strongly, I might add—that whether it be Amtrak or some other organization which moves more toward the nationalization of rail passenger service, the facts clearly dictate a continuing and increasing need for revitalization of this mode of transportation. It is on this most important point that I find myself in sharp disagreement with my colleagues in the House.

The House conferees feel that the jury is still out on intercity rail passenger service itself and that, subject to the results of the Amtrak experiment, we may seriously consider ending all Federal assistance beyond July 1 of next year.

And what a preposterous contemplation on the part of the House that is. Certainly we know that, insofar as intercity rail service is concerned, it is not going back into private hands. Rather, we hope that the present system will succeed, which is a combination of government and private enterprise. But if it goes anywhere, it goes the route of nationalization, and not back in private hands.

I understand there was even insistence on the part of some House conferees that language to this effect be included in the joint explanatory statement to reflect this House position.

I refer again to that portion of my comments that indicated that, subject to the results of the Amtrak experiment, we might be considering ending all Federal assistance by July 1 of that year.

For example, some House conferees wanted language directing Amtrak to use guaranteed loans only for capital improvements with a high degree of liquidity which could be easily disposed of upon the death of passenger service. I vigorously and successfully opposed any such language in the joint explanatory statement, but I shall not be surprised if there is a colloquy in the other body when this conference report is considered which attempts to convey this pessimistic philosophy. While I have no control over what is said in the other body, I believe that if such a philosophy is espoused, it would fly in the face not only of the conference report itself but also of the report of the House Committee on Interstate and Foreign Commerce which accompanied the Rail Passenger Service Act of 1970, Report No. 91–1580.

Mr. President, I cannot understand what is in the minds of those, be they on the House side, members of the administration, representatives of private enterprise, or the president of Amtrak himself who feel that this Nation can survive without superior intercity rail transportation.

No longer is it only a problem of the commuter living outside of New York, Chicago, or Boston. Rather it is the problem of every budding city in our United States. In my own State of Connecticut, it is no longer the problem of the Fourth District of Fairfield County; it is now the problem of the Hartfords, the New Havens, and the Bridgeports. It is no longer simply something which is demanded in the name of mobility, but the arguments can be made in many other areas for a rail system that truly works.

For example, in the name of safety: Mr. President, certainly the people of this Nation have every right to protest the loss of American lives wherever it occurs. But where are the protestors who will sit down in the waiting room of my office and say, "We are tired of having 55,000 Americans each year killed on the highways of this Nation?"

I think each one of us knows that if any governmental policy were being construed that contemplated the loss of 55,000 Americans, whoever espoused such a policy would fast be out of office. And what about the ecology, the environment? It can also be argued here that we have

to have decent rail service, and in fact the pollution created by increasing numbers of automobiles is something we can no longer live with. And what about the fact that no form of transportation moves so many people over so great a length of real estate in so short a time? It may well be that we have finally reached the saturation point, and will have to return to the rails.

First, such a proposition would fly in the face of section 10 of this conference report concerning loan guarantees. Subsection (d) of that section provides that the aggregate unpaid principal amount of loans outstanding "(1) may not exceed $150 million before July 1, 1973 and (2) may not exceed $200 million after June 30, 1973." Certainly, Mr. President, to authorize an increase of $50 million in loan guarantee authority 1 day prior to the termination of the Amtrak "experiment" on July 1, 1973 indicates a definite congressional commitment to continue intercity rail passenger services beyond the termination date of this so-called experiment.

I know that this was the intent of the committee, for in fact the gracious chairman of our subcommittee, the Senator from Indiana (Mr. HARTKE), wanted a date placed in the bill which would have made it clear that we are going to continue beyond July 1 of 1973. Some opposition having developed to that, and realizing the importance of moving this legislation through, he, I, and the other members of the committee all got together and figured out that we would make a meaningful commitment, dollarwise, which certainly would be interpreted to mean that this "experiment" was to be a meaningful commitment for the future, to move Americans, via rail, intercity.

Second, Mr. President, if, in the words of the House committee's own report on the Rail Passenger Service Act of 1970, this is to be a "constructive attempt to salvage an essential system of intercity rail passenger service—," then surely Amtrak cannot be held back and labeled a holding action foretelling the eventual abandonment of this same passenger service. If we were to adopt the philosophy espoused by the House conferees which would limit loan guarantees to those items with the greatest degree of liquidity, Amtrak would be foreclosed from issuing the guarantees to obtain new passenger cars and would be doomed to failure.

Based on personal experience in Connecticut, I know that it takes several years between the ordering of new rail equipment and the date such equipment comes on line.

Before I even came to the Senate, in the year 1966, the then Governor of Connecticut, Hon. John Dempster, and the Governor of New York, Hon. Nelson Rockefeller, met in Greenwich, Conn., and, with the cooperation of the then President of the United States, Lyndon Johnson, made a commitment for the purchase of 154 new cars for the New Haven Railroad.

The first delivery on those cars will take place in the fall of this year, 1972, or in fact 6 years later. Six years after the agreement was made, the first of the equipment arrives.

To deprive Amtrak of desperately needed lead time by preventing the purchase of and planning for entirely new passenger equipment, we would be telling the American people that the "constructive attempt" of the so-called Amtrak "experiment" has no chance of success. This I, and, I am sure, a vast majority of my colleagues in the Senate, are totally unwilling to say.

Here, Mr. President, is the essential difference between the two versions. The House was willing to go along on the basis of merely covering operating deficits. The Senate said:

> We cannot fulfill our obligations to the American people by continuing a system of covering deficits in the operation of our railroads.

Rather, what we would say to the American people is:

> We have now given Amtrak the tools to eventually bring to a close that day when its operating deficits need be covered by public funds.

If you run the same equipment over the same tracks, employing the same methods, you are going to end up with the same deficits, only this time the taxpayers of the United States will be covering it rather than private enterprise. That is the House version of the bill.

The Senate version, which we pass upon today, says:

> We are now giving you the tools, the money, to buy new equipment, to run that equipment over new rights of way, employing new methods, and thus bring to an end the unending cycle of deficits.

Mr. President, I apologize for the length of my statement on what should otherwise be a routine consideration of a conference report. However, I feel very strongly that the legislative history which I anticipate may be attempted to be made in the House on this conference report cannot be left to stand uncontested. It is too vital a philosophical difference for me to remain silent. Amtrak as an entity may be an experiment; rail passenger service as a viable essential mode of transportation is not.

In conclusion, Mr. President, I urge the adoption of the conference report on H.R. 11417, subject to my foregoing remarks. I would only ask my distinguished colleague from Indiana (Mr. HARTKE), chairman of the Surface Transportation Committee of our Committee on Commerce, who has worked so diligently on this legislation since its inception, and without whose support these principles I have enunciated could not come to pass, whether he would concur in the views which I have expressed concerning this matter.

Mr. HARTKE. Mr. President, I concur with the Senator from Connecticut, indeed, I wholeheartedly agree with everything he has said and explained here, in what I consider a very fine exposition of the problems we are faced with in connection with Amtrak.

Our feeling is that Amtrak, or at least rail passenger service, is here to stay for the foreseeable future. Nothing in the law indicates that the corporation has a limited life. Article II of its articles of incorporation provides that the period of duration of the corporation is perpetual. Eight members of the board of directors who are appointed by the President with the advice and consent of the Senate are appointed for successive terms of 4 years. The legislation presently being considered authorizes $150 million in guaranteed loans up to June 30, 1973, and $200 million thereafter.

Section 404(b)(3) of the act specifies the method by which Amtrak may discontinue trains in the basic system after July 1, 1973.

Section 701 authorizes $200 million in loans and loan guarantees to the railroads for the purpose of permitting them to enter into and carry out contracts with Amtrak. The maturity of these loans is 5 years.

Of course, any agency created by Congress or pursuant to an act of Congress can be restructured or abolished at any time. But this principle does not make Amtrak any less permanent than any other agency created by Congress or pursuant to an act of Congress.

Amtrak must be given an opportunity to reverse the downward trend in ridership and to cause the trend to start on the upgrade. After June 30, 1972, it will possibly need long-term financing. Within the next 2 months, I am told Amtrak will be making long-term commitments for new locomotives, new passenger cars, and perhaps whole new trains.

Amtrak has also been directed by Congress to take over passenger operations and operate our intercity rail passenger service directly, to the extent this is practicable. Congress certainly would not have required this if, as soon as the employees were taken over, they would have to be fired.

Pursuant to the authority granted to Congress, Amtrak has entered into a contract with the railroads which gives Amtrak the right to use the railroads' rigths-of-way through April 30, 1996, and also provides that the railroads may not terminate their service obligations to Amtrak prior to May 1, 1981.

Every bit of evidence indicates that Congress intended Amtrak to be more than a temporary organization, more than an experiment; and this is not changed by the requirements that Amtrak make recommendations to Congress for a basic route system to be operated after July 1, 1973. Not only is the law clear on the intention of Congress, but good business judgment will require that Amtrak or its successor, be funded on a long-term basis.

I think it is appropriate at this time for me to give a special commendation to the distinguished Senator from Connecticut (Mr. WEICKER) for his diligence not only in the conference but also throughout the entire committee consideration of this bill. He certainly was one of the best informed members and he was one of the driving forces to make this legislation what it is today.

I think both of us would agree that it does not go as far as we would like, that it is not as specific as we would like it to be in its direction to assume responsibility and opportunity which we believe passenger service transportation should

have. But, at the same time, the efforts by the Senator from Connecticut were of such nature that it made it possible for the committee to move affirmatively, to move in a manner in which the intent is clear, and which we have tried to make clear on the floor in discussing this conference report.

I might say, also, that, in my opinion, contrary to the views expressed by those who think the United States has reached its zenith in passenger service by rail, I look at this not as the end of an old age but the beginning of a new age.

If the people who are the directors and operators of Amtrak do not have the vision and do not have the commitment and do not have the foresight to make Amtrak what the country thinks it should be, and what we in Congress want it to be, then they ought to find themselves a different place to work, because Amtrak is a place in which opportunity is presented for those willing to grasp it.

It has been said frequently that to take over an operation which is a success and to continue its success deserves no credit whatever. But to take over operation of a system which has been permitted to come to the edge of disaster, and to be placed in a position to turn it around is to be given an opportunity of great value. If the managers and directors and the people who are in charge of Amtrak seize the initiative and demonstrate their capacity to be innovative and forward looking—then I think the efforts of those on the committee will be rewarded. I point out to the management of Amtrak that if they will display the same diligence we have had on this committee, that in and of itself would be a good start.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana

The motion was agreed to.

QUORUM CALL

Mr. HARTKE. 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.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question now recurs on the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. ROBERT C. BYRD. Mr. President, there is at the desk a report on the nomination of Mr. William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission. This nomination was reported earlier today by the committee chaired by the distinguished Senator from New Jersey (Mr. WILLIAMS). Mr. WILLIAMS has requested that the nomination be confirmed today. The matter has been cleared with the other side.

I therefore ask unanimous consent that the Senate proceed with its immediate consideration.

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

The nomination will be stated.

The assistant legislative clerk read the nomination of William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the nomination of Mr. Richard G. Kleindienst.

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

RECESS UNTIL 12:55 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12:55 p.m. today.

The motion was agreed to; and at 11:59 a.m., the Senate took a recess until 12:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SAXBE).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. Cabell as an additional manager on the part of the House in the conference on the disagreeing votes of the two Houses thereon to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virgina and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message announced that the House had passed, without amendment, the bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had passed a bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

HOUSE BILL REFERRED

The bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. GRIFFIN. 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 (Mr. MONDALE). Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, I take the liberty of yielding, on behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY), 5 minutes to the able Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I thank the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) for his courtesy.

Mr. President, on April 27, 1972, a majority of the Senate Judiciary Committee abruptly voted to end the committee's deliberations on the nomination of Richard Kleindienst to be Attorney General of the United States. This action insured that the full Senate would be forced to consider this important nomination on the basis of an incomplete and inconsistent hearing record.

The committee's task was to investigate the public allegations that the Justice Department and Mr. Kleindienst had acted improperly in settling a major antitrust case against one of the Nation's largest conglomerates—ITT. Yet the committee failed to obtain several crucial documents—both from the Justice Department and ITT which could have shed light on this issue, failed to hear from several critical witnesses, and failed to recall witnesses—such as Mrs. Dita Beard and Harold Geneen, President of ITT—

whose earlier testimony was both incomplete and substantially contradicted by other testimony.

What we are left with, then, is a series of basic questions about the ITT affair and Mr. Kleindienst's role in the matter. Unless the committee holds further hearings, hearings which allow ample and complete cross examination of key witnesses, I cannot vote to confirm this nomination.

Without such hearings, it would be a serious mistake to confirm Mr. Kleindienst on the basis of the record before us. As the New York Times pointed out in its editorial opposing this nomination:

Mr. Kleindienst's personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide.

While the Times noted that men can grow as Attorney General, it concluded that:

There is little in Mr. Kleindienst's record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of this gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralizations. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Mr. Kleindienst as Attorney General.

Mr. President, I ask unanimous consent to have the full text of the editorial printed in the RECORD.

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

THE KLEINDIENST CASE

Ideally, an Attorney General should be a lawyer, highly regarded for his professional attainments and wise, discriminating judgment. Although aware of political necessities, he ought not be a partisan in a narrow or combative sense. To the President, he should be a sagacious counselor able to take a long view in the rush of immediate events. To the public, he should be—along with the members of the Supreme Court—one of the ultimate guardians of justice.

It is sad but not historically unprecedented that Richard G. Kleindienst, whose confirmation is now under Senate debate, falls short of these high standards. At least half of the men who have headed the Justice Department in its long history have failed to meet them. Mr. Kleindienst is a lawyer of no particular distinction and a routine politician. But those facts do not preclude his confirmation inasmuch as American tradition gives a President wide latitude in choosing his Cabinet advisers.

Furthermore, it is only to be expected that Mr. Kleindienst holds regressive opinions on civil liberties and civil rights. In view of President Nixon's own law-and-order attitudes, the choice of a more liberal lawyer as successor to John N. Mitchell could not be expected.

The issue then for the Senate and the nation is whether Mr. Kleindienst falls so far below an acceptable standard of competence, political involvement and leadership quality as to override the prevailing presumption in favor of any Presidential nominee. Reluctantly, we conclude that Mr. Kleindienst does fall below this minimum standard.

His personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide. There is a high risk, perhaps a probability, that if Mr. Kleindienst is confirmed and serves for any considerable time as Attorney General, he will reduce the morale and efficiency of the Justice Department to the demoralized condition which it reached twenty years ago at the end of the Truman era.

The experience of the Truman Administration is relevant and disturbing. President Truman appointed three successive Attorneys General, none of them personally corrupt but none of them professionally eminent or invulnerable to political influence. Each in turn was a shade more mediocre and, in varying ways, more political-minded than his predecessor. The result by 1953 was a flight of the competent employes and a rotting away of the spirit of those who remained.

Former Attorney General Mitchell, except in the field of municipal finance, is not professionally distinguished. He is an able man but his guidance of the Justice Department was unduly influenced by short-run political calculations. Mr. Kleindienst's professional accomplishments are less visible than those of his predecessor and his political manipulations and preoccupations even more obvious. In short, his tenure would almost certainly lead to a quickening of the downward spiral within the department. When young and middle-level career employes lose confidence in the professional capacity and freedom from political subservience of the department's leadership, the destructive attitudes of cynicism and resentment rapidly gather force.

The six weeks of Senate Judiciary Committee hearings on Mr. Kleindienst's nomination were inconclusive on many issues of fact. But they wrote a compelling indictment of the nominee as evasive, disingenuous and crass. He consistently tried to conceal the extent and nature of his involvement in the politically motivated I.T.T. settlement which undercut an important legal position that the Antitrust Division had been asserting for two and one-half years.

In the bribery case involving Robert T. Carson, administrative assistant to Senator Fong of Hawaii, the most that can be said for Mr. Kleindienst's peculiar actions is that he must be remarkably obtuse. Mr. Carson allegedly offered Mr. Kleindienst a large political contribution in exchange for quashing a criminal case, but Mr. Kleindienst did not report the matter for a week and only after learning that the F.B.I. was "bugging" Mr. Carson's office. In the Stewart case involving the flagrant obstruction of justice in a San Diego investigation of illegal political contributions Mr. Kliendienst joined in hushing up the affair.

Men can grow as Attorney General as other men grow as President. When Robert Kennedy was appointed in 1961, he seemed a person of narrow views and inadequate experience, but in almost every respect he rose to the challenge of his high office. It is possible to believe that Mr. Kleindienst would respond similarly. Yet there is little in his record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of that gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralization. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Richard Kleindienst as Attorney General.

Mr. MONDALE. Mr. President, when news stories appeared linking Mr. Kliendienst to the ITT antitrust settlement, Mr. Kleindienst himself asked the Senate Judiciary Committee to reopen the hearings on his nomination. After his request was granted, Mr. Kleindienst testified that:

He did not want the Senate to act upon his nomination "if there was any substantial doubt in the minds of any of the members of the Senate . . . that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate."

I think it is clear that the substantial doubts raised by the public allegations still remain, and under Mr. Kleindienst's own standards, so that until further hearings are called to clear the air, the Senate should not confirm Mr. Kleindienst's nomination as the Nation's chief law enforcement official.

Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, the position of Attorney General of the United States is, next to the Presidency, one of the most important posts in the Federal Government. It is the Attorney General, as the chief legal officer of the United States, who is entrusted with the duty to uphold the Constitution and its guarantees. He must, of course, be the servant of the President. But he must be more than that. He must be the servant of all the people.

Under normal circumstances, most of us in the Senate have held the viewpoint that a President should have the opportunity to appoint his own man to advise him and develop national policy on the administration of justice, leaving the decision whether to accept or reject policy judgments to the American people when they are called upon to elect their President.

Unfortunately, the facts which have surfaced as a result of the hearings on the nomination of Richard Kleindienst raise such serious questions about the nominee's fitness to serve as Attorney General that I do not believe we should leave this judgment to November's balloting. And while we do not yet—and may never—have full knowledge of all of the important facts about this nominee's performance thus far in office, the things which we do know raise grave questions about Mr. Kleindienst's integrity and judgment.

The Senate Judiciary Committee has held an unprecedented 6 weeks of hearings on the Kleindienst nomination. There were many complex issues raised during these sessions which in large part centered around Mr. Kleindienst's role in the ITT antitrust settlement but which also went into episodes involving Mr. Robert Carson and U.S. Attorney Harry Steward.

While the notorious ITT affair has provided the American people with an important lesson as to the relationships between certain private interests, the Government, and partisan politics, it becomes particularly relevant to the Kleindienst nomination in the context of statements made by the nominee regarding his personal involvement in the events leading to the settlement of the legal case by the Justice Department. Mr. Kleindienst, when first questioned about his role in the ITT case, responded in a letter to the chairman of the Democratic National Committee that the case was handled exclusively by the head of the Antitrust Division. From that time

forward, it became more and more obvious during the nomination hearings that Mr. Kleindienst did play an important role in the case. I think that the hearing record leaves no doubt that the nominee involved himself in this affair in a very substantial way and this leads me to conclude that Mr. Kleindienst simply refused to tell the whole story to the committee about his involvement.

Mr. Kleindienst's testimony concerning the Carson bribery case casts doubt on his personal judgment. He stated in Federal court that Mr. Carson asked for help for a friend under a grand jury indictment in return for a large cash contribution to the reelection campaign of President Nixon. But, it appears that Mr. Kleindienst did not view this offer as a bribe and gave no thought to reporting the incident to Attorney General Mitchell until after learning that the FBI was bugging Carson's office. Either Mr. Kleindienst is remarkably naive about matters such as this or he is extraordinarily insensitive, and in either case I think this incident raises additional profound questions about his ability to properly serve as the chief legal officer of our Government.

The ITT and Carson cases combined with the matter of U.S. Attorney Harry Steward, where Mr. Kleindienst tried to hush up the flagrant obstruction of justice by Mr. Steward in an investigation of illegal political contributions, suggest a clear pattern of performance which cannot be excused as the Senate considers the nominee's fitness for office. The record before us is one of evasive responses, convenient memory lapses, and a refusal to offer full cooperation with Members of the Senate who desired to seek out the truth behind all of these most unusual and peculiar circumstances. I find myself in a position where I cannot help but question the ability of Mr. Kleindienst to meet the high standards for the position to which he was nominated. I can have no confidence in his qualifications to impartially and vigorously enforce the laws of the United States when he has demonstrated his unwillingness to put the public interest ahead of political convenience. It is for these reasons that I have decided to oppose the confirmation of his nomination, and it is my hope that a majority of Senators can be persuaded to do likewise.

Mr. DOLE. Mr. President, I have previously stated my intention to vote to confirm the nomination of Richard Kleindienst to be Attorney General of the United States. Today, I rise to repeat my support for this nomination and to urge that the Senate proceed with all appropriate dispatch to give its advice and consent and then move on to the pressing business which requires our consideration.

The nomination and confirmation process is one of the most important interactions between the legislative and executive branches of Government. As part of the series of checks and balances with which the authors of the Constitution sought to strengthen our democratic institutions, its effective operation demands the most conscientious and serious attention of the President and the Senate.

PRESIDENT'S COMMITMENT

The Senator from Kansas believes that in nominating Mr. Kleindienst, President Nixon has fulfilled his responsibility for choosing a professionally qualified, personally distinguished individual to be our Nation's chief law enforcement officer. The President approaches each nomination to executive and judicial posts with the utmost seriousness and regard for the importance of these high offices. In doing so he keeps faith with one of the highest commitments of his Presidency.

In his campaign and throughout his service in office, the President has repeatedly stressed his determination to improve Government and make it more responsible and responsive to the needs of our citizens. He has initiated numerous reforms directed toward achieving that goal. Foremost among these are revenue sharing and departmental reorganization—and specific policy changes in existing programs have been made whenever appropriate. But nowhere has his commitment been more widely or effectively demonstrated than in the President's personal efforts to bring the most qualified, highly motivated, and dedicated men and women into Federal public service. These efforts have been pushed at all levels of Government, and they have succeeded to a unique degree in advancing the cause of better government—Federal, State, and local. Our Government is, after all, by the people, and it can only be as effective and efficient as the individuals who comprise it.

Setting the pace, President Nixon has brought an extraordinarily talented and dedicated group of Cabinet and sub-Cabinet officials to Washington. And these individuals have provided more than 3½ years of outstanding service to America while directing the job of implementing the President's policies. And throughout this period, Richard Kleindienst has been one of the foremost figures in this select group.

RECORD OF LEADERSHIP

Serving as Deputy Attorney General, he has played a major role in helping fulfill one of the President's most urgent campaign commitments—making an all-out assault on crime in America and securing improvements in the Administration of Justice, both civil and criminal, throughout the Nation.

Having worked in close cooperation with Attorney General John Mitchell, Richard Kleindienst deserves a large measure of credit for the accomplishments of the Department of Justice in strengthening law enforcement and protecting the law-abiding in America over the past 40 months. The record is clear, and it reflects great credit on all who participated in its achievement. For under this dynamic leadership, the Department of Justice has formulated and launched a massive program to improve the means and mechanisms by which our laws are enforced and applied—not only by the Federal Government but by States and localities as well.

In recognition of the threat posed by crime and the criminal to every level of society the Nation's entire criminal justice system has been scrutinized, and reforms have been pursued through advocacy of improved statutory provisions, modernized judicial machinery, and improved postconviction procedures and penal practices.

Also in the civil rights field, in areas dealing with the protection of our society from subversion and terrorism, regulation of competition in business, and the management and protection of our natural resources, the Department of Justice has compiled a record of vigorous, fair and diligent labor on behalf of the public interest. It should also be pointed out that the Department's Civil Division was given prime responsibility for enforcement of the President's wage and price freeze and subsequent controls.

In all these areas and many others the accomplishments of the Department are numerous and impressive. Of course neither Mr. Mitchell nor Mr. Kleindienst was personally involved in the details of every case or each decision, but the new sense of vigor and direction which they imparted to this important Department of Government reflects only the highest comment on their leadership and President Nixon's foresight in selecting them.

UNIQUELY QUALIFIED

Having been directly involved at the highest policy level of the Department, Richard Kleindienst has gained a background of experience and insight which uniquely qualifies him to serve as Attorney General. He fully understands the structure, personnel and goals of the Department, and his service in this position will assure continued dedication to the President's policies and an unbroken commitment to the full, fair and vigorous administration of equal justice under law in these United States.

I believe the President has made a wise and prudent choice. Mr. Kleindienst is superbly qualified, and he will be an able successor to John Mitchell as Attorney General.

THOROUGH INITIAL HEARINGS

Mr. President, I noted earlier that the nomination-confirmation process demands the conscientious and serious attention of both the President and the Senate. The President, as throughout his administration, has responded in a manner which demonstrates that he appreciates the importance of the nomination process and which evidences his high regard for the office of Attorney General.

The Senator from Kansas would have hoped that the response of the Senate had been in the same spirit. At first it appeared that examination of Mr. Kleindienst's record and qualifications would be accomplished with all appropriate diligence, but with a decent respect for the need to proceed without undue delay. In fact Mr. Kleindienst's nomination did receive a thorough, detailed, and adequate hearing before the Committee on the Judiciary. All who wished to came forward and gave testimony. Mr. Kleindienst appeared. A substantial record was made, and the committee voted to favorably report the nomination to the Senate.

TRIAL BY INNUENDO

However, the influence of an irresponsible Washington gossip columnist led to one of the most bizarre circuses of trial

by innuendo, smear, and irrelevancy ever seen in the annals of Government—or sensational journalism.

I will spare my colleagues another dreary recitation of the second round of hearings on Mr. Kleindienst—hearings, I would point out, which were suggested by Mr. Kleindienst in hopes of providing the Senate every opportunity to explore his character, qualifications, and record.

But that second series of hearings, rather than attempting to further the Senate's knowledge and understanding of Mr. Kleindienst, was converted into a burlesque which appeared more intent on monopolizing time on the network newscasts and space in the Washington Post than serving any legitimate senatorial interest. Indeed, Mr. Kleindienst was all but forgotten as the so-called investigation strayed to such totally unrelated and self-serving areas as Latin-American politics, the Kentucky Derby social scene, and the ultimately unsuccessful efforts of a California city to obtain support for hosting a national political convention.

A POINTLESS CIRCUS

In short it was a circus. And in the end—many weeks after its muckraker-ringmaster opened the extravaganza—there was nothing to show for it, except a lengthy transcript, a number of bold but meaningless headlines and absolutely no grounds for questioning the soundness of the original finding that Richard Kleindienst should be confirmed by the Senate as Attorney General of the United States.

Delay, distortion, and a growing dullness were the chief products of this protracted exercise in headline fabrication. And while it may have raised some questions in the public's mind about the press' capacity to sustain a false issue. It certainly did not affect Mr. Kleindienst's qualifications nor, I am sure, his desire to continue his outstanding service to America in the Department of Justice.

CIRCUS IS OVER

But, now, at long last, the Senate has Mr. Kleindienst's nomination before it. The Senator from Kansas would hope that the Members of this body will recognize that the circus is over. Mr. Kleindienst, his record and his qualifications are easily winnowed from the chaff of sensational publicity, and he stands unmarred by the attacks of those whose charges have made headlines but which have not rung true either in the Senate or with the American people.

After those more than 6 weeks of endless smear and insinuation, aimed at Richard Kleindienst and in turn at the Nixon Administration; in spite of the muckracking; in spite of the Washington Post editorials which still go on like a broken record playing in an empty room; in spite of the desperate and extended effort to find something to justify the whole disgraceful Democrat-generated fiasco: in spite of it all, not one single piece of evidence was found to justify even questioning Richard Kleindienst's nomination.

It is the Senator from Kansas' impression that most if not all Senators have reached their decisions on Mr. Kleindienst. Attendance on the floor since his nomination was brought up would certainly indicate that most of our colleagues have not relied on the statements made here to assess their votes. The American public has certainly tired of hearing the same old arguments and accusations. Repetition of the old, unproven charges, further headline seeking and more delay will not change any votes—and will not serve the public interest.

OTHER IMPORTANT BUSINESS

The Senate has important business yet to consider in the short time before conventions and campaigns are upon us. It is time to fulfill our responsibility by disposing of this nomination and then turning to the business which awaits our attention.

The Senator from Kansas urges that the vote be taken and that Richard Kleindienst be confirmed as Attorney General.

Mr. GURNEY. Mr. President, on April 27, after 8 weeks of hearings, the Judiciary Committee confirmed by an 11-to-4 vote, the nomination of Richard Kleindienst as Attorney General of the United States. Never have hearings on the nomination of a Cabinet officer taken so long and proved so little. As a member of that committee, and of the special subcommittee that went out and interviewed ITT lobbyist Dita Beard, I have yet to see or hear any evidence of wrongdoing that would or should disqualify Richard Kleindienst from assuming the post as the Nation's top law enforcement officer.

On January 31, 1969, the Senate confirmed without objection the nomination of Richard Kleindienst as Deputy Attorney General. Since that time Mr. Kleindienst has built on his fine record of public service and his strong belief in law and order. In conjunction with former Attorney General John Mitchell, Richard W. McLaren, and others, he has helped to lead the fight against crime in the streets, urban unrest, drug abuse, and the growth of monopolistically inclined conglomerates.

A great deal of success has been achieved. Urban unrest has dropped off steeply since 1968, crime in the District of Columbia has declined to the lowest rate in the last 5 years, Federal anticrime aid to States and cities has been increased by 253 percent, and narcotics arrests have increased sharply. A lot of progress has been made in returning law and order to America and Richard Kleindienst deserves his share of the credit.

Yet, to hear all that has been said lately one would think that his record, not only as Deputy Attorney General, but as an Air Force navigator, as a member of the Arizona State House of Representatives, as a lawyer, and as a private citizen, does not count for anything. The fact is that his record eminently qualifies him to be Attorney General, these ITT hearings nonwithstanding.

As a matter of fact, the question of whether Mr. Kleindienst had anything to do with the alleged ITT deal has often been obscured in the welter of testimony, allegations, and insinuations. What we need to do is focus upon that charge and the other one dealing with U.S. District Attorney Harry Steward.

The two major allegations raised during the hearings on Mr. Kleindienst's nomination were, first, that the settlement negotiated between the Government and ITT concerning corporate divestiture was improperly linked to an ITT contribution to the Republican National Convention. And, second, that Mr. Kleindienst improperly absolved the U.S. attorney in San Diego of improper activities.

With regard to the ITT case, the accusations concerning the ITT antitrust case stem from charges made by columnist Jack Anderson to the effect that the settlement, requiring ITT to divest itself of numerous subsidiary companies but permitting it to retain the Hartford Insurance Co., was the result of a $400,000 contribution by ITT to the Republican National Convention.

First of all, the hearings produced no testimony which, in any way, indicated any connection between Richard Kleindienst and the San Diego convention. Furthermore, testimony showed that the Kleindienst connection with the ITT litigation was minimal.

The facts of the matter are that the accusations which have been made stemmed from a memorandum reportedly written by Dita Beard, ITT's Washington lobbyist, to the head of the ITT Washington office, William Merriam, which then, somehow, fell into the hands of Jack Anderson. Anderson's associate, Brit Hume, testified that Mrs. Beard identified that memorandum as hers. Mrs. Beard testified to the committee that, while she had written a memorandum concerning the convention, the Anderson memorandum was not the one she had written. Her testimony was corroborated in a sworn affidavit by one of her former secretaries, Susan Lichtman, who testified that she had typed a memorandum for Mrs. Beard concerning the convention but that the political and the litigatory references in the Anderson memorandum were not included. And, finally, Mr. Merriam testified that he had never received such a memorandum.

Two factors bearing on authenticity of the memorandum should be mentioned. In this connection. First, the shredding business, ITT, at best, exercised exceedingly poor judgment when, upon hearing of the Anderson memorandum, they panicked and shredded a large number of documents. This proves nothing. Fear of another "edited" document further embarrassing the company could easily have provoked this unwise move.

Second, Congressman BOB WILSON'S interview with San Diego newsman, Robert E. Cox. This interview likewise is not conclusive, since Congressman WILSON, under oath, testified that Mrs. Beard had indicated to him that she had not written the Anderson memorandum.

Thus, while the committee was faced with some conflicting statements, the overwhelming weight of the testimony adduced before it casts doubt on the veracity of the contents of the Anderson memorandum and suggests that it was entirely possible that the entire memorandum might have been a forgery.

As to the substantive contentions contained in the charge, two points should be noted.

First of all, there is the question of the contribution itself. The testimony before the Judiciary Committee clearly indicated that what we are concerned with was a pledge of up to $200,000, not $400,000, by the Sheraton Hotel chain to the city of San Diego's Convention Bureau to enable the city to attract the Republican National Convention. Actually, testimony indicated that the final contribution of the Sheraton Hotel possibly would have been less than $100,000.

It should also be noted that the convention would have coincided with the opening of the new Sheraton Hotel in San Diego, giving that hotel an estimated $1 million worth of national publicity at a cost below the $250,000 which the Sheraton chain had expended in promoting the opening of a new hotel in Hawaii the year before.

Thus, it is clear that the Sheraton pledge to the city of San Diego's Convention Bureau was nothing more than good business public relations strategy.

Second, there is the insinuation that all this was masterminded, for political purposes, by former Attorney General John Mitchell himself.

However, while the memorandum indicates Mr. Mitchell had some knowledge of the convention and the antitrust litigation, he testified that, at first, he had no knowledge of any convention plans while Attorney General and, second, that because of law firm associations, he had removed himself completely from the ITT antitrust litigation leaving Deputy Attorney General Kleindienst in charge. Most critics, even, have admitted the latter and, also, all parties involved are agreed that when Mrs. Beard attempted to broach the subject to Mr. Mitchell at the Governor's mansion during the festivities involving the Kentucky Derby, the Attorney General was adamant in his refusal to even discuss the matter.

A few comments should also be made about the antitrust settlement itself. First of all, the settlement was entered into only after the Government had lost two cases against ITT and a preliminary ruling in a third. Solicitor General Erwin N. Griswold testified that it was probable that the Government would lose any appeal and that the settlement arrived at was 70 percent pro-Government. A quick look at what the settlement did more than supports the conclusion that this was no "favorable deal" for ITT.

While it is true that ITT was permitted to retain the Hartford Insurance Co., the price was the divestiture of five firms with annual sales totaling $1 billion plus a ban on future anticompetitive acquisitions. Indeed, the announced terms of the settlement were so severe as to cause a 14-point drop in the value of the stock and the dumping of large numbers of shares by insiders—an abuse that should be prosecuted.

It should also be noted that this antitrust action was perhaps the largest in the history of the United States. It certainly is quite a contrast to the position taken by the two previous administrations, that conglomerate activity was not within the scope of antitrust actions. In fact, the antitrust chief in the Johnson administration, Donald Turner, publicly stated that antitrust laws were not broad enough to prosecute conglomerates.

In contrast, Judge Richard W. McLaren, who headed the Antitrust Division of the Department of Justice at the time of the ITT case, testified that not only was the decision to settle and the terms of the settlement made by him alone, but also that the settlement represented what he thought to be a good deal from the Government's viewpoint. Judge McLaren should know; he had 25 years experience in antitrust cases and, based on his record of going after big business mergers, he can hardly be considered a friend of the conglomerates. In his testimony he pointed out that his decision was based upon several factors: First, the Government had already lost two court cases, plus a preliminary ruling; second, specialists in the Treasury Department agreed with the settlement; and third, an evaluation performed by an outside analyst supported their conclusion. This last item, which has been popularly referred to as "the Ramsden Report" was, as McLaren consistently and specifically stated, only a cross-check and not the total basis for his decision.

Concern has been expressed about the role White House aide, Peter Flanigan, played in obtaining the Ramsden report. Testimony before the committee indicated that Mr. Ramsden was chosen because of a similar analysis he had performed while a White House fellow. Flanigan, as an accommodation to McClaren, ascertained the whereabouts of Mr. Ramsden and requested, on behalf of McClaren, the report. The report was prepared while Judge McLaren was out of the country and was held by Mr. Flanigan until McLaren returned. Flanigan testified that he served as a "conduit," a description which is corroborated by McLaren's description of his activities. The theory that his role was larger than that is based on speculation, not fact. The question, then, reverts to the role Mr. Kleindienst played in this affair. The testimony shows that, despite his meetings with Mr. Rohatyn, and it should be noted that ITT officials met with any Democrat that they thought might be helpful as well as administration officials, Mr. Kleindienst made no effort to influence Judge McLaren. He took no part in a meeting at which ITT made a presentation to McLaren and he only happened to be with McLaren when Flanigan transmitted to McLaren the Ramsden report. The only other contact occurred when Flanigan inquired of Kleindienst what to do with the report while McLaren was out of the country and Kleindienst informed him to hold onto it. Mr. Kleindienst testified that he never read the report, nor did he interfere in any way with any of the antitrust activities in regard to ITT. This hardly sounds like the way to execute some behind the scenes deal.

The second allegation against Mr. Kleindienst was the handling of a matter concerning the U.S. attorney in San Diego, Harry Steward. This story, which first appeared in a Life magazine article, accused Steward of hampering an investigation of a prominent Republican and personal friend, Frank Thornton. The charges were that Steward had quashed a subpena for Mr. Thornton and that he had generally obstructed the investigation.

However, testimony by Mr. Henry Peterson, head of the Criminal Division of the Justice Department, brought out the fact that when these accusations had reached the Justice Department, Mr. Kleindienst ordered a full FBI and departmental investigation of Steward's activities. Peterson testified that the FBI and the Department career personnel determined that there had been no culpable wrongdoing but, rather, a gross error of judgment. He also testified that, in light of the fact that Steward was due to prosecute some very important tax cases, it was recommend to Kleindienst that the Justice Department should issue a statement expressing confidence in Steward, but that, privately, he should be reprimanded. Both Steward and Kleindienst testified that the latter reprimanded Steward and informed him that, in the future, when a friend was involved he should remove himself from any activity in the case. Steward's contention was that he knew Thornton personally and that he knew that Thornton would cooperate and testify under oath without the need for dragging him before a grand jury where his reputation would inevitably be damaged by press coverage no matter what the outcome. As we have seen in the case of Frank Sinatra's appearance before the House Select Committee on Crime. Steward is not the only person to exhibit a concern for the sensitivities of a friend.

In conclusion, the 8 weeks of hearings by the Judiciary Committee indicate that insofar as the ITT affair is concerned, the only basis for any accusation of wrongdoing by anybody is the Anderson memorandum, the authenticity of which has been severely questioned and is in grave doubt. No evidence has been presented that substantiates the allegation in the Anderson memorandum. Instead, testimony shows that the antitrust settlement against ITT was the sole decision of Judge McLaren, based on a number of sources and opinions, and arrived at after three court losses by the Government.

As far as Richard Kleindienst was concerned, he had no contact or involvement with the Republican Convention and very little contact, and only an associational one at that, with any aspect of the antitrust litigation against ITT itself.

As far as the San Diego charges are concerned, several things are quite clear. First of all, even though Harry Steward acted with poor judgment in insisting on what he regarded as a more appropriate interrogation of a particular witness during an investigation, he did not violate any laws.

Second, Richard Kleindienst's decision to publicly express confidence in, while privately reprimanding Steward, was based upon recommendations of career service personnel who analyzed the FBI reports. Under the circumstances, it was justified and certainly is not grounds for disqualification of Mr. Kleindienst as Attorney General.

In conclusion, 8 weeks of hearings have not produced any evidence that would indicate any reason not to confirm Richard Kleindienst as Attorney General of the United States. Instead, what the hearings have succeeded in doing is damage the reputation of a man through insinuation and innuendo unsupported by the facts. If, in 8 weeks, no more of a case could be developed than the speculations we have heard so far, no further purpose can be served, and a good deal of harm can be done, by dragging these proceedings out any further. I am completely satisfied that Richard Kleindienst is completely qualified to be Attorney General and urge that his nomination be confirmed as soon as possible.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the remainder of the proceedings in connection with the Kleindienst nomination members of the majority staff and the minority staff of the Committee on the Judiciary and its subcommittees be permitted on the floor.

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

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, the time to be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. BELLMON. Mr. President, may I have 5 minutes?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, the Senate will decide today whether or not to consent to the appointment of Richard G. Kleindienst to the office of Attorney General of the United States. Much has already been written and said about this nomination and the junior Senator from Oklahoma has no desire to add unnecessarily to the already voluminous record on this matter.

Others have spoken concerning his legal qualifications, his legal experience, and his official acts as Deputy Attorney General. My comments to the Senate relate to none of the above. Rather, my support for Dick Kleindienst is based upon two points: First, the respect I feel for him as a result of a long and at times close association in the political arena and, second, my strong feeling that the laws of our land properly give to the President great latitude in selecting the person of his choice as Attorney General.

My association with Dick Kleindienst began in 1960 when we were both serving as Republican State Chairmen—he of Arizona and I of Oklahoma. I learned to admire his drive and intellect and to respect his political acumen.

Again in 1967 and 1968, we were closely associated in the campaign organization of then presidential candidate Richard Nixon. Here again Dick Kleindienst proved to be an incisive, hard-driving, cool-headed leader.

Since coming to Washington I have had frequent contacts with Dick Kleindienst in his capacity as Deputy Attorney General. Because of the close personal relationship between President Nixon and Attorney John Mitchell, I found that much of the responsibilities for day-to-day operation of the Department of Justice rested upon the shoulders of Dick Kleindienst and that many of the decision making powers were in his hands. I have found him to be honorable and reasonable in the use of these powers and highly competent as a decisionmaker in dealing with the many difficult problems faced by the Department of Justice. He has served his apprenticeship well and I have total confidence in his ability to serve with great competence as Attorney General.

Mr. President, our laws plainly give the President of this country the right to choose the Attorney General. As a practical matter our system could hardly do otherwise without disrupting the orderly processes of government.

I served 4 years as Governor of Oklahoma with an attorney general who was not of my choosing. I can personally attest to the dissatisfaction felt by both parties with such an arrangement. Our laws give the Chief Executive great latitude in forming his Cabinet. Certainly the choice of Attorney General is one where the President's personal desires should be paramount. The Senate should not, therefore, deny confirmation in any except the gravest circumstances. In spite of weeks of tireless efforts on the part of enemies of the administration in and out of Government, no such circumstances have been shown to exist in this case.

Mr. President, Dick Kleindienst has withstood all the unfounded attacks which have been made against him. There is plainly no reason for this matter to be held in abeyance any longer. I am convinced that President Nixon and the country need and deserve the services of an able, level-headed tough, and fair-minded Attorney General and I am convinced that Dick Kleindienst is such a man.

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. HRUSKA. 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. KENNEDY. Mr. President, how much time do we have on each side now?

The PRESIDING OFFICER. At this point there are 61 minutes to each side.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

In just a short while I am going to make a unanimous-consent request. I will not do so at this time, but I will read the unanimous-consent request for the benefit of the distinguished Senator from Nebraska and to afford me an opportunity to communicate this proposal to my other colleagues who may not be on the floor during the course of the remaining time.

It will be a unanimous-consent request along the following lines: That if the nomination of Mr. Kleindienst is recommitted, the Senate will proceed immediately to its consideration at the close of morning business the day following the Judiciary Committee's report, and that during further consideration of the nomination debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

The purpose of this request—which I will offer if the motion to reconsider is carried this afternoon—is to allow the Senate Judiciary Committee an opportunity to hold hearings during next week, on Monday, Tuesday, Wednesday, and Thursday, hopefully for some 25 hours of hearings, so that we would call the necessary witnesses, as defined primarily by those who were on the initial list accepted by the committee as clearly necessary, perhaps augmented by those witnesses, one or two witnesses that the Senator from California desired, who would be useful and helpful to clear up any further doubts about the Steward case. During this period of time, the committee would have the opportunity to subpena material, for example the ITT files that still remain in the ITT office in New York; and we would have an opportunity to examine relavant ITT files that are in the possession of the SEC which could have an important bearing on the ITT settlement effort, as well as the other materials which have not been made available by the Justice Department. We should at least require the Department, if they desire to withhold documents to exercise executive privilege, so that at least we would have some written explanation by those in authority for denying to the Judiciary Committee appropriate materials that have been requested.

Then the committee could subpena those materials it felt were being unlawfully withheld.

Finally, following the conclusion on Thursday of the hearings next week from June 12 to June 15, we would have a report due on Monday, June 19. With this unanimous-consent request we would limit the time for debate to 10 hours, to be equally divided between the majority leader and the minority leader, so that we could have a vote no later than Wednesday, June 21.

As I say, I shall propound this unanimous-consent request at a later time, Mr. President, but it is my intention to propose such an agreement. It is necessary that we have a unanimous-consent agreement to incorporate a limitation on the time that would be available for consideration; I have tried to assure the Members of the Senate that it is the purpose of those who support the motion to recommit that if we are successful on that motion to recommit, we would follow this schedule I have outilend, and would be quite willing to limit the time to approximately the 10 hours which I have indicated.

We wanted to assure the Senate that it is not our intention, through returning this nomination to the Judiciary Committee, to see it burned forever or tabled, but that the committee would proceed with its legitimate interest in exploring testimony from those witnesses who have not been heard, or only partially heard, and receiving the documentary information which I think is of such basic importance to those of us in the Senate who are trying to make a responsible judgment. That is the way that we would like to proceed.

I would remind the Senate that the unresolved issues troubled the Judiciary Committee itself. When the question arose of an extended period of time for consideration of additional witnesses, the committee itself was actually split on the more extended period of time, and we were unable to resolve that question and call the additional witnesses. There was a very substantial group within the committee that wanted to have the additional time and additional witnesses, and I would think that certainly the Senate should provide us with the opportunity to do so. The committee was in fact evenly divided, 7 to 7, on whether to continue the hearings. Half the members of the Committee on the Judiciary who had been considering the matter wanted to have additional time, and half wanted to end it. And of the 15 members participating in the final vote on reporting the nomination for confirmation, only eight joined in the majority views completely clearing the nominee, while seven filed individual views expressing varying levels of disagreement with the majority view.

So here we have the Committee on the Judiciary, charged with considering the qualifications of this nominee, split evenly on the question of additional hearings; and when the committee filed its report, only eight members signed the majority report and seven filed individual views expressing disagreement with the views of the majority. I think this doubt is reflected by many of the Members of the Senate.

Mr. President, during the course of the initial set of hearings I had the opportunity to listen to the nominee and an opportunity to question him about a number of different issues within the responsibility of the Justice Department over the period of time since he had assumed the important responsibility of Deputy Attorney General. Many things that took place during this period caused me great concern about his fitness and his competency to serve as Attorney General.

When we considered, for example, the Law Enforcement Assistance Act, which was to be the principal vehicle to meet the problems of crime in this country, we found that it had been bogged down in an administrative nightmare. I think all of us are hearing many and varied complaints expressed by those charged with its administration in States and in counties all over the country. Certainly we were not coming to grips with the problems of crime and disorder in this country, as I think many of us who had supported the Law Enforcement Assistance Act program thought that we should, because of lack of vigorous Justice Department efforts in this area.

I was troubled that in our battle to meet the problems of juvenile delinquency, for example, we had an administration that failed to fill the important and responsible position of Director of the juvenile delinquency program for some 16 months. The juvenile delinquency program—started in the early part of the 1960's—was provided with a variety of tools to meet the problems of juvenile delinquency and to help formulate community programs to meet those problems. Yet it was being left without direction in the Justice Department.

I was troubled by the attitude of the Justice Department on the Naroctics Addict Rehabilitation Act, a new program to help those afflicted by drug addiction. Obviously, all of us want a strong crackdown on drug pushers. But for the addicts themselves, the Narcotics Addict Rehabilitation Act was a program to provide some consideration during the time they are being held for trial, which would recognize their sickness and addiction, and to try to provide a more enlightened attitude and viewpoint about drug addicts and the whole process of rehabilitation. Yet that legislation was virtually ignored.

I was distressed—as I am sure many Americans were—by the failure of the Justice Department to carry forward in a strong and vigorous way enforcement of the gun control legislation passed by Congress in 1968. I was distressed, quite frankly, by the attitude of the former Attorney General, Mr. Mitchell, as well as Mr. Kleindienst, when he was asked to appear before the Judiciary Committee on a number of occasions, and respond to what the Justice Department was doing on the problem of Saturday night specials—the snub-nosed revolvers which are readily available to those who should not have any right to possession of those weapons in our society.

There is absolutely no justification for those weapons on the basis of use for sporting purposes. Still, we have had delay after delay by the Justice Department and a refusal of either Mr. Mitchell or Mr. Kleindienst to submit legislation on this issue.

I was distressed by the attitude Mr. Kleindienst exhibited on the whole question of the Kent State tragedy. Young students at Kent State were shot down over 2 years ago, yet the Justice Department has failed to investigate and to carry forward its responsibility to call a grand jury and to find out the real cause and who was responsible for the killing of young students, some of whose only crime was walking from one classroom to another.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself an additional 10 minutes.

I have met with the parents of some of those who were killed, and they said, "If this is a Department of Justice, why can't we have justice?" How do you answer a parent whose child has been lost, a child whose only transgression was walking between classes? The Justice Department has refused to carry forward any thoughtful and comprehensive investigation which many think was so essential and so important.

I was distressed quite frankly by the actions, in which this Justice Department was involved in the general dragnet operations on Mayday. The various courts have found, quite clearly, that the actions of law-enforcement officials at that time clearly exceeded legal authority, and we have seen hundreds of cases that have been dropped as a result.

I was distressed by the activities of the Justice Department at the time we considered the extension of the Voting Rights Act of 1965, in wanting to weaken that act, when there were those of us who were trying to strengthen it, to insure that the right to vote was going to be assured to all citizens, black and white, all over this country, yet the Justice Department's only efforts were to weaken those provisions.

I was distressed by the attitude of the Justice Department in carrying forward our national commitment toward equal rights toward equal education opportunities for students in all parts of this country, rather than taking a clear position to assure that all students in this Nation, black and white, students of different races and nationalities, would be assured of a quality education. The obvious ambivalence and confusion of the Justice Department on this matter finally developed into almost a revolt within the Civil Rights Division of the Justice Department.

These are just some of the areas that concern me. We saw the Justice Department's willingness to pull out all the stops when it came to Daniel Ellsberg and the Pentagon Papers, or to Clifford Irving and the Howard Hughes case. The Department was ready to call grand juries, ready to provide immunity, but was unwilling to do so when it came to the Kent State case.

These are some of the areas on which many of us who felt strongly about the importance of rights and liberties in this country, and about the prosecution of crime and violence in an enlightened and effective way, might have taken issue with the nominee. But as I pointed out—and I think other members of the Judiciary Committee pointed out—in our views at the conclusion of the first set of hearings, the President must be able to have the kind of Attorney General and the kind of Cabinet team he wants to carry forward his program, because he is elected by the people, and the standard used for Cabinet officials obviously is

different from the standard which should be applied to those who sit on the Judiciary.

So I joined my colleagues in reporting the nomination of Mr. Kleindienst and indicated that I would support Mr. Kleindienst, even though we had those areas of very legitimate concern.

Then, as has been examined here during the course of the past few days—and by the Judiciary Committee—there arose very substantial, additional questions which run even deeper to the whole competency and handling of the responsibilities of the Justice Department, in which Mr. Kleindienst was implicated, and which I think raise some of the most serious questions about his being able to serve as our Attorney General.

In these matters, I would point out to my colleagues, we on the Judiciary Committee have been very seriously handicapped in doing justice to Mr. Kleindienst and to the Senate. We have been handicapped in not hearing from all relevant witnesses. We have been handicapped by not receiving all relevant materials. As a result, we think it is of importance that this matter be returned to the Judiciary Committee. The areas about which we are concerned are the settlement of the ITT cases, the handling of the Warner-Lambert case and the Harry Stewart matter, and the explanation of the Carson matter.

Mr. President, I yield 10 minutes to the Senator from Utah.

Mr. MOSS. I thank the Senator from Massachusetts for yielding me this time.

Mr. President, the Senate today is asked to confirm the nomination of Richard Kleindienst to be Attorney General of the United States. At the same time, however, the Senate has been denied access to information which has proven most crucial to our judgment of the nominee's qualifications to hold this position of high trust. For this reason, I intend to vote for additional hearings into this matter by the Judiciary Committee. Should that motion prove unsuccessful, I will be forced to vote against the nomination itself. The administration's insistent "coverup" of this investigation has left me no other choice.

One of the real drawbacks of our great two-party system is that the distinguished minority leader should support Mr. Kleindienst's nomination, and, at the same time, argue that an investigation of his qualifications was not justified in the first place, that the inquiry was a "dry creek."

"Dry creek" or not, the overwhelming majority of the American people remain convinced that there was some questionable actions in the relationship between the Justice Department and ITT.

The confirmation of Mr. Kleindienst will not instill public faith in those who were party to this affair. A cloud hangs over the Justice Department. It will continue to hang there until the next time the Attorney General is asked to make a conscientious decision regarding the execution of his duties. Perhaps it will be in the area of civil rights. Perhaps it will be in a case of official corruption or of vote fraud. There will, however, come a time, perhaps in the very near future, where the decisions and actions of the Attorney General will require his defense of the public trust based solely on his judgment and his integrity. I do not believe that confirming this nomination, under the present circumstances, will enhance that public trust.

More than any other post in the Cabinet, the national role of the Attorney General is determined by the character of the man who holds the position.

In recent years, we have seen a variety of Attorneys General. Some like Robert Kennedy and Ramsey Clark, have made themselves vigorous enforcers of civil rights and liberties, at the vanguard of the Nation's constitutional development in this field. Others Attorneys General in the recent past have seen their roles differently.

They have concerned themselves primarily with the need to preserve social order and tranquility. Regardless of one's political or ideological stand on these issues, everyone recognizes that the Attorney General must walk a tightrope between civil liberty and civil disorder, between social changes and social transgression. His discretion must be exceptional.

At the same time, his judgment must be above question. Even to those who disagree with the actions of an Attorney General, his motive must be above question. His conduct must be above politics.

As we approach a vote on Mr. Kleindienst's nomination, his unconvincing testimony regarding the ITT matter, his questionable behavior in the Carson bribery case, his unwillingness to expose the evidence that might exonerate him, have left me no alternative but to vote against his confirmation.

I make this judgment not as a member of a jury. If this were a court of law, we would have been given sufficient evidence to decide on Mr. Kleindienst's conduct, to establish his guilt or innocence of the charges. We have not received such information. Nor have we been shown sufficient reason to allay our suspicions about matters relevant to the ITT case itself.

The matter before us, however, is not whether to acquit Mr. Kleindienst of the charges made against him, but whether to make him our Attorney General. Therefore, today I do not vote against Mr. Kleindienst, but simply against his confirmation as Attorney General. In an age when so many people question the public interest of established government, we must have an Attorney General who is above suspicion of gross political intrigue. What it really comes down to is, Mr. President: If you cannot trust the Attorney General, whom can you trust?

Mr. President, I have taken a long time and given a great deal of thought to come to this conclusion. I know also that many of my colleagues have devoted many, many hours, much more time than I have been able to devote, to the consideration of the matter before us. But in the time I have had available to make my judgment, with the materials available, or rather lack of materials available before me, I can come to no other conclusion. Therefore, I state it to the Senate today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Massachusetts has 44 minutes remaining, and the Senator from Nebraska has 71 minutes remaining.

Mr. KENNEDY. I thank the Chair.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, on March 29, 1972, I placed in the RECORD a copy of a letter that I had written to Acting Attorney General Kleindienst in which I urged that as Attorney General he make it abundantly clear that neither he nor officials of his Department will in any way be involved in partisan politics.

In making this request of the Acting Attorney General, I did not intend to suggest that there had been any wrongdoing on the part of any former Attorneys General, even though it is well known that there have been in the past Attorneys General of both political parties who have been top political advisers in the administrations in which they served.

Rather, I made the suggestion in the hope that any semblance of doubt about the integrity of the judicial system be removed; that there be no reason for the slightest suggestion that the administration of justice was in any way involved in or dependent upon political considerations.

Shortly after he received my letter, Mr. Kleindienst visited me in my office and discussed the contents of that letter. I agreed that it would be more appropriate for him to delay responding to my letter until after his nomination was placed on the calendar, and, accordingly, on May 30, 1972, Mr. Kleindienst did reply.

In his letter Mr. Kleindienst said:

Let me comment specifically upon your convictions that the Attorney General and the officials of the Department of Justice refrain from involvement in partisan politics. This will be the general policy of the Department.

Mr. President, I think this is a most important policy and I trust it will be fully and promptly implemented.

I ask unanimous consent that my letter of March 29 and Mr. Kleindienst's reply of May 30, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., March 24, 1972.

HON. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: Among the matters of gravest concern to the American people today continues to be the question of law

and order; the safety of our citizens in their homes and on the streets, the protection of their families and property from harm or destruction, and the swift and fair administration of justice once an offender is apprehended.

This concern, I think, is deeply rooted in respect for the rule of law, a respect that is shared by the vast majority of American citizens. It is this respect for the rule of law and the fervent desire on the part of Americans to see the law upheld that forms one of the basic cornerstones of our democratic system. That foundation of democracy cannot remain strong if respect for the administration of justice under the law is eroded.

Inherent in any administration of justice that seeks to command the respect of our citizens is the absolute imperative that justice be meted out without favor. Short of outright corruption of the justicial system or malfeasance in office on the part of members of either the Judicial Branch of the government or the administrators of our laws, political favoritism would rank at about the top of the list of those things which would bring the integrity of the system into serious doubt.

I am greatly concerned at this point that the just administration of our laws be carried out without the taint of political favor or even the appearance of such favoritism. It is not difficult to see how an appearance of favoritism may be created even though none actually exists if Justice Department officials are known to be involved in partisan political activity.

On March 15, 1972, the New York Times carried a lead editorial two paragraphs of which I would like to quote at this point:

"The politicizing of the Justice Department has been a dismal trend, engaged in by both parties for more than a generation. It is precisely because this course has been unchallenged by the Democrats and Republicans alike that sometimes even the most important officials become morally blind to its consequences.

"The result is a contagion of cynicism about the system and its institutions. When Government creates conditions which make it easy to abuse power, its citizens begin to condone corruption as a way of life. Such attitudes, particularly when they involve the Justice Department, subvert faith in Government by law."

It is not my purpose here to suggest any wrong-doing in the past on the part of officials of the Department of Justice, except to say that it is common knowledge that past Attorneys General have frequently served as top political advisers to the administrations of which they have been a part. The fact that this has occured under both Democratic and Republican administrations does not alter the fact that it is an unhealthy practice.

It is my deeply held conviction that a new policy is called for, one in which the Attorney General makes abundantly clear that neither he nor officials of his department, will in any way be involved in partisan politics.

I strongly urge you to make your position clear on this point, not only because it would greatly assist the Senate in the confirmation process, but because it would go a long way toward removing the Department of Justice completely from the arena of politics. To the extent that that has been achieved, I believe that greater public respect for the integrity, not only of the present Administration, but for the American democratic system of government itself, will swiftly follow.

I would appreciate your prompt response to this request for clarification of your position on the question of political involvement by Justice Department officials.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., May 30, 1972.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This will supplement my letter to you of May 5, 1972, which in turn replied to your letter of March 24, 1972 to me.

Let me comment specifically upon your convictions that the Attorney General and the officials of the Department of Justice refrain from involvement in partisan politics. This will be the general policy of the Department. Indeed, to the best of my recollection, during three and one half years I may have made over 300 appearances before a variety of groups and organizations. With the sole exception of an appearance before the Trunk 'n Tusk groups of Tucson and Phoenix, Arizona last week, none of these appearances were sponsored by a political organization.

Of course, I intend to appear before many non-political gatherings in the future, and I intend, at such appearances, to describe and set forth the policies and accomplishments of the Department with respect to the administration of justice in America.

Let me thank you again for your interest in this matter.

Very truly yours,

RICHARD G. KLEINDIENST,
Acting Attorney General.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. Mr. President, in a few days it will be 4 months that this body will have been considering the nomination of Mr. Richard Kleindienst to be Attorney General of the United States. Since the floor debate on the nomination of Richard Kleindienst to be Attorney General of the United States began 8 days ago, we have heard a great deal of rhetoric and impassioned argument from the opponents of confirmation. What we have not heard is anything new or substantial which would serve as a basis for the Senate rejecting this nomination.

On May 31, in the opening hours of the debate, this Senator spoke at length on the evidence that had been presented at the Judiciary Committee hearings on this nomination. All of the issues raised during those sessions were analyzed. It was my conclusion that there was nothing on the record which could be construed as disqualifying the nominee from being confirmed for this high office. Rather, I felt he was well qualified and should be quickly approved.

But after this lengthy debate we are left just where we began. The opponents have found no new evidence on which to persuade us to their viewpoint. Instead, the record is exactly as it was at the time the committee voted 11 to 4 to report the nomination to the Senate. During these sessions we have heard the same tired arguments, which were unpersuasive in the beginning, trotted out for rehearing for the benefit of the full Senate. They failed to win the day in the committee; they should fail to do so on the floor.

It was my original intention to stand by my opening statement and not to speak again on this subject. However, after listening to the debate these past 8 days, I have concluded that the record should show that the charges made by the opponents are misleading, some very inaccurate, and most of them irrelevant. All of them were considered by the committee prior to the time it took its favorable vote.

ITT ANTITRUST CASES

It is alleged that the Justice Department settled its three antitrust cases against ITT in exchange for a pledge of $400,000 to the Republican Party and that all of this was arranged with the help of the nominee. Not one of these statements is true.

The facts surrounding the filing and the settlement of these three suits have been explored in depth by the full committee during these hearings. The evidence shows that the Nixon administration pursued a tough policy against conglomerate mergers with anticompetitive impact, despite the fact that the previous two Democratic administrations had failed to do so. As part of this program, Assistant Attorney General McLaren of the Justice Department Antitrust Division filed three suits against ITT to require the divestiture of Canteen Corp., Grinnell Fire Protection Division, and the Hartford Insurance Co.

During the litigation of all three of these cases, the Government lost its arguments before the court. It was the opinion of the Solicitor General that were the cases taken to the Supreme Court, the Government would lose all three appeals there.

Despite these facts, McLaren was able to work out with ITT a settlement which provided for the Government to win the Canteen and Grinnell cases, and required the divestiture of Avis, Levitt, ITT Life Insurance Co., and ITT Hamilton Life Insurance Co. In addition, ITT is prohibited from acquiring additional companies without the consent of the Justice Department or the courts. After winning all of these points, the Government had no basis to require the divestiture of Hartford.

Let me quote from Mr. McLaren on this point:

I am responsible for that settlement and I stand fully behind it. In my professional opinion, it is an excellent settlement from the Government's standpoint not only as a matter of disposition of this litigation but for its overall impact in promoting compliance with the antitrust laws in deterring anticompetitive mergers.

My settlement, by the way I ultimately analyzed it, is we got absolutely everything we could possibly get, by winning Canteen. We got the gist of everything we could win or we would want to win in Grinnell, and so far as Hartford was concerned, we paired off other companies which under the control of ITT might be used with Hartford for anticompetitive ends. And we thought that we had achieved really as much as we got by going through the appeals, and furthermore, we had a solid order against reciprocity, which we believed ITT had been engaging in, and we had a very solid order against further acquisitions of the major sort, and ITT had been the leader in this movement of these really giant mergers that had anticompetitive aspects, which is what we are trying to stop. (p. 118)

This is the settlement that some of my colleagues say was a sell-out by McLaren to ITT in exchange for a gift to the Republican Party. It was no such thing. Mr. President, I would like to quote from an article appearing in 48 Chicago-Kent Law Review—winter 1971—entitled "Conglomerate Mergers and the ITT Consent Decrees" written by Paul H. White. This article begins with the statement:

A litigant can rarely lose every battle and yet win the war.

Now I hope my colleagues are listening to this:

Yet that is exactly what happened when the Department of Justice attacked three acquisitions of the International Telephone and Telegraph Company as violating Section 7 of the Clayton Act. . . . the Justice Department lost final judgments to ITT in two of the three cases and a preliminary injunction had been denied in the third.

Nevertheless, the government appears to have won the war. . . .

That is exactly the point this Senator and a good many of my colleagues have been trying to make ever since this matter was raised during the hearings.

Mr. President, I ask unanimous consent that the text of the entire article appear in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the other half of this charge is that ITT contributed $400,000 to the Republican Party in exchange for this "favorable" treatment from Kleindienst-McLaren and Company.

Let me quote from the testimony of ITT President Harold Geneen as to the details of the ITT pledge to the city of San Diego in order to attract the Republican Convention to that city:

Therefore, on July 21st prior to the site, and I want to emphasize that, prior to the site selection board's meeting and prior to the presentation of the San Diego Convention and Tourist Bureau of its bid for the convention, we dispatched a detailed telegram to the San Diego Convention and Tourist Bureau, in care of Congressman Bob Wilson, spelling out specifically what ITT Sheraton's pledge was. I think the telegram made it very clear that this was the entire pledge of ITT Sheraton or ITT or any subsidiary thereof. That pledge is contained in the telegram, a copy of which I will be glad to place with the Committee, and it calls for three things:

1. A commitment that the presidential headquarters will be in the Sheraton Hotel if the bid should be successful.

2. A payment of $100,000 in cash to the San Diego Convention and Tourist Bureau.

3. An offer, if needed, to contribute an additional $100,000 again if needed and matched by other business organizations.

That is the only commitment made to the San Diego Convention and Tourist Bureau, or to anyone else for the convention.

We obtained outside legal advice that since this was in the ordinary course of Sheraton business and in proportion thereto, it was a proper and lawful action for the Sheraton chain consistent with their business practices, and it would be therefore allowable as a tax deduction under the IRS rulings. (pp. 648-49)

Just recently, May 17 to be exact, Judge Robert J. Kelleher of the U.S. District Court for the Central District of California, dismissed a case challenging the legality of the ITT pledge, ruling that it did not violate Federal law. This was the same argument made by at least one witness at the hearings. I ask unanimous consent to have an article from the Washington Post of May 19, 1972, reporting that decision printed at this point in the RECORD.

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

ITT GIFT TO GOP IS RULED LEGAL

LOS ANGELES.—A federal judge ruled yesterday that the $100,000 contribution International Telephone and Telegraph Corp. made to attract the Republican National Convention to San Diego was not illegal.

U.S. District Judge Robert J. Kelleher dismissed the suit brought against ITT by California Secretary of State Edmund G. Brown Jr., who charged the contribution violated the Federal Corrupt Practices Act.

The act forbids corporations to make political contributions to federal election campaigns and conventions.

ITT countered that it did not contribute the money to a political campaign, but gave the money to a San Diego civic group to help attract a big convention, a legitimate business expense to promote bookings for three ITT-owned hotels in San Diego.

Lawyers for ITT also argued that Brown was not entitled to sue under the provisions of the Corrupt Practices Act, a criminal law.

Kelleher issued an order dismissing the suit, accepting all grounds urged by the defense attorneys, including the contention that the contribution did not violate the federal law.

The contribution figured prominently in Senate hearings. Democrats urged investigation of the possibility the contribution was part of a deal between ITT and the administration, in return for the Justice Department's settling an antitrust suit against the conglomerate out of court on favorable terms.

In the aftermath, spurred by an argument over rising convention hall costs, the Republicans pulled the convention out of San Diego and switched it to Miami Beach.

Mr. HRUSKA. Mr. President, it should be noted that the headline on the article is misleading and inaccurate however. It refers to a gift to the Republican Party. This is totally false. It went to the Convention Committee of San Diego, as the newsstory clearly indicates.

Having disposed of the challenges against the settlement and the pledge, all that remains is to quote from the testimony of Mr. Kleindienst that at the time the ITT settlement was going forward through normal channels at the Justice Department, neither he nor Mr. McLaren was aware of any aspects of ITT's involvement with San Diego or the Republican Convention. I read from the hearings:

Mr. KLEINDIENST. Now, Mr. Chairman, based upon the statements that have been made I would like to conclude my remarks by saying categorically and specifically that at no time, until some time in December 1971, did I have any knowledge of any kind, direct or indirect, that the ITT Corp. was being asked to make any kind of a contribution to the city of San Diego or to the Republican Party with respect to the prospective national convention of the Republican Party in San Diego. I never talked to a person on the face of this earth about any aspect of the San Diego Republican National Convention or the I.T. & T. Corp. I never talked to Mr. Mitchell about any aspect of this case. He never mentioned any aspect of this case, and there is not a person in this world who, if they testify truthfully, can come forward and say either that I had knowledge of anything going on with respect to the San Diego convention and the I.T. & T. Corp. or that in any way, under any circumstances, I had anything whatsoever to do with anything that the Department of Justice, the Government of the United States, myself, or Judge McLaren, in connection with these matters. (P. 100)

Mr. President, the Senator from North Dakota (Mr. BURDICK) made a request during the hearings that the Department of Justice supply a chronological list of events in the various ITT cases. There has been some suggestions during this debate that this request has not been met.

I ask unanimous consent to have printed at this point in the RECORD, the Department's reply to this request.

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

DEPARTMENT OF JUSTICE,
Washington, D.C., April 27, 1972.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that Senator Burdick has renewed his request to provide information going to a chronological summary of the ITT matter. This request was initially directed to Judge McLaren, as shown on page 371 of the printed transcript of these hearings.

It is our position that prior submissions to the Committee constitute substantial compliance with Senator Burdick's request. We have furnished a complete listing of our docket entries, which to the best of our knowledge shows all pleadings and briefs filed and hearings in the three ITT cases. Moreover, on April 14, my letter to you listed the dates of meetings and persons present at each such meeting at which negotiations and discussion leading to the ITT settlement occurred. That letter was supplemented by my letter to you dated April 17, 1972.

Should you have further questions concerning this matter, please do not hesitate to contact us.

Sincerely,

WALKER B. COMEGYS,
Acting Assistant Attorney General Antitrust Division.

Mr. HRUSKA. That, in the mind of this Senator, puts to rest any doubt about the ITT cases. I should also remind my colleagues that this matter was discussed in detail in my statement of May 31 and that of the Senator from Kentucky (Mr. COOK) on June 5.

BLOCKING INVESTIGATIONS

The second substantive charge against the nominee is not quite clear. However, it appears to go something like this: U.S. Attorney Harry Steward of the southern district of California blocked a criminal investigation involving a friend and benefactor, Frank Thornton, and that the nominee is somehow culpable for this wrongdoing.

The record shows no investigation was blocked. A particular method of proceeding—by the first subpena—was not used. But the investigation continued. A complete report was made. It is interest-

ing to note that the regional commissioner of intelligence disallowed the investigator's recommendation as not in order for prosecution. The Department of Justice Organized Crime Section concurred that prosecution was not in order. Much ado about nothing, it can be said.

First, the actions of Steward. It is admitted by all that the U.S. attorney used very poor judgment when he involved himself in a criminal case concerning a longtime friend. For this lapse of good sense he has been reprimanded orally and in writing by the Deputy Attorney General; the entire matter has been spread on the hearing record and the newspapers so that all who are interested know that an error was made.

What really happened is that a subpena was issued for Thornton, but never served, during a time when Steward was out of the office. By the time he returned the subpena had lapsed; he ordered that no new one be issued until he had an opportunity to talk personally with Thornton. This was done. Following that conversation the investigation proceeded. No investigation was blocked. Stopping the subpena did not stop the investigation; only the manner of conducting the investigation was changed by Steward's intervention. This is confirmed for the record by the testimony of Henry Peterson, longtime career prosecutor, present head of the Justice Department's Criminal Division:

Steward's actions, contrary to some assertions, did not thwart the investigation of any criminal violations. Admittedly, Steward did talk to Frank Thornton in lieu of subpenaing him before the special grand jury, but only after the subpena had been issued without Steward's knowledge and at a time when he was out of his office. I could tell you Senators I do not know what your reaction would be, but if somebody knew that I had a personal interest in an individual, and impliedly assumed that I would violate my duty, and issued a subpena behind my back, I can tell you I would scold them, and only my presence before this committee prevents me from using stronger language.

Despite Steward's personal assertion into the case, it is clear that Stutz continued an independent investigation at the direction of strike force attorney DeFoe. (p. 973)

Senator TUNNEY. But at a particular point in time the investigation by the IRS, by Mr. Stutz, was stopped by Mr. Steward, irrespective of what Mr. Stutz should have done?

Mr. PETERSEN: I don't know that. The record reflects that the investigation proceeded. Now, whether there was a hiatus or not, I don't know. The record reflects that the investigation proceeded; Thornton's testimony was taken under oath in September. Stutz filed a report and made his recommendations.

Senator TUNNEY. Do you know for a fact that the IRS investigation continued, that Mr. Stutz continued the IRS investigation?

Mr. PETERSEN. We received a final report on it, Senator, in which the Assistant Regional Commissioner of Intelligence had disagreed with Mr. Stutz conclusion and regional counsel had disagreed with Mr. Stutz conclusion and because that aspect of it bore an organized crime label, it was referred to us.

Ordinarily, it would be closed at that point. They referred it to us and the Organized Crime Section reviewed it; the fellows on the west coast reviewed it and they concurred in the decision of the regional counsel.

Senator TUNNEY. To stop the investigation?

Mr. PETERSEN. No, sir; not to stop the investigation. On completion of the investigation they concluded that prosecution was not in order. (p. 1013)

And by Steward himself:

I told the agents, and I told Mr. Kleindienst that I told the agents, that I had known Mr. Thornton for many years: he was a friend of mine. I said that instead of subpenaing him I will go over and talk to him and take a look at what records he has, to determine whether or not it is necessary for him to be subpenaed before this grand jury.

I went over; I talked to Mr. Thornton. I told him there was a question whether he should appear or not. Frank Thornton said, "Well, I don't mind appearing; I will come in any time you say; right now, as a matter of fact. Tell me what you want and I will come in." And I said, "Frank, we will talk first."

So we talked for a while. I looked at the records that he had and I concluded that it was not necessary to open up another publicity campaign based upon what he showed me and what I saw. I have been an attorney on one side or the other, in Federal law, for about 20 years and I like to think I can see a case and not see a case when necessary; and I concluded that it was not necessary for him to testify before the grand jury and I went back and so advised the attorneys that were there—Huffman and DeFeo. At that time they had no particular adverse comment. To the contrary, it was agreed that the investigation would go along normal, usual lines; and I told the Deputy Attorney General that as far as I know that is exactly what happened, that it went along its normal, usual lines.

At no time, I told him, did I ever attempt to interfere or stop the investigation. My sole participation, if you will, was in the decision as to whether or not he be questioned before a grand jury or questioned in the normal, usual practice and procedure that has always existed in the Department of Justice, to my knowledge for the last 18 years at least. (pp. 1423–24)

* * * * *

Senator FONG. At that time you decided then and there that subpenaing Mr. Thornton was not the thing to do, that you could elicit the information from him, the same information from him, if you talked to him?

Mr. STEWARD. Yes; but I want to make it very clear, sir, if I may, my purpose in going over to talk to Thornton was not to investigate Thornton nor like an investigator would; it was just to determine whether or not under the circumstances the situation, the facts and the knowledge that he had were such that it should be brought out in connection with the grand jury proceeding rather than the normal proceeding which is to have an investigator go in and spend a few days or a few weeks going through books, records, and meeting people and the like. That was my purpose in this.

Senator FONG. Now, in the course of your work as district attorney and formerly as assistant district attorney, did you have to subpena every witness that you wanted to talk to?

Mr. STEWARD. No, sir; no; most witnesses you don't have to.

Senator FONG. In other words, if a witness was willing to talk, you didn't have to subpena him?

Mr. STEWARD. That is correct, sir.

Senator FONG. In this case here, you thought that you could talk to Mr. Thornton?

Mr. STEWARD. Yes, sir.

Senator FONG. Therefore, you thought it was not necessary to subpena him?

Mr. STEWARD. That is correct, sir. (pp. 1428–29)

While Petersen indicated that Steward had acted in a "highly improper manner" there is no evidence that his actions amounts to "wrongdoing" or criminal behavior. It is also interesting, Mr. President, that the type of action for which Mr. Steward has been criticized is apparently not unfamiliar to at least one Member of this body.

Secondly, the actions of Kleindienst. It is logical and fair that the nominee should be responsible only for his own actions in this incident, but the opponents of his confirmation seem to want to extend his liability to broader limits.

It is clear that Mr. Kleindienst's own role involved only the departmental review of charges against Steward. From the nominee's own testimony, as well as that of Steward and Petersen, it is established that all the Deputy Attorney General did was to call Mr. Steward to Washington to talk with him about the Thornton incident, to order a full FBI investigation of the charge, and to make the final decision regarding the retention of Steward based on the recommendation of the reviewing officers in the Criminal Division.

It was well summed-up by Petersen when he said:

I think it will be clear from the following that Mr. Kleindienst's role in this matter involved the ordering of the investigation of Harry Steward and the making of the final decision, after a full discussion of the facts. The investigation itself was monitored by career attorneys who analyzed the information gathered and made recommendations with which Mr. Kleindienst agreed. (p. 966)

Petersen later gave his opinion of the nominee's handling of this matter:

. . . I am convinced there is absolutely nothing in this record that would reflect adversely on Dick Kleindienst, absolutely nothing. (p. 1028)

The one remaining question which has troubled some observers is why the Department issued a press release indicating full confidence in Steward after Kleindienst had made a finding that he had used poor judgment in the Thornton episode. As this Senator indicated on the Senate floor on May 31:

Steward was about to try a controversial and important case on behalf of the United States, the notable and long-awaited Alessio Tax Fraud Case. It was determined that the Department should announce its decision retaining Steward as U.S. Attorney in a way which would not undermine his effectiveness and which would stabilize the publicity that had surrounded this matter in the San Diego press.

My summary of the facts and reasoning behind this decision is supported by this excerpt from the hearing transcript:

Senator HART. You, in this case, I take it, concurred in one further action, and that was because of your U.S. attorney's involvement in a pending trial; a statement was to be made which publicly had the Department expressing the fullest confidence in the U.S. attorney?

Mr. PETERSEN. Yes, sir; I concurred in that. I saw no way we could say that he was half right or 99.9 percent pure. If he was going to try the Alessio case, which was a case of great notoriety in San Diego, and the trial was coming up imminently, we had to say, "Look, we have confidence in him," and indeed so far as that case was concerned, we did have confidence in him. We did not admire his conduct in one particular respect.

Senator HART. But, in that situation again, and I think I am suggesting this may be

basic, if you handle it the only other way, dismissal, presumably without explanation, you lend credibility to all of the charges that have surfaced?

Mr. PETERSEN. That is the reason I say it would have been grossly unfair, Senator.

Senator HART. And you ruin a man who used bad judgment?

Mr. PETERSEN. That's right.

Senator HART. It is a pretty tough rule for any of us to have to live with.

Mr. PETERSEN. Indeed so.

Senator HART. In any event, I have known you a long time and I believe you wouldn't lie or shade the truth to protect anybody. (p. 987)

CARSON CASE

On the 24th and final day of the hearing, one committee member sought to raise a new issue on which to oppose the nomination—the bribery trial of Robert Carson. The nominee refused to answer any questions concerning this case. His refusal to answer is now being characterized as an attempt to cover up some aspect of this matter.

I believe the nominee's response is the best answer that can be given to this charge. Mr. Kleindienst said:

Mr. KLEINDIENST. Senator Bayh, I wonder if it might facilitate this hearing if I indicate to you what my posture is with respect to any questions that might be propounded to me as a result of the case that you are obviously referring to.

I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.

I am, therefore, indicating to you in advance, Senator Bayh, that I will not make any comment or respond to any questions with respect to that matter; and if, unfortunately, that leaves questions open with respect to my conduct as a Deputy Attorney General of the Department of Justice, then I will just have to run that risk because I think the rights of litigants in serious matters, such as this, are more important than any interest in my favor which you might have to get a further extension of any comments from me about it.

Senator BAYH. Would you care to quote the basis for your refusal to answer—the legal precedent? This case is not on trial. The jury is in; the defendant has been convicted; it is now on appeal and it is my understanding, according to my understanding of Hornbook law as well as the little personal experience I have had as a lawyer, that the appellate court is confined to the trial record and any comment that you or I make now really has no relevance, cannot in any way prejudice the case on appeal.

Mr. KLEINDIENST. It could, Senator Bayh, if the case were sent back for trial, and I am here under oath testifying in an open, public proceeding. Statements that I make might be statements which otherwise would not have been admissible in evidence in a court of law, that could operate to the prejudice of the defendant in any such case——

Senator BAYH. May I ask—

Mr. KLEINDIENST. Or to the U.S. Government. (p. 1710)

Mr. Kleindienst quite correctly took the position that any comment by him on any aspect of that case would be improper because it conceivably could prejudice the rights of either the defendant or the Government, on appeal or in a retrial.

Furthermore, Mr. Kleindienst had already been a witness in that case. He had given public testimony under oath in court where strict rules of evidence prevail. Further testimony under oath by him before the Senate Judiciary Committee without these same safeguards would only run the risk of prejudicing the rights of the parties involved.

Even though the trial of the case was completed, it is clear that, so far as the Second Circuit Court of Appeals—the court handling the appeal in this case—is concerned, such comment while the appeal is pending would be improper. The court strongly indicated this in a unanimous dictum in the case of *U.S.* v. *Bufalino*, 285 F. 2d 408, 420 (2d Cir., 1960).

On June 2 this Senator and the Senator from Indiana (Mr. BAYH) discussed this subject on the floor. At that time, I placed in the RECORD a number of rulings and case citations which make it crystal clear that the nominee acted properly and responsibly in refusing to elaborate on his trial testimony. I shall not repeat all of this material at this point, but indicate that it and the complete transcript of Mr. Kleindienst's trial testimony appear at pages 19592 et seq., CONGRESSIONAL RECORD, June 2, 1972.

Mr. President, at no time has the nominee sought to cover up the facts regarding Mr. Carson's approach to him in November 1970 or the events that took place thereafter. He testified voluntarily and under oath to all the aspects of this incident that the New York court would permit pursuant to the Federal rules of evidence. Twice he sought to amplify and elaborate on this testimony but was cut off by counsel and the court.

How cavalier it would have been for Mr. Kleindienst to disregard these court rulings in order to respond to questions at the hearings. I believe it is a measure of the man that he refused to sacrifice his commitment to fair trial and due process on the altar of expedience and personal gain.

All of the facts in the Carson case were known before this nomination was submitted to the Senate. It was not raised during the first set of hearings. It was not thought to be a disqualifying factor when the committee voted to unanimously approve the nomination on February 24. It was not until literally the final hour of the hearings that this subject was brought up. The attempt to find some sinister action by the nominee in this matter strikes me as last ditch attempt to find some issue—any issue, regardless of validity—by which to stop this confirmation. Why if Mr. Kleindienst's actions in the Carson case disqualify him from being Attorney General in June 1972, were they not disqualifying factors in February 1972? I suspect there is no answer to that question.

PROCEDURAL ISSUES

It is almost impossible to respond to the arguments of the opponents and remain faithful to our responsibility to be germane to the subject of this debate. Just as in the hearings when Mr. Kleindienst's name was not mentioned for days on end, so, too, during this debate when pages and pages of the record are devoid of any reference to him.

On what could be called procedural, as opposed to substantive issues the opponents make three principal charges regarding the conduct of the hearings. I should like to discuss these under three headings: Unanswered questions, uncalled witnesses, unsupplied documents.

UNANSWERED QUESTIONS

As an illustration of this type of argument, let me cite the 29 questions about ITT that the Senator from Indiana says remain unanswered by the testimony. Only five of these questions have any relationship at all to the nominee, and the answers to all of these were fully explored during the hearings. A majority of the committee resolved all of these questions in favor of the nominee. These same remarks hold true for the other unanswered questions that some Senators find lurking in the hearing pages.

UNCALLED WITNESSES

It is alleged that there are nine clearly necessary witnesses who should be but were not heard by the committee: Howard Aibel, Howard James, William Timmons, Harold Geneen, Richard Herman, Reuben Robertson, Denny Walsh, Dita Beard, and Peter Flanigan.

None of these have testimony that is clearly necessary to a full and proper consideration of the nomination of Richard Klendienst to be Attorney General. In fact, five of the nine have already been heard. The remaining four have no relevant evidence to offer to the committee, but would be called upon too offer testimony unrelated to Richard Kleindienst.

Let us look at the list:

Howard Aibel—ITT General Counsel. Aibel has already testified on more than one occasion. Senator KENNEDY, at least twice, saw that he was in the hearing room and requested him to come up to the witness table to testify, even though his appearance had not been scheduled. He has already been questioned on all of the issues that relate to the nominee.

Howard James—President of ITT-Sheraton. Anything James would add would be cumulative and immaterial because several other witnesses have already testified regarding the ITT pledge and because it cannot be linked to Kleindienst or McLaren or the settlement of the ITT suits.

William Timmons—White House Convention Coordinator. Timmons may have had something to do with the planning of the convention, but he did not discuss the ITT cases with the Justice Department.

Whatever he learned of the convention arrangements, there is no hint in the record or elsewhere that he had any connection with the ITT antitrust cases or with Kleindienst.

Harold Geneen—President of ITT. Geneen's testimony already takes up roughly 150 printed pages and covers every conceivable germane topic. Adequate testimony has already been received and cross-examination afforded on the only relevant point—contacts with Government officials.

Richard Herman—Republican National Committee vice-chairman. There is no contention that Herman had anything to do with the ITT antitrust suits or their settlement or any of the other subjects of concern to the committee. None of the items for which it is alleged his testimony is needed have anything to do with the nominee.

Reuben Robertson—Nader associate. The name Reuben Robertson brings to mind one of the most revealing incidents in the hearings. Robertson apparently told Kleindienst's opponents on the committe that he hand delivered a letter to both Kleindienst and McLaren on September 21, 1971, asking for several things, including a comment on charges that there was a connection between the settlement and an ITT contribution to the city of San Diego for the Republican Convention. In fact, the letter was hand delivered to neither. It was handed to Ray Carson, one of the Government attorneys in the ITT cases.

The original—and only—copy of the letter received by the Justice Department shows a handwritten notation that it was received by Carson. He then sent it to McLaren for a reply to Robertson because a hearing on final entry of the ITT consent decrees was scheduled for September 23, and McLaren wanted his attorneys to have something in hand in case the point came up at the hearing. He also wanted to prevent any possible allegation that the silence of the Justice Department amounted to an admission of guilt.

Although Robertson had ample opportunity to object to final entry of the ITT consent decrees on September 23, 1971, on the basis of charges that there was a political deal, he made no such objection.

Kleindienst never received a copy of the letter. He did, however, receive an inquiry from McLaren who asked if Kleindienst had talked to Representative BOB WILSON during the settlement negotiations. His answer was "no."

Robertson's testimony is sought for the purpose of giving an analysis of the settlement. He did that before the district judge who entered the decrees and was unable to persuade him that the decrees were not in the public interest. His associate, Mark Green, asked to appear before the committee during the first 2 days of hearings, but chose not to testify. Much of his prepared text dealt with the ITT settlement. Yet Green did not feel constrained to appear to testify on the subject. If the ITT settlement is so unsound now, why was it not so unsound on February 23? Nader, Green, and Robertson could have provided the same economic analysis to the settlement then if it was so important. The economics of the settlement have not changed.

In addition, Senator KENNEDY has already inserted in the hearing record a statement prepared by Robertson.

Denny Walsh—Life reporter. There is nothing Walsh can offer that is relevant. We are not concerned with his investigation. We are only concerned with what Kleindienst did on the basis of the FBI investigation and the Criminal Division's report on the FBI investigation. In addition, his testimony would be entirely hearsay.

Dita Beard—ITT lobbyist. Kleindienst's opponents have tried to have it both ways on the subject of Dita Beard's testimony. After the special hearings in her hospital room in Denver, the Washington Post editorialized on March 28, 1972, that—

> Mrs. Beard's health ought now to be reason enough to persuade the Republicans on the committee to postpone their examination of her, and to allow the full Judiciary Committee to return to the serious business at hand.

Later in the same editorial, the Post suggested:

> In short, that part of the ITT affair which has to do with the reliability of Mrs. Dita Beard has been allowed by the Judiciary Committee to proceed from burlesque to the grotesque. If the Senate is serious about seeking out the truth, it should get back to that part of the ITT affair which has to do, narrowly, with the fitness of Mr. Kleindienst to be Attorney General and, in a larger sense, with the integrity of the government of the United States.

I ask unanimous consent that the text of that editorial appear at this point in the RECORD.

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

[From the Washington Post, Mar. 28, 1972]

THE ITT AFFAIR: FROM BURLESQUE TO GROTESQUE

The friends and supporters of the Nixon administration on the Senate Judiciary Committee have paid a heavy price—and might have paid a far heavier one—for the partisan, tactical maneuvering which had made the cross-examination of Mrs. Dita Beard a condition precedent to further hearings on the nomination of Mr. Richard Kleindienst to be Attorney General. By all accounts they were exceedingly lucky that her sudden heart seizure under the pressure of questioning was relatively mild and that the farce being played out at her bedside on Sunday did not turn into tragedy. Mrs. Beard's health ought now to be reason enough to persuade the Republicans on the committee to postpone their examination of her, and to allow the full judiciary committee to return to the serious business at hand. If not, perhaps such testimony as she was able to give at the bedside hearing will discourage them from pursuing this line of inquiry further because she was, as might have been foreseen, an unconvincing witness, at best, for the defense of either the Nixon administration or ITT.

Her denial that she wrote the so-called Anderson memorandum was not new; she had already signed an affidavit to that effect. As for the rest of her testimony, it is hard to make much of it, in the absence of further guidance from ITT as to when, precisely, she is, and is not to be believed—when her disavowals carry weight, and when she is "irrational" or "disturbed" or suffering from "mental lapses" or "drinking excessively." For example, she made it quite clear that although she didn't author the Anderson memo, she did write something on the subject which was different from the memo which ITT now offers as the one-and-only "genuine" memorandum on the subject. If so, this does not say much for the integrity of ITT.

Moreover, if we are supposed to credit her disavowal of the Anderson memorandum—a full three weeks after she had every chance to do so, and didn't—then we must equally believe her when she tells of a conversation with an unidentified White House aide which materially alters the picture we have been given by the administration and the Republican National Committee and ITT of the extent to which ITT was preparing to support the Republican Party this year. We had been told by ITT President Harold Geneen that $200,000 was involved, all of it connected with the promotion of ITT hotel properties in San Diego, and with the Republican Convention there. Other Republican figures have conceded that the figure might have been as high as $300,000 or $400,000. But now, in Denver, Mrs. Beard has introduced the figure of $600,000, and raised the possibility that some part of it might go directly into financing President Nixon's own campaign for re-election. Now that, assuming you believe it, puts rather a different light on things; it involves the White House and the President, who was supposed to be in no way involved, in a much more handsome gift from ITT at a time when that corporation's fate lay in the hands of a Republican administration.

For our part, we don't know what to believe, except that either you believe Mrs. Beard or you don't—you can't be selective about it. The best way out of this dilemma, we would think, is to put the Beard memorandum to one side and move on with the Senate's inquiry; the substance of the ITT affair, after all, has been amply documented in other testimony and far more significant witnesses are awaiting call—White House aide Peter Flanigan, for example, or Mr. Richard Ramsden, the private expert whose report, arranged by Mr. Flanigan, is said to have had so much to do with persuading the antitrust chief of the time, Richard McLaren, to settle the ITT cases out of court.

It is apparently Senator Hart's view that "clearly it will inhibit" the Judiciary Committee if Mrs. Beard cannot be questioned further and that as a result "we may never know the truth." In our view, not knowing the truth about the Beard memorandum, while perhaps tantalizing, can hardly inhibit the Senate for there is almost nothing in that memorandum, in the way of assertions or allegations, which has not been sworn to in other, more reliable, testimony. In short, that part of the ITT affair which has to do with the reliability of Mrs. Dita Beard has been allowed by the Judiciary Committee to proceed from burlesque to the grotesque. If the Senate is serious about seeking out the truth, it should get back to that part of the ITT affair which has to do, narrowly, with the fitness of Mr. Kleindienst to be Attorney General and, in a larger sense, with the integrity of the government of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 10 minutes.

Mr. HRUSKA. Mr. President, as the Post elsewhere put it, interrogating Dita Beard again may be "tantalizing," but it is hardly essential.

Peter Flanigan—assistant to the President. The committee decided on April 18, 1972, by a 12 to 1 vote to have Flanigan testify on the following matters only:

First. Flanigan's involvement in assisting McLaren in obtaining independent financial analysis from Ramsden,

Second. Geneen's participation in a group meeting at the White House in February 1971,

Third. Flanigan's knowledge in respect to the selection of San Diego as the site of the Republican National Convention, and

Fourth. The matters which occurred in Flanigan's presence at the meetings held in the office of Attorney General Mitchell on April 29, 1971.

He testified fully and completely on those matters. During the course of Flanigan's testimony, the committee saw two other matters that Flanigan should comment on. They were:

First. The nature of all contracts between Flanigan and officers, employees, consultants, or representatives of ITT up to the time his activities in connection with the ITT cases ceased, to the extent such contacts related to the ITT cases.

Second. The nature of all contacts flowing from the Ramsden report between Flanigan and officials or employees of the Justice Department in connection with the ITT cases during the period of the settlement negotiations.

He responded to those two inquiries in a full and candid manner. Those who now seek to ask additional questions had an opportunity to suggest questions they wished to put to Flanigan when the committee decided to accept Flanigan's offer to testify or when they decided to send further inquires to Flanigan after he testified. They did not then offer any specific questions and their failure to do so now should demonstrate that they have nothing in mind but a grand fishing expedition.

Consider what happened when Flanigan appeared on April 20. Two days earlier, the committee had voted 12 to 1 to limit the questioning as described above. When Flanigan during the testimony quite properly refused to go beyond the four designated areas, the Kleindienst opponents on the committee cried "snow jobs" and "whitewash." All except Senator KENNEDY had agreed not to press questions beyond the scope of the agreement. All of the 13 members who voted on the agreement, I believe, conceded that there is a doctrine of executive privilege, although there were differences of opinion as to its scope. So this agreement was actually a compromise between two branches of government, the importance of which went far beyond the testimony Flanigan was to give to the committee.

Now having agreed to limitations 2 days before, why were some Senators objecting when Flanigan appeared? Were they misled by Senator Ervin, who drafted the agreement?

Here is what he said on the subject:

I say to this day, that this resolution, plus Mr. Flanigan's letter, permits interrogation of Mr. Flanigan about everything that any of the testimony of these weeks showed he had any knowledge about, or had participated in, in any way, I read that proposed resolution aloud in the presence of every member of this committee, except Senator John L. McClellan, in a very loud tone of voice, because I use a pretty loud tone of voice, and it was voted for, I believe it was 12 to 1. (p. 1628)

* * * * *

Now, we have heard a lot of testimony from officials of the Department of Justice; we have heard a lot of testimony from people connected with ITT; and this agreement, plus Mr. Flanigan's letter, permit the testimony of Mr. Flanigan and he agreed to testify on these terms to everything that there was a scintilla of evidence during the weeks of hearings that linked him in any way with anything connected with this investigation.

I just say this in defense of myself, having drawn the resolution, and I was very proud that I got every vote but one for it; but I do hope something could be worked out where he can testify as to whether he ever talked to Mr. Kleindienst about this or talked to ITT officials. But I think under this agreement he is not a free agent and I say in defense of him that if there is any unwise limitation here, I am responsible for it and the members of the committee who voted for the proposal I wrote out, after they could not agree on anything else, also are responsible for it.

I think it is sort of a pity you have these privileges but they are privileges that run all through the law and we were trying the best we could to avoid a confrontation between the executive and the legislative branches of the Government with respect to these things; and I think it is highly desirable to avoid such a confrontation and I think that Mr. Flanigan—I will say to his credit—has agreed and has testified in respect to every transaction that the weeks of testimony, from all sources, indicated that he had anything to do with. (p. 1629)

Finally, it should be noted that the number and identity of witnesses called was largely up to the opponents. The limit agreed to by the committee was one of time only. Had the opponents been willing to curtail their repetitious and redundant questioning, additional witnesses could have been heard prior to the April 20 deadline. When the complaint concerning uncalled witnesses is heard, it should be remembered that the responsibility lies with the opponents.

Additionally, the chairman of the committee cooperated fully with those opposing the nomination in scheduling the witnesses they requested. The witnesses called were those on the list submitted to the chairman by the Senator from California (Mr. TUNNEY).

Let me repeat: all the "clearly necessary" witnesses, and many more, have already been heard.

UNSUPPLIED DOCUMENTS

It is alleged that pertinent documents requested by committee members from the Justice Department and ITT have not been produced.

I cannot speak for ITT. If documents which exist and are relevant have been requested and not supplied, that is a matter which ITT counsel should examine closely.

Mr. KENNEDY. Mr. President, will the Senator from Nebraska yield on my time?

Mr. HRUSKA. Mr. President, when I finish my speech, then I will yield on the Senator's time.

Mr. President, with regard to the Justice Department I can speak with more certainty. Since these hearings began, the Department has expended hundreds of man-hours sifting through files in order to comply with the numerous requests for documents. Thousands of pages of material—much having little or no bearing on the nomination—have been produced. Some documents were withheld on the decision of Department officials that they either reflected internal advice tendered by subordinates to the Assistant Attorneys General or the Deputy Attorney General which were not appropriate for public disclosure or were criminal files on which departmental rules require confidentiality.

The Department attempted to comply with the committee requests to the fullest extent possible. Some sensitive materials were submitted to committee members with the understanding that they be made available to Senators only. When these materials found their way unerringly into the columns of the Washington Post and the New York Times, the Department determined that it could no longer supply documents on this basis.

Before the charge is made that the Department failed to cooperate with the committee, we should be certain that a charge of "unclean hands" on this subject cannot be lodged elsewhere.

CONCLUSION

Mr. President, I have set forth the facts on the charges made by the opponents of this nomination so that the record will be quite clear as to both sides of these questions. The "clouds" which some would like to see over this matter have long since been drilled with so many holes that they no longer hold either water or hope for the opponents.

Richard Kleindienst will make a strong and effective leader for the Department of Justice. I know that we shall all be proud of the way he will discharge his duties. It is my hope the Senate will approve and confirm the nomination by a substantial vote.

CONGLOMERATE MERGERS AND THE ITT CONSENT DECREES

A litigant can rarely lose every battle and yet win the war. However, that is just what happened when the Department of Justice attacked three acquisitions of the International Telephone and Telegraph Corporation as violating Section 7 of the Clayton Act.[1] In *United States v. International Tel. & Tel.*,[2] filed in April, 1969, the government sought to force I.T.T. to divest itself of Canteen Corporation. In *United States v. International Tel. & Tel. and Grinnell Corp.*[3] and *United States v. International Tel. & Tel. and The Hartford Fire Insurance Company*,[4] both filed in August, 1969, the government sought to prevent the proposed acquisitions of Grinnell Corporation and the Hartford Fire Insurance Company by I.T.T. In the last two actions, the government also sought preliminary injunctions preventing the acquisitions. The court refused to issue an injunction in either case in October, 1969.[5] Then in December, 1970, the trial court found that I.T.T. was entitled to a motion dismissing the complaint in the case of the Grinnell acquisition.[6] In July, 1971, the trial court in the Canteen Corporation case found that the I.T.T. was also entitled to a judgment dismissing that complaint.[7] Thus, the Justice Department lost final judgments to I.T.T. in two of the three cases and a preliminary injunction had been denied in the third.

Nevertheless, the government appears to have won the war, since, in September, 1971, consent decrees were entered in all three cases.[8] These consent decrees provide for divestiture by I.T.T. of Canteen Corporation[9] and the Fire Protection Division of Grinnell Corporation[10] within two years. In addition the decrees require I.T.T. to divest itself of either (1) the Hartford Fire Insurance Company or (2) Avis Rent-A-Car, I.T.T.-Levitt and Sons, Inc. and its subsidiaries, I.T.T. Hamilton Life Insurance

Footnotes at end of article.

Company, and I.T.T. Life Insurance Co. of New York within three years. Further, if I.T.T. does not divest itself of Hartford, it is restrained from acquiring any leading domestic company or dominant company in a concentrated market without showing in court that such acquisition would not lessen competition or tend to create a monopoly in any line of commerce in any section of the country.[11] Thus, the government received nearly all the substantive relief it had originally sought in filing the actions. The government, however, failed to get a definitive Supreme Court ruling on the novel arguments presented in attacking these mergers. Therein lies the quandary for attorneys in the field. The novel arguments had been rejected by the district courts. Why, then, had I.T.T. agreed to the consent decree? Did I.T.T. believe that these arguments would succeed in the Supreme Court? This article will examine these arguments and explore their probabilities of success.

Over forty-five years ago the Supreme Court emphasized that each antitrust case was *sui generis* and that the facts of each precedent must be closely examined before applying them to any other situation.[12] Though a trial court no longer must undertake an exhaustive economic analysis in every merger case,[13] at least some understanding of the economic effects of a merger is necessary.[14] Consequently, a brief look at the status of the companies involved in the I.T.T. acquisitions is necessary.

In 1968, the year prior to the filing of the suits, I.T.T. was the eleventh largest industrial concern in the United States. Its revenues were just over four billion dollars that year. Its holdings in 1968 included Continental Baking Company, the largest baking company in the U.S.; Sheraton Corporation of America, one of the two largest hotel chains in the nation; Levitt & Sons, Inc., the nation's largest residential construction firm; and Avis, Inc., the second largest car rental company.

In April, 1969, I.T.T. acquired Canteen Corporation, Hartford Fire Insurance Company and, Grinnell Corporation. At that time Canteen was one of the few nationwide food vending organizations, with operations in 43 states. Canteen had 1968 revenues of $322 million, 95 percent of which came from merchandise and equipment sales. Canteen ranked second among companies operating in the on site food service market. Hartford Fire Insurance Company was the fourth largest property and liability insurance company in the country. Hartford had 1968 revenues of $968.8 million. Grinnell Corporation was the largest manufacturer and installer of automatic sprinkler fire protection systems in the country. Grinnell had revenues of $341.3 million in 1968 and was the 268th largest industrial corporation in the United States. By acquiring these three companies, I.T.T. could expect to increase their 1968 revenues of $4 billion by at least $1.5 billion.

In light of the Justice Department's avowed intention to attack any merger among the top 200 manufacturing firms or firms of comparable size in other industries,[15] the vigorous attack on I.T.T.'s acquisitions is not surprising. What may be more surprising is that none of the government's arguments about the effects of these acquisitions were able to convince the trial judges that:

"[I]n any line of commerce in any section of the country, the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly." [16]

To understand this phenomenon an analysis of the government's principal arguments is required.

The government's complaint in the Canteen case [17] is primarily founded on the increased power of I.T.T. and Canteen to employ reciprocity or benefit from reciprocity effect in the furnishing of vending and in-plant feeding services. In addition, the complaint alleges that the merger will foreclose competitors from vying for I.T.T.'s food service business; the merger will raise barriers to entry in this market and will trigger other defensive mergers.[18] With respect to the first allegation, the court found that since no significant increase in opportunities for reciprocal dealing was shown, and since I.T.T. would probably not utilize these opportunities if they did exist, no substantial adverse effect on competition was likely.[19] The court also found that the vertical foreclosure of Canteen's competitors from I.T.T.'s locations, even if it were to occur, would foreclose less than one-half of one percent of the market and would be de minimus.[20] Finally, since no likelihood of reciprocity effects or significant vertical foreclosure existed the court rejected the government's contention that these competitive advantages would hinder entry into the market or trigger other mergers.[21] Consequently, the government's complaint was dismissed on the merits.

In the case of the Grinnell acquisition,[22] the government first alleged that Grinnell was a dominant competitor in certain lines of commerce in certain sections of the country.[23] The government then alleged that this dominant competitor would receive certain competitive advantages from the merger and thus substantially lessen competition. The primary competitive damage alleged was increased opportunity for reciprocity. In addition, the government also alleged that the merger would permit Grinnell to sell complete packages or systems, obtain leads for sales of sprinkler systems from Hartford agents, foreclose Grinnell's competitors from competing for I.T.T.'s business, and give Grinnell access to I.T.T.'s financial and advertising resources.[24] Finally, the government alleged that this merger would increase economic concentration and result in injury to competition in numerous undesignated lines of commerce.[25]

The trial court emphatically rejected the government's first contention, that Grinnell was a dominant competitor in any relevant produce or geographic market.[26] Then, though the court said it need not have reached these questions, it decided that even if Grinnell were a dominant competitor none of the allegations of competitive advantages were substantiated. The court found that increased reciprocity was not likely to result from the merger.[27] As to the rest of the alleged advantages, the court either found that they were not truly advantages or that they were not likely to occur.[28] Finally, the court rejected the argument that increased economic concentration was forbidden by Section 7 of the Clayton Act. The court acknowledged that concentration in a particular market was a relevant concern of the statute, but rejected as irrelevant the argument that conglomerate mergers were causing concentration of resources in the entire domestic economy.[29]

The Justice Department's action attacking the I.T.T.-Hartford acquisition never came to trail. However, the gist of the government's complaint, and of the court's reaction to it, can be determined from the court's decision in refusing a preliminary injunction.[30] Again in this case, the government alleged that the acquisition would result in a market structure conducive to reciprocal dealing.[31] It also alleged a substantial vertical foreclosure of I.T.T.'s insurance business to Hartford's competitors.[32] In addition, the government claimed that I.T.T. and its subsidiaries would receive an advantage over their competitors by having access to $400 million in excess funds held by Hartford.[33] The government also alleged that the merger would eliminate potential competition between I.T.T. and Hartford, since Hartford was studying diversification as a way to utilize its $400 million surplus.[34] Finally, the government again alleged that the merger would further accelerate the trend of increasing concentration in the economy and thus would have anti-competitive effects.[35]

In refusing the preliminary injunction, the court decided that the government had not demonstrated a reasonable probability that it would be successful in sustaining any of its allegations at trial. As to reciprocity, the court found that the government had neither shown that the merger created substantially increased opportunities for reciprocity, nor that such opportunities, even if created, were likely to be exploited.[36] The vertical foreclosure was found to be insubstantial, or at least not large enough, by itself to make the merger invalid.[37] The court held further that the government had not shown a probability that Hartford's surplus would be used by I.T.T. subsidiaries.[38] The court also held that the government had made no showing that the merger eliminated potential competition between I.T.T. and Hartford.[39] Finally, the court found no merit to the government's claim that economic concentration in the aggregate, rather than in a particular market, was violative of the Clayton Act.[40]

These three cases together represent the Justice Department's most ambitious attack on conglomerate mergers to date. As such, they present several novel theories of attack on conglomerates. The first new theory they seek to establish is that a mere potential for reciprocity is adequate to invalidate a merger. The second new theory is that Section 7 of the Clayton Act was intended to remove the anti-competitive effects of concentration of assets in the economy as a whole as well as concentration in a particular line. The last new theory is that two corporations with plans to diversify are potential competitors and their merger may substantially harm competition.

Nothing is novel about attacking mergers because of reciprocity. The Supreme Court in *Federal Trade Commission v. Consolidated Foods Corp.*[41] made it clear that reciprocity is one of the anti-competitive practices which the antitrust laws are intended to counteract. The Court held that reciprocity violates Section 7 of the Clayton Act if the probability that it will lessen competition is shown.[42] Thus, the novel point argued in the I.T.T. cases was the nature of the proof necessary to show that probability. The government argued that a showing that opportunities for reciprocity were substantially increased was adequate. Their argument was strongly supported by two cases decided in the Third Circuit, *Federal Trade Commission v. Ingersoll-Rand Co.*[43] and *Allis-Chalmers Mfg. Co., v. White Consolidated Industries, Inc.*[44] However the trial courts felt that I.T.T. had shown a strong corporate policy against reciprocity and, because of their profit center structure, effectively discouraged it. In the absence of proof of these corporate policies, the government's argument on reciprocity would probably have been accepted by the courts.[45] The conclusion must be, therefore, that proof of a market structure significantly increasing the opportunities for reciprocity remains an important means of attack on conglomerate mergers.

Like reciprocity, the government's theory of the anti-competitive effects of eliminating potential competition is simply an extension of accepted law. *United States v. Continental Can Co.*[46] made it clear that mergers between two competitors may violate the antitrust laws, even if the competitors produce goods as different as metal cans and glass containers. Further, *United States v. Penn-Olin Chemical Co.*[47] stated that a combination between two potential entrants to a market for the purpose of jointly entering the market is also within the scope of the anti-trust laws. In that case, however, the district court on remand decided that neither joint venturer would

Footnotes at end of article.

have entered the particular market alone and consequently no violation occurred.[48] In *Hartford*, though, the government could point to no particular industry and say that both I.T.T. and Hartford were potential entrants. The mere fact that both were considering diversification does not meet the *Penn-Olin* requirement that a reasonable probability exist that both would have entered a particular market.[49] In fact, since both companies' diversification studies were so wide-ranging, the mathematical probabilities that they would have chosen to enter the same market seems very small indeed. Therefore, the application of the doctrine of potential competition to conglomerate mergers appears to be largely foreclosed by the diversified nature of the conglomerates themselves.

The last new theory presented by the government in attacking the I.T.T. mergers is that the merger will impair competition by increasing economic concentration. Economic concentration in a particular line of commerce has long been a relevant concern in considering the anti-competitive effects of a merger.[50] The reason the alleged effect must be limited to a particular line of commerce is not clear. The words of the Clayton Act say that the requisite standard is met if competition is impaired "in any line of commerce in any section of the country."[51] The House report on the bill said that: "[T]he purpose of the bill is to protect competition in each line of commerce in each section of the country."[52] While the intention of the statute is directed toward preserving competition in each line of commerce, it does not follow that concentration only in a particular line of commerce can harm that line of commerce. For example, concentration in the American steel industry certainly could have a harmful effect on the auto industry. The court decisions, too, seem to justify a broader interpretation if their method of determining a relevant market is examined. In *United States v. Continental Can Co.*,[53] for instance, the Court recognized a line of commerce that included metal cans and glass bottles because what happened in one of those lines affected the other. Thus, if the government could show a casual relationship between conglomerate mergers and harmful effects in several different markets, their argument should be accepted. Certainly such effects are within purview of congressional intent in passing Section 7 of the Clayton Act and within the logic of court interpretations of the Act. Therefore, an argument which attacks a merger on the basis of these effects could be successful.

CONCLUSION

The trial courts refused to accept any of the three novel theories advanced by the Justice Department in attacking the three I.T.T. mergers. Nevertheless, I.T.T. respected the government's arguments enough to agree to a consent decree. On closer examination, at least two of these three novel theories seem to have some chance for success had they been argued before the Supreme Court. Thus, these arguments will probably continue to be valuable to the government in attacking future conglomerate mergers.

PAUL H. WHITE.

FOOTNOTES

[1] 15 U.S.C. § 18 (1970).
[2] 1971 Trade Cas. 90, 530 (N.D. Ill. July 2, 1971).
[3] 324 F. Supp. 19 (D. Conn. 1970).
[4] Civil Action No. 13320 (D. Conn., filed August 1, 1969).
[5] United States v. International Tel. & Tel., 306 F. Supp. 766 (D. Conn. 1969).
[6] United States v. International Tel. & Tel., 324 F. Supp. 19 (D. Conn. 1970).
[7] United States v. International Tel. & Tel., 1971 Trade Cas. 90, 530 (N.D. Ill. July 2, 1971).
[8] 521 B.N.A. Antitrust & Trade Reg. Rept. A-4 (Sept. 28, 1971).
[9] 1971 Trade Cas. 90,774 (filed August 23, 1971).
[10] 1971 Trade Cas. 90,763 (entered Sept. 24, 1971).
[11] 1971 Trade Cas. 90,766 (filed Aug. 23, 1971).
[12] Maple Flooring Association v. U.S., 268 U.S. 563, 579 (1925).
[13] United States v. Philadelphia National Bank, 374 U.S. 321, 363 (1963).
[14] *Id.* at 362.
[15] Address by Attorney General John N. Mitchell before the Georgia Bar Association, June 6, 1969, 5 C.C.H. Trade Reg. Rept. 55, 505 (June 19, 1969).
[16] 15 U.S.C. § 18 (1970).
[17] United States v. International Tel. & Tel., 1971 Trade Cas. 90,530 (N.D. Ill., July 1, 1971).
[18] *Id.* at 90,535.
[19] *Id.* at 90,548.
[20] *Id.* at 90,559.
[21] *Id.* at 90,560.
[22] United States v. International Tel. & Tel., 324 F. Supp. 19 (D. Coun. 1970).
[23] *Id.* at 24.
[24] *Id.* at 30.
[25] *Id.* at 52.
[26] *Id* at 29.
[27] *Id.* at 46.
[28] *Id.* at 47.
[29] *Id.* at 53.
[30] United States v. International Tel. & Tel., 306 F. Supp. 766 (D. Conn. 1969).
[31] *Id.* at 786.
[32] *Id.* at 792.
[33] *Id.* at 791.
[34] *Id.* at 795.
[35] *Id.* at 796.
[36] *Id.* at 791.
[37] *Id.* at 795.
[38] *Id.* at 792.
[39] *Id.* at 795.
[40] *Id.* at 796.
[41] 380 U.S. 592 (1965).
[42] *Id.* at 595.
[43] 320 F.2d 509 (3d Cir. 1963).
[44] 414 F.2d 506 (3d Cir. 1969), *cert. denied*, 396 U.S. 1009 (1970).
[45] *See, e.g.*, United States v. International Tel. & Tel., 306 F. Supp. 766, 783 (D. Conn. 1969).
[46] 378 U.S. 441 (1964).
[47] 378 U.S. 158 (1964).
[48] United States v. Penn-Olin Chemical Co., 246 F. Supp. 917 (D. Del. 1965).
[49] United States v. Penn-Olin Chemical Co., 378 U.S. 158, 175 (1964).
[50] *E.g.*, United States v. Von's Grocery, 384 U.S. 270 (1966).
[51] 15 U.S.C. § 18 (1970).
[52] H.R. Rep. No. 1191, 81st Cong., 1st Sess., 8 (1949).
[53] 378 U.S. 441 (1964).

Now, on the Senator's time, I yield to him briefly.

Mr. KENNEDY. Mr. President, I would like to gain the floor in my own right.

The PRESIDING OFFICER. Who yields time?

Mr. Kennedy addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is difficult for me to understand the reasoning of my good friend from Nebraska about the series of witnesses, and his statement that we were dilatory in trying to obtain witnesses or in not moving the hearings along. As a matter of fact, those of us on the subcommittee who took testimony from Mrs. Beard went out to Denver, Colo., on Saturday, conducted hearings on Sunday, and we did that on our own time. There was never a time when we were not prepared to meet in the evening or during the course of weekends if we were given the opportunity to do so, and our desire was expressed.

The Senator from Nebraska knows full well of the length of time it took us to get Mr. Flanigan before the committee. His name was mentioned on the first day of the hearing, but only in the final hour did he come before the committee, and then only under the most extraordinary restrictions did he answer questions. He was one of the most extraordinary witnesses to come before a committee in the 10 years I have been in the Senate. Mr. Flanigan was permitted to say he would come before the committee but that he would tell the committee what questions he would answer and would not testify on other matters. There was the exchange of correspondence which was worked out to elicit responses showing he was involved with Mr. Kleindienst, and had seen him and called him twice. Rather than satisfying questions that some of us had wanted to ask, answers only raised additional questions.

So I reject again the argument of the Senator from Nebraska that we were dilatory in trying to increase the number of witnesses. We indicated in our report the number of witnesses we wanted to call.

I wish to ask my friend the Senator from Nebraska if he takes some issue with our desire to call Mr. Howard Aibel. Howard Aibel was a quarterback for the ITT settlement offensive. We heard from Mr. Geneen, if only partially, Mr. Gerrity, and Mr. Ryan, but the one fellow who knew what all the others knew and more was Howard Aibel. Why should we not be able to call him? Does not the Senator from Nebraska think that the testimony of Mr. Aibel would be important and worth having for the record?

Mr. Howard James actually negotiated the ITT contribution to the Visitors Bureau in San Diego. Why should we not hear from Mr. James? We had testimony that Mr. Geneen turned negotiations over to Mr. James. Dita Beard said Mr. James handled the negotiations. Are we being dilatory to try to hear from the man who made the arrangements?

What about Mr. Timmons in the White House? We know he was in San Diego and was involved in the convention arrangements. Why should we not have the opportunity to question him as well as Mr. Flanigan? Is that being dilatory? I suggest it is not.

We go down the list. With respect to Mrs. Dita Beard, we agreed to 9 hours of questioning, yet we were able to get in only 2 hours. The final question was, "Did you know Mr. Kleindienst?" That is the basic question. But that ended it. She said, "I met him once," and that was the end. That was the last question. There was no followup on that answer.

There was no followup with respect to Mr. Flanigan. There was no testimony at all from Mr. Timmons, and there was no opportunity to hear from other witnesses.

I challenge the statement of the Senator from Nebraska. If he would like to make comment on these points at this time, I would be willing to yield time to him.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 40 minutes remaining and the Senator from Nebraska has 56 minutes remaining.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, as I indicated earlier Howard Aibel testified on more than one occasion. On at least one occasion he was sitting in the audience and the Senator from Massachusetts called him from the audience. He was not scheduled but he was called upon to testify; he did to the full extent of the negotiations imagined or expressed by the Senator. He already had been questioned on all matters relating to the nominee.

With respect to Howard James, anything he would add would be cumulative and immaterial because we had other witnesses who testified about the ITT pledge. It cannot be linked to Mr. Kleindienst and it is Mr. Kleindienst who was nominated and who stands before this body and not Howard James or ITT. It is Mr. Kleindienst.

As far as Mr. Timmons and Mr. Flanigan are concerned, Mr. Flanigan testified within those boundaries which the committee by a vote of 12 to 1 determined to be appropriate. He came there under those circumstances. It was to prevent what might have been an undesirable confrontation between two constitutional branches of Government that this agreement was entered into. He testified to all matters that are pertinent to this matter. He did not come there with a blank check and subject himself to some irrelevant, some impertinent, some redundant, and some outright alien questions to the subject at hand, which was the qualification of Mr. Kleindienst to be Attorney General.

We can see in this line of argument a repetition of that system of using and consuming time without any relevance and in redundant fashion again and again. It would serve no purpose. All the facts are there and more than enough for this body to make an intelligent judgment.

Mr. KENNEDY. I ask the Senator if he knows who in the White House negotiated with Mr. James. Do you think that that is immaterial? We have received no testimony in connection with the arrangement to have the Presidential headquarters at the ITT-Sheraton. Mr. James was working on the negotiations. Would it not be well to know with whom in the White House James was negotiating? Would it not be interesting if it turned out to be Mr. Flanigan? Should we not be able to have that information?

With respect to Mr. Aibel, it was very limited testimony, mainly dealing with the ITT shredding operation, despite the fact that he was the quarterback of the whole operation. Obviously, there was a range of contacts that Mr. Aibel knows about because he was the quarterback and knew whom all the ITT officials were talking to. We do not know who all those administration contacts were because we were unable to get the information from either Mr. Aibel or Mr. Geneen or anyone else.

When I hear the Senator from Nebraska say, "What in the world does Howard James have to do with Mr. Kleindienst?" the simple answer is that Mr. James negotiated the contribution for the Republican Convention. When it is asked, "What does that have to do with Mr. Kleindienst?" the simple answer is that for 2½ years there was a strong anticonglomerate policy which was turned around overnight at the same time as ITT's pledge for the Republican Convention.

Mr. President, we are charged with the responsibility of finding out if there was a connection. Each time we tried to call witnesses—Howard Aibel, ITT's quarterback on the antitrust cases; Howard James, who negotiated the contribution; William Timmons, up to his ears in convention negotiations between the White House and San Diego—we were denied these witnesses.

We are not interested in hearings ad infinitum; we are interested only in the witnesses listed on page 25 of our report.

We are not asking to go back to the Judiciary Committee and decide whom we might want to have. We have already specifically stated the particular witnesses we want to have, and the subjects on which we want to question them.

With respect once again to the role of Mr. Howard James, here is Mr. James' letter which he sent to Congressman BOB WILSON:

JULY 21, 1971.

To: San Diego County Convention and Tourist Bureau.

C/o: Congressman Bob Wilson, 2235 Rayburn House Office Building, Washington, D.C.

As you know Sheraton Corporation of America will have, with the completion of the Sheraton Harbor Island Hotel, a 700-room hotel being located on land owned and created by San Diego Port Authority, three hotels in San Diego. In consideration of the naming of the Sheraton Harbor Island Hotel as Presidential headquarters hotel in conjunction with its opening at the time of the convention, and as part of the general community effort to establish San Diego as a convention center by bringing the 1972 Republican National Convention to the City, Sheraton is prepared to commit a total of $200,000 to the Bureau for its promotional activities, if San Diego is designated as the convention site, on the following basis: $100,000 in cash to be available to the bureau on August 1, 1971 and a balance to be paid as a matching contribution when the bureau has raised an additional $200,000 in cash from other non-public sources.

HOWARD JAMES,
President, Sheraton Corporation of America.

So there is Howard James, speaking about the ITT-Sheraton being named as presidential headquarters. What authority did James have to say that? Whom did he talk to in the White House about that? So now we can see why we need Mr. James.

All we want to do is to have the opportunity to ask those questions. They are extremely relevant to the issues before us. I ask my friend from Nebraska, should we not be entitled to obtain from ITT the various memorandums they have which relate to antitrust policies—those memorandums which were not shredded? We asked Attorney Gilbert if he would provide that material to the committee. Mr. Gilbert indicated that he would make it available to the committee, but we have never received it.

I would ask why the Senator from Nebraska was not helping us or assisting us in getting that material from ITT, so that we could present it to the Senate? If any of that material had been made available to us, perhaps it would have been helpful to ITT. Yet they refused to provide it.

Here are some of the items we requested from ITT. These are listed beginning on page 120 of our report:

Memoranda or vouchers relating to Mrs. Beards 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." None have been supplied to the Committee subsequently.

We also asked ITT for—

Memoranda, correspondence, reports or other documents relating to Geneen's contacts with the 22 federal officials listed in the March 13, 1972 press release.

We were asking for ITT's memoranda that might indicate the nature of the conversations ITT's people had had with White House and Cabinet officials. Does not the Senator think that that would have been relevant, when ITT has admitted that these contacts were about ITT, and antitrust policy? But we were not able to get that information, even though ITT's attorney told us under oath, "When I get back to New York, I will see if we can find anything there."

So we have not been able to find out with any specificity what all these ITT officials were talking about on these occasions when they discussed antitrust policy and anticonglomerate policy with the administration. That information is extremely important because we know that after the cases were settled none of these ITT people ever went back to the Justice Department or to the White House or to any of those Cabinet officials about antitrust policy. So I think we ought to have an opportunity to get that information.

We are certainly entitled to have the memoranda that were not shredded. And yet we find the ITT failed to furnish us that information, and that the Senator from Nebraska is not distressed that they did not provide us with it. I find that difficult to understand.

We also discovered during the course of the hearings that Mrs. Dita Beard was reimbursed for expenses by the Republican National Finance Committee into the amount of $116.50 on January 19, 1971. And she received another expense reimbursement from the National Republican Senatorial Committee on June 3, 1971, this time for $80.50. This was at a time when matters concerning ITT were being considered. Why was Mrs. Beard having her expenses paid by the Republican Finance Committee on one occasion and by the National Republican Senatorial Committee on the other? When she was charged with making arrangements at San Diego and also in-

volved in the settlement of the ITT cases, we find vouchers paid by the Republican committees. We think there should be some explanation of that. We want to resolve that. That is the kind of information we want and which I think we are entitled to receive. Yet it is said to be irrelevant, and a dilatory tactic to ask for it.

These things are all extremely relevant and certainly justify our motion for recommittal.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Massachusetts has 30 minutes remaining.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, to be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. KENNEDY. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. Fifty-three minutes remain to the Senator from Nebraska.

Mr. KENNEDY. And how much to us?

The PRESIDING OFFICER. There are now 52 minutes to the Senator from Nebraska and 30 minutes to the Senator from Massachusetts. If no time is yielded——

Mr. KENNEDY. Mr. President, I have some additional remarks. I would have thought that those who support this nomination would be wanting to take the opportunity to respond to the questions raised here and to use some of their time, but they appear unprepared to do so.

A great deal has been said here to the effect that, well, what do all these matters have to do with Mr. Kleindienist? What have Howard Aibel, or Howard James, or Peter Flanigan, or William Timmons, or Dita Beard got to do with Mr. Kleindienst? I would like to mention here the various contacts that Mr. Kleindienst had on the ITT case and to point up the importance of these various contacts. We have talked about the different roles these people have had with the settlement of the case. I would like to review very briefly the contacts between Mr. Kleindienst and representatives of ITT because it stands in stark contrast with what he had written to Mr. O'Brien when he indicated that the ITT matter had been "handled and negotiated exclusively" by Mr. McLaren.

Yet, even though he wrote that to Mr. O'Brien, we find, on page 156 of the hearings, Mr. Kleindienst saying:

> Yes, I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford by ITT.

Mr. President, that is a pretty wide disparity between what was written to Mr. O'Brien as to the involvement of Mr. Kleindienst on the one hand and what Mr. Kleindienst himself indicated to our committee on the other.

It is understandable why he would have made the latter statement "I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford" because of the series of contacts he had. We saw his repeated conversations with Mr. John Ryan, who was the antitrust listening post for ITT.

We found out about the Rohatyn contacts, involving two telephone calls and six meetings in person with Mr. Kleindienst. We found out about Judge Walsh, who in behalf of ITT made three telephone calls and sent one letter to Kleindienst. We found out about the conversations the nominee had with Mr. Griswold about the procedure to be followed in an ITT appeal. Then, with Mr. Flanigan in the White House, there were two telephone calls and one visit in person to the nominee.

So we can see significance of the contacts that were made with Mr. Kleindienst.

I yield 7 minutes to the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator from Massachusetts for yielding to me at this time. I want to pay tribute to him on the floor of the Senate for the excellent and worthwhile work he has done as a member of the Senate Committee on the Judiciary in regard to the nomination of Richard G. Kleindienst to be Attorney General of the United States.

Mr. President, I am here today to speak against the confirmation of the nomination of Mr. Kleindienst. I might say that on the day this nomination was announced, I declared that I would oppose the nomination, and my view has not changed. As a matter of fact, I have become more confirmed in my original judgment about the lack of wisdom on the part of the President in making this particular appointment.

I said at that time, that my happiness at the retirement of the then Attorney General was exceeded only by my disappointment at the naming of his successor. I still feel the same way.

My reason for opposing this nomination is basically and fundamentally the same which led me last November to oppose the nomination of Dr. Earl Butz as Secretary of Agriculture.

I simply believe that public officials, especially those who are members of the President's Cabinet, must represent the public interest. They must have backgrounds and attitudes that will lead them to give highest priority to the interests of the ordinary American—the worker, the consumer, the taxpayer.

In the case of Dr. Butz, I was gravely concerned about his ties to the giant agribusinesses and his resulting insensitivity to the needs of small farmers, farm workers, and consumers. It is the same sort of concern that leads me to oppose the confirmation of Mr. Kleindienst. His record as Deputy Attorney General indicates he is unwilling to enforce the antitrust law when big corporations violate it.

The Attorney General of the United States is the country's chief law enforcement official. While at times I have disagreed with the current administration over the methods they have used to curb crime, I remain firmly committed to the principle that the laws of our Nation must be uniformly enforced.

I think the American people rightfully expect that anyone nominated for the post of Attorney General should share this belief. Yet Mr. Kleindienst has, while a member of the Justice Department, blatantly interferred with the enforcement of our antitrust laws on several occasions.

My interest in his record in this area stems from my continuing concern about the economic and political power of big corporations in this country. As Senators know, I sponsored and cosponsored legislation aimed at protecting the ordinary American from the dangers of concentrated economic power—including the Concentrated Industries Act, which would decentralize the shared monopolies that now control 35 percent of basic industry in America.

The economic power of our biggest corporation has grown to the point that it is extremely difficult to find anyone in our Government willing to enforce the antitrust laws passed by Congress. Yet Richard McLaren, the former head of the Justice Department's antitrust division, seemed an exception to this rule. He seemed willing to file suit against those corporations, mainly conglomerates, whose activities or holdings were in violation of the antitrust laws. Mr. McLaren did not get very far; and in at least two cases Mr. Kleindienst was the man who kept the Justice Department from enforcing the law of the land.

Ralph Nader's Study Group report on antitrust, entitled "The Closed Enterprise System," describes these cases in some detail.

According to their account, in early 1969 ITT was attempting to acquire the Canteen Corp., the Nation's leading producer of vending machines. When the Antitrust Division recommended that the Justice Department file suit to block the merger, Attorney General Mitchell withdrew from consideration of the case due to a conflict of interest. As the hearings also brought out, it therefore fell to Richard Kleindienst, Deputy Attorney General, to decide what to do about the case. I would emphasize the importance of the decision Mr. Kleindienst had to make. It did not involve the conglomerate merger of a mom and pop grocery store with a local florist. ITT is the eighth largest industrial company in America, with assets of over $6 billion. At the same time it was seeking to merge with Canteen, ITT was also initiating mergers with the $2 billion Hartford Fire Insurance Co. and with the Grinnell Corp., a large, diversified manufacturer. The March 2 Washington Post noted that Mr. McLaren wanted to overturn these mergers as it stated, "to break up at least part of the giant ITT telecommunications industrial complex." In addition, the Post pointed out that—

> On several occasions McLaren said that the ITT-Hartford case could well break new legal ground for the applicability of the Clayton Act.

What did Mr. Kleindienst do, Mr. President, when faced with making part of the decision on whether or not to challenge the biggest merger in the history of corporate America? According to the Nader report, he rejected the advice of Mr. McLaren and the staff of the Antitrust Division, and refused to file suit before the merger went into effect. Whether his decision was based on explicit political considerations, as Nader's study group charges, or rather merely on Mr. Kleindienst's unwillingness to challenge corporate power, it amounted to a refusal to enforce the law.

The Nader report goes on to describe how, after Mr. Kleindienst's initial decision, Mr. McLaren threatened to resign if the case was not brought. The report underscores what happened next. "The case was filed, but not until after the merger had been consummated. Thus, there was no chance for a preliminary injunction to stop the merger from occurring, as the antitrust staff had urged." When the Canteen case, along with the Grinnell and Hartford Fire cases, were settled in a consent decree on July 30, 1971, ITT agreed to divest itself of $1 billion in assets, including the illegally acquired Canteen Corp. While most of the attention has correctly been focused on the fact that ITT was not required to divest itself of the $2 billion Hartford Fire Insurance Co., the fact remains that the consent decree, splitting Canteen from ITT, confirmed that Mr. Kleindienst had been wrong from the beginning.

The Nader antitrust report also describes Mr. Kleindienst's actions in the proposed merger between two giant drug companies—Warner-Lambert and Parke-Davis. Again I must emphasize the importance of the decision Mr. Kleindienst would make. As the hearings chaired by the late Senator Estes Kefauver, so ably documented, the drug industry is the most profitable one in America. The average person is grossly overcharged for brand name drugs right now. The industry has an elaborate system of patent monopolies, excessive advertising expenditures, and monopolistic structures which takes the ordinary person to the cleaners when he or she buys brand name drugs. For this reason we need more competition in the drug industry—not more concentration.

Yet that is precisely what Warner-Lambert and Parke-Davis proposed in July of 1970—a merger which would make the new company the fifth biggest drug company in America with sales of $1.1 billion a year. Attorney General Mitchell again had to withdraw from the case because of a conflict of interest with his former law firm. Again, according to the Nader report, Mr. McLaren and the Antitrust Division staff recommended that the Justice Department file suit to block the merger. And again, Mr. Kleindienst refused.

Nader's Study Group believes that "the political context of this case is even more suspect than in ITT-Canteen." They point to the fact that the honorary chairman of Warner-Lambert is Elmer Bobst, a close friend of President Nixon. And that in an interview earlier this year with the Washington Post, Mr. Bobst admitted "I never opened my mouth to the President about the case. I did talk to other people in the White House about it, though."

Whether or not such considerations affected Mr. Kleindienst's refusal to block the merger, his decision was clearly a case of nonenforcement of the law. Five months after he overruled the Antitrust Division and stopped the Justice Department from enforcing the Clayton Antitrust Act, the Federal Trade Commission did challenge the merger. On April 20, 1971, the FTC charged that it would harm competition in the markets for 52 specific drugs. Once again, Mr. McLaren was vindicated and the evidence of Mr. Kleindienst's unfitness to be Attorney General increased.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield time to the Senator.

Mr. HARRIS. There is one other related issue involving the Justice Department's willingness to enforce the law against big corporations on which I believe this body should consider the impact of confirming Mr. Kleindienst. The Reclamation Act of 1902 was designed to make sure that Federal irrigation projects served small, family farmers and not the agribusinesses, the railroads, and the other giant landowners. The law specifically states that anyone receiving federally subsidized water must sell, at preirrigation prices, irrigated holdings over 160 acres. As we all know, this law has never been enforced and there are giant landlords in California with tens of thousands of acres irrigated at the expense of the Federal taxpayer.

Recently, court actions have tended to favor those who would like to enforce the 1902 law. But in an extraordinary letter to Mrs. Stephen L. Stover of Manhattan, Kans., the Solicitor General of the United States admitted that the Justice Department had not pursued one case on appeal because he believed "we should not win it." This, of course, is incredible doctrine—that the Justice Department can simply ignore a law when it disagrees with its intent.

Will Mr. Kleindienst enforce the Reclamation Act of 1902? His record on issues favoring the wealthy over the working man does not suggest this.

I must emphasize once again, Mr. President, that even if the more severe charges that have been made about this nomination are not true, the confirmation of Mr. Kleindienst would be a mistake. The refusal of a public official, and especially the second highest law enforcement officer in this country, to enforce the law—for whatever reason—is cause enough to reject his promotion to higher office. Even if there were no suggestion of financial and political influence over the decisionmaking process, the fact that Mr. Kleindienst's decisions themselves have amounted to nonenforcement of the antitrust laws disqualifies him from the attorney generalship.

As the Members of this body know, the problem of economic concentration in this country is getting worse all the time. In 1945, the 200 biggest corporations controlled 45 percent of manufacturing. By 1968 that figure had grown to 60 percent. The actions of Mr. Kleindienst and Mr. Mitchell in refusing to block major mergers, like the Warner-Lambert Parke-Davis merger and the ITT-Canteen Corp. merger, make the problem even worse.

These statistics and the complicated legal arguments may sound dull to the ordinary American, but they determine the prices he pays and the quality he gets when he shops for products every day. Mr. Kleindienst's refusal to enforce the antitrust laws against the big corporations will cost the working men and women of this country dollars and cents.

To confirm as Attorney General a man who has refused to enforce laws passed by this Congress would be to violate our trust to those who elected us; to confirm a man who ignores the antitrust laws at will—laws whose aggressive enforcement could cut many consumer prices by up to 20 percent—contradicts the public interest. And, whether or not there are huge sums of money involved—as there were in two cases I have described—it is clear that the Attorney General's duty is to work for enforcement of every law.

In addition, the Senate should consider what effect the confirmation of Mr. Kleindienst will have on other corporate executives who contemplate violating the antitrust laws.

What does the elevation of Mr. Kleindienst tell big business in this country? It tells them that the refusal to enforce the law against corporate giants will be rewarded by promotion. Dr. William O. Baker, research vice president of the Bell Telephone Laboratories, was asked recently by a Washington Post reporter whether or not he thought the Justice Department would enforce the antitrust laws against corporate efforts to wipe out competition in research activities. He replied:

> I think the matter of the Justice Department is being taken care of—Mr. McLaren has another job, and Mr. Kleindienst will be Attorney General. (February 18, 1972)

Let there be no mistake about it. The confirmation of Mr. Kleindienst as Attorney General will tell every corporate executive in America that obeying the law is for ordinary people—but not for them. Dr. Baker of Bell Telephone is clear that that is its impact. We should be, too.

Mr. President, I strongly believe that the confirmation of Richard Kleindienst would be a serious mistake in the light of his actions in the antitrust cases I have cited above. For this reason, I believe it is my duty to work and vote against his confirmation as Attorney General. I hope that Members of this body will agree with me. In any event, however, I do not believe that his nomination should proceed further until the Senate receives a complete study of Mr. Kleindienst's actions in every significant antitrust case in which he has been involved in the Justice Department. This committee should not concern itself solely with the few cases that have surfaced in the press and are tinged with allegations of scandal. It must look to the deeper issues that determine what the ordinary person pays for the products he buys; whether or not those products work the way they are

supposed to; and whether or not he will be asked to bail out mismanaged giants like the Penn Central and Lockheed which collapse under their own weight. These are the kinds of questions the antitrust laws address; and they are kinds of questions the new Attorney General will face.

When Mr. Haynsworth and Mr. Carswell were nominated to fill vacancies on the Supreme Court, we refused to confirm their nominations—and in that refusal we clearly exercised a constitutional charge. Yet every time Senate opposition is voiced to a Cabinet nominee, we are all subjected to a barrage of criticism based on the theory that the President has some kind of "right" to appoint any relatively respectable woman or man to any job he wants to fill.

Mr. President, that is just not what the American Constitution says. As Senators, we have the right, and the duty, to vote against the confirmation of any woman or man who we feel is not suited to serve the public interest in the job for which she or he is nominated. There is no provision in the Constitution that our rejection of a candidate may only be on moral or ethical grounds. In deciding to vote for or against confirmation of Mr. Kleindienst, Senators may, and should, consider any or all of the criteria the President considers when he nominated him.

My own view is that the basic qualification for the Attorney Generalship is a commitment to enforce the law—against the powerful as well as against the powerless. Looking at this record, I must conclude that Mr. Kleindienst does not have that commitment. I, therefore, urge the Senate to recommit this nomination to the Judiciary Committee.

Mr. President, these it seems to me, are basic kinds of questions. Other Members of the Senate have spoken on the role of Mr. Kleindienst in the serious undermining of basic, fundamental, constitutional, individual rights in this country. I speak of his views of wiretapping, no-knock, and preventive detention. Such views influenced my early and immediate decision to oppose this nomination; but I have chosen this time to speak about another fundamental matter in this country, which has to do with the inordinate concentration of economic and political power.

As I have said on other occasions, those of my own party who have occupied the Presidency have not been without blame in this matter by any means. But there never has been the intensification of that kind of concentration of power that we have seen under this administration.

If one looks at a graph of mergers in this country, he will see that just before Teddy Roosevelt took office, mergers went up in a peak on a chart, like Pike's Peak, and when Teddy Roosevelt came in, they went down again. Just before Franklin Roosevelt became President, mergers went up, like Mount Everest, and then with Franklin Roosevelt they went down again. Under this administration and the preceding administration, mergers have gone completely off the chart. So that today the top 200 corporations control 60 percent of manufacturing, as compared with only 45 percent at the end of World War II. When one considers that more than 80 percent of all individually held corporate stock is today owned by 2 percent of our population, that economic growth is primarily within corporations, and that economic growth is primarily internally generated within corporations, I think it is easy to see that we are more and more becoming a country in which the interests of government and big industry are synonymous.

I do not want to further this trend; I would like to change it. Therefore, I intend to vote against the confirmation of this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes, and the Senator from Massachusetts has 15 minutes.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against each side.

Mr. KENNEDY. I yield myself 30 seconds.

Mr. President, the Senator from Nebraska kindly offered to yield some time to us. Perhaps if we have a quorum call, the time could be taken out of his time or he could yield us some of his time.

I say to the Senator from Nebraska that we have 15 minutes remaining and he has approximately 50.

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes remaining. Who yields time?

Mr. KENNEDY. Does the Senator wish to have the time for a quorum call taken out of his time, or will he yield us some time?

Mr. HRUSKA. I have a request for time, and I yield to the Senator from Arizona such time as he may require.

Mr. FANNIN. Mr. President, the past 3½ months have been very frustrating for those of us who know Richard Kleindienst well. He is a man who will make a great attorney general, and it is unfortunate that confirmation was delayed unnecessarily for such a long time. The record is now clear that the nomination of Richard Kleindienst should be overwhelmingly confirmed. Dick Kleindienst has the intelligence, the capability, and the devotion to preserving the rights and protecting the freedom of Americans.

In its May edition Justice magazine carried an article which expressed Dick Kleindienst's deep commitment to the law and to the development of a more democratic society. This magazine, incidentally, is not published by the Justice Department.

I would like to cite a few of the paragraphs from the article which is entitled "Kleindienst: Image Distorted?" This article points out that Dick Kleindienst has a reputation for being "tough" and "hard boiled." But I think it is clear that, although he is "tough" and "hard boiled" when it comes to doing his duty, he also has a deep commitment to the principles of democracy which make our Nation great.

Here are some of the passages from the article:

Concerning his public role:

How does Kleindienst really feel about his public role?

He sees the Department of Justice as one important element in society's two-pronged drive for social reform. "A lawful society is required if we are to have long-term redress of social grievances. It is the Department's role to enforce the laws enacted by Congress, to insure the short-term accommodations to the law, so that you can have the long-term capability of social reform. No social reform is going to take place if anarchy is permitted to take over."

Concerning civil rights, Mr. Kleindienst is quoted as saying:

When the day comes that American citizens in their hearts begin to respect and honor each other as fellow human beings, that will be the day when we have eliminated the biggest injustice in our society. It will be done not by law but by changing people's hearts and minds.

Concerning dissent and violence, the article says:

Justice Department friends tag him, not as a conservative, but rather as middle-of-the-road, or leaning toward liberal. They note his willingness to make intellectual distinctions between dissent and socially violent acts.

"I believe," Kleindienst says, "that not only is the First Amendment right of free speech the most important right we have, but I also believe it important that the government, to the extent that it can, should create and maintain an atmosphere where people feel free to exercise that right."

How does this philosophy jell with his actions during the May Day demonstrations?

Marnie Kleindienst describes how upsetting it was for her husband, the father of four children, to look down from a Justice Department window into the faces of 5,000 American youths demonstrating under the banner of a Communist flag.

"The steps he took were simply to hold things together until we grow back together."

One of the wonderful aspects of Dick Kleindienst is his devotion to his wife, and children, and to his church. The magazine closed its article with a brief mention of this:

He and Marnie live with their four children in a big old house in Great Falls, Va. One visitor said the Kleindienst's home appears to be forged together in love and respect, rather than law and order tactics, attributed to his department.

Marnie says that she and her husband make no big issue about hair or dress. Emphasis is placed on earning your way towards goals.

"We give the children great latitude, don't put many restraints on them. They can fly around the country, but it's on money they earned.

"We take the kids to church every Sunday. We don't make a fetish of religion, but within our concept of the basic Christian meaning, we are a Christian family. We don't interpret that to mean we have virtue. We're all fallible sinners.

Mr. President, I believe that the image of Dick Kleindienst has been terribly distorted by the groundless attacks on him during the past 3½ months. These attacks have obscured the fact that Dick Kleindienst has superb qualifications—technically and morally—to be the Attorney General of the United States.

I hope that we can now put this unfortunate episode behind us and get on

with the important work before Congress.

Certainly I am relieved that the Justice Department will once again be able to concentrate its full efforts on enforcing the laws of our Nation. At last we can fill vacancies that have been left open because of the inevitable uncertainty which we have had because of the delay in confirmation.

Mr. President, in the 20 plus years that I have known Dick Kleindienst, I have never known him to act dishonorably. He has excelled in his every undertaking. President Nixon could not have made a better choice for this most important position in our Government. Again, Mr. President, I reiterate that I have every confidence that Dick Kleindienst will be a great Attorney General.

Mr. MILLER. Mr. President, I will cast my vote for confirmation of Richard Kleindienst to be Attorney General.

A study of the record indicates to me that, notwithstanding a great amount of testimony which turned out to be unrelated to Mr. Kleindienst, this nomination should be approved.

The major allegations of the opponents appear to be these:

First. That Mr. Kleindienst did not adequately discipline a U.S. attorney for exercising poor judgment in a case involving certain individuals in San Diego, Calif.

Second. That Mr. Kleindienst did not respond truthfully to the National Democrat Party chairman when he stated in his letter to him that he had not been connected with the settlement of the ITT antitrust cases.

With respect to the allegation concerning discipline, while some of us might have taken more severe measures, this would hardly seem to warrant voting against confirmation.

With respect to Mr. Kleindienst's statement to the National Democrat chairman, I find nothing in the record to refute it. He testified fully and frankly before the committee, showing that he had, indeed, met with ITT representatives and had turned them over to the Assistant Attorney General in charge of the Antitrust Division. The settlement, which was eventually worked out, was handled exclusively by said Assistant Attorney General. Moreover, the distinguished Solicitor General, Erwin Griswold, testified that the settlement was a good one from the standpoint of the Federal Government. I might point out that Solicitor General Griswold has served in his capacity under both Democratic and Republican administrations, and his reputation for integrity is above reproach.

All of this is not to say that, as a member of the legislative branch of our Government, I approve of the conduct by certain ITT officials in connection with the proposed commitment to the San Diego Civic Association to support its bid to obtain the National Republican Convention. But that had nothing to do with this nominee.

I might add that Mr. Kleindienst has earned this promotion in view of his dedication and overall efficiency in conducting the job of Deputy Attorney General, with its enormous duties, for over 3 years.

I ask unanimous consent that the lead editorial from today's Washington Evening Star be placed in the RECORD. It well expresses my sentiments.

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

VOTING ON KLEINDIENST

It seemed, until just recently, that Richard Kleindienst might become an old man while waiting for the Senate to vote on his confirmation as attorney general. But not so. The senators have agreed to take up the matter this afternoon, and a floor decision may have been reached by the time some of the reader peruse these words.

We hope so, because the affair has been dragged on until it's threadbare, and because the country has to have—or at least ought to have—an attorney general. The latest sporadic parries at Kleindienst by his detractors in the Senate have added nothing of consequence to the record. And if anything is added in the floor debate it will come as a big surprise, for the Judiciary Committee's hearings were more than ample. They were stretched out—to the point of equaling the longest such hearings in history—so that every scrap of information could be grasped. If anything important hasn't been ascertained, it is not for lack of time or energy expended.

And this investigative dragnet did not, as a commanding majority of the committee finally acknowledged, produce anything that disqualifies the nominee. On the most critical question, no political linkage between him and International Telephone and Telegraph's various endeavors was proved. The hearings provided much sensation, but no substance as far as Kleindienst is concerned. Some senators have questioned his judgment in other matters, and there were ups and downs in the quality of his testimony, especially in regard to his retrieval of memory. But there was nothing to indicate unfitness, and indeed no one is challenging his professional qualifications and good record as an administrator in the Justice Department.

Some senators consider Kleindienst's demeanor too bluff and find his hard line on law enforcement difficult to swallow, and some no doubt see partisan political advantage in getting in a few more whacks at him today. But a sizable majority of the Senate apparently perceives that the President is fully entitled to this appointment—to say who will sit in his own cabinet. Only twice in this century have Presidents (Coolidge and Eisenhower) been denied that right, and in neither instance is there any evidence that the Senate was correct. It turned the two appointees down for trivial reasons, not related to qualifications, thereby throwing grit in the nation's system of balanced powers. We're reminded, too, of the fervid opposition to Walter Hickel's appointment as Interior secretary three years ago, and of the fact that he later became the hero of those environmentalists who had complained the loudest.

So we hope the Senate will approve Kleindienst's appointment with the least possible delay and polemics, and get on with its weightier business. For this debate already has been exhausted.

Mr. MUSKIE. Mr. President, the Office of Attorney General is one of the most important posts in our Government. A man in that position, by word and deed, helps shape the course of justice in our country and the continuing faith, among all segments of our population, in the fairness of our legal system. Burdened with such responsibilities, the Attorney General of the United States must be a man of sound judgment whose legal and ethical sensitivities shield him and his department from any hint of concealed misconduct or arbitrary enforcement of the laws. I have grave doubts, on the basis of his handling of three matters during his service as Deputy Attorney General, that Richard G. Kleindienst meets these high standards.

The first matter involves Mr. Kleindienst's failure to recognize a bribe offer that was presented to him in the most direct, blatant fashion. A senatorial aide, Robert T. Carson, meeting with Mr. Kleindienst in the Department of Justice, asked for Mr. Kleindienst's help in easing the troubles of a New York friend who was under indictment for Federal offenses. The aide suggested that the man in trouble would be willing to make a substantial contribution of between $50,000 and $100,000 to the reelection of President Nixon. Mr. Kleindienst, in his own testimony at the subsequent trial of Mr. Carson for perjury and conspiracy to commit bribery charges, stated that he simply told Mr. Carson he could not do anything about this matter. Mr. Kleindienst then forgot about this conversation until, almost a week later, he saw a memorandum addressed to the Attorney General from the Director of the Federal Bureau of Investigation which made reference to Mr. Carson. He then reported his conversation with Carson to the Attorney General.

The Federal bribery statute clearly seems to cover the Carson offer. Commonsense shows it was gross impropriety. Yet Mr. Kleindienst was so unmoved by its illegality or impropriety that, according to his own testimony, he did not even give Carson's offer another thought for a whole week, until Carson's existing involvement with Federal authorities came to his attention. Only then did he reconsider his view of the Carson offer and report it to the Attorney General.

I am deeply troubled by the prospect of an Attorney General who does not possess the legal judgment or the good sense to recognize a bribe offer so nakedly put. Nothing Mr. Kleindiest has said about this incident eases my doubts.

The second matter involves Mr. Kleindienst's handling of the Department of Justice's investigation of Harry Steward, U.S. attorney for the Southern District of California. Mr. Steward, upon hearing of a Justice Department investigation, involving a friend of his, of possible illegal campaign contributions, intervened to halt the subpenaing of his friend before a grand jury and, instead, interviewed the man himself, without witnesses, and reported that the expenditure under investigation had been satisfactorily explained. Steward subsequently injected himself into another investigation of the same matter by the IRS.

Steward's conduct came to the attention of Justice Department officials in Washington. Steward was summoned to Washington for a private meeting with Mr. Kleindienst, who reportedly emerged from the meeting to tell the Deputy Assistant Attorney General of the Criminal Division, whose staff was to be in charge of an administrative inquiry into Steward's conduct, that he did not think Steward had done anything wrong.

The Criminal Division, at a meeting held in Mr. Kleindienst's office on February 17, 1971, reported the finding of its staff attorney that Steward's conduct had been "highly improper" and that he should be admonished. Mr. Kleindienst disagreed. Shunning even a mild rebuke, he issued a statement completely exonerating Steward of any wrongdoing. The statement read as follows:

At the request of U.S. Attorney Harry Steward of San Diego, the FBI was directed to investigate allegations which have been raised about the conduct of his office.

These changes were exhaustively investigated by the Bureau and a report was made to the Department. I have evaluated the matter and determined there has been no wrongdoing.

The Department considers the matter closed and Mr. Steward will continue to serve as U.S. Attorney for the Southern District of California with the full confidence of the Attorney General.

Henry Peterson, Deputy Assistant Attorney General of the Criminal Division, later explained that Kleindienst decided to issue the statement because of his belief that Steward, who was about to try a major tax-evasion case, had to enjoy the full confidence of the public.

There are, as Senator TUNNEY has so ably highlighted in his statement "Individual Views on the Kleindienst Nomination," several distressing elements in Mr. Kleindienst's handling of this case:

(1) Mr. Kleindienst prejudged the merits of the case after a single conversation with Steward and informed the subordinates who were to conduct an administrative inquiry of that prejudgment.

(2) Mr. Kleindienst's public statement about the Steward case was highly misleading. Mr. Steward, according to Henry Peterson, never requested the investigation of his conduct. Mr. Kleindienst, who conceded that he did not read the FBI's investigative report on Steward, never truly evaluated the matter in detail. His statement that there was no wrongdoing simply ignored the finding of his own Department that Steward's conduct had been highly improper.

(3) The rationale for this misleading statement, that public confidence in the office of prosecutor had to be maintained, borders on the incredible. I simply do not see how a responsible public official could contend that public confidence in the processes of government depends on hiding from the people the facts of official misdoing.

Finally, in evaluating Mr. Kleindienst's handling of the Steward case, we cannot ignore the fact that the investigation thwarted by Mr. Steward involved key fundraisers in California and national Republican circles. Mr. Kleindienst, who played a key role in the 1968 presidential campaign, must have been aware of this fact. If so, he should have been all the more sensitive to the need for a frank, judicious treatment of the Steward case. Instead, we find Mr. Kleindienst involved with hasty judgments and a calculated effort to conceal the true facts from the public. This performance, in such a sensitive setting, only erodes that public confidence in our legal system for which Mr. Kleindienst expressed such concern.

The third matter involves Mr. Kleindienst's handling of the ITT antitrust settlement. I cannot escape the conclusion, on the basis of the existing record, that Mr. Kleindienst substantially misrepresented the facts when he wrote to Lawrence O'Brien, the chairman of the Democratic Party, that the ITT settlement had been "handled and negotiated exclusively" by the head of the Justice Department's Antitrust Division. Mr. Kleindienst, in fact, played a determinative role in the events leading to the settlement of the ITT cases. He delayed, at the request of a personal friend representing ITT, a Government appeal to the Supreme Court in one of the three cases involving ITT. He maintained, throughout the crucial period prior to the settlement, continuing contacts with an ITT director, occasionally meeting with him without Assistant Attorney General McLaren, the man most familiar with the details of the case. He sat in on a meeting where ITT, urging its case for special consideration, made a presentation to Mr. McLaren and his staff.

Moreover, Mr. Kleindienst's assertion that the ITT settlement was "handled and negotiated exclusively" by Mr. McLaren ignores the role which Peter Flanigan of the White House staff played in securing the services of a financial expert to analyze ITT's contentions about the economic implications of the divestiture of Hartford Insurance. This report, which both Mr. Kleindienst and Mr. McLaren said they relied upon heavily in making the settlement decision, was later described by its author as simply not standing for the conclusions which Kleindienst and McLaren attributed to it.

These facts, in my judgment, simply do not square with Mr. Kleindienst's avowed detachment from the ITT settlement. This misrepresentation, as in the Carson matter, occurs in a case of extreme delicacy, both because of its implications for the development of antitrust law and because, at the very time the settlement negotiations were in progress, ITT was negotiating a gift that would bring the Republican National Convention to San Diego. There is no clear evidence that Mr. Kleindienst, at the time the ITT settlement was being negotiated, knew of the gift negotiations. He says he did not. However, as Senators BAYH, KENNEDY, and TUNNEY point out in their statement of views, both Mr. Kleindienst and Mr. McLaren were aware of the allegation of a nexus between the two transactions before the ITT settlement became final, as a result of a September 1971, letter from Reuben Robertson, an associate of Ralph Nader, inquiring about such a relationship. The very existence of this suspicion should have emphasized to Mr. Kleindienst the importance of allaying all such doubts through a full, candid explanation of the details surrounding the ITT settlement. Instead, when Mr. O'Brien inquired in December 1971, about these details, Mr. Kleindienst responded with a clear misrepresentation of the facts.

Perhaps, in all these matters I have discussed, there is more to be said in Mr. Kleindienst's defense. If so, I would like to hear it. Unfortunately, Mr. Kleindienst has refused to testify any further about the Carson case on the dubious ground that that case, now on appeal, might be prejudiced. The record on the Steward case is incomplete because a majority of the Judiciary Committee refused to call the key witnesses, though I must say that even on the basis of an incomplete record the culpability of Mr. Kleindienst's conduct seems irrefutable. The record on the ITT settlement is much more seriously incomplete, primarily because of the administration's continuing refusal to provide relevant witnesses and documents to the Judiciary Committee.

This last point is particularly troubling. The administration, by its refusal to cooperate with the Judiciary Committee in a full investigaton of the ITT affair, is asking the Senate to approve its nominee for the vital post of Attorney General while serious questions about the fitness of that nominee remain unresolved. A President, to be sure, must be able to surround himself with officials of his choice. The Senate must be sensitive to that Presidential prerogative. But the Senate abandons its confirming role if respect for Presidential prerogatives becomes mere compliance with Presidential will, particularly in a situation where the administration itself contributes to the lingering doubts about a nominee's qualifications. I feel no reluctance, under such circumstances, about resolving the doubts against the nominee. Indeed, given the extreme sensitivity of the position under consideration, Attorney General, a position which requires the same unimpeachable integrity as a Supreme Court Justice, I feel I have no other choice.

Mr. Kleindienst's conduct in the Carson, Steward, and ITT cases, on the record before us, raises grave questions about his judgment and his sensitivity to the delicate responsibilities of his office. An isolated act might be forgiven. A consistent pattern of conduct cannot be. I must vote against the nomination of Richard Kleindienst for Attorney General.

Mr. BUCKLEY. Mr. President, I am not a member of the Judiciary Committee and have not participated, up until this time, in the confirmation hearings or debate on the nomination of Richard G. Kleindienst to be Attorney General. However, I did not want the vote on this matter to occur this afternoon without making a few comments on this issue.

I shall vote against recommitting the nomination to the Judiciary Committee. That body has already examined this question on two separate occasions—for a total of 24 days of hearings—and each time it has approved the nomination—once unanimously, once by a vote of 11 to 4. It is time that the Senate worked its will, regardless of what the outcome may be. If the nomination is approved, the Nation will have a new Attorney General and the work of the Justice Department can go forward without interruption. If the nomination is rejected, Mr. Kleindienst will be able to relax after the 4-month ordeal the Senate has put him through, and the President will be obliged to send us another nomination. But it is time we voted and stopped the politically motivated stalling tactics which have consumed so much time and noise.

Should the recommittal motion fail, I shall vote to confirm the nominee.

Several of my colleagues have examined the charges made against Mr. Kleindienst in great detail and I shall not repeat all of these matters. I particularly refer interested Senators to the remarks of the Senator from Nebraska (Mr. HRUSKA) on May 31 and again this afternoon.

Since I have come to this body, I have had numerous opportunities to work with Mr. Kleindienst on matters of interest to the State of New York. I have always found him to be honest, hard-working, cooperative, and openminded.

He is a fine human being and in my judgment will make an excellent Attorney General.

There seems to be no question concerning his abilities. He is an honor graduate of Harvard and Harvard Law School. He has been a respected member of the Arizona bar for more than 20 years and was regarded, I understand, as one of the most capable attorneys in Phoenix prior to the time he became Deputy Attorney General. It is my firm belief that he has carried out his duties as the No. 2 man in the Justice Department these past 3½ years with diligence, intelligence, and a high degree of honor.

I have read the reports of the Judiciary Committee on this nomination with some care. I have dipped to a limited extent into the three volumes of committee hearings. I have reviewed the debate which has occupied the Senate these past 8 days. It is my firm conclusion that there is nothing in all of this material which in any way should disqualify Mr. Kleindienst from being Attorney General of the United States.

To be certain, there are issues raised in the hearings and report on which the answers are not clear. This is particularly so with regard to some of the activities of ITT and its employees. However, not one of these unresolved questions has anything to do with the nominee. His role in the settlement of the ITT antitrust cases—a settlement favorable to the Government, by the way—was proper and secondary to that of the Assistant Attorney General in charge of the Antitrust Division. His role with regard to the financing of the Republican National Convention was nonexistent.

The other substantive issues questioned by the opponents of the nomination—the investigation of San Diego U.S. Attorney Steward and the bribery trial of Robert Carson—likewise lead to dead ends. Based on the testimony adduced by the Judiciary Committee, it is my conclusion that the nominee acted reasonably and properly in both of these incidents. It would seem, in short, that some of my colleagues are clutching at invisible straws in an attempt to stop this nomination.

There is one point, however, that I would like to discuss for a moment. Much has been made of the fact that during his testimony the nominee did not always remember all the details of meetings, conversations, and events about which he was being questioned. On numerous occasions he told the committee that after refreshing his memory he remembered details and incidents which he had not mentioned earlier. These examples of imperfect recollection are now being used by some to substantiate a claim that Mr. Kleindienst was less than candid with the committee. This argument strikes me as totally ridiculous. How many of my colleagues can recall with exactitude events and conversations which took place a year ago? I certainly cannot do so in every instance. At the time the Deputy Attorney General was discussing and acting on the various aspects of the ITT cases, those events were no more important to him than any of the other things which occupied his busy days. It is only in retrospect, in the light of later events, that they became important. I believe that it is perfectly natural, perfectly human—given the way our minds function—that he could not recall with accuracy all of the matters about which he was being questioned. Some of my colleagues are attempting to hold the nominee to a standard which they themselves could not meet. In all fairness to Mr. Kleindienst, I think this point should be made for all to consider in light of their own experiences.

These are the reasons why I shall vote for the confirmation of Mr. Kleindienst to be Attorney General of the United States. I am confident that he will bring credit to that office and to the Nation. It is my hope that a majority of my colleagues will agree with me so that the Justice Department can again operate at full capacity.

RICHARD KLEINDIENST MERITS CONFIRMATION BY THE SENATE

Mr. RANDOLPH. Mr. President, we are approaching a vote on the nomination of Richard Kleindienst to be the Attorney General of the United States. I will vote against recommittal and for confirmation of the nominee.

Mr. Kleindienst is eminently qualified for the position of Attorney General. He has an excellent academic background: he was graduated magna cum laude from Harvard University and was elected to Phi Beta Kappa. He also received his law degree from Harvard in 1950. Mr. Kleindienst had 3½ years of service in the Army Air Corps during the Second World War. He was a law clerk at one of the most respected legal firms in the United States, Ropes and Gray in Boston.

For 18 years, he practiced law in Arizona. He is now president-elect of the Federal Bar Association. He served in the Arizona State Legislature as a member of the House of Representatives.

Most importantly, perhaps, he has proved to be an able administrator and a capable leader at the Justice Department. For 3 years, he has been serving in one of the most difficult of Federal positions. The nominee has demonstrated industry and diligence. His emphasis has been on the fight against crime. The crime situation has improved during the last 3 years. It has not been eliminated. But the frightening rise in crime has been abated. Gains have been made, particularly in Washington, D.C. I believe Richard Kleindienst merits commendation for his efforts to help bring about these improvements.

The nominee is a forceful man who has not shirked his duty to present the views of the Department of Justice directly and explicitly. He has done his job well in articulating the Department's policies and positions on a wide range of issues.

Mr. President, I consider Richard Kleindienst to be a man of conviction and integrity. He has outstanding legal ability, often not appreciated because of his forthright manner. His extensive civic and religious involvements show him to be a man of compassion and understanding.

If Mr. Kleindienst is confirmed by the Senate, he will, in my conviction, be an Attorney General who will serve this country and all of our people with courage and a high sense of public trust.

Mr. COOPER. Mr. President, I am not a member of the Judiciary Committee and I have not had the opportunity to hear all the information that came before it, but as a Member of the Senate I have read the report and part of the hearings record and attended several days of the hearings, with other committee responsibilities, I followed the progress of the hearings as best I could. Also, I read the daily newspaper accounts of the hearings and some editorial comment.

From my study, it is apparent that many of the matters before the committee, and criticisms of various individuals during the hearings were not related to Mr. Kleindienst's qualifications to be Attorney General. It is necessary to establish by substantial evidence that he conducted himself improperly, or, that any conduct of his reflected adversely upon his integrity.

I do not believe that these conditions were established in the hearings and I shall vote against the motion to recommit and then I shall vote for his confirmation.

There are two basic questions which the Senate should consider in reaching a judgment on the qualifications of the nominee:

First, the nominee's professional competence; and

Second, his character and reputation for integrity.

In reviewing the hearing record and the committee report, it is apparent that no one has questioned Mr. Kleindienst's legal ability, as evidenced by his academic career, his experience as an attorney and his experience as a Deputy Attorney General. I think it proper to summarize briefly his legal training and experience.

Mr. Kleindienst enrolled in the University of Arizona prior to World War II and, upon his discharge from the Army Air Force as a first lieutenant, he enrolled in Harvard College in 1946 to complete his undergraduate studies. He was graduated maga cum laude from Harvard University, and was elected to Phi Beta Kappa. He entered Harvard Law School and received his LL.B degree in 1950. He was then invited to serve as a law clerk in one of this country's well-known and respected law firms—Ropes, Gray, Best, Coolidge and Rugg of Boston, Mass., for approximately a year and a half. Upon his return to Arizona, he served in the State legislature and practiced law with several Arizona law firms. He was a partner in the firm of Shimmel, Hill,

Kleindienst and Bishop of Phoenix for approximately 10 years prior to his nomination as Deputy Attorney General in 1969.

In addition to his legal accomplishments as a member of the Arizona Bar, Mr. Kleindienst has been active in various civic organizations and public service enterprises.

The professional competence and ability of Mr. Kleindienst to serve as Attorney General has not been challenged.

In addition to legal competence of a high order, the second important qualification of a nominee to be the country's chief legal officer—equal with the first—is that he must be a person of such character and integrity as to command public confidence.

We must ask, apart from the merits of the antitrust settlement, whether Mr. Kleindienst played any role with respect to the alleged financial contribution by an ITT subsidiary to support the Republican National Convention in San Diego? On this point the hearing record is clear. The Justice Department reached final agreement on the ITT antitrust cases at some time in July and August of 1971. Mr. Kleindienst's sworn testimony, on page 100 of the hearing record, states unequivocally that at no time until some time in December 1971 did he have any knowledge of any kind, direct or indirect, that the ITT Corp., was being asked to make any kind of contribution to the city of San Diego or to the Republican Party with respect to its national convention in San Diego. Mr. Kleindienst was explicit in stating that—

> I never talked to a person on the face of this earth about any aspect of the San Diego National Convention or the ITT Corp. I never talked to Mr. Mitchell about any aspect of this case.

As to the substance of the ITT settlement, while I am not experienced in antitrust matters, it is my view that a settlement of this nature, in a field of law that is unsettled, is a matter of judgment in which informed experts are bound to disagree. I find the testimony of Solicitor General Griswold on this point persuasive. I believe all if the Senate hold the Solicitor General in the highest esteem, for his legal competence and integrity. His answer, which appears on page 387 of the hearing record in reply to a question by Senator HART, is as follows:

> Senator HART. You describe what you thought was established by the settlement, namely, divestiture in a case of a conglomerate could be obtained under section 7.
>
> Mr. GRISWOLD. Yes, Senator.
>
> Senator HART. Now, as you look at that settlement, do you also find an indication that it can't be obtained if there is a balance-of-payments problem and a rippling effect?
>
> Mr. GRISWOLD. No, I don't think that appears. I think what does appear is that if you want to settle a conglomerate antitrust case, if the Government wants to settle the conglomerate antitrust case, it can't get 100 percent of what it wants. It can get 60 or 65 percent, which is what I would say—well, maybe that is a little high—yes, 60 or 65 percent, because the Hartford was the biggest part of it.
>
> On the other hand, a great many other things came in. And I think I will raise it to 70 percent. The Government really got a 70 percent settlement here, and anybody who tries lawsuits knows that when you can get that, that is pretty good, particularly after you have lost, completely, two of the major cases in the lower courts.

The testimony by Mr. Kleindienst and Judge McLaren, a part of which I heard, established that he did not have a decisionmaking role in the determination by the Department of Justice to enter into a consent decree with ITT and the terms of that decree relating to the divestiture by ITT of various subsidiaries. The record clearly supports the view that Judge McLaren made the basic decisions for the Government in this case.

I wanted to make this brief statement because of my personal views of the ability and integrity of Mr. Richard Kleindienst. I never knew him until after his appointment as Deputy Attorney General. Since that time, I have met with him to discuss official business, chiefly regarding the recommendations that my colleague, Senator MARLOW COOK, and I have made for the offices of Federal judges for the district courts and the circuit court of appeals and officials of the courts. I found him to be absolutely straightforward, correct, and reliable in the discussions which we had relating to these appointments. It is a personal judgment, of course, but we are constantly making personal judgments about persons and my judgment has been that he is a man of integrity and character. I thought that his decision to ask that the hearings be reopened after he had been approved by the Judiciary Committee was a further testimony to his confidence in his own proper conduct and his personal integrity. On the occasions when I attended the hearings and heard him, as he was questioned by the members of the committee, his answers and conduct also strengthened my belief in his candor, honesty, and integrity.

As I have said, I shall vote for his confirmation to be Attorney General of the United States.

Mr. McGOVERN. Mr. President, I shall cast my vote against the confirmation of Richard Kleindienst to serve as Attorney General of the United States. I announced my opposition when his name was first proposed, even before we knew about the apparent conflict of interest in connection with the ITT case.

I am opposed to him because of his record against civil rights, because of his tendency to encourage wiretapping, snooping, no-knock entrance to homes and preventive detention—all those things that I regard as inconsistent with what the Department of Justice should stand for.

Beyond these considerations, serious doubts have now been raised about apparent influence of big money on the way antitrust suits have been handled or dropped in the Department of Justice. The American people have a right to know that the chief law enforcement official of the land is completely above such considerations.

Mr. TUNNEY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Forty-two minutes remain to the proponents and 15 minutes to the opponents.

Mr. TUNNEY. Mr. President, would the distinguished Senator from Nebraska (Mr. HRUSKA) object to yielding me approximately 7 minutes?

Mr. HRUSKA. I am very happy to yield 10 minutes to the Senator if that will bring any more sunshine into his life.

Mr. TUNNEY. I thank the Senator from Nebraska very much for yielding me this time. I am not sure he will enjoy the statement I am about to make, but I appreciate his great courtesy, nonetheless.

Mr. President, the time of judgment on this nomination has arrived. But as we make that judgment, I think we must focus, if only for a brief moment, upon the significance of what we are about to do.

For the judgment which we are called upon to make here today has taken on a significance that extends beyond the particular merits of this nominee.

The issue here is not the President's right to name his own man as Attorney General. The people of this country elected Richard Nixon and until they elect a new President he will retain that right. For that reason, although many of us on the Judiciary Committee had reservations about the dedication of this nominee to basic civil liberties, we voted unanimously in February to report him favorably. And, but for the events which intervened, I would have voted to confirm him on the Senate floor.

In retrospect, some of us wonder whether we met our responsibilities adequately in those first hearings.

But events did intervene. The nominee requested additional hearings and we were faced with the task of reexercising that responsibility and revising that judgment.

And now, in part through circumstances beyond his control, but primarily through his own conduct, Richard Kleindienst and his relationship to ITT has become a symbol of what many people consider to be wrong with our entire system of government.

Having made the request for new hearings, Richard Kleindienst had an obligation to the Senate and to the American people—an obligation to assure the fullest possible disclosure of the facts, not only in the ITT case but also in the case regarding the U.S. attorney in San Diego, Mr. Steward.

I believe that Mr. Kleindienst has failed that responsibility—he has failed it severely, but more importantly he has failed it deliberately, in a calculated effort to assure minimum embarrassment to the administration in which he serves—and to himself.

Richard Kleindienst cannot be charged with all of the defects and inadequacies in the hearing record. He had a lot of outside and, I must say, extraordinarily incompetent help from ITT.

The conduct of that corporation both before and during these hearings is perhaps the clearest example of the dangers that accompany the growing concentration of economic power in a few corporations. The arrogance displayed by ITT in shredded documents, questionable affidavits, phony memoranda, and

corporate amnesia is a challenge to the integrity of the entire investigative process of the Congress.

But the American people have a right to expect more from their Attorney General than they do from ITT. Our system can survive corporate giants who wield power and influence irresponsibly, if we have strong and forthright public officials who resist and reject such pressure.

That is my quarrel with Mr. Kleindienst. No one of us is so hypocritical as to pretend that corporate influence is not a factor in every administration. It has been, under Republicans and Democrats alike—in the Congress as well as the White House—and it will continue as long as we continue to finance our political system by watering at the big money trough.

Therefore, I do not blame Richard Kleindienst for the fact that ITT put on the full court press in Washington.

But the job of the Attorney General of the United States is to reject that pressure, not to join eagerly in serving its goal. It is the job of the Attorney General to deal fairly and honestly with the public, not to mislead them with semantics. And it is the job of the Attorney General, when called upon to explain his conduct, to disclose the full record, not to bury it in the limbo between executive privilege and personal pique.

We do not know all of the facts that bear on this nomination.

The process by which we come to our judgment has not been a credit to the Senate which must advise and consent to this nominee or to the President who placed his name in nomination.

We have heard a lot of rhetoric in this Chamber recently about the abdication of congressional power to the executive branch. But the conduct of both the committee and the executive branch in this nomination has done nothing but confirm that abdication. A Senate committee voted not once but many times against calling key witnesses with highly relevant information. It refused to demand key documents. And in perhaps the most quixotic actions, it subpenaed two witnesses, flew them here from San Diego and then refused to hear their testimony.

But worst of all, the committee caved in to assertions of executive prerogatives and executive arrogance of a kind that demand the attention of this body.

Documents were denied to the committee not on the basis of any Presidentially authorized claim of executive privilege—which none of us would deny to the President where properly exercised—but on the basis of the nominee's own personal opinion, despite his obvious direct interest in the outcome of the hearings.

And most disturbing of all was the offhand dismissal of a committee member's specific request after a personal commitment from the nominee himself to comply with that request. During the opening days of the hearings the Senator from North Dakota (Mr. BURDICK) asked that the Department provide a chronology of the events that took place in the settlement of the antitrust cases. Had the Department complied with that one request alone, a major part of the effort to determine the facts might well have been rendered unnecessary.

But we were denied that chronology—denied it in a way that summarizes in a very obvious way what is wrong with this nomination and this nominee.

I would like to read Senator BURDICK'S remarks on that point.

> On Wednesday, March 8, 1972, I made a request to Judge McLaren for a chronological record of the events which transpired in the ITT litigation. I requested that this chronology cover material from the time that the complaints were filed until final settlement of the cases. On Thursday, April 27, 1972, this chronology had not been received. I called Mr. Kleindienst's attention to this fact during the following testimony:
>
> Mr. KLEINDIENST. Apparently they have not put it together.
>
> Senator BURDICK. They have not put it together in seven weeks and I have to vote at five o'clock.
>
> Mr. KLEINDIENST. I am deeply apologetic for it and I know Judge McLaren would be. May I just have a moment, Senator Burdick?
>
> Senator BURDICK. I have given instructions that it will be prepared immediately and be delivered up here today. (Transcripts, pp. 2922 and 2923.)
>
> On Friday, April 28, 1972, a letter from a Justice Department official stated that the Department had complied with my request, but, in fact, the documents which were referred to were simply responses to the various interrogatories requested by other members of the Committee. No document furnished by the Justice Department remotely resembled that which was promised by Judge McLaren on March 8, 1972, and which was again promised on April 27, 1972, by Mr. Kleindienst.

Mr. President, I do not know how any Senator can be comfortable with that record.

It tells us a great deal about the way Richard Kleindienst will approach his responsibilities as Attorney General.

And the bottom line is this: When it comes to the crunch where Mr. Kleindienst has to answer the question of whether he will put the interests of the White House ahead of those of the American people, I feel that we have indications that the White House will win out.

I do not know whether there was a connection between the ITT convention offer and the settlement of its antitrust case. Frankly, I find it hard to believe that any public official would be corrupt enough or foolish enough to make that kind of deal.

But whether there was a payoff or not, it is clear that ITT got special treatment from Richard Kleindienst and when confronted with the evidence, he refused to face up to it and chose instead to camouflage and obscure his role.

And when Harry Steward gravely undermined the effectiveness of law enforcement in San Diego, Mr. Kleindienst declined to restore that effectiveness and chose instead to deceive the public, condone a wrong and protect a political crony.

If anyone has read the record of the hearings, he will see very clearly that the record contains allegations against the U.S. attorney in San Diego, Mr. Steward. Those allegations included the charge that Steward has obstructed a Federal investigation of a friend and political ally, in fact had prevented his appearance before a Federal grand jury, telling Federal agents:

> This man is a friend of mine. He got me my job as United States Attorney. He is going to make me a Federal court judge. And therefore I am going to see him personally.

Despite sworn affidavits by three Federal agents confirming those charges, affidavits contained in the report presented to him, Mr. Kleindienst subsequently gave a clean bill of health to this U.S. attorney in San Diego, and that fact indicates to me that there is something gravely wrong with Mr. Kleindienst's approach to his responsibilities.

Now we are required to assess that record and judge for ourselves whether this nominee should be the chief law enforcement officer for this country. No one can even be entirely comfortable sitting in judgment on another because it demands the application of a standard which we must be willing to apply to ourselves. I would like to be able to vote for this nomination because the nominee and I have been personal friends in the past. He is a man whose personality I have enjoyed and whose word I have had occasion to accept and rely upon.

But events have intervened and I can no longer accept him as a nominee. I cannot fault him for his loyalty to the administration which he serves, but I am afraid his loyalty has interfered with the public trust he must also bear. And, therefore, I cannot consent to this nomination.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to ask the Senator from California if he would agree with me that, if we had the testimony of the witnesses we have asked for on the witness list in the report, plus one or two from California, and if we had the documents indicated in the report, we could probably finish up any additional hearings by the end of next week? Would the Senator not be willing to agree to some time limitation no later than the end of next week?

Mr. TUNNEY. I certainly would. I think that Mr. Kleindienst is entitled to have an up and down vote on his nomination.

Mr. KENNEDY. Yes.

Mr. TUNNEY. But I think he is entitled to have it after the Senate has the full record before it.

I am most disappointed that we did not have an opportunity to hear all of the witnesses we requested, particularly the witnesses from San Diego as they related to Mr. Kleindienst and Mr. Steward. We heard witnesses rebut the allegations in the Steward matter without ever hearing the charges themselves.

Mr. KENNEDY. Does the Senator remember when we voted on the question of additional hearings? That vote was 7 to 7. Does the Senator remember that?

Mr. TUNNEY. I recall that vote very clearly.

Mr. KENNEDY. Does the Senator remember that when the reports were filed, seven members of the Committee on the

Judiciary failed to sign the majority report and indicated separate views? Does the Senator agree that the Committee on the Judiciary charged with this responsibility is almost equally divided on the question of additional hearings? Certainly, out of consideration for that, would the Senator not agree that the request for witnesses and material is certainly not dilatory? It is reasonable and responsible, and could very well provide the kind of information that would give all Members of the Senate the material for a considered judgment on the nomination.

Mr. TUNNEY. I could not agree with the Senator more. I think that the Senator states it very clearly. There was a great division in our committee as to whether or not we should continue with the hearings.

I think that if a Senator has had the opportunity to read the record he will see how incomplete the hearings were and how much there was in the way of contradictory testimony. The Senator from Massachusetts sat through the hearings, every hour of the hearings, just as did the Senator from California. The Senator from Massachusetts is clearly aware of the fact that there were conflicting statements under oath which, at least in my lexicon, mean that someone was perjuring himself.

Mr. KENNEDY. I thank the Senator from California. I would like to ask him if he was not impressed by the climate that surrounded the whole Kleindienst-ITT hearings by the extraordinary impact of influence ITT had in the Justice Department and quite clearly in the White House.

An example of this kind of influence that distresses me, and certainly it distresses all Americans, is the kind of exchange that took place between the Justice Department when requests were made by a Member of the Senate and by a representative of Common Cause for legal opinions on different matters, and the Justice Department summarily dismissed those requests. But when it came to Mr. Kalmbach's firm from California getting clearance for a campaign contribution from the Justice Department, he received a very positive response.

Does the Senator remember when we put in the RECORD a letter written by Senator ALAN CRANSTON of California asking about certain Indian water rights and the response of the Deputy Attorney General?

In that instance, the Assistant Attorney General responded:

This is in reply to your letter of June 30, 1971, requesting a formal opinion of Attorney General as to whether section 666 of title 43 of the United States Code has application to private property rights of Indians held in trust by the United States and whether the *Eagle River* case or the *Water District No. 5* case may be extended in their application to adjudications in state court of Indian water rights.

We regret to inform you that under existing law, Attorney General opinions are authorized to be given only in response to the request of the President of the United States or in response to requests of heads of Executive Departments on questions of law arising in the administration of their departments.

So Indians do not get the treatment that the law firm of the President's friend was getting.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 additional minutes.

Then, we have the letter to Mr. Rogovin, which was written by William S. Sessions, who was Chief, Government Operations Section, Criminal Division, Department of Justice, about the nonpartisan Common Cause organization. Mr. Sessions stated in his letter:

This is in reference to your letter of December 22, 1970, requesting a ruling concerning the application of certain provisions of the Federal Regulation of Lobbying Act to your client, Common Cause.

As you know, the Department of Justice is authorized to render legal advice and opinions only to the President and the heads of the executive departments of the Government; and I regret, therefore, that we are unable to comply with your request.

Then, there is the answer it gave to Mr. Kalmbach's firm whether a contribution, such as ITT's, to a local committee working on bringing a political convention to a city would violate the Corrupt Practices Act. We find the letter from Henry E. Petersen, Assistant Attorney General, Criminal Division, which indicates a willingness to give carte blanche permission for a contribution to such a committee.

So Indians could not get attention, Common Cause could not get attention, but Mr. DeMarco of the Kalmbach firm could for the Republican Party.

Does the Senator from California know Mr. Kalmbach? He is from the Senator's State.

Mr. TUNNEY. I do not know him personally, but he has the reputation of being a very close personal friend of the President.

Mr. KENNEDY. We had an article from the Washington Star on Kalmbach which points out that he raised millions of dollars for the President. That was in the record.

The Indians cannot get that kind of attention from the Justice Department, Common Cause cannot get that kind of attention from the Justice Department, but one of the leading contributors can. So we see the power of ITT.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I will yield to the Senator on his time but I wish to finish this thought first.

I think this shows the atmosphere which surrounded this case and why it is so important that the complete roster of witnesses and the information indicated in our report should be considered by the Committee on the Judiciary.

If the Senator wishes, I yield to him on his time.

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

The PRESIDING OFFICER. Five minutes.

Mr. KENNEDY. I cannot use any more of my time.

Mr. DOLE. I have listened with great interest to the discussion of supposed contributions to the Republican Party. As chairman of the Republican National Committee I again state there was no contribution from ITT to the Republican National Committee.

As I have said for a long time, without much impression on the media or Democrats who controlled the spotlight and who prolonged these extended hearings, there was a time when I felt we should look into the Democratic National Committee's overdue phone bill of $1.5 million to see if it violated the Corrupt Practices Act. The sum of $1.5 million has been owed to A.T. & T. by the Democratic National Committee since 1968, and not one dime has been paid. I do not know whether any interest was paid. I am not certain that it violates the regulations, but it would appear that when Democratic Senators who have been exchanging remarks here are investigating contributions, they might have a look into their own party's A.T. & T. telephone bill. I suggest that if the average customer of A.T. & T. owed $1.5 million he would have his phone taken out and his service disconnected. But A.T. & T. understands which party controls committees in Congress, and the Democratic Party understands this. During all these torturous hearings in connection with the nomination of Richard Kleindienst, I find it rather strange that this matter was not gone into. We have heard talk about $50,000 with respect to ITT, but little mention was made of the $1.5 million owed to A.T. & T. for 4 years by the Democratic Party. Is there interest being charged? What are the facts? I think the American people are entitled to know.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield the Senator 3 minutes.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. TUNNEY. Would not the Senator agree that the question of A.T. & T. and the Democratic National Committee is quite extraneous to the question of whether the nomination of Mr. Kleindienst ought to be confirmed?

Mr. DOLE. No. There have been so many hearings on Mr. Kleindienst that most of the American people have forgotten the purpose of the hearings, but initially they were talking about alleged contribution of ITT to the Republican National Convention. Somehow Mr. Kleindienst was supposed to be involved in all that.

I again say that the Republican National Committee never received one dime from ITT. It went to the San Diego Convention Bureau, just as money is now being given to the Miami Convention Bureau for both the Democratic and Republican Conventions. It is perfectly legal.

That is why I brought up the A.T. & T. matter, because so much has been said about the influence of corporations and the influence of big business, but apparently a $1.5 million Democratic debt, as compared to an entirely legal contribution of $50,000 to a city's convention bureau, is nothing.

Mr. TUNNEY. I think the Senator knows full well that the hearings were

held for the purpose of determining the qualifications of Mr. Kleindienst. Mr. Kleindienst's qualifications have no relation to A.T. & T. What we were talking about was a fact situation that during the time when ITT was having three antitrust cases resolved by the Justice Department and the issue was whether to pursue the litigation or settle the cases, a very substantial commitment of money was made by the ITT to the Convention Bureau at San Diego possibly in order to gain favorable treatment of its request. I indicated earlier in my remarks that I cannot imagine anyone would have been stupid enough to make a deal like that, but, on the other hand, we do know that ITT got its way. It got Hartford Fire Insurance.

Mr. DOLE. The record is clear that they did not get what they wanted. They divested themselves of some $1 billion worth of holdings. It was a fair settlement, but I will not get into that. I rose to state that the Republican Party did not receive one dime from ITT. I am pleased with the concern of the Senators. I wish they would be equally concerned with the $1.5 million still owed to the American Telephone & Telegraph Co. by the Democratic National Committee.

Mr. KENNEDY. Mr. President, I yield myself 1 minute. The point remains that the Republican Party was paying off as late as May 1971 its own campaign debts to Eastern Airlines—3 years after the 1968 campaign. And everyone understands they have bigger campaign coffers.

If the question is whether we are going to eliminate the influence of big campaign contributors, I wish our friend from Kansas would say so and discuss some alternatives like the dollar checkoff. Then we could really talk about doing something about the problems of campaign debts.

But the fact is that Dita Beard's memorandum states:

> I am convinced, because of several conversations with Louie re Mitchell that our noble commitment has gone a long way toward our negotiations on the mergers eventually coming out as Hal wants them.

That is Dita Beard's statement. She was ITT's only registered lobbyist. She is talking about the link between the convention gift and the antitrust settlement.

If the Senator can explain that, then we will talk about the A.T. & T.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I withhold the remainder of my time.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

Since February 17, when this nomination came to the Senate, there have been the equivalent of 5 full working weeks devoted to hearings. There have been in excess of 2,000 printed pages of hearings, reports, and analyses, and in the last 8 days many more pages in the CONGRESSIONAL RECORD.

Each and every one of the issues that has been suggested from time to time during the debate has been thoroughly discussed in the reports and on the floor of the Senate. By way of summary, it can be said that the bulk of those 2,000 pages is not relevant to the question at hand.

The question at hand is the qualification of Mr. Kleindienst to be Attorney General. It is said, here is a gift to a convention committee and there were litigations pending in the Department of Justice. That is true. But only by way of conjecture and imagination has any connection been shown. There are no facts to tie the two together.

I might suggest that, in the case of the $1.5 million telephone bill referred to by the Senator from Kansas, perhaps there might be some connection. Maybe there might be somebody in this world who could establish a connection between that fact and the fact that the congressional committees on antitrust and monopoly have not brought any suit against ITT. Is not it just as reasonable to suggest that as it is to suggest that there is a connection, without proof, without any evidence, between ITT and the nominee?

We do not have to get into that, because it does not measure up to any rules of logic, any rules of commonsense, or any rules that would be persuasive to reasonable men.

The fact is that we have a man who has served for 3½ years as a Deputy Attorney General. His record through his lifetime—and he has practiced law for over 25 years—has been that of an able, honorable, and capable attorney. He has earned the respect of his fellow practitioners in Arizona. He has earned the respect nationwide of the bar, and particularly of his colleagues at the Department of Justice, because of the fine manner in which he has administered the affairs of that Department.

Mr. President, there is still a rule that has not been repealed by the Supreme Court or by the Congress or by the commonsense of the American people, and that is that a man is presumed to be innocent until he is found guilty.

Let us have the facts. There has not been any evidence. There has been a lot of conjecture, but there has been no evidence of any wrongdoing, of dishonorable conduct, or any evidence even bearing a suggestion of impropriety on the part of Mr. Kleindienst. The record is a long one, and yet when we view it in that light, I believe the Senate should confirm the nomination, and by a substantial vote. I hope it does.

Mr. President, is there any more time remaining to me?

Mr. TUNNEY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. Is there time remaining?

The PRESIDING OFFICER. There is time remaining.

Mr. HRUSKA. How much time do I have left?

The PRESIDING OFFICER. The Senator from Nebraska has 18 minutes remaining.

Mr. HRUSKA. I have further requests for time. One of our colleagues is on his way here.

Mr. TUNNEY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. Yes, I yield 2 minutes.

PRIVILEGE OF THE FLOOR

Mr. TUNNEY. Mr. President, I understand unanimous consent has been obtained to have staff members of the Judiciary Committee present on the floor and also staff members of individual Senators.

I ask unanimous consent that Tom Gallagher and Jane Frank, of my staff, be added to the list of staff members who may be permitted on the floor.

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

Who yields time?

Mr. KENNEDY. Mr. President, does the Senator want to yield me any of his time?

Mr. HRUSKA. Would 5 minutes help the Senator?

Mr. KENNEDY. Yes.

Mr. HRUSKA. I yield 5 minutes to the Senator.

Mr. KENNEDY. I thank the Senator from Nebraska and also the Senator from Arizona. I do not know whether they will like what I am about to say.

I would like to review with the Senate for just a few minutes the contacts Mr. Kleindienst had in the ITT case before December 1971, when he indicated that this matter was "handled and negotiated exclusively" by Mr. McLaren.

This is all indicated in the full report, but I think when we look at the series of contacts, we will realize the questions have been raised, and why additional hearings are necessary.

We had, in March or April, the original Ryan and Kleindienst conversations at the neighborhood party about the antitrust cases.

We had, on April 16, the Walsh telephone call to Mr. Kleindienst. Walsh was at that time representing ITT.

About April 16, we had Rohatyn call Kleindienst for an appointment. He was then representing ITT.

On the morning of April 19, Kleindienst called Walsh about the Grinnell case, which was an ITT case. In the afternoon, Kleindienst talked with Mr. Walsh again about the ITT case. Then there was the meeting with Mr. Griswold about the extension of time. That is all on April 19, 1971.

Then, on April 20, we have the first of the private meetings between Mr. Rohatyn, a director of ITT, and Mr. Kleindienst, and we have the arrangements for the full presentation of the Rohatyn position to McLaren that same day.

On April 29, we have the meeting of Mr. Rohatyn with Mr. Mitchell in the Justice Department, when Mr. Kleindienst waited 55 minutes downstairs while Rohatyn was conferring with Mitchell about another matter; then there was an extensive meeting about the matter Mr. Rohatyn came to see Mr. Kleindienst about.

On May 10, we have the second private meeting between Kleindienst and Rohatyn. On about May 10, McLaren and Kleindienst confer, and McLaren calls Flanigan to request that he get in touch with Ramsden.

On May 20, Ramsden delivered his report to Flanigan, and Flanigan confers with Kleindienst the same day. Kleindienst tells Flanigan to hold the report for McLaren's return from Europe.

Then, approximately June 10, Flanigan delivers the Ramsden report to McLaren in Kleindienst's presence. On June 17, we have a McLaren memorandum to Kleindienst agreeing to settle and a joint phone call from the two of them to Rohatyn delivering the good news.

We have the third private meeting of Kleindienst and Rohatyn on June 29, and in early July we have Flanigan calling Kleindienst, telling him of Rohatyn's complaint about McLaren from Flanigan's own June 29 meeting with Rohatyn.

On July 15, we have the fourth private meeting between Kleindienst and Rohatyn, with Rohatyn again complaining about McLaren's inflexibility.

About July 17, there is the alleged WILSON and Kleindienst conference with respect to the ITT antitrust settlement.

Then, on September 14, we have Mr. Rohatyn visiting Mr. Kleindienst in his office.

So we have all these contacts and all this activity by Mr. Kleindienst, and still, at the time that he wrote to Mr. O'Brien, Kleindienst indicated that this was a matter handled and negotiated exclusively by Mr. McLaren.

The thing that we want to do upon recommittal is have the opportunity to explore those particular meetings, to try to assess whether there have been causal connections between the settlement of the case and the campaign contribution.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. Who yields time?

Mr. TUNNEY. Mr. President, will the Senator from Nebraska yield me 2 minutes for a question?

Mr. HRUSKA. Mr. President, I will do that; but this is the last time. The talk has all been on that side of the aisle, and it does not seem to be making any more progress here than was indicated by the more than 2,000 printed pages of the hearing record.

Mr. TUNNEY. I thank the Senator from Nebraska. Maybe this side has talked so much that we have convinced ourselves of the veracity of what we are saying, but I think if the American people could listen they would agree definitely that Mr. Kleindienst's nomination should not be confirmed.

I would like to ask the Senator from Massachusetts if he has yet received the documents which Mr. Gilbert, the attorney for ITT, promised he would deliver to the committee. As of yesterday they had not been received.

Mr. KENNEDY. No, we have not received them. They are documents that relate to very specific items requested by the committee. Mr. Gilbert had indicated that he would respond positively, but still they have not been received.

Mr. TUNNEY. Mr. President, I, in my unanimous-consent request concerning the privilege of the floor, did not ask that my two staff members be permitted to be present on the floor during the vote, like the other staff members. I ask unanimous consent that they may be.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. HRUSKA. Mr. President, I am prepared to yield back the remainder of my time. It is my understanding that the time of the opposition has expired. Is that understanding correct, Mr. President?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Nebraska has 9 minutes remaining. The Senator from Massachusetts has 4 minutes remaining. But under the unanimous-consent agreement, the vote may not occur until the hour of 4 o'clock.

Who yields time?

Mr. HRUSKA. Mr. President, I yield 4 minutes to the Senator from Michigan.

Mr. HART. Mr. President, soon the Senate will be asked to send the nomination of Richard Kleindienst to be Attorney General back to the Judiciary Committee for further hearings.

I will support that motion for the reasons presented in my individual views of the Judiciary Committee report. I ask unanimous consent that, at the conclusion of my remarks, the first portion of these views which summarizes them be printed in the RECORD.

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

(See exhibit 1.)

Mr. HART. As I made clear then, I strongly disagree with many of the policies which the nominee has helped implement and has indicated that he will follow in the future. But I think the proper remedy for our dissatisfaction is to change the leadership of our Government in this fall's election, not to oppose Cabinet members who will, naturally and properly, carry out the President's wishes.

If it were up to me, the nomination would be withdrawn, because of the many questions that have arisen during the recent hearings—questions which may never be answered satisfactorily in the public's mind.

Other members of the Judiciary Committee have ably detailed the important witnesses whose testimony either was never completed or was never heard at all by the committee, despite the objection of those of us who felt the hearing record was incomplete. They have also indicated the numerous documents and information which the committee was unable to obtain before the hearings were forced to end.

As I said in my views:

I believe that the interests of the Senate, of the nominee, and of the American public, would best be served by further efforts to unravel more of these disturbing questions than can be fully answered by the present record and by further effort to pursue the inconsistencies in some of the testimony. Accordingly, I will support an effort to recommit the nomination to the Committee for further proceedings consistent with my earlier votes on this supplementary hearing.

But, as I also indicated, if a majority of the Senate decides to proceed to a final vote on the nomination on the basis of the existing record:

I am not prepared to say, in these extremely unusual circumstances, that because of the inevitable shadow, the nomination should be denied.

Not all of the bizarre events which have confronted the committee in the past few months were necessarily within the nominee's control.

I have not found in the record evidence of misrepresentation to the committee by the nominee. Moreover, as my views stated—

I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in any effort to link the settlement to ITT's convention commitment.

Finally, Mr. President, I should acknowledge that my analysis of the antitrust settlement and of what produced it has been affected by my knowledge of Judge McLaren, as a man, as an attorney, and as a public servant. This impact was inevitable, because I know him to be a man of quiet courage, candor, and of dedication to vigorous antitrust enforcement.

And I remain convinced, as my views noted, that he did not recommend a settlement he thought was against the public interest, let alone participate in some sort of "fix." I simply do not believe that.

While incomplete, the hearing record is extensive and has explored a great many avenues bearing on every aspect of the convention and the antitrust litigation. In the absence of any significant evidence at this point linking Mr. Kleindienst to improper efforts to obtain a settlement, he is, in my view, entitled to confirmation.

EXHIBIT 1

INDIVIDUAL VIEWS OF MR. HART

I. SUMMARY

This has been the second hearing on the nomination of Richard Kliendienst to be Attorney General. The nomination initially was reported from the Committee by a unanimous vote, although several of us indicated our profound differences with policies the nominee has espoused. We stated them:

"Members of the cabinet, unlike Justices of the Supreme Court serve at the pleasure of the President, as his assistants. The policies they pursue will almost inevitably follow the President's position. He must work with them. Therefore, absent personal impropriety, incompetence, or disqualifying conflict of interest, in the nominee, the President is entitled to the man or woman of his choice. * * * However, we wish to make clear the extent of our disagreement with the policies he has endorsed, in order that our votes not be misconstrued as approval of those policies. * * * Unfortunately * * * we have concluded that the President intends to continue these policies whether or not Mr. Kleindienst becomes Attorney General. Therefore, notwithstanding our dissatisfaction with that course, we shall vote to confirm the nomination."

Against that background, Mr. Kleindienst requested this second hearing to dispel an acknowledged "cloud" over the nomination caused by news stories of a memorandum allegedly written by ITT representative, Dita Beard. That cloud produced four weeks of stormy hearings.

The memorandum linked ITT's pledge of financial support for the 1972 Republican National Convention with the settlement of antitrust litigation against ITT. Mr. Kleindienst had been the acting Attorney General in that matter. The primary issue in the hearing, therefore, has been this. Did the nominee act so improperly or with such bad judgment in his handling of the litigation—whether by pressure on the Antitrust Division or otherwise—that he is not entitled to confirmation?

In the course of the hearing, however, other issues have arisen, which the committee is obliged to appraise for our colleagues.

First, did he act improperly—or with bad judgment of disqualifying dimension—in the investigation and public exoneration of a United States Attorney?

Second, has the nominee, by failing to be candid with the Committee, undermined our initial confirmation of his integrity?

Finally, has the hearing, itself, been hobbled by such lack of cooperation from the Executive Branch—in refusal to produce relevant documents, limitation upon probative testimony; or premature foreclosure of hearings—as to forfeit Senate advise and consent?

Each of us presumably has in mind the standard by which these determinations shall be made. This is neither a civil nor a criminal judicial proceeding, and the standard is not to be found in any hornbook. But fundamental fairness requires that some standard govern—or we have learned little from recent history.

Mr. Kleindienst now realizes, I am sure, that for many reasons the cloud in the public's mind may never be lifted fully. And public confidence in the integrity of our Justice Department is important. So, too, is confidence in the integrity of the legislative check and balance in the nominating process.

My preference at the conclusion of the hearings was to extend them, so that my colleagues and the public could have the fullest possible exploration of the disturbing charges and bizarre developments in this matter. That effort failing, I voted to report the nomination to the Senate again, without reaffirming our initial recommendation. This disposition also was defeated; the only vehicles for presenting the issue to the full Senate became a recommendation anew by the Committee, which I supported for that purpose.

But I am not prepared to say, in these extremely unusual circumstances, that because of the inevitable shadow, the nomination should be denied.[1] I believe each Senator should have the opportunity to resolve that judgment with whatever guidance the hearing and our deliberations upon the Record can provide.

I have concluded that the Antitrust Division Staff, under the direction of then Assistant Attorney General McLaren, did not agree to a settlement they thought inconsistent with the public interest.

And, on the record before us, I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in, any effort to link the settlement to ITT convention commitment.

As for the inevitable atmosphere of pressure created by ITT's more general lobbying efforts, one cannot pretend that it was absent from the settlement milieu. Regrettably, such pressure has haunted the Antitrust Division under every administration. The Division does not operate in a vacuum. The perennial ties between Washington and big business constantly threaten vigorous antitrust enforcement.[2]

We must bend our efforts to isolate these pressures, to challenge their inevitability, and to minimize their impact—whether conscious or subliminal—on the decision making process.[3] But while they undoubtedly were part of the context for this major litigation, as they have been for every other, such stones are not first cast lightly. The Antitrust Division in the last three years has, by and large, aggressively enforced our antitrust law—particularly in extending it application to conglomerate mergers. For this effort it deserves our commendation, not condemnation.

I believe that the interests of the Senate, of the nominee, and of the American public, would best be served by further efforts to unravel more of these disturbing questions than can be fully answered by the present record and by further effort to pursue the inconsistencies in some of the testimony. Accordingly, I will support an effort to recommit the nomination to the Committee for further proceedings consistent with my earlier votes on this supplementary hearing.

But if the Senate wishes to proceed to final consideration of the nomination on the basis of the existing Record, then I would vote for confirmation.

For the above reasons, I do not subscribe to all of the analysis and conclusions in the Majority Report of the Committee. The following is a brief elaboration of these summary observations.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, I ask unanimous consent that, if the nomination of Richard Kleindienst is recommitted, the Senate proceed immediately to its consideration at the close of morning business the day following the committee's report, and that during the further consideration of the nomination, debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. I did not hear the request.

Mr. KENNEDY. I ask unanimous consent that, if the nomination of Richard Kleindienst is recommitted, the Senate proceed immediately to its consideration at the close of morning business the day following the committee's report, and that during the further consideration of the nomination, debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

This would limit the time for debate to 10 hours, when it comes back to the floor, if the nomination is recommitted.

Mr. HRUSKA. Mr. President, I see no point in venturing that far into the future. In due time, if and when recommittal is had, and if there will be a committee report, it seems to me that we can consider that matter. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I want to establish now that it was our intention that on the motion to recommit we would set a precise time for the vote. I think that our desire to do so was reflected in the unanimous consent request.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. It is my understanding that, under the previous agreement, the motion to recommit will be voted on at 4 p.m.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I move that the nomination of Richard Kleindienst to be Attorney General be recommitted to the Committee on the Judiciary with instructions to resume hearings at the earliest possible date, to receive testimony from necessary witnesses for a total of 25 hearing hours, to issue subpenas for necessary witnesses and documents, and to report to the Senate by midnight on the second weekday following the day of completion of the hearings.

I would expect, Mr. President, that if we are able to obtain recommittal today, the documents and witnesses could be subpenaed by tomorrow; the hearings would take place during the course of next week; the report would be due by Monday, June 19; and the probable vote would take place by June 21.

I want the Senate, before it votes on this matter, to know that it is our intention to have a vote on the nomination of Mr. Kleindienst and that it be no later than the 21st. That would be the motion to recommit, at 4 o'clock.

The PRESIDING OFFICER. Will the Senator send his motion to the desk?

Mr. KENNEDY. I sent it to the desk.

Mr. HRUSKA. Mr. President, the record will show that there was a unanimous-consent agreement to vote on a motion to recommit, not a motion to recommit with instructions or conditions or hours or days, but simply to recommit.

I do not know whether a point of order would lie on the ground that this motion made by the Senator from Massachusetts would not be in compliance with that unanimous-consent agreement. I do not intended to object on that ground. I do believe, however, that when the motion does get into detail on instructions to the committee, those instructions and the fashion in which it was done are added reason why the motion to recommit should be rejected.

Mr. KENNEDY. Mr. President, I was not here at the time the unanimous-consent agreement was entered into, but no motion to recommit was made at that time. This is a motion to recommit. It is made now with a very clear indication of a limitation on time, and I believe that is in order.

---

[1] I might feel differently were we faced with a lifetime appointment to the Supreme Court.

[2] See for example, the provocative, and sobering, discussions in Green, et al., *The Closed Enterprise System: A Nader Study Group Report* (1972), Chapter 2, "The Politics of Antitrust," and Chapter 3, "A History of Personality of Policy."

[3] To this end, I hope that the indignation expressed about a large contribution to the convention efforts of the incumbent Administration by an antitrust defendent will be matched by equally zealous support of public financing of election campaigns.

The PRESIDING OFFICER. The motion will be stated:

The motion was read, as follows:

I move that the nomination of Richard Kleindienst to be Attorney General be recommited to the Committee on the Judiciary with instructions to resume hearings at the earliest possible date, to receive testimony from necessary witnesses for a total of 25 hearing hours, to issue subpoenas for necessary witnesses and documents, and then to report to the Senate by midnight on the second week day following the day of completion of the hearings.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. TUNNEY. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield 1 minute to the Senator.

Mr. TUNNEY. I want to clarify a point raised by the Senator from Massachusetts about the recommittal motion. I was on the floor and had discussed it with the majority leader. Certainly, no motion was made and there was no indication as to the form the motion was going to take when it was made. We were relying on subsequent developments to formulate the motion.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time, if the time on the other side is yielded back.

Mr. MANSFIELD. Mr. President, will the Senator yield me ½ minute?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. In view of the fact that the votes, under certain conditions, are going to follow one another in a sequence of three, I ask unanimous consent—I hope the Senate will approve—that if the motion to recommit fails, there be a 10-minute limitation on the two following votes, rather than the usual 15 minutes. I make this request in plenty of time so that Senators will be aware of what the situation will be if the Senate agrees.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I apologize to the majority leader. I could not hear him.

Mr. MANSFIELD. If the motion to recommit fails, that we then have 10 minutes on each of the two following votes—on the confirmation of Mr. Kleindienst and the nomination of Mr. Shultz.

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

Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time, if the other side is willing to do so.

The PRESIDING OFFICER. Will the Senator from Massachusetts yield back the 1 minute which remains to him?

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

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. TAFT). Without objection, it is so ordered.

GEORGE P. SHULTZ

Mr. BENNETT. Mr. President, when the Office of Management and Budget was created in 1970, President Nixon did not have to look far to find a man eminently qualified to become the first Director of the powerful new unit. He had only to look to his Cabinet and his able Secretary of Labor, George P. Shultz.

Today the Senate has the opportunity to once more put its seal of approval on the President's wisdom in selecting George Shultz for a vital position in our Government. I congratulate the President on his selection of Dr. Shultz to be the Secretary of the Treasury in his administration, and am pleased to fully support the nomination.

Through my committee assignments I have had the opportunity to watch Dr. Shultz in action from close range when he has testified before us. He has consistently showed a keen knowledge of issues facing the OMB and has exhibited a judicious balance of firmness yet understanding in his role as a mediator between the Government's resources and the needs of our country.

The public record of Dr. Shultz is too well known to merit repeating here. However, it should be emphasized that in him we have a man who has traveled with great facility over a wide range of academic, financial and governmental experience. He will bring to bear on the vital office of Treasury Secretary a personal knowledge of the problems facing every segment of our economy.

Finally, Mr. President, I cannot help but note once more than President Nixon in this selection has again shown a genius for selecting men with impeccable credentials to this vital Cabinet position.

My fellow Utahan, David Kennedy, made an important contribution to the post and continues important governmental service, especially in relation to America's economic dealings abroad. John Connally likewise made an invaluable contribution in leading us through the thorny problems associated with the administration's innovative economic policies.

I am certain that George Shultz likewise will leave an indelible imprint on the office of Secretary of the Treasury. I urge his immediate confirmation by the Senate.

MOTION TO RECOMMIT KLEINDIENST NOMINATION

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the motion to recommit with instructions the nomination of Richard G. Kleindienst to be Attorney General of the United States.

On this question the yeas and nays have been ordered, and the hour of 4 p.m. having arrived, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the distinguished Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from California (Mr. CRANSTON) would each vote "yea."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Tennessee (Mr. BAKER).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Oregon (Mr. HATFIELD).

If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) would each vote "nay."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON).

If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Oregon would vote "nay" and the Senator from New Jersey would vote "yea."

The result was announced—yeas 20, nays 63, as follows:

[No. 198 Ex.]

YEAS—20

Bayh	Hollings	Moss
Burdick	Hughes	Muskie
Church	Kennedy	Nelson
Eagleton	McGovern	Ribicoff
Fulbright	McIntyre	Stevenson
Harris	Metcalf	Tunney
Hart	Mondale	

NAYS—63

Aiken	Ellender	Percy
Allen	Ervin	Proxmire
Allott	Fannin	Randolph
Anderson	Fong	Roth
Bellmon	Goldwater	Saxbe
Bennett	Griffin	Schweiker
Bentsen	Gurney	Scott
Bible	Hansen	Smith
Boggs	Hartke	Sparkman
Brock	Hruska	Spong
Brooke	Jackson	Stafford
Buckley	Javits	Stennis
Byrd, Harry F., Jr.	Jordan, N.C.	Stevens
	Jordan, Idaho	Symington
Byrd, Robert C.	Long	Taft
Chiles	Mansfield	Talmadge
Cook	Mathias	Thurmond
Cooper	McGee	Tower
Cotton	Miller	Weicker
Curtis	Montoya	Young
Dole	Pastore	
Eastland	Pearson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Humphrey, for.

NOT VOTING—16

Baker	Gambrell	Mundt
Beall	Gravel	Packwood
Cannon	Hatfield	Pell
Case	Inouye	Williams
Cranston	Magnuson	
Dominick	McClellan	

So the motion to recommit with instructions the nomination was rejected.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States?

YEAS AND NAYS ON SHULTZ NOMINATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, for the purpose of eliminating any ambiguity, that I may be recognized for one-half minute to ask for the yeas and nays on the Shultz nomination, the vote to occur immediately after the vote on the Kleindienst nomination.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the confirmation of the Shultz nomination.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States. On this question the yeas and nays have been ordered.

The Chair will announce that under the previous unanimous-consent agreement, this vote will take 10 minutes.

Mr. COTTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, may we have quiet so that we can hear the proceedings?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats and discontinue conversations.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY. On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from California (Mr. CRANSTON). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 64, nays 19, as follows:

[No. 199 Ex.]

YEAS—64

Aiken	Ervin	Pearson
Allen	Fannin	Percy
Allott	Fong	Proxmire
Anderson	Goldwater	Randolph
Bellmon	Griffin	Roth
Bennett	Gurney	Saxbe
Bentsen	Hansen	Schweiker
Bible	Hart	Scott
Boggs	Hartke	Smith
Brock	Hollings	Sparkman
Brooke	Hruska	Spong
Buckley	Jackson	Stafford
Byrd, Harry F., Jr.	Javits	Stennis
	Jordan, N.C.	Stevens
	Jordan, Idaho	Symington
Chiles	Long	Taft
Cook	Mansfield	Talmadge
Cooper	Mathias	Thurmond
Cotton	McGee	Tower
Curtis	Miller	Weicker
Dole	Montoya	Young
Eastland	Pastore	
Ellender	Pearson	

NAYS—19

Bayh	Hughes	Muskie
Burdick	Kennedy	Nelson
Byrd, Robert C.	McGovern	Ribicoff
Church	McIntyre	Stevenson
Eagleton	Metcalf	Tunney
Fulbright	Mondale	
Harris	Moss	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Humphrey, against.

NOT VOTING—16

Baker	Gambrell	Mundt
Beall	Gravel	Packwood
Cannon	Hatfield	Pell
Case	Inouye	Williams
Cranston	Magnuson	
Dominick	McClellan	

So the nomination was confirmed.

NOMINATION OF GEORGE P. SHULTZ

The PRESIDING OFFICER. Under the previous order the Senate will now proceed immediately to vote on the nomination of George P. Shultz to be Secretary of the Treasury. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON). the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 200 Ex.]

YEAS—83

Aiken	Fannin	Moss
Allen	Fong	Muskie
Allott	Fulbright	Nelson
Anderson	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Percy
Bennett	Harris	Proxmire
Bentsen	Hart	Randolph
Bible	Hartke	Ribicoff
Boggs	Hollings	Roth
Brock	Hruska	Saxbe
Brooke	Hughes	Schweiker
Buckley	Humphrey	Scott
Burdick	Jackson	Smith
Byrd, Harry F., Jr.	Javits	Sparkman
Byrd, Robert C.	Jordan, N.C.	Spong
Chiles	Jordan, Idaho	Stafford
Church	Kennedy	Stennis
Cook	Long	Stevens
Cooper	Mansfield	Stevenson
Cotton	Mathias	Symington
Curtis	McGee	Taft
Dole	McGovern	Talmadge
Eagleton	McIntyre	Thurmond
Eastland	Metcalf	Tower
Ellender	Miller	Tunney
Ervin	Mondale	Weicker
	Montoya	Young

NAYS—0

NOT VOTING—17

Baker	Gambrell	McClellan
Beall	Goldwater	Mundt
Cannon	Gravel	Packwood
Case	Hatfield	Pell
Cranston	Inouye	Williams
Dominick	Magnuson	

So the nomination was confirmed.

NOMINATIONS OF CHARLES E. WALKER, EDWIN S. COHEN, JOHN M. HENNESSY, AND LEE H. HENKEL, JR. IN THE DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. The clerk will state the next nomination on the Executive Calendar.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the nominations for the Department of the Treasury be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the remaining nominations for the Department of the Treasury are considered and confirmed en bloc.

U.S. DISTRICT JUDGES

Mr. MANSFIELD. Mr. President, I understand that two judgeship nominations were reported earlier today, which have been cleared all around. I ask that they be called up at this time.

The PRESIDING OFFICER. Without objection, the clerk will state the nomination.

The assistant legislative clerk read the nomination of Charles W. Joyner, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Albert Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to 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; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. ARENDS, Mr. BRAY, and Mr. HALL were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 5158) for the relief of Maria Rosa Martins, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 5158) for the relief of Maria Rosa Martins, was read twice by its title and referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume consideration of legislative business.

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

THE STOCKBRIDGE-MUNSEE COMMUNITY

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 722, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 722), to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands part of the reservation involved.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the enacting clause and insert:

That, subject to valid existing rights, all the right, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI–WI–11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. JACKSON. Mr. President, I am pleased that after prolonged and careful consideration, the Interior and Insular Affairs Committee has voted to recommend passage of S. 722, conveying trust title to the Stockbridge-Munsee Indian Community of 13,077 acres of submarginal land purchased by the Federal Government for this purpose.

If favorably acted upon by this body and the other House, this will complete long unfinished business initiated in 1933 under President Franklin D. Roosevelt's administration.

Under authority provided by the Congress in title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), with funds appropriated by Congress under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and with specific congressional authorization extended in section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), a national land program was established.

Under this program, it was decided by the Roosevelt administration that certain "Demonstration Indian Lands Projects" would be carried out to accomplish the purpose of "readjustment and rehabilitation of the Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs."

Five types of demonstration Indian areas were included in the program, including "lands for homeless Indian bands or communities forming acute relief problems," of which the Stockbridge-Munsee Indian Community was one.

The policy agreed on by all Government agencies involved was to "acquire lands for Indian use which will improve their economy and welfare and lessen relief costs."

The lands were purchased by the Farm Security Administration, as part of a

combined purchase to form a blocked-out area to provide the Stockbridge-Munsee Indian Community with an adequate land base on which to survive and develop. A majority of the housing in which the people of this Indian community reside is located on the submarginal land, and was built under Federal supervision with Federal funds.

By some historical quirk, the land purchased with Indian Reorganization Act—IRA—(48 Stat. 984) funds was delivered to the tribe, and placed in trust. The submarginal land was transferred to the Bureau of Indian Affairs to hold for the exclusive benefit of Indians but trust title never passed to the tribe, a fact which has clouded the ability of the Indians to use this land, and particularly to develop it for the betterment of the community and its people. S. 722 would complete the long awaited delivery of trust title to the Stockbridge-Munsee community of their submarginal land.

At the request of the Secretary of the Interior, the distinguished ranking minority member of the committee, Senator GORDON ALLOTT, and I jointly introduced S. 1230 early in the 92d Congress which, with the exception of language added by the committee reserving to the U.S. mineral rights in the land transferred, is identical to the bill which the committee now reports. The only known mineral deposit on this land is a small gravel deposit.

The committee held hearings on this legislation on March 26, 1971, at which no witness spoke in opposition to the transfer of these lands to the tribe, and congressional administration, tribal, and independent witnesses all presented strong and convincing cases supporting transfer of this land to the tribe.

The report of the National Council on Indian Opportunity entitled "Indian Submarginal Lands: An Unresolved Problem" has proved exceptionally helpful in clarifying the historic origins of this land. It, too, recommended passage of similar legislation.

This bill is not a precedent. The Congress previously transferred submarginal lands purchased under the land program to the tribes for which it was purchased, under the act of August 13, 1949 (63 Stat. 604) granting trust title to various pueblos in New Mexico, and under the act of July 20, 1956 (70 Stat. 581) delivering trust title of 27,000 acres of submarginal land to the landless Seminoles of Florida. Also under the act of August 2, 1956 (70 Stat. 941), Congress conveyed trust title to 78,372 additional acres of submarginal land to Zia and Jemez Pueblos of New Mexico.

The committee sought and waited 7 months for an independent evaluation of the propriety of completing delivery of trust title of this land to the tribe for which it was purchased, by the office of the Comptroller General. Again, the recommendation of that agency supported transfer of the land to the Stockbridge-Munsee community, as it had in a previous report in 1963.

Finally, the committee is well aware of the support for this legislation expressed before it by the two Senators from Wisconsin, and particularly grateful for the assistance furnished to the committee by the junior Senator from Wisconsin (Mr. NELSON), who was able to provide the committee with considerable information assisting our deliberations.

Mr. President, I urge favorable action on this legislation.

Mr. METCALF. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I will control the time on the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield to the Senator from Colorado first?

Mr. ALLOTT. Mr. President, will the Senator from Montana yield to me for a unanimous-consent request?

Mr. METCALF. Certainly.

Mr. ALLOTT. Mr. President, in the absence of several of us the other day, the yeas and nays were ordered on this bill. I see no justification for the yeas and nays at the termination of this matter. So that our colleagues may be advised, I ask unanimous consent that the order for the yeas and nays be rescinded.

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

Mr. METCALF. Mr. President, I yield such time as he may require to the Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, I rise in support of S. 722, a bill transferring 13,077 acres of federally owned submarginal land to the Stockbridge-Munsee Indian Community of Wisconsin to be held in trust by the United States.

I introduced this measure on February 10, 1971. Hearings were held on the bill on March 26, 1971, by the Indian Affairs Subcommittee. And on May 19, 1972, the Committee on Interior and Insular Affairs ordered the bill reported favorably to the full Senate. The bill was reported only after prolonged and careful consideration.

WIDE SUPPORT

Mr. President, it is difficult for me to imagine how anyone could be against this measure. It has received wide support from a variety of sources. The administration supports the legislation; in fact, the bill, as amended by the committee, contains the very language of the administration sponsored bill—S. 1230—introduced by Senators ALLOTT and JACKSON. The Office of Management and the Budget has no objection to the bill. The General Accounting Office has no objection. Neither the 1962 GAO report nor the updated report of last October posed any objections to the submarginal lands being transferred to the Stockbridge-Munsee Indian Community. Both the Cabinet-level National Council on Indian Opportunity and the Department of Interior have gone on record as stating that the submarginal lands were purchased with the understanding that they eventually be placed in trust for the Indians. In fact, administrative jurisdiction of these lands was transferred to the Secretary of the Interior in 1938 for the benefit of the Stockbridge-Munsee Indian Community and these lands have been used by them for the past 34 years.

LEGISLATIVE PRECEDENT

Mr. President, not only has the bill had wide support from the executive branch, but also there are several legislative precedents. On three separate occasions, Congress has passed legislation transferring submarginal lands to Indian tribes. These precedents will be discussed later.

BACKGROUND

The lands involved are the so-called FSA lands, a title designation referring to the now defunct Farm Security Administration. The original objective of the acquisition of the FSA lands in 1936 was the retirement from farming of unprofitable, badly eroded and exhausted land and the removal of the occupants to other more promising areas where they could be rehabilitated and thus taken off the relief rolls.

Under a memorandum of understanding executed by the Resettlement Administration, which was charged with the land purchases, the lands were to be managed for the "exclusive benefit of the Indians." It is this official commitment which has not been honored in this case, because Congress has failed to enact legislation to deliver these lands to the Stockbridge-Munsee Community.

It should be pointed out that the Government has actually made money as a result of these FSA lands which were purchased "for the exclusive benefit of the Indians." The Federal Government originally paid $69,546 for the lands and has collected more than $92,263 in stumpage fees, gravel mining permits, and rentals.

Mr. President, there are no minerals involved in the submarginal lands in this bill. Even so, S. 722 as amended reserves all mineral rights for the United States. The lands comprise more than 85 percent of the total Stockbridge-Munsee Reservation area. Currently, more than 30 percent of the Indians in the reservation area reside on the submarginal lands. The lands are needed to restore the community and allow implementation of its development plan. Housing is in critically short supply. Passage of the legislation would allow home construction and job opportunity plans to proceed.

The Stockbridge-Munsee Indian Community has waited far too long for this bill. Now is the time for these submarginal lands to be placed in trust for the Stockbridge-Munsee people so that they may finally realize the intended benefits of the land.

As was stated before, Congress has previously recognized its commitment to make FSA or submarginal lands a part of the reservations involved. In 1949, Congress transferred 457,530 acres of submarginal lands to several Pueblo Tribal groups and to the Canoncito Navajo Tribe of New Mexico. On July 20, 1956, Congress transferred 27,000 acres of submarginal lands to the Seminole Indians of Florida. And again on August 2, 1956, Congress passed an act transferring 78,372 acres of submarginal lands to the Jemez and Zia Pueblos of New Mexico.

Mr. President, almost everyone concerned with the submarginal lands has recognized our commitment to transfer them to the Indian tribes. The Cabinet-level National Council on Indian Opportunity, which is chaired by Vice Presi-

dent AGNEW, released a report in May 1971, entitled "Indian Submarginal Lands: An Unresolved Problem." The conclusion of the report states:

An examination of the legislative history and course of administration of this program can lead to but one conclusion: the land was purchased with special funds to be consolidated with other tribal land holdings, and held in trust for the tribes . . .

Thus, the fulfillment of this promise made long ago requires passage of legislation delivering trust title to the submarginal lands to the respective tribes for whom they were purchased, for use in accord with land use plans which have been legislatively approved . . .

Moreover, the Department of the Interior executive communication to the Congress dated March 1, 1971, transmitting proposed legislation to convey beneficial interest in the submarginal lands to the Stockbridge-Munsee Indian Community states:

The records disclose a complete understanding between the Federal Agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with the demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

MINORITY VIEWS

Mr. President, I would like to address myself briefly to the arguments raised against the bill in the minority views of the committee report.

First of all, it is argued that there is no precedent for this legislation. This is a simple mistatement of fact. As was stated previously, Congress has, on three different occasions in the past, enacted legislation which transferred title to submarginal lands to Indian groups. The minority report even mentions these instances but by some logic which escapes me maintains that they are not precedents. Despite any attempts to the contrary, these precedents cannot be denied. In fact, in his letter to Senator JACKSON dated October 18, 1971, the Comptroller General states:

On three occasions in the past, the Congress has enacted legislation which transferred title to submarginal lands to Indian groups.

I ask unanimous consent that a copy of this letter be inserted in the RECORD, after my remarks.

Second, the minority report states that in 1942 the Interior Committee established a position to the effect that all submarginal lands should be considered together. This contention is debatable but even if it is accepted, it is clear that it is also irrelevant due to the fact that this position was clearly overruled in 1949 and again in 1956 when submarginal lands were transferred to individual Indian tribes.

The minority report claims that the committee has consistently held to its supposed position of considering only omnibus approaches to the submarginal land bills. In fact, the committee has never reported out an omnibus bill, but has instead reported several submarginal land bills for individual tribes, three of which have passed Congress.

Third, the minority report states that the passage of S. 722 would represent only token recognition of a problem which should have been resolved years ago. This is true but it is certainly no reason to refuse to take a step in the right direction by passing this bill.

Lastly, another minority argument is that there should be an omnibus submarginal land bill which would provide equal treatment for all affected tribes. The Department of Interior presently lists 19 submarginal land areas as being now under consideration for transfer to the nearby Indian tribes.

The administration, through the Department of Interior, has indicated a desire to proceed on a case-by-case basis, as evidenced by the introduction of the administration-sponsored bills, S. 1217 and S. 1230 dealing with the White Earth and the Stockbridge-Munsee Reservations. The General Accounting Office, in meetings with the Interior Committee staff, also indicated a desire to report on the submarginal lands individually. This would seem to be the logical way to proceed when one recognizes the fact that situations and circumstances differ in each instance.

There are minerals on some submarginal lands and none on other lands. The economic and social situations of the tribes involved differ greatly. In this instance there are no minerals involved. The administration supports the bill. Neither the GAO nor OMB has any objections. The Interior Committee considered the bill for a year and a half before favorably reporting it. There can be no reason to delay this bill any longer.

Why should this bill be delayed by being grouped with other more controversial bills as the minority report proposes?

In effect, the minority report recognizes the need for this bill; they argue only on the means, by favoring an omnibus bill instead of this individual bill. However, the reasons against an omnibus bill mentioned above are persuasive.

The Republican signatories of the minority views are clearly out of step with the administration's position in support of this bill. They are also out of step with the majority of the Interior Committee which has considered the messure quite carefully and extensively. There can be no valid reason for delaying passage of this bill, the need for which is recognized even by those signing the minority report.

Mr. President, I ask unanimous consent that a letter from the Comptroller General of the United States dated October 18, 1971, addressed to the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), be printed in the RECORD at the conclusion of my remarks.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., October 18, 1971.

DEAR MR. CHAIRMAN: By letter dated April 1, 1971, you requested that we update an August 13, 1962, report which was submitted to the House and Senate Committees on Interior and Insular Affairs, which concerns submarginal lands and submit immediate reports on two bills, S. 1217 and S. 1230, 92d Congress.

These bills would declare that certain federally owned submarginal lands located on or near the Stockbridge Reservation, Wisconsin, and the White Earth Reservation in Minnesota, shall be held by the United States in trust for the Stockbridge Munsee Indian Community and the Minnesota Chippewa Tribe.

By letter dated May 25, 1971, we advised you that on the information then available to us, we would have to qualify our comments on these bills and we felt that such qualified comments would be of little value to the Committee. We have now completed our work on the updating of the August 13, 1962, report as it pertains to these Indian groups and are now prepared to comment on S. 1217 and S. 1230.

On three occasions in the past, the Congress has enacted legislation which transferred title to submarginal lands to Indian groups. By the Act of August 13, 1949, ch. 425, 63 Stat. 604, and the Act of August 2, 1956, ch. 886, 70 Stat. 941, certain submarginal lands in New Mexico were transferred to Navajo and Pueblo Indians with title held by the United States Government in trust for the Indian groups cited in the Acts. Also, under the Act of July 20, 1956. ch. 645, 70 Stat. 581, the Government transferred to the Seminole Indians 27,086.10 acres of submarginal lands located in Florida which the Government had purchased under various acts for the relief of stricken agricultural areas.

If title to the submarginal lands is transferred to the Stockbridge Munsee Indian Community in Wisconsin and to the Minnesota Chippewa Tribe on the White Earth Reservation in Minnesota, the revenues from timber cutting and other activities which presently are being collected by the Government would then accrue to the respective Indian groups. We believe that these revenues could help the groups advance their economic and social standiing, provided they are invested in planning, establishing, and operating enterprises having realistic chances of success.

In considering legislation to convey these submarginal lands to the Indian groups involved, we believe the Congress might wish to consider including provisions designed to assure that the lands would be developed for their best potential. Provisions which the Congress might wish to consider include the following:

Provision for a reinvestment of a reasonable portion of the timber and other revenues into the maintenance, improvement, cultivation, and preservation of the revenue-producing resources;

Provision for a minimum degree of group and/or individual Indian ownership of any enterprises established on such lands to ensure substantial and active Indian participation in the operation, management, and profits of such enterprises; and,

Provision for economic and ecological evaluations of proposed developments to ensure that they have reasonable chances of success and do not adversely affect the environment, particularly adjacent waters.

In accordance with a request of the staff of the Committee, we have examined into the question of offsets of the value of any submarginal lands conveyed to Indian groups against any awards that might be made to such groups by the Indian Claims Commission. In considering this question, we reviewed the decisions of the Indian Claims Commission in Docket No. 73 involving the Seminole Indians of Florida and Docket No. 151 involving the Seminole Nation of Oklahoma as successors to the Seminole Nation which was in Florida prior to 1823. While in Florida, the Seminole Nation sustained the

injuries for which compensation was sought. These two cases were decided by the Commission on October 22, 1970, and are reported in 24 Ind. Cl. Comm. 1 (1970).

The Commission concluded that offsets of lands purchased with funds from national recovery acts is specifically prohibited by section 2 of the Indian Claims Commission Act of 1946, 25 U.S.C. 70a. Inasmuch as the submarginal lands proposed to be conveyed to the Stockbridge Munsee Community and the Indians of the White Earth Reservation were purchased under the authority of the same national recovery acts as were the lands transferred to the Seminoles, the holding in 24 Ind. Cl. Comn. 1 is *stare decisis* and the Indian Claims Commission would disallow any offsets of submarginal lands against any claims that might be awarded to the Indian groups.

Final reports which update the factual information that was contained in our report of August 13, 1962, as it pertained to these two Indian groups will be shortly forthcoming.

Sincerely yours,

———— ————,

Deputy Comptroller General of the United States.

Mr. NELSON. Mr. President, I yield the floor, with the understanding, as I have agreed with the Senator from Montana, that if I need more time it will be yielded by the committee.

Mr. METCALF. Certainly; I shall be delighted.

Does the Senator from Colorado seek recognition at this time?

Mr. ALLOTT. Unless the Senator from Montana wishes to speak on the bill at this time.

Mr. METCALF. I wish to speak on the bill very briefly.

Mr. ALLOTT. All right; I yield to the Senator.

Mr. METCALF. Mr. President, back in the days of the depression, when the Farm Holiday Association was tipping over milk trucks and farmers were moving with pitchforks against bankruptcy sales, President Roosevelt and Harry Hopkins sent people out to buy farms that were being foreclosed. The Roosevelt administration was trying to keep the people on farms, and maintain their operations during the days when wheat was selling at 17 cents a bushel and livestock was selling at about the same price it is selling now.

This is one of the cases where the Government went out and, for the purpose of helping the Indians, purchased agricultural lands. They bought them and said, "These lands will be held in behalf of the various Indian tribes."

There are many complex and complicated situations involved in the Indians' unique relations with the Federal Government. In my own State, for example, farms were bought for various Indian tribes, and oil was subsequently discovered on those farms, and we are now faced with the question of who should receive these oil revenues?

But the Stockbridge-Munsee situation is a very simple problem. These lands were purchased for the Indian tribe located in that area. They do not have any other problems involved. Our consideration of S. 722 represents a start on the manner in which we resolve this longstanding issue of conveying the submarginal lands to tribal groups with the title to be held in trust by the United States. The several tribes involved have utilized these lands for various purposes over the years as if it were in fact theirs.

I think that we should seek to solve the problem on a case-by-case basis. That is the simplest and probably the best solution. I have nothing but high praise for the Senator from Wisconsin, who introduced this bill. I believe we should follow the precedents that we have set in Florida and in New Mexico to return these properties in trust to the Indian tribes to which they really should belong, and give them not only the beneficial interest which they hold now, but the proprietary interest which is the subject matter of this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, I reserve the remainder of my time.

Mr. McGOVERN. Mr. President, I rise in support of S. 722, as favorably reported by the Senate Interior and Insular Affairs Committee. I am happy to give my support to legislation which is, at the same time, supported by the two Democratic Senators from Wisconsin, and by the Nixon administration.

As chairman of the Subcommittee on Indian Affairs, I know that concern for American Indians has traditionally been a bipartisan matter, and I am pleased that the language of this bill, originally proposed as a part of the program of the Nixon administration, is, with the one perfecting amendment added by the committee, supported by the distinguished chairman and entire Democratic side of the Interior Committee, which considered it carefully from the time of its public hearing on March 26, 1971, before my subcommittee.

Every witness appearing before that subcommittee—administration, tribal, and independent—testified in favor of this proposed transfer of trust title of these submarginal lands to the Stockbridge-Munsee Indian Community, which desperately needs them, and has waited patiently for such legislation since these lands were first purchased to add to the tribal land base of that community, beginning in 1934. The entire economic development of this Indian community depends upon the immediate enactment of this legislation.

The National Council on Indian Opportunity, in its recent report on this subject, has indicated that, for this tribe, obtaining trust title to these lands is the only legislative priority, upon which the entire tribal future depends.

The tribal delegation appearing before my subcommittee presented a carefully thought out and well-presented program for the use of these lands, in combination with the much smaller present tribal land base.

The Stockbridge-Munsee Reservation, created by the Treaty of the United States with the tribe on February 5, 1856, originally consisted of 23,040 acres. As a result of the Allotment Act of 1887, the national Indian land base was diminished from 140 million acres to 50 million acres of the least desirable land. At the Stockbridge-Munsee Reservation, by 1934, when the Allotment Act policy was finally repudiated by the Congress, little more than 100 acres remained in Indian hands, far too little to house, let alone support, the tribal population.

The 13,077 acres of submarginal land which are the subject of S. 722 were purchased by the Farm Security Administration, along with 2,450 acres of land purchased with funds appropriated under the authority of the Indian Reorganization Act (48 Stat. 984) to block out a single consolidated area which would be a viable reservation base for this tribe. Both purchases were entirely within the boundaries of the original reservation. The Farm Security Administration even acted as a purchasing agent for the Bureau of Indian Affairs, to insure that the land purchases would be consolidated. Although tribal members were allowed partial use of the land, and members of the tribe were permitted and even encouraged by Federal officials to construct houses on the submarginal land in the early expectation that Congress would enact legislation delivering trust title to the tribe, that legislation has not yet passed. More than half of the resident tribal population of this reservation lives on houses constructed on submarginal land, although title to the land remains in the United States. S. 722 is designed to correct that oversight and injustice.

An identical process was followed on behalf of the landless Seminoles of Florida, for whom a tract of submarginal land also was purchased during the thirties, in addition to another parcel purchased with IRA funds. In 1956, the Congress approved the delivery of trust title of the submarginal land parcel together with the IRA purchased lands, to the Seminole tribe to create a new reservation. (70) Stat. 581.)

Certain members of the minority of the Interior Committee have unconvincingly argued that this action does not constitute a precedent for the action we undertake today, on the grounds that the "justification for the transfer was, in fact, to provide a land base from whatever public lands were available and was not because of a 'submarginal lands' designation of some of them." Even were this view accurate, the Seminole legislation would still serve as a precedent for adding submarginal lands to otherwise acquired land to provide an adequate land base for the tribe, which is the ultimate purpose of the bill before us. However, what this minority view ignores is that in both the Seminole case and in the Stockbridge-Munsee case before us, all of the land was specifically purchased to accomplish the purpose of creating an adequate, economically productive land base reservation for the tribe in question, by a combination of IRA-purchased land, and submarginal land.

The Seminole case is obviously a precedent for today's proposed action. The only difference between the two cases is that in the present case, Congress did not deliver trust title to the submarginal land in its original enactment, an oversight which we are attempting to rectify today.

The whole question of precedent is

relevant only because the minority view asserts, without proving, that S. 722 is precedent creating, a contention I deny, and that, therefore, we must consider all of the tribes attempting to claim submarginal lands at once, or not at all. The only possible approach, we are told, is a single piece of omnibus legislation, proposed but not yet introduced, which is necessary because of some belated sense of fairness expressed by the minority to the 17 other tribes seeking title to submarginal land parcels purchased for them.

I am favorably impressed with the expressed desire of these members to support such legislation, since six of these tribes involved are in the State of South Dakota, twice as many as in any other State, and I have repeatedly introduced legislation on behalf of these tribes.

I am somewhat at a loss to understand why my friends in the minority of the committee, apparently so concerned with fairness to these tribes, have not joined with me in sponsoring this legislation, and I will look with favor on their support of any future bills to deliver submarginal land parcels to the South Dakota tribes.

I am also puzzled as to why these Senators, so concerned with equal treatment for all such tribes, have waited until so late in this session to introduce such legislation, which they claim follows a longstanding committee policy for an "omnibus" approach. At this time in the session, such a bill can only delay further consideration of the bill before us, and cannot possibly result in fair treatment for anyone, particularly the Stockbridge-Munsee Indian community.

At least one of these six Senators, the Senator from Oregon (Mr. HATFIELD), seems to have overlooked the supposed longstanding committee policy when he introduced, on March 13, 1969, S. 1544 (91st Congress), his own bill to deliver trust title to its submarginal lands to the Burns Paiute Colony of Harney County, Oreg.

While the Senators protest against unfairness to the other Indian tribes, the tribes themselves share the view of the committee that a case-by-case approach is the fairest and most appropriate way to proceed. Delegates from each of the concerned tribes met jointly at Minneapolis, Minn., at a meeting sponsored by the National Council on Indian Opportunity, and pledged themselves to support the efforts of each of the tribes to obtain title to their lands. Four of the South Dakota tribes have furnished me with tribal resolutions indicating their support for such action.

A review of the history of the committee provided in the minority views of the report on the bill before us conclusively demonstrates, in spite of the minority conclusion to the contrary, that all of the evidence indicates that any action taken by the committee on this legislation has been on a case-by-case basis.

Whatever the previous committee history, no one yet has produced a single word to indicate that this land should not be transferred, as this bill proposes, to the Stockbridge-Munsee Indian community. I urge favorable action on this bill, so desperately needed by the Stockbridge-Munsee tribe.

Mr. PROXMIRE. Mr. President, I support Senator NELSON'S bill, S. 722, as amended by the committee, to transfer 13,077 acres of FSA submarginal lands in trust to the Stockbridge-Munsee Indians. Twice over the past 10 years, I have introduced similar legislation to accomplish this transfer. In fact, I was a cosponsor of the original proposal introduced by my Wisconsin colleague, Senator NELSON, to bring about this land transfer.

The Stockbridge-Munsee Community has developed an extensive plan for use of this land. It is essential for their plan that this land be transferred in trust to the tribe, so they may have the security of knowing the land and improvements on it will remain in their hands. Such a transfer will also permit the tribes to operate and manage these improvements economically and efficiently.

The Federal Emergency Relief Administration—FERA—back in the early thirties was authorized to spend funds for the acquisition of submarginal land under consideration today. A memorandum dated July 16, 1934, to Hon. Harold L. Ickes, Secretary of the Interior, from John S. Lansill, director of the land program, concerning submarginal land purchases reads:

> These lands include projects in which land to be purchased is to be used primarily for the benefit of the Indians under the jurisdiction of the Bureau of Indian Affairs.

In January of 1935, a statement of policy regarding acquisition of land for Indian use was issued. This statement reiterated that it was "desirable to acquire lands for Indian use which will improve their economy and welfare, and lessen relief costs."

These pronouncements make it clear that this land was intended for the use of the Indians. The question then is "How can the Indians best make use of this land?" It is my view, as well as that of the tribe and the Interior Department, that this can best be done by transferring this land in trust to the Stockbridge-Munsee Indians.

This Stockbridge-Munsee submarginal land currently is much more important to the well-being of the tribe than the tribal land. For example, there are 152 Indians residing on submarginal land while 92 live on tribal land. According to the Interior Department, approximately 40 homes have been built on submarginal land. During fiscal year 1969, $17,010 was realized from the sale of submarginal land timber compared with a mere $60 from the sale of tribal land timber. Finally, the average family income of the submarginal land residents is $4,000 compared to $3,500 for the tribal land families.

The fact that the Stockbridge-Munsee Tribe depends heavily on this submarginal land, which covers almost six times as much acreage as the tribal land, makes it clear that these two tracts must be coordinated, planned, and developed under the same management. In fact, the development and real estate plans submitted by the Stockbridge-Munsee Indians are based on the assumption and hope of receiving these 13,077 acres in trust.

According to the real estate planning report of the Stockbridge-Munsee Reservation:

> The development of lands (sub-marginal as well as tribal) is dependent upon getting the lands under one ownership for efficient management purposes.

This plan includes the creation of a five site commercial development, the cultivation of acreage for farming, and the establishment of a community recreation area which would include swimming and wading facilities as well as a unique recreational area to be developed commercially to benefit the tribe. The report goes on to say:

> The development of the recreation area would be after land ownership is consolidated in the areas involved.

This report concludes that:

> There is sufficient acreage, considering the tribal, FSA land and the private lands within strategic areas for a commercial recreation center and to provide for the present and anticipated future needs of the Indian people for year-around and seasonal homesites. Also, timber production . . . is a compatible use.

It is important to note that one of the objections frequently interposed to tribal acquisitions of submarginal land is that the mineral value of the land is extremely high. This is not true of the land under consideration today. As the real estate planning report makes clear, there are no known mineral leases on either submarginal or reservation land. The only minerals of any value are a few gravel and sand deposits scattered throughout the reservation and submarginal lands. A GAO report also came to this conclusion. Thus, neither the State nor the Federal Government stands to lose substantial mineral values by this transfer.

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

(The remarks that Mr. ALLOTT made at this point on the introduction of S. 3688, dealing with Indian submarginal lands, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ALLOTT. Mr. President, the following is a quotation from the 1962 Report of the Comptroller General on 18 of the 19 submarginal land tracts, including those to which S. 277 relates when an omnibus bill for all tribes was before both the Senate and the House:

> The submarginal land proposed for conveyance to Indian tribes by Senate bill 1925, Senate bill 2183, and House bill 3534 was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the act of August 24, 1935 (49 Stat. 750, 781).
>
> The general purpose for acquiring this land was to retire it from private ownership and to correct maladjustments in land use. This land was originally under the jurisdiction of the Secretary of Agriculture. However, inasmuch as it was found to be largely contiguous to existing Indian reservations, it was placed under the jurisdiction of the Secretary of the Interior by Executive Order 7868 dated April 15, 1938 (3 Fed. Reg. 767), and by Executive Order 8473 dated July 8, 1940 (5 Fed. Reg. 2520).

The term "submarginal," as used to describe the land proposed for conveyance, is for the most part a misnomer. Generally, the submarginal land is equal in quality to contiguous land at each of the 18 locations and most of it has been gainfully utilized for such productive activities as forestry, grazing, and farming.

Senate bill 1925, Senate bill 2183, and House bill 3534 would donate, in a trust status, the submarginal land to the stated Indian tribes and groups, thereby, in effect, providing for the Department of the Interior, as trustee, to administer and manage the land for the benefit of the tribes. Senate bill 2183 and House bill 3534 would reserve the right of the United States to use for military purposes that part of the submarginal land which is within the Ellsworth Air Force Range (Pine Ridge Reservation). However, the latter bills do not specifically state whether the United States would be required to pay the tribe for such right.

NEED AND USE FOR SUBMARGINAL LAND NOT ADEQUATELY JUSTIFIED

Inasmuch as most of the tribes have not developed adequate land-use plans, there is little evidence to show that the submarginal land would be better utilized if placed in tribal ownership. Officials of most tribes indicated that, if the submarginal land was conveyed to the tribes, they would continue to lease such land to Indians and non-Indians. Therefore, the only benefit that most of the tribes would derive from the transfer in trust of such land would be a relatively small addition of income to the tribes while the Bureau, as trustee, would continue to have administrative responsibility for managing the land and the income derived therefrom. Further, the tribes have not, apparently, encouraged individual Indians to lease and develop submarginal land; our review disclosed that the tribes had leased the greatest portion of submarignal land to non-Indians. (See p. 23.)

We believe that an adequate plan for tribal use of the land would be one in which the land is to be used for a tribal enterprise to provide employment or training for its members, housing for needy Indians, or homesites for unemployable or marginally employable adult members of the tribe. Therefore, the Committees may wish to consider that submarginal land should not be transferred to the tribes unless they contemplate a use for the land that is incorporated in an over-all constructive program to aid individual members of the tribe and to accomplish the ultimate objective of terminating Federal supervision over the recipient tribes.

"FINANCIAL RESOURCES OF THE TRIBES AND INCOME FROM SUBMARGINAL LAND

"We believe that, in determining whether the submarginal land should be provided to the tribes without cost, consideration should be given to (1) the ability of the tribes to finance the cost of the land, (2) the amount of income to be derived from the land, (3) whether the Federal Government has reimbursed or will reimburse the tribe for tribal lands taken for dams and reservoirs and for related damages, and (4) how the submarginal land will be used by the tribe.

"FINANCIAL RESOURCES OF THE TRIBES AND GROUPS

"The financial records and statements made available to us by Bureau and tribal officials disclosed that of the 18 tribes and groups, 8 had net worths in excess of a million dollars, 4 had net worths ranging from $100,000 to $296,000, 3 had net worths ranging from $8,257 to $95,876, and 1 had no assets or liabilities. The net worths of two tribes were not determinable from the information we obtained. The following table summarizes the financial position of each tribe and group as of June 30, 1961, or as otherwise noted.

"ALTERNATE METHOD OF DISTRIBUTING INCOME

"If the Congress intends that funds derived from submarginal lands should be used for the benefit of Indians, consideration should be given to the needs and justification for Federal assistance of all Indians under the responsibility of the Federal Government and to the desirability of distributing income collected from such land by means of appropriations. This procedure would preserve the congressional controls inherent in the appropriation processes and distribute Federal funds for the benefit of Indians on the basis of realistic requirements rather than on the coincidental location of valuable Federal lands.

"ADVANTAGES OF TRANSFERRING TITLE IN FEE RATHER THAN IN TRUST STATUS

"The proposed legislation provides that the submarginal land to be conveyed to the tribes is to be held by the United States in trust. Because the land would be transferred in trust status as opposed to a transfer in fee title, the Federal Government would continue to be responsible for administration of the land and income earned therefrom and the land would not be subject to local real estate taxes as are other privately owned lands. Conversely, if the land is transferred in fee title, it would serve to prepare the tribes for eventual withdrawal of Federal supervision because the tribes would gain experience in managing their own affairs and would be required to bear the related share of civic obligations and responsibilities."

Mr. President, the reason for these remarks on S. 722 are as follows:

As I have stated in introducing S. 3688, today, there are 19 submarginal tracts, divided into nine different States and consisting of some 403,000 acres. On page 23 of the report, in the footnotes, we have statements by lawyers for various Indian tribes who say specifically that they do not claim that the Indians have a legal right to this land. The most they can say is that they might have a moral right to retain it.

I have had the legislation which served as authority for the acquisition of the lands—which, by the way, is attached as an exhibit to the minority views in the report—examined thoroughly; and I find nothing in the authorizing legislation nor the appropriations which would indicate that there ever was an attempt or an intent by Congress to return this land to the Indians. This is also what GAO said and the Library of Congress has affirmed it. Everything which consists of a so-called moral right has consisted of exchanges of letters between officials in the administrations at various times and the Indians themselves and other executive branch documents but nowhere through the long history of this matter, since it first came up, has Congress ever, by any legislation, signified its intent to act upon this matter and donate these lands to the Indians:

I should like to refer to a short portion of the report, pages 34 and 35:

On November 18, 1970, Senators Allott and Jackson in accordance with their agreement as to bills transmitted by the Administration, introduced S. 4511 to transfer the submarginal lands of the White Earth Reservation. Earlier, Senator Nelson introduced a bill apparently as a result of the impending Administration transmittal. It pertained to the Stockbridge Munsee.

That is the bill we have here.

As later developed, these were only the first of the bills on *all* 19 tracts which the Dept. of the Interior had determined to attempt to submit to Congress.

When the two submarginal lands bills were submitted in the 92nd Congress by the Administration, they were introduced by Senators Allott and Jackson as S. 1217 (White Earth) and S. 1230 (Stockbridge Munsee) on March 12, 1970. Senator Nelson had already introduced S. 722 for the Stockbridge Munsee on February 10, 1971.

Only *six days* had passed since introduction of the Administration bills. . . .

When this bill was called up for hearing.

In so doing and in ordering one of those bills reported this year, the leadership of this committee broke with the two-pronged principle they had laid down twenty-nine years before and to which they had adhered ever since for reasons they presumably believed were valid.

The action of the majority appears to have been in reaction to the innovative Message to Congress on Indian Affairs by President Nixon on July 8, 1970, and the ensuing proposed legislation which was submitted by the Administration to carry out its Indian affairs legislative program. We note that when the hearings on S. 1217 and S. 1230 were announced, three non-administration bills had already been introduced in the 92nd Congress for the Bad River Band, the LaCourte Oreilles and the Standing Rock Sioux, but the hearings were not scheduled on them, only on the two administration bills.

Regardless of the reasons for the apparent reflex response of the leadership of the committee, at the March 31, 1971, Executive Session, consistent with its long-established policy, the committee voted *unanimously* to seek to have the 1962 GAO Report updated in its entirety so that it would have current data on all 19 tribes which desire these submarginal lands and which (after 32 years since the first bill) would permit this committee to consider *all* tracts for final disposition.

The minority Members foresaw omnibus legislation and I assure the Senators who have spoken that if the leadership had produced that updated report in accordance with the unanimous directive of the entire committee we would have done everything in our power to see that the reported bill gave each one of the 19 tribes equal treatment. That, as the Senators know, could have been done quite easily by ordering a substitute bill, for all 19 tribes, reported.

Well, Mr. President, to boil this all down as a result of an agreement of which we were only advised last month, after waiting for months, the GAO finally reported back with respect to two tribes. We did not set the current status report on all 19 tribes which was ordered 15 months ago. For this reason, we have introduced today the legislation S. 3688. My comments there on behalf of all the minority members of the Senate Interior and Insular Affairs Committee are pertinent to this discussion. We believe it is a basic mistake for Congress to consider this one bill at this time. We believe, as others concede, it may be years before the other tribes' requests are considered and even then they may not get similar treatment. This is unfair and discriminatory. By acting favorably on S. 722, the Senate will accede to only a token recognition of a

problem which it should resolve in its entirety.

It seems to me that having 33 years of history of not doing anything about this, and having the GAO in effect refusing to report to the committee on all the 19 bills, we are in effect acting in the dark here, because no matter what the report says, no matter what kind of legislative history we attempt to make on the floor of the Senate, we are, in fact, by passing this bill, establishing a precedent that will have to be followed on all 19 of those parcels of land.

I want to make it very, very clear to every Senator in this Chamber that never before has Congress acted favorably on a bill the sole purpose of which was to donate only submarginal lands to the Indians. The minority views we have filed detail this very clearly. From a reading of those views it can be seen that the Seminole Indian bill and the two New Mexico bills are distinctly different.

That briefly is the situation. While I realize that there is no danger of the bill not being passed this afternoon, I did feel that, in pursuance of what I believe to be commonsense and the equitable approach, commensurate with the commitment with the Committee on Interior and Insular Affairs, these statements had to be made and we should remind ourselves that the decisions we have made consistently affirmed over the years, ordinarily are premised upon a sound base and should not be lightly overturned. In this situation, the committee decided years ago it should have a full and complete study and then act for all tribes together. This apparently has been the excuse for the 33-year refusal to act. Now that we are going to finally act, it should be for all, not just a favored single tribe. I think, Mr. President, for the moment at least, and perhaps for the remainder of the afternoon, that may be all I shall have to say about this matter.

Mr. METCALF. Mr. President, several of the bills included in the compilation of bills introduced in prior Congresses to convey submarginal lands to tribal groups, were undoubtedly sponsored by me. My bills related to submarginal lands near Indian reservations in Montana where the issues are more involved, but I will agree that the questions involved are more complex than those in S. 722. None of my bills were approved by Congress.

This bill will not set a precedent on oil leases or mineral disposal rights. The committee tried to take care of that. The Senator from Colorado introduced an amendment in committee, which all of us supported, to provide that the Federal Government would retain mineral rights in the submarginal lands to be transferred to the tribal group as contemplated in the bill before us today.

I believe the Senator's amendment to reserve the minerals to the United States is valid. I question whether there are any minerals to be considered at Stockbridge-Munsee, but when we move to consider similar legislation for tribal groups in Montana and other Western States the question of mineral rights will present serious problems for the Congress. So we are not setting any precedent or plowing any new ground today. We have already given the Seminole Indians of Florida and the New Mexico Pueblos these lands. Today, by introducing his omnibus bill, the Senator from Colorado has underscored what the Federal Government must do in order to convey the remainder of the submarginal lands to the various tribal groups who are concerned with the disposition of such lands.

So let us pass this bill, which does not have the problems or any of the complexities that are in some of the other 19, and then move forward on the proposal that the Senator from Colorado has proposed.

Mr. HUMPHREY. Mr. President, may I say that I am very happy to support the measure that the Senator from Wisconsin (Mr. NELSON) and the Senator from Montana (Mr. METCALF) are so actively forwarding and supporting here today.

Mr. METCALF. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, so that the record will be clear on this point, the Stockbridge-Munsee bill authorizing the transfer of Farm Security Administration lands held in trust to be made part of that reservation, I believe, was introduced first by me in 1963.

So, the issue has been pending before the Committee on Interior and Insular Affairs now for almost 9 years. Seven of those years I was on the committee myself. I do not quarrel with the idea of taking up all of these FSA lands in one bill as proposed by the distinguished Senator from Colorado.

I do not know all the complications involved in each of those parcels. And that may be a very good way to do it.

However, this particular proposal involving the Stockbridge-Munsee Indians has no complications involved in it at all. It involves 13,000-plus acres. It has been administered by the Department of the Interior for the benefit of the Stockbridge-Munsee Indians for 34 years, ever since 1938.

The Federal Government paid $69,000-plus for the land. It has now recovered through the sales of stumpage fees and gravel $92,000.

So, the Federal Government has gotten back all of the money it put in plus an additional $23,000. There are no mineral rights problems involved in these submarginal lands.

The administration recommended that these bills be taken up on an individual basis, case by case. And the administration made a proposal to transfer those lands that is practically identical to the one I have been introducing for the last 9 years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METCALF. Mr. President, I yield an additional minute to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional minute.

Mr. NELSON. Mr. President, the General Accounting Office has taken the position that it is much more manageable and feasible to handle each of these parcels on a case-by-case basis. So, I think that as to this particular bill the transfer ought to be made as it has been made on three previous occasions, by an act of Congress transferring the submarginal land to a particular Indian reservation.

Mr. President, as to the question of the balance of the bills, I certainly have no objection to taking them all up in one bill if it is feasible to do so. However, that might hold up this bill and deprive the Stockbridge-Munsee Indians of rights that they have been entitled to for over 30 years. It might hold it up for another 2, 3, 4, or 5 years, because I do not know what agreement could be reached on taking up all of these parcels at one time.

Mr. ALLOTT. Mr. President, I yield myself such time as I shall need.

First, the 2 to 5 year leadtime for the Stockbridge-Munsee, just referred to, is part of the inequity in proceeding only on S. 722. The other part, of course is the question of what type of treatment bills in future Congresses might provide. They, based on the history, could require the Indians to pay for the lands, give them to non-Indians, give non-Indians rights to use the lands. Previous instances where Congress has done this are set out in our minority views.

I want to point out that we set ourselves in a tenible bind in passing precedent setting legislation. Then we try to write a provision into the bill to say that it is not a precedent. Several precedents are being made, in my opinion, in this bill.

I just want to make the record straight. For example, on page 20 of the committee report, Mr. Sonosky, an attorney for some of the tribes and a leader in the drive for submarginal lands legislation is quoted. He made the following statement in 1970:

> Only a unified effort will work . . . since no single tribe will be able to succeed because the Committees won't let one bill pass which will serve as a precedent for the others. So that no matter how appealing the *Stockbridge,* or Burns Paiute case is, *it will rest with all the others.*

He, I submit, is correct, this is a precedent setting bill and there is no reason why we should not have given attention to all the tribes. We initiated this effort 15 months ago, but there was no follow-up.

Mr. President, I refer now specifically to the footnotes on page 23 of the committee report particularly to the statement by Mr. Arthur Lazarus, Jr., attorney for the Oglala Sioux Tribe, one of the 19. He said:

> I am making no argument that this land belongs to the Indians as a matter of law. It does not. It belongs to the United States.

So, Mr. President, by donating similar lands to the Stockbridge-Munsee, it seems to me that we are making a precedent and setting a precedent here in other instances, and I do not see how we can avoid the precedent we are setting here this afternoon in future cases.

In conclusion I wish to say that in the

consideration of future transfers I hope they will be considered en bloc because there is one principle involved here, and that principle is giving to the Indians, the respective Indian tribes, land which was purchased with Federal funds from the Treasury of the United States from people to whom they had sold, or otherwise conveyed the land. That is the issue in all 19 instances. So we are setting a precedent here and I do not see how the Senators are going to be able to argue that those tribes with more valuable lands should not receive them.

I hope that in the consideration of these cases that some study might be made of the minority views in this particular case, for which I am very indebted to Mr. Tom Nelson, a member of the minority staff of the Committee on Interior and Insular Affairs, because of the deep research he has done on these bills, and it should be the guide for the action we take in subsequent bills.

I hope my friends on the other side will persist with me in getting a report out of the GAO for all 19, or 18 tribes so that we can get and dispose of all these matters at the earliest possible time. It only took GAO a little over 6 months to compile the 1962 report and it should have been able to update it in the 15-month period which followed the committee's March 31, 1971, directive.

I am reminded of one thing. This question has been around a long time. There was an omnibus bill introduced in 1939 which passed the House and the Senate did not act upon it. The Senate has never acted on a bill such as S. 722 up to the present time.

I am ready to yield back the remainder of my time.

Mr. METCALF. I am ready to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 722) was passed.

The title was amended, so as to read: "A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge-Munsee Indian Community, Wisconsin."

Mr. NELSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks that Mr. HUMPHREY made at this point on the introduction of S. 3689, S. 3690, and S. 3691 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FOUNTAIN, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, Mr. BROOMFIELD, and Mr. THOMSON of Wisconsin were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Chair lays before the Senate S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Assistance Act of 1972".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 2. Section 234(c) of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended by striking out "(1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation" and inserting in lieu thereof "(1) in its financing programs, acquire debt securities convertible to stock or rights to acquire stock, but such debt securities or rights shall not be converted to stock while held by the Corporation".

REFUGEE RELIEF ASSISTANCE

SEC. 3. Section 491 of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and "$250,000,000" and inserting in lieu thereof "1973" and "$50,000,000", respectively.

MILITARY ASSISTANCE

SEC. 4. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(1) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$600,000,000 for the fiscal year 1973".

(2) In section 506(a), relating to special authority, strike out "1972" wherever it appears and insert in lieu thereof "1973".

(3) In section 513, relating to military assistance authorizations for Thailand—

(A) insert in the section caption immediately after "Thailand", a comma and the following: "Laos, and South Vietnam"; and

(B) add at the end thereof the following new sentence: "After June 30, 1973, no military assistance shall be furnished by the United States to Laos or South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act."

(4)(A) In section 514(a)(1), relating to special foreign country accounts, strike out "10" wherever it appears and insert in lieu thereof "25".

(B) The amendment made by subparagraph (A) of this paragraph is effective July 1, 1972.

(5) At the end of such chapter 2, add the following new section:

"SEC. 515. LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS.—(a) No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand outside the borders of the country of the government or person receiving such funds unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress, the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation."

SECURITY SUPPORTING ASSISTANCE

SEC. 5. Section 532 of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "1972" and "$618,000,000" and inserting in lieu thereof "1973" and "$650,000,000," respectively.

TRANSFER BETWEEN ACCOUNTS

SEC. 6. Section 610(a) of the Foreign Assistance Act of 1961, relating to transfer between accounts, is amended—

(1) by inserting immediately after "except that" the designation "(1)"; and

(2) by inserting before the period at the end thereof a comma and the following: "and (2) no funds made available for any provision of part I of this Act may be transferred to, or consolidated with, funds made available for any provision of part II of this Act (including chapter 4 of such part II)".

PROHIBITION AGAINST FURNISHING ASSISTANCE

SEC. 7. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(x) No assistance may be furnished under part II of this Act (including chapter 4 of such part), and no sale, credit sale, or guaranty with respect to defense articles or defense services may be made under the Foreign Military Sales Act, to, for, on behalf of the Governments of Pakistan, India (including Sikkim), Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan."

ALLOCATION AND REIMBURSEMENT AMONG AGENCIES

SEC. 8. Subsection (a) of section 632 of the Foreign Assistance Act of 1961, relating to allocation and reimbursement among agencies, is repealed.

LIMITATIONS ON CAMBODIAN ASSISTANCE

SEC. 9. Section 655 of the Foreign Assistance Act of 1961, relating to limitations upon assistance to or for Cambodia, is amended—

(1) by striking out "$341,000,000" and "1972", wherever they appear in subsections (a) and (b) and inserting in lieu thereof "$275,000,000" and "1973", respectively; and

(2) by inserting in subsection (g), after "section", a comma and the following: "or any amendment thereto,".

FOREIGN MILITARY SALES

SEC. 10. The Foreign Military Sales Act is amended as follows:

(1) In section 31(a), relating to authorization, strike out "1972" and insert in lieu thereof "1973".

(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out "1972" and insert in lieu thereof "1973".

EXCESS DEFENSE ARTICLES

SEC. 11. Section 8(b) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended, is amended by striking out "$185,000,000" and inserting in lieu thereof "$150,000,000".

HOSTILITIES IN INDOCHINA

SEC. 12. (a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than August 31, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after August 31, 1972.

(b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—

(1) an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and

(2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and

(3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

AZORES AND BAHRAIN AGREEMENTS

SEC. 13. Commencing thirty days after the date of enactment of this Act, no funds may be obligated or expended to carry out the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

PROHIBITING OBLIGATION OR EXPENDITURE OF FUNDS FOR CERTAIN AGREEMENTS TO WHICH THE SENATE HAS NOT GIVEN ITS ADVICE AND CONSENT

SEC. 14. No funds may be obligated or expended to carry out any agreement entered into, on or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which combat units of the Armed Forces of the United States are to be assigned to duty, (2) revising or extending the provisions of any such agreement, or (3) providing for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this section shall be construed as authorizing the President to enter into any agreement relating to any other matter, with or without the advice and consent of the Senate.

AUTHORITY FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to file reports until midnight tonight.

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

ORDER FOR RECOGNITION OF SENATOR TUNNEY AND SENATOR ROBERT C. BYRD ON MONDAY, JUNE 12, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, immediately after the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

UNANIMOUS-CONSENT AGREEMENT—BILL ADJUSTING RATES OF PAY FOR GOVERNMENT EMPLOYEES—H.R. 9092

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as 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, is called up and made the pending business before the Senate, there be a time limitation on debate as follows: Two hours on the bill, to be equally divided and controlled by the distinguished Senator from Hawaii (Mr. FONG) and the distinguished Senator from Wyoming (Mr. MCGEE); the time on any amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between and controlled by the mover of such and the manager of the bill (Mr. MCGEE); provided further, that Senators in control of time on the bill may yield therefrom to Senators on any amendment, debatable motion, or appeal; provided further that if the manager of the bill should favor any amendment, debatable motion or appeal, then the time in opposition thereto would be under the control of the distinguished Republican leader or his designee; and provided finally, that no nongermane amendments may be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

LEAVE OF ABSENCE

Mr. GRIFFIN. Mr. President, the junior Senator from Kentucky (Mr. COOK) will be with the crew of Apollo 16 on Monday. I ask unanimous consent that he be granted leave of the Senate on Monday next.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will meet at 11 a.m. After the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. TUNNEY) will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia, now speaking, will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume consideration of S. 3390, the bill to amend the Foreign Assistance Act of 1961, and for other purposes.

At 2:30 p.m. the Senate will proceed to conduct three consecutive rollcall votes on the following treaties, and in the order stated: One, the International Plant Protection Convention; two, the Convention To Prevent and Punish Acts of Terrorism; three, the Treaty with Honduras on the Swan Islands.

Following the rollcall votes on the aforementioned treaties, the Senate will resume consideration of the Foreign Assistance Act.

So Senators are reminded that there will be at least three rollcall votes on Monday, these occurring back-to-back and beginning at 2:30 p.m.

Mr. President, as a postscript, may I say that the Senate will continue consideration of the Foreign Assistance Act on Tuesday through the remainder of next week or until such time as the bill is disposed of. The leadership, however, expects and hopes to operate, beginning with Tuesday, a two-track system where necessary.

I might add that Senators should be

alerted to the possibility of Saturday sessions beginning next week and continuing until the Democratic Convention, there is a very strong possibility of Saturday sessions until the Republican Convention.

There is much work to be done, so in order to get the work done and remaining "must" legislation enacted, it is highly likely that there will be long sessions and at least the possibility of some Saturday sessions.

I say this just so Senators may be on notice and may act accordingly.

ADJOURNMENT TO MONDAY, JUNE 12, 1972, AT 11 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 11 o'clock a.m. on Monday next.

The motion was agreed to; and at 5:32 p.m. the Senate adjourned until Monday, June 12, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1972:

DIPLOMATIC AND FOREIGN SERVICE

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service Officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1972:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission for a term of 4 years.

DEPARTMENT OF JUSTICE

Richard G. Kleindienst of Arizona to be Attorney General.

DEPARTMENT OF THE TREASURY

George P. Shultz, of Illinois, to be Secretary of the Treasury.

Charls E. Walker, of Connecticut, to be Deputy Secretary of the Treasury.

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury.

John Michael Hennessy, of Massachusetts, to be an Assistant Secretary of the Treasury.

Lee H. Henkel, Jr., of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

U.S. DISTRICT COURTS

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

HOUSE OF REPRESENTATIVES—*Thursday, June 8, 1972*

The House met at 12 o'clock noon.

Rev. John E. Howell, First Baptist Church, Washington, D.C., offered the following prayer:

Lord God, we need Your strength to persevere in the cause of good when we are bone tired from the struggle. We need Your courage when we are discouraged, Your patience and wisdom when our solutions do not match the magnitude and complexity of our problems.

We believe, Father, that You are personally interested in each of us and in our needs. We also believe You have a mission for each of us to fulfill in Your service and that of our fellows.

Grant to the Members of this House today a keen awareness of Your presence, power, and encouragement as they renew their work.

We ask this in the name of Him who most clearly revealed both Your expectations and Your mercy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House has approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) entitled "An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2. An act 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.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1198. An act to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado;

S. 3442. An act to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes; and

S.J. Res. 206, Joint resolution relating to sudden infant death syndrome.

PERMISSION TO FILE REPORT ON INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION TO FILE REPORT ON DEPARTMENT OF LABOR, HEW AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1973.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, being necessarily absent on official business, June 5, 1972, I missed rollcalls Nos. 185, 186, 187, 188, and 189. Had I been present and voting, I would have voted "yea" on each of the rollcalls.

THE EDUCATION AMENDMENTS CONFERENCE REPORT

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, it is tragic that the most sweeping program of aid to higher education is encumbered with antibusing amendments that strike at the authority of our courts and at basic constitutional principles.

The intent of the Broomfield amendment is clear. It is designed to halt 14th amendment school desegregation enforcement for up to 18 months—6 months longer even than President Nixon's proposed moratorium.