bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself, Mr. ST GERMAIN, and Mr. REES):

H.R. 15989. A bill to establish a Council on International Economic Policy, to extend the Export Administration Act of 1969, and for other purposes; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 15990. A bill to amend the Internal Revenue Code of 1954 to eliminate the oil and gas depletion allowance; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15991. A bill to provide for procedures to expedite the issuance and payment to officers and employees of the Federal Government of substitute pay checks in replacement of lost, stolen, destroyed, mutilated, or defaced pay checks originally issued to such officers and employees; to the Committee on Post Office and Civil Service.

H.R. 15992. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15993. A bill to amend the Internal Revenue Code of 1954 to subject Federal land banks and Federal land bank associations to the taxes imposed by such code; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself and Mr. HOGAN):

H.R. 15994. A bill to exempt bus companies in the District of Columbia from payment of the motor vehicle fuel tax; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 15995. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 15996. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik); to the Committee on Banking and Currency.

By Mr. KING (for himself, Mr. STRATTON, Mr. TEAGUE of Texas, Mr. KYL, Mr. SAYLOR, and Mr. ASPINALL):

H.R. 15997. A bill to designate the Federal office building to be constructed in Albany, N.Y., as the Leo W. O'Brien Federal Building; to the Committee on Public Works.

By Mr. McCLURE (for himself and Mr. HANSEN of Idaho):

H.R. 15998. A bill to amend the admission act for the State of Idaho to permit that State to exchange certain public lands and to use the proceeds derived from public lands for maintenance of those lands; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 15999. A bill to authorize construction to develop heavy airlift capability in support of Red River Army Depot, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois (for himself, Mr. ANDERSON of Illinois, Mr. ARENDS, Mr. BRADEMAS, Mr. DERWINSKI, Mr. BRAY, Mr. COLLINS of Illinois, Mr. PUCINSKI, Mr. SHIPLEY, Mr. KLUCZYNSKI, Mr. METCALFE, Mr. GRAY, Mr. ERLENBORN, Mr. RAILSBACK, Mr. LANDGREBE, Mr. WINN, Mr. THONE, Mr. McCOLLISTER, Mr. COLLIER, Mr. HILLIS, Mr. MAYNE, Mr. CARLSON, Mr. SCHWENGEL, Mr. SPRINGER, and Mr. CARNEY):

H.R. 16000. A bill granting the consent of Congress to the Midwest Interstate Nuclear Compact, and for related purposes; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 16001. A bill: Newsmen's Privilege Act of 1972; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. WARE, Mr. MORGAN, Mr. SAYLOR, Mr. NIX, Mr. COUGHLIN, Mr. GAYDOS, Mr. SCHNEEBELI, Mr. JOHNSON of Pennsylvania, Mr. McDADE, Mr. FLOOD, Mr. BARRETT, Mr. YATRON, Mr. DENT, Mr. BYRNE of Pennsylvania, Mr. MOORHEAD, and Mr. HEINZ):

H.R. 16002. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH:

H.R. 16003. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 16004. A bill to transfer to the Secretary of Commerce certain functions of the Secretary of the Interior relating to encouraging, promoting and developing travel within the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON (for himself and Mr. RANDALL):

H.R. 16005. A bill to amend the Strategic and Critical Materials Stock Piling Act and for other purposes; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HICKS of Washington:

H.R. 16006. A bill for the relief of Day's Sportswear, Inc.; to the Committee on the Judiciary.

H.R. 16007. A bill for the relief of Day's Sportswear, Inc.; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 16008. A bill to authorize R. Edward Bellamy, Ph. D., a retired officer of the Commissioned Corps of the U.S. Public Health Service to accept employment by the Canadian Department of Agriculture; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

261. The SPEAKER presented a petition of the Board of County Commissioners, Palm Beach County, Fla., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, July 24, 1972*

The Senate met at 10 a.m. and was called to order by Hon. FRANK E. MOSS, a Senator from the State of Utah.

PRAYER

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

O God and Father of mankind, in Thy presence and with glad hearts we welcome the duties and challenges of the new week. In this hallowed moment, when all hearts are hushed before Thee, prepare us to approach our tasks with high vision, quiet confidence, and clear minds. Into Thy hands we commit our spirits beseeching Thee to work Thy will in and through us.

Quicken our love for America, that above all defects and failures, we may see the shining glory of our heritage and the bright promise of a new and better age for the Republic.

Grant us here a full measure of Thy grace that we may be just and kind and true, workmen for Thee, and servants of the common good.

Through Jesus Christ, Master Workman, and ever present Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

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

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Frank E. Moss, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 20, 1972, Mr. SPARKMAN, from the Committee on Foreign Relations, reported favorably, without amendment, on July 21, 1972, the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics, and submitted a report (No. 92–979) thereon, which was printed.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 20, 1972, Mr. SPARKMAN, from the Committee on Foreign Relations, reported favorably, without reservation, on July 21, 1972, Executive L, 92d Congress, second session, a treaty between the United States of America and the Union of Soviet Socialist Re-

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publics on the limitation of antiballistic missile system—ABM Treaty—signed in Moscow on May 26, 1972, and submitted an executive report thereon (No. 92–28), which report was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 21, 1972, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

FOREIGN ASSISTANCE ACT—CONTROL OF TIME ON COOPER AMENDMENT

Mr. MANSFIELD. Mr. President, under the time limitation agreed to last Friday, time in opposition to the Cooper amendment was placed in my hands.

I wish at this time to shift that responsibility to the distinguished Senator from Alabama (Mr. SPARKMAN) who is acting as manager of the bill.

The ACTING PRESIDENT pro tempore. That will be the order.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, in accordance with the policy announced last week, the following committees have requested permission to meet for the indicated purpose during the session of the Senate today:

The Committee on Foreign Relations to consider nominations and the Committee on Armed Services to receive testimony from Secretary Laird on the question of SALT.

No other committees have requested permission to meet and at this time I ask unanimous consent that such permission be accorded only to the Committee on Armed Services and the Committee on Foreign Relations.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 926, 927, and 928.

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

ACQUISITION OF A VILLAGE SITE FOR THE PAYSON BAND OF YAVAPAI-APACHE INDIANS

The Senate proceeded to consider the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes, 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 (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community in cooperation with the Secretary of the Interior and the Secretary of Agriculture.

(b) Upon the transfer of the land referred to in section 3, the lands selected under subsection (a) for the cillage site are hereby eliminated from the Tonto National Forest and all right, title, and interest of the United States in and to such lands are hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

SEC. 2. The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview of the Act of June 18, 1934, as amended (25 U.S.C. 461–479, relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof.

SEC. 3. There are authorized to be appropriated such sums as may be necessary for the acquisition (within the boundaries of the Tonto National Forest) by the Secretary of the Interior (after consultation with the Secretary of Agriculture) of lands (or interests in lands) for the purpose of transfer to the Secretary of Agriculture as additions to the forest in lieu of the lands to be eliminated from the forest by the first section of this Act.

The amendment was agreed to.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–975), explaining the purposes of the measure.

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

PURPOSE OF BILL

The purpose of H.R. 3337, as amended, is to convey to the Payson Band of Yavapai-Apache Indians not more than 85 acres of land in the Tonto National Forest for use by the Indians as a village site. The land, which is located in Gila County, Ariz., will be held in trust for the Indians as an Indian reservation.

Under section 2 of the bill, as amended, the band would be recognized as a tribe of Indians within the purview of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). Section 3 authorizes appropriations for the Secretary of the Interior to purchase land and transfer it to the Secretary of Agriculture as an addition in lieu of the land eliminated from the national forest for the Indian reservation.

This bill, as amended, would provide for the creation of a new Indian reservation for a group of Indians not now recognized as a Federal responsibility, and to extend to them the many benefits extended generally to reservation Indians under the provisions of the Indian Reorganization Act and benefits provided by other Federal laws administered by other Federal agencies.

NEED

The Department of the Interior for several years has been aware of the need for a village site for the Payson Band residing on national forest land less than one-half mile from the business section of Payson, Ariz. During the past 10 years, officials of the Forest Service, the Gila County Health Department, and the Bureau of Indian Affairs have studied the situation and have explored alternative means of correcting the unsanitary and hazardous conditions existing within the Indian community. The county health department has recommended that the conditions be corrected or that the Indians be evicted.

From the best information available, it appears that these Indians are known as the Tonto Apaches, comprising a segment of the San Carlos Apache Tribe, with which they have maintained contact. However, they have been separated and have lived apart from the tribe for over 70 years. Accordingly, the Department has not heretofore assumed the responsibility for these Indians.

COMMITTEE AMENDMENT

The committee amended H.R. 3337 by striking out all after the enacting clause and inserting in lieu thereof the text of S. 2422, the Senate companion measure, which was sponsored by Senator Goldwater and Fannin.

COST

The bill, as amended, provides for appropriations for the Secretary of the Interior to purchase in-lieu land to be transferred to the Secretary of Agriculture. The estimated purchase price of the land available for this transfer is $60,000.

JUDGEMENT IN FAVOR OF THE YAVAPAI-APACHE TRIBE

The Senate proceeded to consider the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai-Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, line 5, after the word "Interior.", insert "Title to land purchased in the State of Arizona and within Coconino, Yavapai, Navajo or Gila Counties with funds apportioned to the Payson Band, may be taken in the name of the United States in trust for the Payson Band."

The amendment was agreed to.

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

The bill was read the third time, and passed.

EXTENSION OF AUTHORITY OF AGENCY HEADS TO DRAW CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS TO OTHER CLASSES OF RECURRING PAYMENTS

The bill (H.R. 8708) to extend the authority of agency heads to draw checks in favor of financial organizations to other classes of recurring payments, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–977), explaining the purposes of the measure.

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

PURPOSE

Under existing law, Federal agency heads, subject to regulations prescribed by the Secretary of the Treasury, are required to draw wage or salary checks of agency employees in favor of financial institutions designated by such employees, upon their written request, for credit to their accounts. This authority was originally extended to recurring payments, other than wages and salaries, made by Federal agencies to other classes of payees, by a 1965 statute, but was inadvertently omitted from a 1968 amendment to that statute. H.R. 8708 would exend their authority, on a permissive basis, subject to the same procedures, to all other classes of recurring payments, such as social security, veterans' benefits, civil service and railroad retirement annuities.

The House of Representatives approved H.R. 8708 on December 6, 1971, with a technical perfecting amendment.

BACKGROUND

Over a period of many years, Federal agencies have followed a practice of mailing payroll checks to financial institutions designated by their employees, In each instance the check was made payable to the employee, and sent to the bank for deposit in his account, following execution by him of a power of attorney to the bank.

In 1965, Public Law 89-145 (31 U.S.C. 492) authorized Federal agencies making recurring payments to employees, or to other persons to whom such payments are made to (1) draw checks in favor of financial institutions designated by such persons for credit to their account; and (2) if more than one person on a given roll designated the same bank, to draw a single composite check in favor of the bank in the aggregate amount due, accompanied by a list showing the individual accounts to be credited. The procedures provided for were made subject to regulations prescribed by the Secretary of the Treasury and were entirely voluntary on the part of both the agency concerned and the employee or other payee. These procedures also obviated the necessity for the employee to execute a power of attorney.

Following enactment of this statute, the Treasury Department, in December 1965, issued Treasury Circular 1076 which covered the application of the new procedures to Federal civilian and military payroll operations. Although the direct-deposit system was implemented, in a few instances, with respect to payees other than employees, the composite check procedures were not implemented by the Treasury Department with respect to this class, pending further consultation between the department and other Federal agencies.

Both the direct-deposit and the composite check procedures were found to result in eonomy and convenience to the Government and safety and convenience for the payees covered.

In 1968, the statute was further amended by Public Law 90-365 which provided for a system of savings allotments for Federal civilian employees, Although the savings allotment system was not relevant to the direct-deposit authority, in rewording section 492 of title 31 U.S.C., two changes were inadverently made in the law. First, the direct-deposit procedure was made mandatory upon all Federal agencies with respect to employee checks so that if an employee so requests, the agency is required to honor the request for direct-deposit; and second, the application of both the direct-deposit and the composite check procedures to all other payees was omitted from the amended statute. H.R. 8708 would correct this commission on a permissive basis.

AGENCY COMMENTS—HEARINGS

The Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations held hearings on H.R. 8708 on September 29, 1971, and received testimony from representatives of the Treasury Department and the Social Security Administration, and a communication from the Office of Management and Budget, favoring enactment of the legislation. The American Bankers Association, comprising 97 percent of all the commercial banks in the United States, in letters to the Secretary of Health, Education, and Welfare and the chairman of the House subcommittee also supported enactment of the bill.

The hearing record also contains communications from the U.S. Civil Service Commission, the Department of Health, Education, and Welfare, the Veterans' Administration, and the Railroad Retirement Board, indicating certain administrative problems which enactement of the legislation would cause, but stating that these could be overcome and that they had no objection to enactment.

The administrative problems referred to would result from loss of direct contact with the beneficiaries concerned with respect to those whose checks were sent dirctly to designated banks. It was noted that direct contact through monthly check mailings is the agency's primary means of (1) keeping informed of the current addresses of beneficiaries; (2) reaching them wtih prompt notice of changes in their status; (3) obtaining prompt notice of death of a beneficiary; and (4) learning of departure of beneficiaries from the country. In addition, there would be a loss of certain advantages in compliance with the provisions of existing law on continuing eligibility for benefits, which, under present methods, is accomplished by the individual's endorsement of his check which attests to his continuing eligibility.

Despite these problems, the agencies concerned stated that the potential benefits derived from these procedures, in the form of potential economies to the Government and improved service to beneficiaries, were greater than the administrative problems involved. They stated further that the basic problem of direct contact could be overcome by maintaining two address systems—one for check writing and deposits, and the other for official correspondence.

COMMITTEE ACTION

According to information before the committee, the Government issues approximately 600 million checks each year. Of this number, 336,900,000 checks represent recurring payments to retirees, annuitants, pensioners, and beneficiaries of Federal programs, other than employees, broken down as follows: 264 million social security checks; 60 million Veterans' Administration checks; 12 million railroad retirement checks; and 900,000 civil service retirement checks.

Experience with direct-deposit and composite check procedures for the Federal payroll has demonstrated that they can and do result in substantial economy and increased efficiency and convenience. The committee believes that the extension of authority to institute these procedures for all other recurring payments will have a similar result. In addition, it would serve to eliminate, to a large extent, losses by beneficiaries caused by looting of mailboxes and street robberies of elderly persons, difficulties in cashing checks, and the need for regular bank visits by persons who are either not physically able to get to their banks, or to withstand long waiting periods when they arrive.

The committee is mindful of the fact that implementation of these procedures will necessitate administrative adjustments by agencies concerned. However, since implementation is permissive and not mandatory, the agencies will have ample opportunity to work out the details with the Treasury Department, and the ultimate benefits to be derived by both the Government and the payees should more than justify the additional effort required to institute these procedures.

In view of the foregoing, the committee recommends favorable action on this measure.

COST ESTIMATES

At the outset, there will be certain costs involved in changing the payment systems of the agencies concerned. Since the authority conferred is permissive, rather than mandatory, it is not possible at this time to determine which agencies will implement the new procedures, how many payees will desire to be covered, or what costs will be involved. However, once the systems are converted and the new authority is implemented, substantial savings can be expected from the elimination of large numbers of individual checks and mailings which should more than offset the initial conversion costs.

AGNES RECOVERY ACT BILL

Mr. SCOTT. Mr. President, last week I introduced the Agnes Recovery Act proposed by the President. It is before the Senate Banking Committee. Public hearings have been held. It appears that the greatest amount of damage was caused in my Commonwealth of Pennsylvania. I visited the Wilkes-Barre area and saw for myself the devastation. I talked to the people there and was struck by the fact that nearly the entire equity of the city of Wilkes-Barre was destroyed.

Mr. President, I ask unanimous consent that an Associated Press article entitled, "Slime and Grime Blanket City," and a full page advertisement paid for by the Northeastern National Bank of Pennsylvania and appearing in the Washington Post entitled, "Wilkes-Barre is on the Come-Back Trail," be included in today's RECORD.

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

SLIME AND GRIME BLANKET CITY

(By Gerald Storch)

WILKES-BARRE.—The dust, the dirt, the filth are still everywhere.

Walk in any low-lying area of this hilly city of 60,000, and you get a choice, depending on whether it's dry or raining. The choice is between becoming engulfed with dust that mixes with sweat and pastes clothing to skin, or being slopped with mud.

A full month after one-third of this eastern Pennsylvania city was inundated by floodwaters from tropical storm Agnes, the community retains the appearance of a disaster area.

Lawns, sidewalks, shrubs, walls and just about anything else left standing are blanketed with a coat of tannish grime, the residue of 20-foot flooding by the Susquehanna River.

In the city's well-to-do residential section along Riverside Drive, homes lie scattered. One house sits in the middle of a street, swept there by the waters. Others tilt precariously, their foundations and plumbing innards exposed.

The hub of downtown, a grassy diagonal known as Public Square, is filled with information trailers and Salvation Army food trucks. Of some 50 retail establishments that surround the square, just two—a newsstand and a drug store—have reopened. Heaps of boards, rubble and slime adorn the curbsides.

In the narrow streets feeding into the hub, the traffic lights aren't operating, so National Guardsmen fulfill their two weeks'

annual active duty requirement by waving on a single-file procession of cars and trucks.

No doubt about it, Wilkes-Barre looks awful.

And yet . . . amidst all this, a bustling spirit of renewal is undeniably in evidence.

A lot of the city's dirt, for example, happens to be encrusted on the arms and faces of people who have determinedly shoveled four to six inches of mud from their floors.

The mud is piled in the streets, soon to be joined by the soggy, ruined belongings of a lifetime.

You see the spirit of renewal in the eyes of people like 81-year-old William Jayne, hosing down an old American Flag that was defaced when three feet of water lapped into his second floor bedroom on the flood night of June 23.

You see it as well on scores of homes and stores bearing signs that vow, "Rebuild We Will."

Indeed, Nicholas H. Souchik, Luzerne County's executive director of civil defense, says the flood-stricken sections of the city are now 70 to 75 percent back onto their feet.

"Not as nice as before," he remarks, "but we're recovering."

Souchik gave this status report:

Homeless—The biggest problem. Temporary Red Cross shelters are accommodating about 2,300 persons, with perhaps double that number staying with relatives. Some 9,500 trailers have been requested for one year's use as residences while repairs are made. About half the requests have been approved by the federal government, and the vehicles are starting to trickle in.

[From the Washington Post, July 21, 1972]

WILKES-BARRE IS ON THE COMEBACK TRAIL—BUT ITS PEOPLE CAN'T MAKE IT WITHOUT YOUR HELP

An Urgent Plea to the Congress of the United States:

During the early morning hours of June 23, the city of Wilkes-Barre and its surrounding communities, like five states and the District of Columbia, were ravaged by the effects of Hurricane "Agnes", the worst flood in history. 120,000 people were driven from their homes by the rampaging Susquehanna River, suddenly as much as 6 miles wide. In the Wyoming Valley alone, there was $500 million worth of damage to homes and ½ billion dollars loss to business and industry, almost all of it uninsured. Schools, roads, bridges, water and sewer systems, other community services were wiped out.

25,000 homes were damaged. In suburban Kingston, all but 20 of 6,600 homes were flooded.

This is the story of how the people of Wilkes-Barre and its surrounding communities are fighting back. It is also the story of the efforts being made to help the flood victims across the nation and of how you can aid them.

Eddie Chernesky, a foreman in a textile plant, looked at his house as soon as civilians were allowed back to the flood area. His household goods, his furniture, the family clothing and a life-time accumulation of memories had washed through the house and into the thick mud that covered everything. Chernesky and his wife moved in with friends in a neighboring community spared by the flood, borrowed shovels and flashlights, carried jugs of water and started to work.

"I was born and grew up in the Valley," says Chernesky. "My job is here, my kids grew up here. We'll manage." But for Chernesky and thousands of other wage earners, it won't be easy.

Hospitals were flooded and forced to evacuate their patients. Wilkes-Barre's Mercy Hospital moved patients to a nearby Veterans' Administration Hospital and a convalescent home. Patients from Nesbitt Memorial Hospital in Kingston were evacuated to College Misericordia in suburban Dallas, Pa. Nuns from the college worked alongside hospital personnel to treat 3,000 emergency patients. 31 babies were delivered, 300 medical and surgical patients were admitted and discharged, and 25 intensive and coronary care patients were treated while the hospital operated out of the women's college facilities.

Llewellyn & McKane is a small printing plant trying hard to be a bigger one. Three young brothers—Guy, Jack and Denny Llewellyn—had taken over the business from their father and a partner and had built a brand new, modern plant, a mile away from the Susquehanna's banks. Now the plant looked as if a giant had reached down and shaken its contents like dice. The big new presses would have to be taken apart, cleaned piece-by-piece and painfully, expensively reassembled. Guy Llewellyn says, "We've got a small press back in operation and we're going to lick this thing. I hope to God we can get some help."

Some industries were wiped out. Some other businesses will probably never re-open. But they're the exception.

Chernesky and the Llewellyns represent the dominant spirit in the flood area. Their town was hard-hit by the Depression and by the loss of the Anthracite Coal industry which had built it but they're tough and they're coming back. And, fortunately, much of the new industry brought to replace the dying coal mines is located on high ground and was safe from the flood, so a base of industrial employment gives them reason for hope.

In the hours and days immediately after the flood, government and civilian organizations and thousands of individual volunteers mobilized to keep the loss of life to a minimum and to provide emergency services. Congressmen Daniel J. Flood of Wilkes-Barre and Joseph McDade of neighboring Scranton asked for, and received, forces from the Armed Services, the Office of Emergency Preparedness, the Small Business Administration, the Department of Housing and Urban Development, from every possible government source.

Pennsylvania Senators Hugh Scott and Richard Schweiker pitched in to help. Governor Milton J. Shapp flew in and, shocked by the damage, began to mobilize state agencies. The Luzerne County Civil Defense organization, headed by retired General Frank Townend, a lawyer, served to coordinate activities and maintain communications. (The ordinarily fiercely-competitive radio stations, almost without exception, pooled their broadcasts in an emergency network that kept a steady stream of factual information available and prevented the spread of false rumors.) Scranton and Hazleton newspapers helped Wilkes-Barre papers to resume publishing. A flooded TV station moved to its mountain-top transmitter and, helped by the other stations, maintained broadcast service.

The Pennslyvania National Guard, the Red Cross, the Salvation Army—all stepped in and worked.

When Wilkes-Barre Mayor Con Salwoski's government could no longer function, Mayor Eugene Peters of Scranton and the Scranton Chamber of Commerce led a mammoth volunteer effort that contributed food, health services, clothing and hard physical labor to help their neighboring city.

The United Fund has raised hundreds of thousands of dollars for flood relief. But frankly, all of this work, all of this fighting spirit, all of this help won't be enough to help the six-state flood area come back. It needs your help.

President Nixon has proposed to Congress the most sweeping flood-relief program in history.

You can make sure that this program becomes law to assist the fighting people of Wilkes-Barre and countless towns and cities in six states to come back with grants and low-cost loans for their homes and businesses and with grants to replace their destroyed schools, roads, bridges, sewer systems and other community facilities.

Six states and the District of Columbia were hurt this time. But the next disaster might strike anywhere.

We urge prompt "YES" votes for the "Agnes" Disaster-Relief legislation to help a determined people to help themselves.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanmous consent that the order for the quorum call be rescinded.

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

AUTHORITY FOR COMMITTEE ON GOVERNMENT OPERATIONS TO MEET TODAY

Mr. MANSFIELD. Mr. President, at the request of the distinguished Senator from Arkansas (Mr. MCCLELLAN) and after consultation with the distinguished Republican leader, I ask unanimous consent that the Committee on Government Operations be allowed to meet today for the purpose of marking up the consumer protection bill.

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

CUMBERLAND ISLAND NATIONAL SEASHORE, GA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 923, S. 2411.

The ACTING PRESIDENT pro tempore. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 2411) to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 6, after the word "Federal", strike out "Register." and insert "Register, but the total acreage within the boundaries of the seashore shall not exceed forty thousand five hundred acres."; on page 3, at the beginning of line 8, strike out "only by donation" and insert "by any means authorized in section 2"; on page 4, line 1, after the word "residential", strike out "purposes, or agriculture purposes, for a definite term to exceed forty years, or, in" and insert

"purposes for a definite term not to exceed twenty-five years, or, in"; in line 9, after the word "owner:", strike out *"Provided, however,* That when acquiring lands and interests from the National Parks Foundation, its succors and assigns, the Secretary shall acquire such lands and interests subject to the written terms and conditions on which the National Parks Foundation acquired the lands from prior owners thereof, and that such previous written rights and interests shall prevail over provisions of this paragraph." and insert *"Provided, however,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters and interests, subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph: *And provided further,* That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act."; on page 5, line 12, after the word purposes,", strike out "or agriculture purposes,", in line 18, after the word "mean", strike out "either (1)"; at the beginning of line 20, strike out "February 1, 1970" and insert "August 3, 1971"; on page 6, line 2, after the word "so," strike out "designated, or (2) any property used exclusively for agriculture thereto" and insert "designated"; on page 7, after line 24, insert:

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding and other recreational activities of similar nature, which shall be developed for such as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

On page 8, after line 11, strike out:

SEC. 7. (a) There is hereby established a Cumberland Island National Seashore Advisory Commission. The Commission shall terminate ten years after the date of enactment of this Act.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) One member appointed from recommendations of the Board of Commissioners of Camden County;

(2) Four members appointed from recommendations of the Ocean Science Center of the Atlantic Commission;

(3) Two members appointed from recommendations of the Governor of Georgia;

(4) Two members designated by the Secretary; and

(5) One member appointed from recommendations of the Georgia Coastal Area Planning and Development Commission.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon the presentation of vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the seashore and, in particular, with respect to (1) the provision and adequacy of passenger ferry service, and (2) the desirability of or necessity or bridges or causeways to Cumberland Island.

On page 9, at the beginning of line 20, change the section number from "8" to "7"; at the top of page 10, insert a new section, as follows:

SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

And, in line 11, after "SEC. 9.", strike out "There are hereby authorized to the appropriated such sums as may be necessary to carry out the provisions of this Act" and insert "There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS–40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries of the seashore shall not exceed forty thousand five hundred acres.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by whatever legal method available to him such as, but not limited to, donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. The Secretary may also acquire not to exceed one hundred acres of lands and interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

SEC. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire by any means authorized in section 2 those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

SEC. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition retain for themselves and their successors or assigns a right of use and occupy of the property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided,* however, That when acquired lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph: And provided further, That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniformed Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before August 3, 1971 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of two years from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owner of land on Little Cumberland Island shall have created an irrevocable trust or other method of preservation of the resources of Little Cumberland Island which in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which the seashore was established, the Secretary's authority to acquire such lands shall be suspended for such time as the trust is in effect, and the lands are used and occupied in accordance therewith.

(3) If, at any time during the two-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

SEC. 7. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

SEC. 9. There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land and $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Mr. BIBLE. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. BIBLE. Mr. President, this is an area of unusual beauty. It is an area that lies in the southeastern section of the great State of Georgia, which I visited together with the distinguished senior Senator from Georgia, about 5 or 6 weeks ago for a personal inspection of the area.

I ask unanimous consent that a statement on the purpose of the bill, the location and description of the area, the background, the proposed development and use, and the cost, all of which are very carefully set out in detail in the committee report, be printed in the RECORD at this point.

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

PURPOSE OF BILL

As amended, S. 2411 would establish a Cumberland Island National Seashore off the coast of Georgia, to consist of approximately 39,500 acres, providing for the use and enjoyment of significant shoreline lands and waters and to preserve related scenic, scientific, and historical values. Within the boundaries of the seashore, the Secretary of the Interior is authorized to acquire lands and interests in lands, and he is authorized to acquire not more than 100 acres for access to an administrative site on the mainland.

Authorization is included for a Cumberland Island Parkway on the mainland, and for owners of improved properties to retain rights of use and occupancy for residential purposes.

LOCATION AND DESCRIPTION

Cumberland Island is the southernmost of the Sea Islands of Georgia, bounded on the east by the Atlantic Ocean, on the north by St. Andrews Sound, across which lies Jekyll Island State Park, on the west by the Cumberland River and Sound, and on the south by St. Marys Entrance at the mouth of St. Marys River. Beyond is Amelia Island, in Florida.

Cumberland Island is 18½ miles long, varies from a half mile to six miles in width, and comprises some 2,000 acres of upland. About half the island is less than 10 feet above sea level, most of this consisting of about 5,600 acres of salt marshes, primarily along the Sound side of the island. The balance, ranging in height up to 50 feet above sea level, consists of forested uplands of sandy soil. A magnificent beach of fine sand extends along the entire ocean side of the island, more than 1,000 feet wide at low tide and backed by dunes, often in double ranks that range from 20 to 30 feet in height. The beach slopes gradually into a mild ocean surf.

Little Cumberland Island, to the north of Cumberland Island across salt marshes and the channel to Christmas Creek, comprises 1,300 acres of high ground and 800 acres of salt marshes, and has nearly three miles of beach.

Climate in the Cumberland Island area is mild, with average minimum temperatures around 40 degrees and highs in the upper 80's or low 90's, with good breezes. Rainfall averages 53 inches per year, with summer afternoon thundershowers making up about half the total.

BACKGROUND

The Seashore area is the southern end of the chain of islands and marshes known as the Golden Isles. These islands have been almost continuously inhabited for ten thousand years. Here a pottery-making culture existed 3,800 years ago, and over four centuries ago, Spain established a chain of outposts which became the military frontier between the territories of the Spanish and English.

After the new Nation gained its independence, the Island became one of the plantation islands specializing in raising long staple cotton. The Civil War left the plantations unable to survive without slave labor, and the Island became a hunting and pleasuring ground for wealthy business leaders, with about 80 percent of the Island owned by the Carnegie family and the remaining 20 percent by the Candler family. Mansions were built as vacation homes, and for the most part the plantation lands reverted to forest cover.

The Great Depression again forced change on the islands. Some of the great families could no longer hold the vacation estates, and large holdings were sold or were conveyed by inheritance to later generations. It finally became apparent that Cumberland Island would continue to be subdivided with ultimate development of small-lot homes, the type of development which the Island could least absorb and still retain its special fragile, and beautiful environment.

Several years ago, using a generous grant from the Andrew W. Mellon Foundation, the National Park Foundation began a program of land acquisition to forestall further subdivision of the Island by developers and to preserve the Island's special qualities pending enactment of legislation to authorize a Cumberland Island National Seashore. This action has been extremely successful, and all except about 4,700 acres of upland has been acquired to date.

DEVELOPMENT AND USE

Development of Cumberland Island National Seashore for visitor use must be undertaken with a determined sensitivity toward preserving the fragile natural values of the Island. The beach areas can absorb heavy concentrations of visitors, but the other portions of the Island would swiftly lose their charm if uncontrolled visitor access and use were permitted. The committee has been informed that the Interior Department does not intend to permit visitors to bring their automobiles onto the Island. The visitor will be greeted at a mainland contact point, told the story of the Island, and if he wishes to visit the Island he may gain access only by using one of the passenger ferries shuttling to and fro or by using his personal boat.

Since personal boat use will never result in great numbers of visitors on the Island, by controlling the number of passenger ferries the Department can effectively control the volume of visitors.

Once the visitor goes on the Island, he would be conveyed to the beach use areas by way of a minibus, or jitney, system. Also the Department envisions a net of biking-hiking trails, hiking paths, bridle trails, and nature trails in the inland portions of Cumberland Island. The three beach use areas, characterized by gentle and predictable surf condititons, will be at Stafford, High Point, and Dungeness Beaches.

On the northwest portion of the Seashore is Little Cumberland Island. The Department states it has no intention of using this area for visitor services, but is concerned that the land uses there not intrude upon the environment of the Seashore. Subsection 4(d) of the bill provides that the Secretary cannot acquire land on Little Cumberland without the consent of the owner for two years, that within two years the owners must enter into an irrevocable trust to protect the aesthetics of the area, and that once the trust is effective and so long as its conditions are being lived up to the Secretary will not acquire lands without consent of the owner. These conditions would not preclude the Secretary buying land from a willing seller or from acquiring lands which are being subjected to adverse development either before or in spite of establishment of the trust. Inasmuch as environmental protection, rather than public use, is the objective for Little Cumberland, this subsection of the bill is adequate if proper controls are placed on the land by the owners.

COST

The Department estimates that land acquisition costs could be as much as $10.5 million, if all privately owned properties within the boundary were required to be purchased. Indications are, however, that the Little Cumberland Island properties may not have to be purchased, as referred to earlier, and that donations may be forthcoming with respect to properties on Big Cumberland and on the mainland.

Development costs, based on August 1971 prices, are estimated to be $27,840,000 and annual operating costs are estimated to be $639,500 by the fifth year. The Committee amended S. 2411 to limit the amount to be authorized for development to $19,010,000, the sum estimated to be needed for programming over the first five years after enactment.

COMMITTEE AMENDMENTS

1. On page 2, line 6, change the period to a comma, and add "but the total acreage within the boundaries of the seashore shall not exceed 40,500 acres." This amendment will limit the overall acreage within the boundaries of the seashore.

2. On page 3, line 6, delete the words "only by donation" and substitute therefor the words "by means authorized in section 2". This amendment will enable purchase (if necessary) of the right-of-way for a parkway, rather than limiting its acquisition to donation only. Every effort should be made to acquire these lands by donation.

3. On page 3, lines 24 and 25, strike the words "or agriculture purposes, for a definite term not to exceed forty years," and insert in lieu thereof "for a definite term not to exceed twenty-five years,"; on page 4, line 17 and 18, strike the words "or agriculture purposes".

4. On page 4, lines 6 through 12, delete the proviso and insert the following in lieu thereof:

"Provided, however, That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to October 1, 1972, and that such previous written rights and interests shall prevail over provisions of this paragraph."

This amendment would require the Secretary of the Interior to honor the terms of retained use and occupancy negotiated by the National Park Foundation when it acquired lands with funds donated by the Andrew W. Mellon Foundation, and it would require the Secretary to honor the terms of retained use and occupancy agreed to in options obtained from landowners until October 1, 1972. In addition, for so long as a right of use and occupancy remains in effect, by the donors of land of 100 acres or more, the Secretary shall not, with respect to such lands, develop any public use facilities, except for trails, road access and utilities. The Committee believes that owners with whom the Foundation has options to buy prior to October 1, 1972, should not be accorded a lesser term of use and occupancy merely because they entered into agreements only recently.

On page 4, line 23, delete "either (1)"; and on page 5, line 8, change the comma after "designated" to a period and delete the remainder of the sentence through line 9.

On page 4, line 12, change the period to a colon, and add the following: *"And Provided, further,* That whenever an owner of property elects to retain a right of use and occupancy as provided for in this Act, such owner shall be deemed to have waived any benefits or rights accruing under section 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act."

These amendments limit the statutory right of retention for use and occupancy to the lifetime of the owner or his spouse or a term of not to exceed twenty-five years, and with respect to residential property, as the Congress has specified in similar recreation area legislation. The Committee added a further proviso to waive the application of certain provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if property owners decided to retain such possessory interests to which the act entitles them. The Committee believes that when landowners take advantage of the so-called "Cape Cod" formula which allows them to remain in possession of their property within a park area, they or their heirs and successors should not also receive the same benefits for relocation which accrue under existing law for those whose homes are taken immediately for some public purpose such as for highway construction or urban renewal programs. Parks are unique in this regard and the Committee believes the government's acquisition policy should reflect this difference. Of course, if a person sells his home outright and must move, he would be entitled to all benefits accruing to a similar person under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

5. On page 5, line 1, change "February 1, 1970" to "August 3, 1971". The committee believes that the date of the introduction of the first Senate bill should not be the "cut-off date" for improved properties.

6. On page 6, redesignate "Sec. 6" as "Sec. 6(a)" and insert the following new subsection after line 4 on page 7:

"(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be to the maximum extent possible preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or th physiographic conditions now prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed."

The committee believes that Cumberland Island should be managed in a manner which will preserve its existing wild state and its relatively unspoiled natural values. This amendment inserts language directing that this be done. The language is virtually identical to section 4 of the Act of August 17, 1937 (50 Stat. 670), which established Cape Hatteras National Seashore in North Carolina. The amendment specifically prohibits construction of any road or causeway between Cumberland Island and the mainland.

7. On page 7, delete lines 5 through 24, and on page 8, delete lines 1 through 13. This amendment deletes section 7 of the bill, which would create a separate advisory commission for the seashore. General legislation approved August 18, 1970 (84 Stat. 825), already authorizes the creation of such bodies, and specific authority applicable only to this area is unnecessary.

8. On page 8, line 14, renumber "Sec. 8" to "Sec. 7".

9. On page 8, after line 19, insert the following new section:

"SEC. 8. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development."

This amendment adds language similar to that contained in the legislation authorizing Assateague Island, Fire Island and Cape Lookout National Seashores, and which is identical to the language approved by the Senate for the Gateway National Recreation Area. The amendment assures that any undertakings for shore erosion control and similar works must be in accordance with a plan mutually acceptable to the Secretary of the Interior and the Secretary of the Army.

10. On page 8, delete lines 20, 21 and 22, and insert in lieu thereof, the following:

"There are authorized to be appropriated not to exceed $10,500,000 for acquisition of land and $19,010,000 (August 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in executive session on June 28, 1972, unanimously recommended the enactment of S. 2411, as amended.

Mr. BIBLE. Mr. President, I yield now to the distinguished senior Senator from Georgia who brought this bill before the Senate about a year ago. He has been most insistent and urgent that we consider this legislation without delay. I am happy to yield. I think the measure should be enacted into legislation at this session. I hope we can complete action today and that action by the House will follow.

Mr. TALMADGE. What will be the effect of the bill on the owners of im-

proved residential properties on Big Cumberland Island?

Mr. BIBLE. As reported by the committee, the bill adopts a formula which the Congress has developed over many years beginning with Cape Cod National Seashore in 1961—whereby the owners of residential properties constructed before a certain date may elect to retain a right of use and occupancy. This right may extend for a fixed term of up to 25 years or for the life of the owner or his spouse.

Mr. TALMADGE. My concern is directed to the interpretation of the word "owner." My question is prompted by the case of Mrs. Lucy Ferguson, whose late husband, The Honorable Robert W. Ferguson, served several terms in the Georgia General Assembly. For many years, Mrs. Ferguson was the only year-round resident of Cumberland Island.

Specifically, Mrs. Lucy Ferguson and her children are shareholders in a corporation whose sole assets are the land and residence on Big Cumberland Island. The residence was constructed well before the "cutoff date" in the bill of August 3, 1971. However, the property is legally "owned" by the corporation and not a natural person.

My question is, therefore, will the National Park Service, in acquiring Mrs. Ferguson's property, treat her and her children as natural persons or as a corporation?

If the corporation were treated as a natural person, it could elect to retain a right of use and occupancy of the existing residence for 25 years or the lifetime of thep resent stockholders who are Mrs. Ferguson and her three children.

Mr. BIBLE. I have been assured by the Park Service that Mrs. Ferguson and her children will be treated as natural persons. The Park Service is willing to offer use and occupancy rights as to the existing residence, for a period ending at the death of the last surviving of Mrs. Ferguson and her three children. This right under the bill will extend to the residence, together with so much of the surrounding land as is reasonably necessary for the noncommercial residential use of the residence.

Mr. TALMADGE. I desire to express my deep appreciation to the able chairman for his prompt and expeditious handling of the bill. This is a great resource and it will mean much to future generations of American people.

Mr. BIBLE. I thank the Senator. I agree with his analysis that this is a great resource. I am happy that we are attempting to preserve this resource through this legislation.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

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

PRESERVATION OF HISTORIC MONUMENTS

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1152.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes which were on page 2, line 17, after "subsection", insert "or the Surplus Property Act of 1944 as amended,".

On page 3, line 3, strike out all after "for" down to and including "purposes." in line 4, and insert "public historic preservation, park, or recreational purposes."

Mr. BIBLE. Mr. President, the House has made two minor amendments to this legislation which was submitted to the Congress by the executive branch and is designed to facilitate the Nation's program of preservation of historic monuments and other sites for park and recreation areas.

The amendments of the House are minor in nature, and are consistent with the purposes of the bill as reported by the Senate Interior and Insular Affairs Committee and passed by the Senate. The bill has been cleared on both sides of the aisle and, therefore, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION PROVIDING SPECIAL PAY FOR CERTAIN MEMBERS OF THE NAVAL SERVICE

A letter from the Secretary of the Navy submitting proposed legislation to provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes (with accompanying papers); to the Committee on Armed Services.

PROPOSED EXPANSION OF AUTHORITY OF THE CANAL ZONE GOVERNMENT

A letter from the Governor, Canal Zone Government, transmitting a draft of proposed legislation to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act (with an accompanying paper); to the Committee on Armed Services.

PROPOSED TRANSFER OF CERTAIN AUTHORITY TO THE FEDERAL POWER COMMISSION

A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the transfer to the Federal Power Commission of all functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 (with accompanying papers); to the Committee on Commerce.

REPORT OF THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

A letter from the Secretary of Transportation submitting, pursuant to law, a report on the financial conditions of the Central Railroad Company of New Jersey (with accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION TO INCREASE TEACHERS' SALARIES IN THE DISTRICT OF COLUMBIA

A letter from the Commission of the District of Columbia submitting proposed legislation to amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States submitting, pursuant to law, a report entiled "Theory and Practice of Cost Estimating for Major Acquisitions" (with accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the Board of County Commissioners of Palm Beach County, Florida, in support of the Gurney amendment to the General Revenue Sharing Bill (S. 3651); to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 736. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in the State of Florida as wilderness (Rept. No. 92-980).

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

S. 3726. A bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes (Rept. No. 92-981).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 1729. A bill to supply general service freight cars to meet the needs of commerce, users, shippers, national defense, and the consuming public (Rept. No. 92-982), together with additional views.

By Mr. McGEE, from the Committee on Appropriations, with amendments:

H.R. 15690. An act making appropriations for Agriculture-Environmental Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-983).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

S. 3840. An original bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for emergency loan disaster relief, and for other purposes. (Rept. No. 92-984).

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. HART:

S. 3832. A bill to supplement the antitrust laws, and to protect trade and commerce against oligopoly power or monopoly power, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. SCOTT):

S. 3833. A bill to revise title 28 of the United States Code. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 3834. A bill to provide for the dissemination and use of criminal record information, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 3835. A bill for the relief of Reynaldo Canlas Baecher. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3836. A bill to amend section 701 of title 18, United States Code, to prohibit the sale of simulated police badges in interstate commerce. Referred to the Committee on the Judiciary.

S. 3837. A bill to provide equitable treatment of veterans enrolled in vocational education institutions. Referred to the Committee on Veterans' Affairs.

By Mr. STEVENS:

S. 3838. A bill to amend the Federal Aviation Act of 1958, as amended. Referred to the Committee on Commerce.

By Mr. EAGLETON:

S. 3839. A bill to provide for the national improvement of reading skills. Referred to the Committee on Labor and Public Welfare.

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

S. 3840. An original bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for emergency loan disaster relief, and for other purposes. Ordered to be placed on the calendar.

By Mr. HANSEN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. COTTON, Mr. ERVIN, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S. 3841. A bill to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts. Referred to the Committee on Finance.

By Mr. BAYH (for himself, Mr. RANDOLPH, Mr. COOPER, Mr. SCHWEIKER, Mr. TAFT, and Mr. WILLIAMS):

S. 3842. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams and to authorize $200 million for highway emergency relief program. Referred to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. BUCKLEY, Mr. JAVITS, and Mr. SCHWEIKER):

S. 3843. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972. Referred to the Committee on Commerce.

By Mr. RIBICOFF (for himself and Mr. BIBLE):

S.J. Res. 255. A joint resolution designating Wednesday, February 21, 1973, to honor the American Academy of Forensic Sciences. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 3832. A bill to supplement the antitrust laws, and to protect trade and monopoly power, and for other purposes. Referred to the Committee on the Judiciary.

INDUSTRIAL REORGANIZATION ACT

Mr. HART. Mr. President, admittedly, with some effort, I shall resist a flowery and overdone introduction for the bill which I offer today.

It is called the Industrial Reorganization Act. It seeks to bring closer to reality what this country has pretended to have for years: a competitive economy.

It grew out of years of study by the Antitrust and Monopoly Subcommittee, partly under the chairmanship of Senator Kefauver and partly during my tenure.

It is not a perfect bill.

But it does represent perhaps the greatest effort which has been put to finding a solution for economic concentration. And it may bear the seeds for producing an economy in which inflation and high unemployment are not a way of life.

If it lives up to my expectations, it also could be a giant step toward eliminating some of the feeling that opportunities no longer exist for the individual and that the economic life of the Nation will always be dominated by a few. We all recognize that too much power in too few hands is bad for social and political reasons, as well as for economic reasons.

Trotting out the spector of excessive economic power is not a new game. The Pujo Committee was at it before World War I and various other groups have been chewing on the problem since. The TNEC—1938-41—reached essentially the same conclusions as to the need for restructuring the economy. However, its effects were aborted by the advent of World War II, when we centralized our economy through the War Production Board to meet the demands of our Armed Forces.

Despite all this knowledge, we have taken no significant steps to remodel the economic structure of our country. Perhaps we lacked the courage—or the vision—or the patience to wade through the problem to the point of remedies.

Or perhaps the dangers never really seemed that imminent.

If such delay and turning away from the problem was ever wise, I do not believe it any longer is.

For there are really only two choices for a country: a regulated economy or a free economy.

It is perfectly clear which road we are now on. We are operating under phase II of government regulation.

It is showing no spectacular success—and because it is not, many persons in and out of Government now tell us that only far more pervasive regulation of wages, prices, and profits will straighten out the Nation's economic problems.

What a dangerous road that is to follow! Once we start with limited controls, and they do not work, it is a little too tempting to add some more controls, and eventually to end up with an economy based on big business, planned and controlled by the Federal Government.

This bill offers an alternative to Government regulation and control. It is a difficult choice. It involves changing the life styles of many of our largest corporations, even to the restructuring of whole industries. It involves positive Government action, not to control but to restore competition and freedom of enterprise in the economy.

Government regulation is not the way for a democracy. The tradeoff—less power in the hands of a few citizens for more power in the hands of government—to me is a bad bargain.

How much better if we could have an economy where the marketplace is the regulator, the rules are fair for all, and the more efficient and more diligent do the best.

Under this system, freedom prevails—freedom for companies to succeed and fail—freedom of movement for employees—freedom for beginning new companies—freedom for government from the will of superpowerful corporations—freedom for consumers to make companies respond to their desires.

This is the type of freedom that has been the traditional goal of the antitrust laws, beginning in 1890 with the Sherman Act, the granddaddy of them all. This law sought to wipe out the power over men's lives—as well as the economy—exercised by the trusts.

By the time the Clayton Act was passed in 1914, Congress had recognized that economic power in and of itself was a thing to fear. The Clayton Act was designed to prevent the acquistion of monopoly power, not merely its abuse. In 1950, Congress reiterated its intent to prevent concentration brought about by mergers which tend to substantially lessen competition or to create a monopoly in any line of commerce in any section of the country.

Unfortunately, the philosophy of Congress—thrice stated—was generally ignored in enforcement of the antitrust laws. In most cases, the Government sought chiefly to prove that the power was or could be used to harm competition. Seldom were the laws applied so as to wipe out monopoly or obligopoly power just because it was there.

Indeed, the laws were not even vigorously applied as Congress had intended to prevent the development of monopoly power. The Sherman Act was followed by the first great wave of mergers in our economy, beginning around the turn of the century. DuPont put together nearly 100 companies to get a near monopoly on the explosives industry. United States Steel put together 180 companies. United States Rubber, General Motors, American Can, International Harvester and a host of other giants were products of this

era. The merger movement was halted not by the antitrust authorities but by a 1903 stock market crash and financial panic.

The Clayton Act was followed by the second great merger wave in the 1920's. This too was halted by the stock market crash of 1929 and the Great Depression, not by the Antitrust Division or the Federal Trade Commission.

We have just experienced the third great merger movement in our history, from the mid-1950's through the 1960's. Again it was more the stock market than the antitrust agencies which, hopefully, halted it or at least slowed it down considerably.

While I still believe that the antitrust laws could go a long way toward eliminating much of the concentrated economic power, I have given up hope that—absent a new congressional mandate—any attorney general will bring the necessary cases to undo the concentration which has already taken place.

We seemingly are caught in our own web: Popular reasoning is that while dismantling some of these corporations is theoretically in the public interest, the effect of the dismantling would be too disastrous.

To accept that is to accept that we must allow Government to be increasingly the handmaiden of the corporations and must sit back while we watch public government be replaced by private.

Mr. President, I sincerely hope we will not buy that theory.

The Industrial Reorganization Act offers a reasonable approach to getting ourselves out of this problem.

It is really a very simple bill. It outlaws monopoly power, establishes a special commission—which dies in 15 years—to devise means of eliminating economic concentration and establishes a special court to handle the cases resulting from the Commission's work. The Commission is also to determine the effect of collective bargaining practices on competition in designating industries and make recommendations to Congress for action.

Top priority is given to reorganizing seven industries: First, chemical and drugs; second, electronic computing and communication equipment; third, electrical machinery and equipment; fourth, energy; fifth, iron and steel; sixth, motor vehicles; and seventh, nonferrous metals.

These industries were selected because—based on our research and all available to us—we determined that they have the greatest impact on the persistent inflation eating away at the Nation and contribute most to the unemployment problems.

The seven industries account for nearly 40 percent of the total value created in U.S. manufacturing.

One hundred and forty of the top 200 corporations participate in these industries.

Concentrated industries not only display little price competition but tend to maintain or increase prices as demand falls—in order not to erode profits. Thus, Government steps to halt inflation by cutting demand tends in these industries to backfire. Cuts in demand too frequently result in higher prices—and more layoffs—as the companies seek to make the target profits.

Mr. President, the situation has been all to familiar the past 4 years. Government used all the traditional tools in its arsenal to fight inflation, but inflation and high unemployment have flourished.

I suggest this is because we were applying medication designed for a competitive enterprise system when concentrated industries had wiped out much of the competition.

Competition must exist before fiscal and monetary policies can work effectively.

That is the best road to controlling inflation and easing unemployment.

Price controls may have had some impact, although it might be hard to convince consumers of this.

But what the control system overlooks is that the prices which have been frozen in concentrated industries were too high in the first place. Price ceilings tend to become price floors, in the absence of competitive pressures to bring prices down.

Worse, price controls do little to encourage efficiency or productivity improvements. On the contrary, today a company in a concentrated industry with a chance to raise its efficiency and cut its costs may either turn the chance down or indulge in other, wasteful expenditures which help to keep it from bumping into the Price Commission's limitation on profit margains—which would require it to cut prices.

Competition would make prices and profits the variables—not production and employment.

Some workers will be concerned that restructuring of industries may cost jobs. I believe that this will not be the case. The evidence is clear that firms in concentrated industries faced with a slackening of demand cut output and employment rather than prices. Competition will improve both the stability and the growth of jobs.

It is true, however, that restructuring of major industries could lead or even require some alterations in existing collective bargaining relationships. The Commission is specifically directed to study collective bargaining practices in the industries designated, to determine the effects of those practices on competition, and to report its findings and recommendations to the Congress.

Mr. President, I do not wish to burden the record with an elaborate explanation of this bill. I ask unanimous consent that its text, along with a section-by-section analysis be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. HART. Mr. President, I would like to attempt to field some of the more obvious questions that can be anticipated.

Why create a special mechanism to enforce what you claim to be the traditional philosophy of the antitrust laws?

In the past, the enforcement agencies have built a poor record for attacking existing concentration. In a way that is understandable because even if an existing agency could find the time and personnel to present the big case—of which there may have been only 10 in the history of antitrust—they would not likely face a court equipped to handle the case.

To quote from a man who has lived through the experience, Judge Wyzanski who handled the United Shoe case:

> Judges in prescribing remedies have known their own limitations. They do not, ex officio, have economic or political training. Their prophecies as to the economic future are not guided by unusually subtle judgment. . . . Judicial decrees must be fitted into the framework of what a busy, and none too expert, court can supervise.
>
> That considerations of this type have always affected antitrust courts is plain from the history of the Standard Oil, American Tobacco and Alcoa cases. To many champions of the antitrust laws these cases indicate judicial timidity, economic innocence, lack of convictions, or paralysis of resolution.

But more important, because proving abusive use of economic power—or the positive potential for such abuse—was uppermost in the agencies' minds, little thought was given to remedies. A look at the cases will show that proposed remedy was often boilerplate language.

Under the Industrial Reorganization Act, the remedy is the major goal of the Commission—and the court. Each is equipped with means to gather sufficient information and expert testimony to guide them to just and reasonable outcomes for the cases. Further, companies involved are themselves allowed to make suggestions.

Isn't the approach of this bill extremely radical?

No. It merely restates the philosophy which has been the bedrock of the antitrust laws for 82 years: Monopoly power is a danger to the public interest.

Second, the instructions are to put competition back in each industry in the best possible way. Several different steps might be taken—of which divestiture is the most drastic.

Divestiture itself is not unheard of for this country. It was the keystone of the Public Utility Holding Act of 1935 and was imposed with a heavy hand on Japan by the United States after World War II.

In both cases, experience was good.

Will not deconcentration result in further unemployment?

Yes—and no. But more no than yes. As I said, concentration itself tends to cut employment because a company that dominates its market can get higher prices per unit on less production. Also, mergers—which created much of this concentration—cut employment.

If the industries became competitive, it is likely that companies would be forced to increase production at lower prices. To do this, they obviously need more—not fewer—workers.

Also, under competitive conditions there is a better chance for new companies to start up—which would add to employment. Further, if we get to a competitive economy, fiscal and monetary policies can work so they could be used to hold down the overall rate of unemployment.

Are you not penalizing firms for greater efficiency? What about the innocent parties—such as shareholders?

It is true that reorganization would take away the benefits firms got from

controlling markets to their own advantage—and to the detriment of the public.

Success in retraining trade would be penalized but efficiency definitely would not.

In fact, if the Commission should file a "monopoly power" complaint that company could escape sanction if it could show that this power came either from legal use of valid patents or that reorganization would not make economic sense.

In truth, many companies would be treated better under this approach than under existing antitrust law. There are many who feel several companies in the target industries should be sued criminally for monopolization. This stature, however, is not a criminal one—nor would it open up the companies to treble damage claims from customers or competitors.

In that sense, it is an amnesty stature. There is no accusation of wrongdoing—just the goal of establishing competition.

As for stockholders, clearly if they have been with the company long they have been enjoying what some might call "ill-gotten gains" of monopoly. Those we need not be fearful for.

But stockholders who bought into these companies just before enactment of the act need not be hurt. Again, the Public Utility Holding Act has led the way. Here, divestiture in general was accomplished by stock swaps—generally to the benefit of the stockholder.

Just what would happen under the bill? What sort of remedies would be imposed?

Let me start by saying I do not expect any remedy to be as simplistic as one that has constantly come up for years when talk turned to eliminating concentration: Break up General Motors into two, three or even eight separate auto companies.

The Commission's remedies should grow out of the sort of sophisticated search which thus far has been conducted by no one. I expect the remedies to reflect this sophistication.

Several types do now come to mind.

A company could spin off subsidiaries—or replace long-term supply contracts with frequently negotiated contracts—or alter its financial backing commitments—or eliminate exclusive dealerships—or alter its advertising expenditures—or license patents and trademarks—or actually divest.

The remedy could be one, several, or all of the above—or many others which the Commission may recommend.

No matter what plan the Commission proposed, it would be subject to full hearings before the Industrial Reorganization Court, which would make the final decision. At the hearings, the company would have a chance not only to attack the Commission's plan but to make its own proposal.

Why didn't you go the Federal charter route?

The idea is very appealing—and some people whom I admire very much have embraced it. The basic idea here, generally is that a federal charter would be necessary to do business in this country. Such a charter would have conditions attached to granting it.

I have not gone that route for several reasons.

First. The threat to withhold the charter if the conditions are not met is not credible. We have reached the point where in a standdown between a giant multinational corporation and the Government, the Government would have to withdraw.

Realistically, as the world now is, we do not feel we can allow a major company in this Nation to go out of business. Any doubters need only review the record for Lockheed or Penn Central.

Second. Under the chartering approach, the companies generally would reorganize themselves. Human nature being what it is, I would expect that reorganization to be good for the company, but question whether it would produce the most competitive structure possible.

Third. A permanent regulatory structure would be required. Based on past experience, we could expect it would too soon be paying homage to those it regulates rather than the public interest. So one evil would replace another.

We understand that the Commission is charged with prosecuting companies which have monopoly power—and to draft reorganization plans in the designated industries. But what about other industries, or industries it can't reorganize for some reason?

The Commission is indeed a prosecutor. But it has another—equally important function as a meaningful investigator and thinktank.

Indeed, it must every 2 years report to Congress on the status of its studies and reorganization plans. But more important, it must make recommendations on how labor practices should be altered, on how Government itself, by law or practice, may be hampering competition and on what legislation may be needed in order to improve competition generally or specifically.

In this way, it is sort of a revival of the Temporary National Economic Commission.

Question: In view of the fact that business insists that our present antitrust laws impede the foreign trade efforts of American business, is it not true that this bill will make matters even worse?

Answer: To the extent that other nations adopt policies which encourage barriers to trade or restrictive business practices among their own firms, for example, cartels, I believe our country should attempt to negotiate these barriers and restrictive practices down to promote competition on an international basis. In other words, we should handle restrictive trade practices much in the same way that we attempted to negotiate the removal or reduction of tariffs.

There have been attempts in the past to negotiate some sort of international ground rules on restrictive business practices. Among architects of the United Nations there had been hope for a third specialty agency alongside of the International Bank for Reconstruction and Development and the International Monetary Fund, the International Trade Organization. The opening article in chapter 5 of the proposed International Trade Organization reads in part as follows:

> Each member agrees to take appropriate measures to work with the International Trade Organization to prevent business practices which might restrain competition, limit access to local and foreign markets, or foster monopoly control whenever such practices may be harmful to production and trade.

This approach was tried by our Government on a couple of other occasions after World War II. First, in 1951, the United States introduced a resolution in the Economic and Social Council of the United Nations calling for a committee to make recommendations on the prevention and regulation of private combines and cartels in international trade, and second, in 1958, under leadership of Norway and the Federal Republic of Germany, the GATT organization decided to appoint a group of experts to consider what role, if any, it should play in this field. Each time, our efforts were blocked not necessarily by stubbornness of foreign nations but in great measure by the united opposition of American business.

Much of this argument appears to stem from a mistaken belief that the United States is the only country in the world with strong antitrust policies. This might have been true prior to World War II when most other nations not only permitted, but encouraged cartels and restrictive business practices. But today 24 countries, including Europe, Japan, and most of the developed countries of the world have their own antitrust laws—and what is unlawful for U.S. firms may well be unlawful for foreign firms.

Let me give you a specific example. Professor Edwards mentions a case described to the Antitrust Subcommittee a few years ago by Arthur Dean, of the Sullivan & Cromwell law firm. The case involved a U.S. firm which could not—read that, "refused to"—enter into an agreement to export its product to a French firm, because it could not include in the trade agreement a clause which would prevent the French buyer from shipping the U.S. item back to the United States as a component of his own product. I agree that such a clause would run afoul of the Wilson Act. But the latest issue of the European Community's news bulletin describes an action by the Community's antitrust authorities to void agreements entered into by three automobile firms, said to be Peugeot, BMW, and Ford-Germany, to import certain products subject to the restriction that these products could not be reexported. In other words, the case described by Mr. Dean as a horrible example of the U.S. antitrust laws in action was not only illegal under U.S. law—it violated the European Community antitrust law as well.

The Common Market Commission has also taken action against Continental Can for abusing its "dominant firm" position in the European container market, and a case has been filed against Commercial Solvents for refusal to supply the basic chemical ingredient of a tuberculosis drug to anybody but its Italian subsidiary.

On July 14 the Community's Court of Justice issued a landmark decision upholding the Commission's fines against 10 major chemical companies for parallel

pricing. The court held that any following of the same pricing policies by companies is illegal, even in the absence of an agreement, if it "knowingly substitutes a practical cooperation between them for the risks of competition." Further, a foreign parent corporation can be fined for activities of its subsidiaries within the Common Market.

The point I would make is that antitrust policies are no longer an American monopoly, and a company is likely to run into antitrust problems wherever it does business in a developed country market. It may be true that there are differences among these laws—so that some types of behavior prohibited in the United States are permitted elsewhere, but it works both ways, and some things companies can get away with here are illegal elsewhere. Companies run into the same problems with a lot of other customs, ranging from weights and measures to tax laws.

I feel very uneasy with this question, because I am not really sure what business spokesmen mean when they say that our antitrust laws hinder their efforts to engage in foreign trade. Now I am not alone in my ignorance. The former head of the Antitrust Division, Mr. Walker Comegys, touched on this in his farewell press conference a few weeks ago; he said that business is always talking about how the antitrust laws interfere with foreign trade, but they have never come to the Justice Department with any specific examples or evidence as to how the antitrust laws hurt trade. Prof. Corwin Edwards made the same point in the July-August 1969 issue of the Columbia University Journal of World Business. In other words, this charge against antitrust is hard to handle because it is always made in exceedingly vague and imprecise terms.

Still, I want to make the effort. With respect to my own bill, I honestly do not see why a price-competitive American industry would not be far better able to compete in foreign markets than a concentrated industry which avoids price competition like the plague. When the foreign market is dominated by a cartel, the case is even clearer. The only reason for a cartel is to raise prices. American firms which entered this market on a price basis should not only compete amazingly well but would probably wreck the foreign cartel in the process.

Mr. President, I do not offer this legislation lightly. Certainly, I know the discontent and uncertainness merely discussing it can cause for many. It does propose reformation of a basic—our economic structure. This is nothing to be taken on hastily.

However, the need to move is great. This bill may not be the answer. But it can start us talking responsibly of solutions to a problem that must be solved.

The Antitrust and Monopoly Subcommittee will begin hearings later this year on this bill—along with a similar proposal introduced by Senator HARRIS.

As we now see it, those hearings will go industry-by-industry, covering the ones given priority for the Commission. We will be seeking the counsel of experts on each industry, including, of course, participants.

While I understand the time burden each Member of this body has, I nevertheless would like to extend an invitation for all who can attend at least some of these hearings to do so.

This may not be the most important problem facing us, but it ranks high on the list.

I see it as a question not only of economic—but human—freedom.

EXHIBIT 1

S. 3832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Industrial Reorganization Act". The Congress finds and declares that (1) the United States of America is committed to a private enterprise system and a free market economy, in the belief that competition spurs innovation, promotes productivity, preserves a democratic society, and provides an opportunity for a more equitable distribution of wealth while avoiding the undue concentration of economic, social, and political power; (2) the decline of competition in industries with oligopoly or monopoly power has contributed to unemployment, inflation, inefficiency, an underutilization of economic capacity, and the decline of exports, thereby rendering monetary and fiscal policies inadequate and necessitating government market controls subverting our basic commitment to a free market economy; (3) the preservation of a private enterprise system, a free market economy, and a democratic society in the United States of America requires legislation to supplement the policy of the antitrust laws through new enforcement mechanisms designed to responsibly restructure industries dominated by oligopoly or monopoly power; (4) the powers vested in these new enforcement mechanisms are to be exercised to promote competition throughout the economy to the maximum extent feasible, and to protect trade and commerce against oligopoly or monopoly power.

TITLE I—POSSESSION OF MONOPOLY POWER

SEC. 101. (a) It is hereby declared to be unlawful for any corporation or two or more corporations, whether by agreement or not, to possess monopoly power in any line of commerce in any section of the country or with foreign nations.

(b) There shall be a rebuttable presumption that monopoly power is possessed—

(1) by any corporation if the average rate of return on net worth after taxes is in excess of 15 per centum over a period of five consecutive years out of the most recent seven years preceding the filing of the complaint, or

(2) if there has been no substantial price competition among two or more corporations in any line of commerce in any section of the country for a period of three consecutive years out of the most recent five years preceding the filing of the complaint, or

(3) if any four or fewer corporations account for 50 per centum (or more) of sales in any line of commerce in any section of the country in any year out of the most recent three years preceding the filing of the complaint.

In all other instances, the burden shall lie on the Industrial Reorganization Commission established under title II of this Act to prove the possession of monopoly power.

(c) A corporation shall not be required to divest monopoly power if it can show—

(1) such power is due solely to the ownership of valid patents, lawfully acquired and lawfully used, or

(2) such a divestiture would result in a loss of substantial economies.

The burden shall be upon the corporation or corporations to prove that monopoly power should not be divested pursuant to paragraphs (1) and (2) of the above subsection; *Provided, however,* That upon a showing of the possession of monopoly power pursuant to paragraph (1), the burden shall be upon the Industrial Reorganization Commission to show the invalidity, unlawful acquisition, or unlawful use of a patent or patents.

TITLE II—INDUSTRIAL REORGANIZATION COMMISSION

DEFINITIONS

SEC. 201. As used in this title, the term—

(1) "industry" means all extractive, processing, smelting, refining, transporting, manufacturing, assembling, fabricating, constructing, financing, distributing, or other economic activity carried on in closely related parts of commerce;

(2) "registered corporation" means a firm required by the Commission to file a registration statement under section 205;

(3) "Commission" means the Industrial Reorganization Commission established under section 202;

(4) "Commissioner" means the Commissioner of the Commission;

(5) "person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization; and

"security means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferrable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

ESTABLISHMENT OF COMMISSION

SEC. 202. (a) There is an independent agency to be known as the Industrial Reorganization Commission.

(b) The Commission shall be under the direction and supervision of a Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of seven and one-half years. Any individual appointed to fill a vacancy in such office occurring due to the death, resignation, or removal of the Commissioner shall serve only for the remainder of the term of his predecessor. The Commissioner shall continue to serve after the end of the term to which he was appointed until his successor has qualified. The Commissioner shall not engage in any other activity while holding office. The Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) The Commissioner shall appoint and fix the compensation of an Executive Director and such other officers, agents, and employees as he deems necessary to assist him in carrying out the duties of the Commission. The Executive Director shall be the chief administrative officer of the Commission, and he shall perform his duties under the direction and supervision of the Commissioner. The Commissioner may delegate any of his functions, other than the making of regulations, to the Executive Director.

(d) The Commission shall have an official seal which shall be judicially noticed.

(e) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(59) Commissioner, Industrial Reorganization Commission."

(f) The Office of Management and Budget shall not inspect, examine, audit, or review the records or work of the Commission or comment on any budget request made by the Commission. The Comptroller General shall conduct such reviews, audits, and evaluation of the Commission as he deems necessary. All accounts, budgets, and records of the Commission shall be submitted to the General Accounting Office from time to time as the Comptroller General may require, and the Commission shall maintain, preserve, and make available for inspection by the General Accounting Office such records as the Comptroller General may require.

(g) Section 3502 of title 44, United States Code, is amended by inserting in the first paragraph (defining "Federal agency"), ", the Industrial Reorganization Commission" after "the General Accounting Office".

(h) The Commission shall terminate its operations 15 years after the date of enactment of this Act, and the functions, jurisdiction, powers, and duties of the Commission shall be transferred to the Federal Trade Commission. Upon transfer, the Federal Trade Commission shall succeed the Commission as a party in any legal proceedings, and any judgment or decree of any court of the United States applicable to the Commission, shall, at the discretion of that court, be applicable to the Federal Trade Commission.

DUTIES OF THE COMMISSION

SEC. 203. (a)(1) In order to determine whether or not any corporation, or two or more corporations, are in violation of title I of this Act, and develop a plan of reorganization to make competition more effective within each industry, the Commission shall study the structure, performance, and control of each of the following industries:

(A) chemicals and drugs;

(B) electrical machinery and equipment;

(C) electronic computing and communication equipment;

(D) energy;

(E) iron and steel;

(F) motor vehicles; and

(G) nonferrous metals.

(2) The Commission shall develop a plan of reorganization for each such industry whether or not any corporation is determined to be in violation of title I. In developing a plan of reorganization for any industry, the Commission shall determine for each such industry—

(A) the maximum feasible number of competitors at every level without the loss of substantial economies;

(B) the minimum feasible degree of vertical integration without the loss of substantial economies; and

(C) the maximum feasible degree of ease of entry at every level.

(3) The Commission shall study the collective bargaining practices within each industry named in paragraph (1), and determine the effect of those practices on competition within that industry.

(4) The Commission shall report to the Congress not later than June 30 in each odd-numbered year with respect to the status of each study undertaken under paragraph (1), (2), or (3) and each plan to be developed under paragraph (2), together with such recommendations, including recommendations for legislation as it deems necessary. Such legislative recommendations may include, but are not limited to, amendments to the antitrust laws, the Internal Revenue Code, the Patent laws, and the National Labor Relations Act. The Commission may also report to Congress upon the effect on competition of the policies of executive or regulatory agencies of Government together with such recommendations, including recommendations for legislation, as it deems necessary.

(5) The Commission shall prosecute violations of title I of this Act.

(b) The Commission shall enforce the provisions of title I of this Act by filing a complaint and proposed order of reorganization with the Industrial Reorganization Court, established under title III of this Act, in accordance with the provisions of that title.

(c) Whenever the Commission obtains information under this title which furnishes a reasonable basis for inferring that any corporation or person has acted in violation of any law of the United States other than title I or of any State relating to trade or commerce, it shall notify the appropriate law enforcement official. The Commission shall furnish information obtained under this title to the Attorney General of the United States, the Federal Trade Commission, the Federal Power Commission, the Securities and Exchange Commission, and any other Federal regulatory or administrative body upon request, and whenever the Commission obtains information under this title which furnishes a reasonable basis for inferring that a corporation may act in violation of section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914, as amended (38 Stat. 731; 15 U.S.C. 18), it shall notify the Attorney General of the United States and the Federal Trade Commission, and furnish to them the information upon which that inference is based.

POWERS OF THE COMMISSION

SEC. 204. (a) The Commission shall have power—

(1) to conduct studies of the structure, performance, and control of any industry and its collective bargaining practices directly or by contract or other arrangement;

(2) to require corporations in industries named in section 203(a), or any person who the Commission shall have reason to believe affects the structure, performance, or control of any such industry, to file registration statements in such form as the Commission may require in order to carry out the provisions of section 203(a);

(3) to require periodic and special reports and such other information of corporations, from time to time, as may be necessary to carry out the provisions of this Act, including but not limited to reports by product or line of commerce;

(4) to inspect and examine accounts, procedures, correspondence, memoranda, papers, books, and other records under section 205;

(5) to require interlocking relationship reports and securities control reports by officers, directors, or persons, directly or indirectly, controlling, exercising, or executing the right to vote of 1 per centum or more of any class of securities for any registered corporation under section 206;

(6) to furnish information to the appropriate Federal or State law enforcement official whenever the Commission determines, on the basis of information received by it, that there may be or has been a violation of the Federal or State law;

(7) to sue and be sued in its own name and appear by its own counsel in any legal proceedings brought by or against it;

(8) to request and obtain from any executive department or agency any information or assistance it deems necessary to carry out the duties under this title;

(9) to prosecute complaints before, and submit proposed orders of reorganization to, the Industrial Reorganization Court established under title III of this Act;

(10) to carry out such investigations as may be appropriate to determine whether there is any violation of any provision of this Act;

(11) to sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, and documents as it deems advisable, to administer oaths or affirmations to witnesses appearing before it;

(12) to disclose by publication, or otherwise to make available upon request, any information (other than trade secrets or processes) it deems appropriate for public disclosure, subject to the provisions of section 207;

(13) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $125 a day for individuals;

(14) to issue such regulations, orders, and reports as may be necessary to carry out the provisions of this title; and

(15) to take such other actions as may be necessary to enable it to carry out its duties under the provisions of this title.

(b) Each executive department and agency is required to the extent permitted by law, to furnish information and assistance to the Commission, with or without reimbursement therefore, upon request by the Commission.

(c) Subpenas shall be issued under the signature of the Commissioner or Executive Director and may be served by any person designated. In the case of contumacy or refusal to obey a subpena issued under paragraph (11) of subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or an employee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

REGISTRATION STATEMENTS; REPORTS; RECORDS

SEC. 205 (a) Any corporation or any person required by the Commission to register under section 204(a)(2) shall file with the Commission a registration statement and such additional reports and information as the Commission may require from time to time.

(b) Each registration statement shall contain—

(1) a copy of the corporate charter, articles of incorporation, partnership agreement, or other agreement or document under which that corporation is organized and doing business;

(2) a copy of such related documents, including, but not limited to, by-laws, indentures, mortgages, trust indentures, underwriting agreements, and voting trust agreements, as the Commission may require; and

(3) (3) such additional information and documents as the Commission may require, including, but not limited to—

(A) a statement of the organizational and financial structure of the corporation and the nature of the business in which the corporation is engaged;

(B) a statement of the terms, position, rights, and privileges of each class of security which the corporation has authorized and/or outstanding;

(C) a statement of the underwriting arrangements, and copies of the underwriting agreements, under which the corporation's securities have been offered to the public or otherwise during the preceding five years, and a statement of the relationship of the underwriters of the securities to the corporation and/or to its officers or directors and the interest of those underwriters in the corporation.

(D) a statement of the names and addresses of the directors and principal officers of the corporation, the compensation paid to them directly or indirectly, their interest in the securities of, their contracts with, and their borrowings from, the corporation;

(E) a list of the name and address of, and amount of each class of securities held by each shareholder of the corporation;

(F) a statement of the corporation's bonus profit sharing, and stock option plans;

(G) a copy of any contract to which the corporation is a party; and

(H) a copy of any balance sheet, financial statement, profit and loss statement, or any other report for any product or line of commerce in any section of the country or with foreign nations for any of the preceding seven years, in such form as the Commission may require, and certified, if required by the Commission, by an independent public accountant.

(c) In addition to the registration statement, the Commission may require the filing with it of additional reports of a periodic or special nature necessary to enable it to supplement or bring up to date information contained in registration statements, including, but not limited to, answers to questions raised by the Commission, the minutes of directors', stockholders', or other meetings, and additional information on the financial condition, security structure, security holdings, and assets of a corporation.

(d) Each registered corporation shall keep and preserve such records, accounts, and other documents as the Commission may require, and shall make all of its records, documents, memorandums, correspondence, accounts, and cost accounting procedures available for inspection at reasonable times by Commission employees.

REPORTS BY OFFICERS, DIRECTORS, AND OTHER PERSONS

SEC. 206. (a) Any person who is a director or officer of a registered corporation shall file a report under this section with the Commission in such form and at such times as the Commission may require. The report shall contain—

(1) a list of the name and address of, and amount of securities held beneficially and/or of record in any other corporation by any officer or director;

(2) if required by the Commission, a report of changes in the securities ownership in any other corporation; and

(3) a list of the name and address of each other corporation of which that person is an officer, director, or employee.

(b) Any person who, directly or indirectly, through one or more persons, owns beneficially or of record or controls, exercises, or executes the right to vote, 1 per centum or more of any class of security or any security convertible into or exchangeable, with or without additional consideration, for 1 per centum or more of any class of security of any registered corporation or if the aggregate percentages of the classes total 1 per centum or more, shall file a report under this section with the Commission in such form and at such times as the Commission may require. The percentage is to be calculated on the basis of the number of shares of, or for debt securities the face amount of, any class of security actually outstanding. If not a natural person, the Commission shall require such additional information as may be necessary to carry out the purpose of this subsection.

PUBLIC DISCLOSURE OF INFORMATION

SEC. 207 (a) When the public disclosure of information obtained under this title would be in the public interest as determined by the Commission, the Commission may, after notice to the appropriate corporation or person, make that information available to the public, under such charges and conditions as the Commission may prescribe.

(b) Any person filing a registration statement, report, notification, or other document with the Commission may object to public disclosure of any or all of the information by filing a petition with the Industrial Reorganization Court established pursuant to title III of this Act, in accordance with the provisions of that title.

(c) It shall be unlawful for any officer or employee of the Commission—

(1) to disclose any patent application, trade secret, or secret process contained in any document filed with the Commission or obtained under this title except as necessary to carry out his duties under this title; and

(2) to disclose to any other person any information contained in any document filed with the Commission or obtained under this title, except as provided in this title or in order to carry out his duties under this title, or to use any such information for personal benefit, unless that information has been made available to the public under subsection (a), for a reasonable period of time prior to such use.

PENALTIES

SEC. 208. Any person who violates any provision of this title shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding $500,000, if not a natural person, or if a natural person, $100,000 or by imprisonment not exceeding one year, or both.

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE III—ESTABLISHMENT OF INDUSTRIAL REORGANIZATION COURT

ESTABLISHMENT OF COURT

SEC. 301 (a) Part I of title 28, United States Code, is amended by inserting after chapter 11 thereof the following new chapter:

"Chapter 12—INDUSTRIAL REORGANIZATION COURT

"Sec.
"271. Appointment and number of judges.
"272. Precedence of judges.
"273. Tenure and salaries of judges.
"274. Sessions.
"275. Division of business.
"276. Single judge trials.
"277. Three judge trials.
"278. Vacant judgeship.
"279. Publication of decisions.
"280. Bias or prejudice of judge.
"281. Report of court proceedings.

"§ 271. Appointment and number of judges.

"The President shall appoint, by and with the advice and consent of the Senate, a chief judge and 14 associate judges who shall constitute a court of record known as the United States Industrial Reorganization Court. Such court is hereby declared to be established under Article III of the Constitution of the United States.

"272. Precedence of judges.

"The chief judge of the Industrial Reorganization Court shall have precedence and preside at any session of the court which he attends.

"The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"§ 273. Tenure and salaries of judges.

"The chief judge and associate judges of the Industrial Reorganization Court shall hold office during good behavior. Each shall receive a salary of $40,000 per year.

"§ 274. Sessions.

"The Industrial Reorganization Court may hold court at such times and places as it may fix by rule.

"§ 275. Division of business.

"The business of the Industrial Reorganization Court shall be divided among the judges as provided by the rules and orders of the court.

"The chief judge of the Industrial Reorganization Court shall be responsible for the observance of such rules and orders and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

"§ 276. Single judge trials.

"Except as otherwise provided in section 277 of this title, the judicial power of the Industrial Reorganization Court with respect to any case, suit or proceeding, shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"§ 277. Three judge trials.

"(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Industrial Reorganization Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds—

"(1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President, or an Executive order; or

"(2) has broad or significant implications in the administration or interpretation of the Industrial Reorganization Act.

"(b) A majority of the three judges designated may hear and determine the civil action and all questions pending therein.

"§ 278. Vacant judgeship.

"When the office of a judge becomes vacant, all pending process, pleadings and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

"§ 279. Publication of decisions.

"All decisions of the Industrial Reorganization Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Industrial Reorganization Commission.

"§ 280. Bias or prejudice of judge.

"Whenever a party to any proceeding in the Industrial Reorganization Court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding on such petition and affidavit.

"The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

"§ 281. Report of court proceedings.

"The Industrial Reorganization Court is authorized to contract for the reporting of all proceedings made in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed including the terms under which transcripts shall be supplied by the contractor to the court and other persons, departments, and agencies."

(b) The chapter analysis of part I of such title is amended by inserting after the item relating to chapter 11 the following:

"12. Industrial Reorganization Court . . . 271."

(c) Section 451 of such title is amended by inserting—

(1) in the first paragraph (defining "court of the United States"), " the Industrial Reorganization Court" after "the Customs Court";

(2) in the third paragraph (defining "judge of the United States")", Industrial Reorganization Court" after "Customs Court".

OFFICERS AND EMPLOYEES

SEC. 302. (a) Part III of title 28, United States Code, is amended by inserting after chapter 55 the following new chapter:

"Chapter 56—INDUSTRIAL REORGANIZATION COURT

"Sec.
"911. Clerk and employees.
"912. Marshal and deputy marshals.
"913. Bailiffs and messengers.

"§ 911. Clerk and employees.

"The Industrial Reorganization Court may appoint a clerk and such assistant clerks, stenographic law clerks, clerical assistants, and other employees as may be necessary, all of whom shall be subject to removal by the court. The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him.

"§ 912. Marshal and deputy marshals.

"The Industrial Reorganization Court may appoint a marshal and deputy marshals, who shall be subject to removal by the court.

"The marshal and his deputy marshals shall attend court at its sessions, serve and execute all process and orders issued by it, and exercise the powers and perform the duties concerning all matters within such court's jurisdiction assigned to them by the court.

"Under regulations prescribed by the Director of the Administrative Office of the United States Courts, the marshal shall pay the salaries, office expenses, and travel and subsistence allowances of the judges, officers, and employees of the court, and shall disburse funds appropriated for all expenses of the court.

"On all disbursements made by the marshal of the Industrial Reorganization Court for official salaries, the certificate of the payee shall be sufficient without verification on oath.

"United States marshals for other districts where sessions of the court are held shall serve as marshals of the court.

"§ 913. Bailiffs and messengers.

"The Industrial Reorganization Court may appoint necessary bailiffs and messengers who shall be subject to removal by the court.

"Each bailiff shall attend the court, preserve order, and perform such other necessary duties as the court directs."

(b) The chapter analysis of part III of such title is amended by inserting after the item relating to chapter 55 the following:

"56. Industrial Reorganization Court___911".

(c) Section 610 of such title is amended by striking out "and the Customs Court" and inserting "the Customs Court, and the Industrial Reorganization Court."

JURISDICTION

Sec. 303 (a) Part IV of title 28 is amended by adding at the end thereof the following new chapter:

"Chapter 96—INDUSTRIAL REORGANIZATION COURT

"Sec.
"1591. Powers generally.
"1592. Jurisdiction.
"1593. Restoration of effective competition.
"1594. Enforcement of competitive orders; appointment of trustees; disposition of assets.
"1595. Time for complying with orders.

"§ 1591. Powers generally.

"The Industrial Reorganization Court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence.

"§ 1952 Jurisdiction.

"(a) The Industrial Reorganization Court shall have original jurisdiction to hear and determine all complaints and proposed orders of reorganization filed by the Industrial Reorganization Commission under Title I of the Industrial Reorganization Act.

"(b) After the Industrial Reorganization Commission has filed a complaint and proposed order of reorganization, the Industrial Reorganization Court shall enter a judgment determining whether a corporation or two or more corporations possess monopoly power in any part of trade or commerce among the several states or with foreign nations.

"(c) The Industrial Reorganization Court shall also have original jurisdiction of petitions filed pursuant to section 207 of title II of this Act and of such other proceedings under that Act as the Court shall deem necessary and appropriate to effectuate its purposes.

"§ 1593. Restoration of Effective Competition.

"(a) Any corporation or two or more corporations may, within sixty days from the entry of judgment pursuant to section 1592 (b), file an alternative proposed order or orders of reorganization.

"(b) Prior to the entry of an order or reorganization, the Industrial Reorganization Court shall conduct a proceeding to determine whether or not the proposed order or orders of reorganization would restore effective competition. In making its determination, the court may call witnesses in accordance with the provisions of sections 2652 and 2653 of this title.

"(c) The court shall enter an order of reorganization appropriate to effectuate the purposes of this Act. The order of reorganization may require a corporation or two or more corporations to take such action as the court shall find necessary to restore effective competition. The order may include—

"(1) a requirement that a corporation modify any contract to which it is a party, terminate any agreement with another corporation, or modify its methods of distribution;

"(2) a requirement that a corporation grant licenses (with or without provision for the payment of royalties) under any patent, copyright, or trademark owned by that corporation, share technical information with others, or dispose of any such patent, copyright, or trademark;

"(3) a requirement that a corporation divest itself of particular assets, including tangible and intangible assets, cash, stock, securities, accounts receivable, and other obligations; and

"(4) such other requirements as the court may find necessary to restore effective competition.

"(d) Any order entered under this section shall be subject to judicial review as provided in section 2114 of this title.

"§ 1594. Enforcement of orders of reorganization; appointment of trustee; disposition of assets.

"The Industrial Reorganization Commission may apply to the Industrial Reorganization Court to enforce compliance with any order issued under section 1593 of this title. In any such proceeding the court as a court of equity may, to such extent as it deems necessary for purposes of enforcement of such order, take exclusive jurisdiction and possession of the corporation or any portion thereof, and the assets, or any portion thereof, wherever located; and the court shall have jurisdiction, in any such proceeding to appoint a trustee, and the court may constitute and appoint the Commission as sole trustees to hold and administer under the direction of the court, the assets so possessed. In any proceeding for the enforcement of an order of the court issued under section 1593 of this title, the trustee, with the approval of the court, shall have power to dispose of any or all of such assets and, subject to such terms and conditions as the court may prescribe, may make such disposition in accordance with the order to restore effective competition, which shall have been approved by the court after opportunity for hearing.

"In any proceeding under this section, the court shall not appoint any person other than the Commission as trustee or receiver without notifying the Commission and giving it an opportunity to be heard before making any such appointment.

"§ 1595. Time for complying with orders.

"Any order under section 1593 of this title shall be complied with within 2 years from the date of such order and the Industrial Reorganization Court shall, upon a showing (made before or after the entry of such order) that the corporation has been or will be unable in the exercise of due diligence to comply with such order within such time, extend such time for an additional period not exceeding 2 years, if it finds such extension necessary or appropriate in the public interest."

(b) The chapter analysis of part IV is amended by inserting after the item relating to chapter 95 the following:

REVIEW OF DECISIONS

SEC. 304. (a) Part V of title 28 is amended by adding at the end thereof the following new section:

"§ 2114. Review of Industrial Reorganization Court Orders.

"(a) In any proceeding brought in the Industrial Reorganization Court, an appeal from the final order of the Industrial Reorganization Court will lie only to the Supreme Court.

"(b) The scope of review on appeal of any Industrial Reorganization Court order to the Supreme Court under this section shall be limited to: (1) whether or not the Industrial Reorganization Court proceeded correctly under the provisions of this title; and (2) whether or not the findings of fact of the Industrial Reorganization Court are supported by substantial evidence".

(b) The table of sections of chapter 133 of such title is amended by adding at the end thereof the following:

"2114. Review of Industrial Reorganization Court orders."

PROCEDURE

SEC. 305. (a) Part VI of title 28, United States Code, is amended by inserting after chapter 169 the following new chapter:

"Chapter 170—INDUSTRIAL REORGANIZATION COURT PROCEDURE

"Sec.
"2651. Rules of procedure.
"2652. Expert witnesses.
"2653. Other witnesses.

"§ 2651. Rules of procedure.

"Proceedings of the Industrial Reorganization Court shall be conducted pursuant to the Federal Rules of Civil Procedures in effect at the time, subject to such additional rules (which may supersede or supplement the Federal Rules of Civil Procedure) as shall be adopted by the Court for the purposes of proceedings before it under this title.

"§ 2652. Expert witnesses.

"In any proceeding before it under this title, the Industrial Reorganization Court may designate one or more economists or other persons to serve as expert witnesses to be called by the court. Such witness or witnesses (a) may be furnished with all the evidence introduced by any party; (b) may offer additional evidence subject to objection by any party; (c) may offer an analysis of issues with particular reference to orders proposed to restore effective competition; (d) may recommend appropriate provisions for orders proposed to restore effective competition; and (e) shall be subject to cross examination and rebuttal.

"§ 2653. Other witnesses.

"In any proceeding before it under this title, the Industrial Reorganization Court may call as witness any person it deems necessary to effectuate the purposes of this Act. Such witnesses may include, but is not necessarily limited to, competitors, suppliers, customers, sources of capital, creditors, consumers, employees, or shareholders."

(b) The chapter analysis of part VI is amended by inserting after the item relating to chapter 169 the following:

"170. Industrial Reorganization Court procedure ---------- 2652".

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS

This bill is divided into three titles. Title I makes the possession of oligopoly or monopoly power unlawful. Title II establishes an Industrial Reorganization Commission whose function is to prosecute violations of title I, study certain concentrated industries, study collective bargaining practices therein, and make legislative recommendations and reports to Congress. Title III establishes a special district court, the Industrial Reorganization Court to try cases and devise remedies under this act.

TITLE I

Section 101(a) is the violation section which makes the possession of oligopoly or monopoly power illegal. Under the existing case law, monopoly power is defined as the power to control prices or exclude competitors. The phrase "two or more corporations, whether by agreement or not," is designed to reach oligopoly power; namely, where firms collectively possess the power to control prices or exclude competitors. In choosing the above language, care was exercised in avoiding words such as "combination." The above language is aimed at prohibiting oligopoly structures in which an appearance of competition exists, but in which prices and employment decisions are made in an environment of mutual self-interest by a small number of powerful firms. It is assumed that because there are but a few firms, these decisions are not made pursuant to any agreement.

Under the current interpretation of section 2 of the Sherman Act, the mere possession of monopoly power is not an offense. A firm must at least exercise, and more often abuse, that power in order to fall within the purview of the statute. The present status of section 2 is characterized by Carl Kaysen in his book, *U.S. v. United Shoe Machinery Corporation* at page 335 as follows:

"This criticism of the trial process in antitrust 'big cases' with their thousands of exhibits and ten thousands of pages of testimony taken in hundreds of days of hearings is certainly justified. The problem, however, lies not in the procedural limits imposed by a trial in a court, which, as the United case has shown, are as flexible as an imaginative judge can make them. It lies rather in what the Government typically tries to show, and what defense counsel, therefore, must refute or cast doubt on, in the big antitrust trial. This in turn, reflects the state of the law, as it is now interpreted by the Courts. The typical 'big case' involves a complaint under Section 2 of the Sherman Act; frequently, to be sure, in addition to complaints under Section 1. In proving monopolization, the Government typically relies heavily on evidence of 'intent', and defendants, correspondingly, strive to show the purity of purpose of their business practices. The law of monopolization under #2 requires a showing that the defendant has power over price or power to exclude competition, and something more—'an element of deliberateness.' Evidence pro and con, on the existence of 'something more' occupied a disproportionately large part of the United Shoe trial. Much of the government documentary evidence consisted of individual letters, reports, and like papers from United's files, selected more to show United's evil intentions than to depict the pattern of United's business practices. Indeed, it is no exaggeration to say that an overall view of the market and United's position in it hardly emerged from the Government's presentation of its case at all, so heavily was it pointed toward 'intent.' United, likewise used most of its presentation for material of the same kind."

Under the bill, there is no "something more." The mere possession of monopoly power, either collectively or individually, is an offense.

Section 101(b) sets up three rebuttable presumptions for proving the possession of oligopoly or monopoly power.

Section 101(b)(1) is aimed at an individual corporation possessing monopoly power. There is a presumption that monopoly power is possessed if the average rate of return on net worth after taxes is in excess of 15 percent over a period of five consecutive years. In effect, the bill uses consistently high profits over a long period of time as an indication of excessive market power. The issue to be focused upon is why such consistently high profits have not attracted new entrants.

Section 101(b)(2) is aimed at two or more corporations possessing oligopoly power. There is a rebuttable presumption that such power is possessed if there has been no substantial price competition for a period of three consecutive years. In effect, the bill looks to parallel or administered pricing as an indicator of excessive market power. It is anticipated that the Commission would focus upon markets in which there has been a period of reduced demand but in which prices have failed to drop or have risen. The phrase "no substantial price competition" is designed to focus upon those situations where prices do not respond to fluctuations in supply and demand.

Section 101(b)(3) is aimed at two or more corporations possessing oligopoly power. There is a rebuttable presumption that oligopoly power is possessed in a market in which any four or fewer corporations account for 50 percent or more of sales. In effect, the bill uses market share as an indicator of such power.

The above three criteria have all been used in the past by the government as evidence to prove the possession of monopoly power under section 2 of the Sherman Act. In effect, the bill codifies these criteria and switches the burden of proof where those conditions exist. It is hoped that this will have the effect of speeding up the litigation on whether or not there is a violation and of shifting the focus of the litigation to remedy. It is anticipated that the Commission may rely upon more than one of the presumptions in alleging the existence of monopoly power.

Section 101(b) contains an additional sentence which reads as follows:

"In all other instances, the burden shall lie on the Industrial Reorganization Commission established under title II of this Act to prove the possession of monopoly power."

The bill recognizes that oligopoly or monopoly power is not necessarily limited to situations covered by the rebuttable presumptions. For example, firms may be vertically integrated to the point where competitors are excluded or prices controlled. In these instances, however, it is felt that the burden should be on the government to spell out how oligopoly or monopoly power is possessed.

Section 101(c) recognizes that there may be situations where a corporation possesses monopoly power, but has a valid explanation for it. A corporation may thus possess monopoly power and escape sanction nonetheless if "(1) such power is due solely to the ownership of valid patents, lawfully acquired and lawfully used, or (2) such a divestiture would result in a loss of substantial economies." This section places the burden upon the defending corporation to persuade the court that monopoly power should not be divested pursuant to either of the above exceptions. However, in the event a defendant relies upon the first exception, namely the patent defense, the burden shall then be on the Commission to prove the invalidity, unlawful acquisition, or unlawful use of a patent. The language "loss of substantial economies" is similar to that of section 11(k) of the Public Utility Holding Act of 1935. In effect, divestiture should not be required if the economies of scale in that industry are such that it does not make sense to do so.

The proposed statute contemplates that four issues may be litigated before the Industrial Reorganization Court. First, whether or not a corporation falls within the rebuttable presumptions set forth in section 101(b). Second, assuming a corporation does fall within one of those presumptions, whether or not the defendant actually possesses monopoly power, i.e., the power to control prices or exclude competitors. Third, assuming the defendant does possess such power, whether or not that power is due solely to a valid patent, lawfully acquired and lawfully used. Fourth, assuming the defendant does possess such power, whether or not it makes any economic sense to have a unit of lesser size efficiently produce such a product. It is anticipated that litigation on the latter two issues should be instructive to the court in fashioning an appropriate remedy in the event the defendant is unsuccessful in escaping sanction.

TITLE II

Section 201(1) defines "industry" as "all extractive, processing, smelting, refining, transporting, manufacturing, assembling, fabricating, constructing, financing, distributing, or other economic activity carried on in closely related parts of commerce." The definition is worded in a broad fashion in order to enable the Commission to study all facets of the industries named in section 203(a)(1) in order to focus upon remedies which would make such industries more competitive. The definition recognizes that the Commission may be dealing with a number of completely different situations in the industries it has been instructed to study and make more competitive.

Sections 201(1) through 201(4) are self-explanatory. Section 201(5) defines "person" as "an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization." This language is essentially similar to that contained in the Securities Act of 1933.

Section 201(6) defines "security" in a very broad fashion, similar also to the language of the Securities Act of 1933.

Section 202 establishes the Industrial Reorganization Commission. Since there is no judicial function vested in the Commission, the statute provides for one commissioner to be appointed by the President subject to the confirmation of the Senate for a term of 7½ years. It is hoped that the establishment of a separate agency and the length of term of office will result in the enforcement of a difficult and complex task free of political influence.

Section 202(e) amends section 5314 of title 5, United States Code, to provide that the Industrial Reorganization Commissioner may be compensated at level 3 of the executive pay schedule.

Section 202(f) is designed to permit the Commission to submit its budget request directly to the appropriate committees of Congress without the supervision of the Office of Management and Budget. All accounts, budgets, and records of the Commission are subject to review and audit of the Comptroller General and the General Accounting Office.

Section 202(g) amends section 3502 of title 44, United States Code, by inserting "Industrial Reorganization Commission" after "the General Accounting Office" in paragraph 1 of that section. This amendment is designed to exclude the Commission from the supervision of the Office of Management and Budget with respect to information needed by the Commission from business enterprises.

Section 202(h) provides that the Commission shall terminate its operations 15 years after the date of enactment and that its functions shall then be transferred to the Federal Trade Commission. This section reflects the belief that the Commission exists to solve a specific problem; namely, undue economic concentration either by prosecuting cases or conducting studies and making recommendations for legislation to Congress. The Commission is not intended to be a regulatory body; and when the problems of economic concentration is solved, it should go out of existence.

Section 203(a) sets forth the duties of the Commission. Subsection (1) provides that the Commission shall study the structure, performance, and control of seven industries: chemicals and drugs, electronic computing and communication equipment, electrical machinery and equipment, energy, iron and steel, motor vehicles, non-ferrous metals. Such studies shall be made in order to determine whether or not there are violations of title I and also to determine how each industry could be reorganized in order to make competition more effective.

The obligation to develop a plan of reorganization is not intended to be case oriented. Rather, it is intended to be industry oriented. In other words, although the Commission might find that one or two firms within an industry possess monopoly power, it may also find that competition could best be made more effective by passing a specific piece of legislation applicable to the entire industry. Without necessarily endorsing these particular ideas, it might find that divorcement of refining from non-refining activities in the petroleum industry, or the prohibition of the exclusive franchise dealership in the auto industry provide the best means of both restoring competition and dissolving monopoly power. Naturally, if cases are brought against firms within these seven industries, it is hoped that this study provision will prove beneficial where the Commission seeks to impose a remedy on a particular defendant.

In this regard, subsection (2) makes it clear that the Commission's duty to develop a plan of reorganization exists irrespective of whether or not firms in these seven industries are found to be in violation of title I. In the course of developing such a plan, the Commission is directed to make judgments with respect to how many competitors are feasible, how much vertical integration is necessary, and how the entry of new competitors could be encouraged.

Subsection (3) provides that the Commission shall study the collective bargaining practices within each of the seven industries listed in subsection (1) and determine the effect of those practices on competition. There have been allegations made that the structure and performance of many of our major industries are due to the pressures of collective bargaining. If this is so, the Commission is directed to report back to Congress wtih appropriate legislative recommendations.

Subsection (4) provides that the Commission shall report to Congress every other year with respect to the status of each study undertaken pursuant to the above subsections and with respect to each plan of reorganization to be developed pursuant to subsection (1). Such reports are to include legislative recommendations which would make our economy more competitive. In addition, the Commission is to report to Congress and make recommendations with respect to changes in policies of either the Executive Branch or independent regulatory agencies of government which would assist in making our economy more competitive.

Subsection (5) is designed to make it clear that the Commission has the duty to prosecute all violations of title I, and not necessarily those of firms within the seven industries enumerated in subsection (1).

Section 203(b) requires the Commission to file a proposed order of reorganization when it prosecutes a complaint pursuant to title I of this Act. It is hoped that this requirement, in conjunction with the study provision, will force the Commission to have a meaningful remedy in mind before going to court. Both the defendant and the court are then put on notice at the earliest stage in the proceeding as to what remedy the Commission has in mind. The deficiencies in the present system are characterized by Carl Kaysen, *U.S. v. United Shoe Machinery Corporation*, at pages 343–344 as follows:

"The natural tendencies of courts to be cautious in their approach to antitrust remedies is reinforced by the ill-considered and poorly presented plans which are often the contribution of the government on relief. . . .

"In part, the poor preparation of the Government arose from the fact that intent and conduct were uppermost in the minds of the lawyers who tried the Government case. Proof of liability in terms of an inappropriate standard, rather than the underlying economic situation, was the focus of the Government's efforts in the case. And again, this is typical. But this is not all. Resource limitations are also of great importance. The transcript suggested that the Department of Justice attorney who presented the arguments for dissolution really had not had time to prepare himself thoroughly on the record of the case, no doubt because of other commitments. Moreover, an effective remedy presentation requires more than legal skills alone; the skills of economists and industrial engineers should also be drawn upon.

"But even a large increase in the budget of the Anti-Trust Division, spent on the hiring of appropriate professionals, will not remedy the problem of the drafting of effective relief decrees. In general, the kind of working knowledge of a business which is prerequisite to the succesful and efficient performance on it of more or less drastic surgery is possessed mainly by the personnel of the firm itself, and the problem of making this knowledge available to the Court or other authority presiding over them. The present procedure of anti-trust trails does nothing toward this end. Again, if the standards of the law were revised to focus on situations rather than conduct, then a step in the right direction would be taken. Trials could then focus on an examination of the operations of the firm in its market context, rather than an attack on and defense of its aims in the transaction of a series of specific dealings with customers, suppliers, rivals, and thus the trial would stimulate the parties to produce the kind of information on which a decree could rest.

"This same change in the law, if made explicit by legislation, would also do something to remove the judicial inhibitions on remedial action. If Congress were to tell the Courts that it was their function to change business situations whenever they permitted a firm or group of firms to have substantial market power, Courts would feel freer to exercise their discretion than they do now, when their concern is so much with the wrongfulness of business conduct."

Section 203(c) provides that whenever the Commission obtains information that any person may have violated any federal or state law, it shall transmit that information to the appropriate official. That section also provides that when the Commission obtains information that a corporation is contemplating an acquisition which may violate section 7 of the Clayton Act, it shall transmit that information to both the Attorney General and the Federal Trade Commission.

Section 204(a) enumerates in 15 subsections the powers of the Commission. Generally, the subsections are self-explanatory.

Section 204(a)(1) gives the Commission the power to study "any" industry and the effect of the collective bargaining practices on competition. In other words, the Commission is not limited in its study function to just the industries listed in section 203(a)(1).

Section 204(a)(2) gives the Commission extremely broad powers with respect to requiring the registration not only of corporations in industries listed in section 203(a)(1), but also "any person who the Commission shall have reason to believe affects the structure, performance, and control" thereof. The key words in this phrase are "any person" and "affects." For example, the Commission may compel the registration of a lender, supplier, distributor, or anyone else who, through a registered corporation, affects the structure, performance, or control of that industry.

Section 204(a)(3) specifically empowers the Commission to require product line reporting.

Section 204(a)(5) specifically authorizes the Commission not only to require interlocking directorship and stock ownership reports of directors and officers in other corporations, but it also empowers the Commission to require reports from those persons who actually control, or exercise control over, the voting rights of the stock of registered corporations.

Section 204(b) requires each executive department and regulatory agency to provide information and assistance to the Commission unless it is prohibited by law from doing so.

Section 204(c) provides for the issuance of subpoenas. The Commission is given the power to enforce its own subpoenas in the district courts of the United States wherein the person to be served resides is found or transacts business. Failure to obey an order of the district court with respect to the enforcement of a subpoena is punishable as a contempt thereof. It is felt that this is a more expeditious manner for the enforcement of subpoenas than to require this function to be performed by the Industrial Reorganization Court.

Section 205 relates to the registration statements, reports, and records which the Commission may require of corporations in industries enumerated in section 203(a)(1), or of persons whom the Commission shall have reason to believe affect the structure, performance, or control of those industries.

Section 205(a) requires that any person or corporation so designated by the Commission shall file a registration statement and such additional reports and information as the Commission deems necessary.

Section 205(b) describes what the registration statement shall contain. The language of this subsection is essentially similar to that of section 10(e) of the Public Utility Holding Act of 1935. It includes a copy of the corporate charter, articles of incorporation, partnership agreement or whatever document pursuant to which the firm does business.

Section 205(b)(2) provides that the Commission may require such related documents as by-laws, indentures, mortgages, trust indentures, underwriting agreements, and voting trust agreements.

Section 205(b)(3) describes additional information and documents which the Commission may require such as a statement of the financial structure of the corporation, its organization and the nature of its business; a statement of the terms, position,

rights, and privileges of each class of security, and a statement of its underwriting arrangements and related documents. Section 205 (b)(3)(D) may require the corporation to divulge information relating to its directors and principal officers, including their compensation, their ownership in and borrowings from the corporation. Section 205(b)(3)(E) may require the corporation to disclose the names and addresses and the amount of securities held by each of its shareholders. Section 205(b)(3)(H) may require the corporation to file a copy of its balance sheet, financial statement, profit and loss statement, or any other report for any product line for any of the preceding seven years. The Commission may require such report to be certified by an independent public accountant. The language relating to product line reporting is not contained in section 10(e) of the Public Utility Holding Act of 1935. This language was added in the belief that this is the kind of information which may be absolutely necessary for the Commission to have in order to devise meaningful remedies to make competition more effective.

Section 205(c) provides that the Commission may have access to other information in addition to the registration statement. The Commission may require additional reports of a periodic or special nature to supplement the registration statement and to related information such as the minutes of directors' and stockholders' meetings.

Section 205(d) provides that each registered corporation shall keep such records, accounts, and documents as the Commission may require. The corporation shall also keep copies of those records, memoranda, correspondence, accounts, and cost accounting procedures available for reasonable inspection by the Commission.

Section 206(a) relates to information which the Commission may require an officer or director of a registered corporation to disclose. This information includes any stock and the amount thereof which the director or officer may hold, beneficially or of record, in any other corporation. The Commission may also require a report of any changes in the ownership of such stock. It is anticipated that a director or officer of a registered corporation will also have to disclose any other interlocking relationships which may exist; namely, any other corporations which that individual may serve as a director or officer.

Section 206(b) requires a person to disclose whether or not it, directly or indirectly, controls the right to vote one percent or more of any class of security of any corporation. The subsection is drafted in an all-inclusive fashion in order to resolve all doubts in favor of disclosure. The language adopted recognizes that the decision as to how a corporation's stock is to be voted may be diffused among a number of different persons, namely, the owner of record, the beneficial owner, or a financial intermediary. The key words are "directly or indirectly, through one or more persons," and "controls." The intent of the subsection is to enable the Commission to know the constituencies of one percent or more of shareholdars to which the directors of each registered corporation are responsible. This language is adopted in the belief that such information is absolutely necessary if the Commission is to do a meaningful job in devising remedies to make competition more effective.

Section 207(a) provides for the disclosure of information obtained by the Commission. The Commission is given the responsibility of determining whether or not such disclosure is in the public interest. It is then required to give notice to the appropriate corporation or person from whom the information was obtained that it intends to make such information available to the public.

Section 207(b) provides that any person may object to the disclosure of any or all of the information by filing a petition with the Industrial Reorganization Court. The court would then decide whether or not such disclosure would be in the public interest.

Section 207(c) makes it unlawful for any officer or employee of the Commission to disclose any patent application, trade secret or secret process contained in any document filed with the Commission unless such disclosure is necessary to perform that individual's duties under this title. This section also makes it unlawful for any officer or employee to make use of any information filed with the Commission for personal benefit unless that information has been made public for a reasonable period of time.

Section 208 provides that any person that violates any provision of title II shall be guilty of a misdemeanor. Upon conviction such person shall be punishable by fine not exceeding $100,000 or imprisonment not exceeding one year or both. If not a natural person the defendant is subject to a fine not to exceed $500,000. It is envisioned that section 208 would apply to violations of sections 205, 206 and 207.

Section 209 authorizes the necessary appropriations to carry out the provisions of title II of this Act.

TITLE III

As previously indicated, title III establishes a special District Court to try cases and devise remedies under this Act. It consists of five sections, sections 301 through 305. Each section adds a chapter to a different part of title 28 of the U.S. Code.

Section 301(a) adds chapter 12 which provides for the establishment of the Industrial Reorganization Court and consists of 11 new sections, sections 271 through 281.

Section 271 provides for the appointment by the President with the advice and consent of the Senate of a chief judge and 14 associate judges. It also provides that the Industrial Reorganization Court is established under Article III of the Constitution of the United States.

Section 272 provides that the chief judge shall have precedence and preside at any session of court which he attends. It further provides that the associate judges shall have precedence and preside according to their seniority.

Section 273 provides that each judge shall hold office during good behavior and receive a salary of $40,000.

Section 274 gives the court the discretion to be in session as its rules shall prescribe.

Section 275 empowers the court to divide its business according to its own rules. The chief judge of the court is given the responsibility to see that the rules of the court are observed.

Section 276 provides that the business of the court is to be conducted by a single judge.

Section 277 provides that any party may petition the chief judge for a three-judge trial or hearing if the issue to be litigated raises the constitutionality of an act of Congress, a proclamation of the President, or an Executive Order. A second ground for such a petition is provided if the issue to be litigated "has broad or significant implications in the administration of the interpretation of the Industrial Reorganization Act."

Section 278 provides that when a judgeship becomes vacant, all pending proceedings shall be continued by the clerk until a new judge is appointed or designated.

Section 279 provides that all decisions of the court shall be made public. A copy of each decision shall also be forwarded to the Industrial Reorganization Commission.

Section 280 provides that a party may file an affidavit alleging that a judge before whom the matter is pending has a personal bias or prejudice. That judge shall then assign the petition and affidavit to another colleague. The second judge shall then conduct a hearing on the merits of such petition and affidavit. It is felt that this procedure will insure confidence in the ultimate outcome of the proceedings where an allegation of bias or prejudice has been made.

The affidavit is required to set the grounds for the belief that bias or prejudice exists. It is further provided that such an affidavit must be filed ten days before the beginning of the term at which the proceeding is to be heard or good cause must be shown for any delay. It is further provided that a party may file only one such affidavit in any case. This language is similar to section 144 of title 28 of the U.S. Code dealing with an allegation of bias or prejudice against a U.S. District Court judge.

Section 281 authorizes the Industrial Reorganization court to contract for the reporting of all proceedings, and to fix the terms and conditions under which such reporting services shall be performed.

Section 301 (b) adds the appropriate chapter analysis of part I of title 28 of the U.S. Code.

Section 301(c) amends section 451 of title 28 of the U.S. Code by making the appropriate insertions in paragraphs one and three.

Section 302(a) adds chapter 56 to part III which provides for the appointment of appropriate court personnel and consists of three new sections, sections 911 through 913.

Section 911 provides for the appointment of a clerk and such assistant clerks, law clerks, clerks and necessary employees.

Section 912 provides for the appropriate appointment for a marshal and a deputy marshal. The marshal is given the responsibility for paying salaries and disbursing funds for the court's expenses.

Section 913 provides for the appointment of the necessary bailiffs and messengers.

Section 302(b) adds the appropriate chapter analysis of part III of title 28 of the U.S. Code.

Section 302(c) amends section 610 of title 28 of the U.S. Code by making the appropriate insertions.

Section 303(a) adds chapter 96 to part IV which provides for the jurisdiction of the Industrial Reorganization Court and consists of five new sections, sections 1591 through 1595.

Section 1591 provides that the court shall possess all the powers of a U.S. District Court for preserving order, compelling the attendance of witnesses and the production of evidence.

Section 1592 establishes the jurisdiction of the Industrial Reorganization Court; namely, that the court shall hear and determine all complaints and proposed orders of reorganization. Ultimately, the court shall determine whether or not a defendant possesses monopoly power. The court is also given jurisdiction of petitions filed objecting to the public disclosure of information filed with the Commission pursuant to section 207 of title II.

Section 1593(a) provides that after a corporation or two or more corporations have been found to possess monopoly power, they may file an alternative proposed order of reorganization. Such an alternative order must be filed within 60 days within the entry of judgment.

Section 1593(b) provides that the court shall litigate the issue of whether or not the proposed order or orders of reorganization would restore effective competition. This provision, in conjunction with section 1593 (a), is intended to make it clear that the court is to litigate the issue of what is the best remedy. This requirement exists irrespective of whether or not the defendant corporation has filed an alternative proposed order of reorganization pursuant to section 1593(a).

In the course of this aspect of the litigation, the court may call expert witnesses pursuant to sections 2652 and 2653 of this title. These witnesses may include economists, competitors, suppliers, customers, sources of capital, creditors, consumers, em-

ployees or shareholders. The procedure adopted in this subsection reflects the belief that traditionally the present system of anti-trust enforcement has been deficient in the area of remedy. These deficiencies are vividly described by Judge Wyzanski in *U.S.* v. *United Shoe Machinery Corporation*, 110 F. Supp. 295 (D.C. Mass 1953) as follows:

"Judges in prescribing remedies have known their own limitations. They do not ex officio have economic or political training. Their prophesies as to the economic future are not guided by unusually subtle judgment. They are not so representative as other branches of the government. The recommendations they receive from government prosecutors do not always reflect the overall approach of even the executive branch of the government, sometimes not indeed the seasoned and fairly informed judgment of the head of the Department of Justice. Hearings in court do not usually give the remote judge as sound a feeling for the realities of a situation as other procedures do. Judicial decrees must be fitted into the framework of what a busy, and none too expert, court can supervise. Above all, no matter with what authority he is invested, with what facts and opinion he is supplied, a trial judge is only one man, and should move with caution and humility.

"That considerations of this type have always affected anti-trust courts is plain from the history of the Standard Oil, American Tobacco and Alcoa cases. To many champions of the anti-trust laws these cases indicate judicial timidity, economic innocence, lack of conviction, or paralysis of resolution. Yet there is another way of interpreting this judicial history. In the antit-trust field the courts have been accorded, by common consent, an authority they have in no other branch of enacted law. Indeed, the only comparable examples of the power of judges is the economic role they formerly exercised under the Fourteenth Amendment, and the role they now exercise in the area of civil liberties. They would not have been given, or allowed to keep, such authority in the anti-trust field, and they would not so freely have altered from time to time the interpretation of its substantive provisions, if courts were in the habit of proceeding with the surgical ruthlessness that might commend itself to those seeking absolute assurance that there will be workable competition, and to those aiming at immediate realization of the social, political, and economic advantages of dispersal of power."

This subsection is designed to empower a court to adequately deal with the admittedly enormous complexities which are involved in devising an appropriate remedy.

Section 1593(c) provides that the court shall enter an order to effectuate the purposes of this act, i.e., to promote competition to the maximum extent feasible. This section is designed to make it clear that the court may take whatever action is necessary to restore competition. The order may include but is not necessarily limited to modification or termination of a defendant's contracts, mandatory patent licensing, a requirement that the defendant share technical information or a requirement that the defendant dispose of a patent, copyright or trademark. The court is also specifically empowered to require a defendant to divest itself of tangible and intangible assets, cash, stock, and to take such other action as the court may find necessary. The intent of the previous subsection, namely, section 1593(b), was to generate litigation on the issue of remedy and to provide the court with necessary expertise. By making explicit the kind of remedies which may be imposed, the intent of this subsection is to remove the natural judicial inhibitions which have existed in the past.

Section 1593(d) provides that any order entered under this section shall be subject to review by the Supreme Court of the United States pursuant to section 2114. The intent of this section is to make it clear that review by the Supreme Court is not to take place until an order of reorganization has been entered. The judgment that a defendant possesses monopoly power and the feasibility of the order of reorganization are likely to be related questions. It is felt that cases in which there is error as to whether or not a firm possesses monopoly power are likely to be far fewer than those in which such an appeal would merely cause delay.

Section 1594 provides for the enforcement of orders of reorganization issued pursuant to section 1593(c). The Industrial Reorganization Commission may apply to the court to enforce compliance with an order of reorganization. If necessary, the court may take possession of the defendant corporation or any portion thereof and may appoint a trustee to either run the business or dispose of the assets. If the court is about to appoint a trustee other than the Commission, it must notify the Commission and give it an opportunity to be heard. The trustee may not dispose of the assets without the approval of the court or subject to such terms and conditions as the court may prescribe. No such disposition shall take place until there has been an opportunity for hearing before the court. The language of this section is essentially similar to that of section 10(k)(d) of the Public Utility Holding Act of 1935.

Section 1595 provides that a defendant shall have two years to comply with an order of reorganization issued pursuant to section 1593(c). Upon a showing that the defendant has diligently attempted to comply with such order, the court shall grant an additional two years. The court must find, however, that such an extension is in the public interest.

Section 303(b) adds the appropriate chapter analysis of part IV of title 28 of the United States Code.

Section 304(a) adds a new section, section 2114, to part V of title 28, United States Code.

Section 2114(a) provides that an appeal from a final order of the Industrial Reorganization Court will lie only to the Supreme Court of the United States. This section is designed to ensure that there are only two stages: (1) a decision by the Industrial Reorganization Court and (2) a decision by the Supreme Court. This is to be contrasted with the present procedure in a Federal Trade Commission case: (1) a decision by the hearing examiner, (2) an appeal to the Commission, (3) an appeal to the U.S. Circuit Court of Appeals, and (4) a decision by the U.S. Supreme Court.

Section 2114(b) provides that the scope of review on appeal shall be limited to (1) whether or not the court proceeded correctly under the provisions of this title, and (2) whether or not the findings of fact are supported by substantial evidence. The rationale for a limited scope of review is well put by Carl Kaysen and Donald F. Turner in their book, *Antitrust Policy*, as follows on page 262:

"And we would narrowly confine the scope of review for the same reasons that it has been confined in similar cases in the past, reasons adding up to the proposition that appellate courts are ill-equipped to remake substantive determinations of highly complex factual questions by judges or agencies who through special knowledge or time have acquired a familiarity with the case that appellate judges, save in cases of obvious error, cannot surpass."

Section 304(b) amends the table of sections of chapter 133 of title 28, United States Code, by making the appropriate addition at the end thereof.

Section 305(a) adds chapter 170 to part VI, which provides for the establishment of rules of procedure, and consists of three new sections, sections 2651 through 2653.

Section 2651 provides that the proceedings of the Industrial Reorganization Court shall be pursuant to the Federal Rules of Civil Procedures to the extent the court does not see fit to adopt its own rules.

Section 2652 provides that the court may call either economists or any other individuals as expert witnesses. These witnesses may be furnished with evidence or analysis of the issues involved. Naturally, they will be subject to cross-examination and rebuttal. It is the intent of this section that such witnesses be made available to the court both on the issue of whether or not a firm possesses monopoly power and on the issue of remedy.

Section 2653 provides that the court may call as a witness any person it deems necessary. These may include competitors, suppliers, customers, lenders, consumers, employees, or shareholders. It is the intent of this section that these witnesses also be available to the court on both the issue of whether or not monopoly power is possessed and on the issue of remedy.

Section 305(b) amends the appropriate chapter analysis of part VI of title 28 of the United States Code by making the appropriate insertion.

By Mr. HRUSKA (for himself and Mr. SCOTT):

S. 3833. A bill to revise title 28 of the United States Code. Referred to the Committee on the Judiciary.

TO REVISE COURT REVIEW OF HABEAS CORPUS PETITIONS UNDER SECTIONS 2253–2255, TITLE 18

Mr. HRUSKA. Mr. President, for myself and for the senior Senator from Pennsylvania (Mr. SCOTT), I send to the desk a bill relating to Federal court review of habeas corpus petitions from State and Federal prisoners pursuant to sections 2253, 2254 and 2255 of title 28 of the United States Code. I ask that the bill be appropriately referred.

It should be stressed that this bill and its sponsors in no way seek to lessen the legitimate constitutionally required use of habeas corpus procedures to test the validity of criminal convictions. The purpose of this bill is to limit resort to this writ to traditional and proper cases only and to reduce the number of frivolous and dilatory petitions now being filed which unduly hamper the work of Federal courts and unnecessarily delay the finality of criminal actions. The bill is not designed to trespass upon the rights, limitations, and bases contained in the Constitution guaranteeing the applicability and availability of this form of legal relief. It is not a repeal of the great writ.

For our system of criminal justice to work effectively we must insure that those citizens charged with crimes are afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within a reasonable time frame. It is in this context that we must examine this and other proposals to reform our Federal habeas corpus procedures.

As Attorney General Kleindienst recently said:

One of the chief factors that has slowed and frustrated the justice process has been the interminable collateral attacks made possible by the post-trial use of the Federal writ of habeas corpus. While I recognize the

place of collateral attack in the justice process, I do deplore the abuse of it that has mushroomed in the last 20 years. I am told of instances in the Federal courts in which prisoners have filed as many as 40 or 50 petitions. It is no problem to cite cases in which the post-trial review has dragged on for a dozen years.

One result is that the State or Federal prisoner never reaches the point of accepting his own guilt so that he can begin the process of rehabilitation.

The other result has been to clog the trial system with a mountain of collateral attacks which drains the system's resources away from its regular work. Federal courts have become flooded with *habeas corpus* petitions. State prosecutors are staggered with the burden of answering these petitions, many of them frivolous. And as District Attorney Frank Hogan of New York has said, "Our old cases come back in a great wave, threatening to engulf the gasping trial courts, already up to their chins in current business."

Thus a device originally intended to insure justice is now threatening a breakdown of justice.

The "mushrooming" in the last 20 years and the resulting draining of the trial "system's resources away from its regular work" are firmly and adequately demonstrated by the following statistics:

Prisoner petitons under U.S.C. 2254 and 2255: 1950, 672; 1960, 1,184; and 1970, 10,792.

The increase from 1960 to 1970 represents a gain of nearly 1,000 percent.

It means that about 20 percent of the appeals to the circuit courts are from decisions on collateral attack petitions. A large expenditure of the circuit court's time is spent in this exercise which is not required by the Constitution. This added time is taken away from the court's ability to concern itself with the demands and needs of those accused but not yet tried. It is an exercise which undermines any effort toward rehabilitation.

The effort in this bill is to extend to everyone convicted all of his constitutional rights but will at the same time deny him the opportunity to abuse the great writ to the detriment of the administration of justice and of the public good.

Through the cooperation of the National Association of Attorneys General—NAAG—representing the several States and the Department of Justice representing the Federal Government a mutually satisfactory solution has been found to the problems outlined by the Attorney General.

The Habeas Corpus Committee of NAAG drafted legislation which would restrict collateral attacks in the Federal courts on State court proceedings. This proposal would require that collateral attacks be primarily presented in the State courts, rather than in the lower Federal courts, subject to review by the U.S. Supreme Court.

The Department of Justice, working independently on the habeas corpus question, drafted a proposal to restrict the use of collateral attacks to alleged violations of a constitutional right that involves the integrity of the fact-finding process or of the appellate process. All other legal objections on behalf of the defendant were to be restricted to the time of the trial or to consideration on direct appeal following the trial. Under the Department's proposal, they could not be subject to collateral attack thereafter. That route would be limited to factors, such as perjured testimony, which show a flaw in the fact-finding process.

These two approaches have now been brought together and are embodied in the bill we introduced today. It is my understanding that this measure has the full support of both NAAG and the Department of Justice. This is an excellent proposal which I am pleased to support The changes it proposes are necessary, workable, moderate, and legally sound. All who have had a hand in its development should be congratulated for the very real service they have rendered for justice and judicial effectiveness in this Nation.

It is late in this Congress for the introduction of such an important measure.. However, I hope that the Judiciary Committee can give this proposal prompt and careful consideration.

Mr. President, the House Judiciary Committee has had the general subject of habeas corpus reform under consideration for some time. For this reason, when the drafting work on this bill was concluded, the Attorney General sent the bill and a covering letter to Chairman CELLER. Mr. Kleindienst's letter is an unusually scholarly and comprehensive review of the history and present status of Federal habeas corpus. It supplies all the information needed to understand this proposal. I believe it will be of great interest to my colleagues.

Therefore, I ask that the text of the bill and the Attorney General's transmittal letter be printed at this point in the RECORD.

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

S. 3833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 153 of title 28 of the United States Code is amended

(a) by amending sections 2253 to 2255 to read as follows:

§ 2253. Appeal; State and Federal custody.

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right to appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may be taken to the court of appeals from the final order in a habeas corpus proceeding or a proceeding under section 2255 of this title only if the court of appeals issues a certificate of probable cause: *Provided, however,* That the certificate need not issue in order for a State or the Federal Government to appeal the final order.

"§ 2254. State custody; remedies in State courts.

"(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the grounds that either:

"(1) (i) he is in custody in violation of the Constitution of the United States, and

"(ii) the claimed constitutional violation presents a substantial question—

"(aa) which was not theretofore raised and determined, and

"(bb) which there was no fair and adequate opportunity theretofore to raise and have determined, and

"(cc) which cannot thereafter be raised and determined in the State court, and

"(iii) the claimed constitutional violation is of a right which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction:

Provided, That insofar as any constitutional claim of incompetency of counsel is based on conduct of the counsel with respect to constitutional claims barred by the previous language of this subsection, the claim of incompetency of counsel shall to that extent be likewise barred, and

"(iv) the petitioner shows that a different result would probably have obtained if such constitutional violation had not occurred;

or

"(2) he is in custody in violation of the laws or treaties of the United States.

"(b) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing a factual determination by the State court shall be admissible in the Federal court proceeding.

"§ 2255. Federal custody; remedies on motion attacking sentence.

"(a) A prisoner in custody under sentence of a court established by Act of Congress may move the court which imposed the sentence to vacate, set aside or correct the sentence, if

"(1) (A) he is in custody in violation of the Constitution of the United States, and

"(B) the claimed constitutional violation presents a substantial question

"(i) which was not theretofore raised and determined, and

"(ii) which there was no fair and adequate opportunity theretofore to raise and have determined, and

"(C) the claimed constitutional violation is of a right which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction: *Provided,* That insofar as any constitutional claim of incompetency of counsel is based on conduct of the counsel with respect to constitutional claims barred by the previous language of this subsection, the claim of incompetency of counsel shall to that extent be likewise barred and

"(D) the petitioner shows that a different result would probably have obtained if such constitutional violation had not occurred; or

"(2) he is in custody in violation of the laws of the United States; or

"(3) the sentence was imposed in violation of the laws of the United States; or

"(4) the court was without jurisdiction to impose such sentence; or

"(5) the sentence was in excess of the maximum authorization by law; or

"(6) the sentence is otherwise subject to collateral attack.

"(b) A motion for such relief may be made at any time.

"(c) Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States Attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdic-

tion, or that the sentence imposed was not authorized by law or is otherwise open to collateral attack, or that there has been a denial or infringement of the constitutional rights of the prisoner as described in subsection (a) of this section, the court shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

"(d) A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

"(e) The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

"(f) An appeal may be taken to the court of appeals for the order entered on the motion in accordance with section 2253 of this title.

"(g) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention."

(b) by amending the analysis at the beginning of the chapter by deleting "2253. Appeal." and inserting in lieu thereof "2253. Appeal; State and Federal Custody."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 21, 1972.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 11441, a bill "To amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus." This report will be addressed primarily to the provisions of H.R. 13722, which we understand is a substitute for H.R. 11441.

The Department of Justice recommends enactment of H.R. 13722, amended to include provisions relating to appeal from habeas corpus orders and to motions by prisoners attacking sentences of Federal courts. We have attached an appendix incorporating our proposed amendments with the provisions of H.R. 13722 (with some editorial changes in the provisions of H.R. 13722). A substantially similar draft bill was submitted to the Senate Judiciary Subcommittee on Constitutional Rights by letter from then Assistant Attorney General William H. Rehnquist to Senator Ervin dated October 19, 1971. Following is a discussion of the need for Federal habeas corpus reform, the constitutionality of such reform, and the specific provisions of H.R. 13722 and the recommended amendments of the Department of Justice. In using the term "habeas corpus" in this report, we refer to the concept of collateral attack in its broadest sense, to include all remedies under chapter 153 of title 28, United States Code, and also common law writs of collateral attack, such as *coram nobis*.

I. THE NEED FOR FEDERAL HABEAS CORPUS REFORM

"A procedural system which permits an endless repetition of inquiry into facts and law in a vain search for ultimate certitude implies a lack of confidence about the possibilities of justice that cannot but war with the effectiveness of the underlying substantive commands. Furthermore, we should at least tentatively inquire whether an endless reopening of convictions, with its continuing underlying implication that perhaps the defendant can escape from corrective sanctions after all, can be consisitent with the aim of rehabilitating offenders." Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 Harv. L. Rev. 441, 452 (1963).

Collateral attack in the Federal courts on State and Federal criminal judgment has become the ultimate outgrowth of the endless search for certitude in our criminal justice system. Americans, as a people, are well aware, and justly so, of the serious nature of an ultimate decision of a government, through its criminal justice system, to impose a final criminal sanction on a defendant. We hesitate, at that last instance before sending our convicted criminals to prison, and wonder if we have indeed "done justice." As a result of this laudable concern, however, we have countenanced a system of collateral attack on these final criminal judgments which literally staggers the imagination. Issues of law, issues of fact relating to people, places, and things may all be raised and relitigated time and time again through the mechanism of collateral attack. Concern for the search for ultimate justice, however, must nevertheless at some point be met with the realization that at some time, at some place, the decision of someone must be regarded as conclusive. We are hopefully not so uncomfortable with or unsure of our system of criminal justice that we cannot bring ourselves to tell a defendant that at some point his conviction is final and not thereafter open to attack. Nearly 200 years of experience with what, for all its imperfections, is surely the most equitable system of justice ever conceived, teaches us that at some points the interest in finality must be regarded as paramount.

There are two reasons why the system of collateral attack that exists today seriously impairs the operation of our system of criminal justice. A system that allows an endless inquiry into the finality of criminal judgments cannot but undermine any effort it makes to rehabilitate its criminals. In addition, that system will also be forced, in allocating available judicial time, to choose between the demands of the accused but not yet tried, and the demands of those already convicted.

Penologists seem virtually unanimous in their conclusions that speed and certainty of punishment, even more than its severity, are crucial factors in its efficacy as a deterrent to crime. Professor Bator has examined the impact of the lack of finality upon the rehabilitation process. He concludes that what is needed is "a realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation; and a process of reeduction cannot, perhaps, even begin if we make sure that the cardinal moral predicate is missing, if society itself continuously tells the convict that he may not be justly subject to reeducation and treatment in the first place. The idea of just condemnation lies at the heart of the criminal law, and we should not lightly create processes which implicitly belie its possibility." Bator, *supra*, at 452.

The lack of finality under the present system of habeas corpus has also been decried by more than one member of the Supreme Court:

"No one, not criminal defendants, not the judicial system, not society as a whole is benefitted by a judgment providing a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved." *Mackey v. United States*, 401 U.S. 667, 691 (1971) (opinion of Harlan, J.). See also Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 30 U. Chi. L. Rev. 142 (1970).

Our present habeas corpus practice is unwise not merely because it prevents a final adjudication of criminal cases in either the State or Federal courts, but also because it must inevitably require the expenditure of valuable judge hours to dispose of its progeny. In 1950, the number of petitions for habeas corpus filed annually in the Federal courts was 672. By 1960 that number had reached 1184. By 1970 petitions had reached the staggering number of 10,792. The following table will give some idea of the problem:

Year	Total civil filings	Motions to vacate sentence by State prisoners under 28 U.S.C., sec. 2254	Motions to vacate sentence by Federal prisoners under 28 U.S.C. sec. 2255	Total prisoner petitions
1950	(1)	560	112	672
1960	59,284	871	313	1,184
1970	87,321	9,063	1,729	10,792

[1] Unavailable.

These figures include only motions by State and Federal prisoners to vacate sentences under 28 U.S.C. §§ 2254 and 2255 respectively. They do not include habeas corpus petitions challenging such matters as the conduct of prison officials, or petitions seeking United States Parole Board review. Thus in 1960, petitions to vacate, by State and Federal prisoners, accounted for about 5 percent of the total civil filings. By 1970, the percentage has grown to about 13 percent. The increase in the number of petitions from 1960 (1,184) to 1970 (10,792) represents a gain of nearly 1,000 percent.

Eighteen years ago, Justice Jackson, in his concurring opinion in *Brown* v. *Allen*, 344 U.S. 443, 532, 536 & n. 8 (1953), expressed deep concern over the "floods of stale frivolous and repetitious petitions [for Federal habeas corpus by State prisoners which] inundate the docket of the lower courts and swell our own." The petitions at that time totalled 541. As Chief Judge Friendly of the Second Circuit has noted:

"If 541 annual petitions for federal habeas corpus by state prisoners were an 'inundation,' what is the right word for 7,500 (the 1968 figure)?" Friendly, *supra*, at 144.

Chief Judge Friendly also has raised various other problems thrust upon the criminal justice system by the glut of habeas petitions. He notes that approximately twenty percent of the appeals from Federal district courts are from decisions on collateral attack petitions. A petition may require a large expenditure of time by district and circuit judges even if no evidentiary hearing is held. Since the Federal courts in many cases can dispense with such a hearing only because of *State* post-conviction proceedings (due to the requirement in 28 U.S.C. § 2254 that a State prisoner exhaust available State collateral remedies before filing a Federal petition), the burden in terms of the whole system, State and Federal, is tremendous. See Friendly, *supra*, at 144 & nn. 9–10. Indeed, if such a volume of filings did *not* impose a severe burden on the Federal courts, it would be an indication that these petitions have acquired a status as "second-class" litigation which is not taken seriously—a fact which by itself would be strong evidence of the need for reform.

We do not, of course, advocate a complete abolition of habeas corpus relief, but we think an examination of the history and the aims of our criminal justice system strongly suggests that rational reform of existing Federal habeas corpus practice is both desirable and necessary.

II. CONGRESS CAN, WITHIN THE LIMITS OF THE SUSPENSION CLAUSE, AMEND THE HABEAS CORPUS STATUTES

It is only in the so-called "Suspension Clause" of the Constitution that the framers mention the privilege of habeas corpus:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety

may require it." U.S. Const. art. I, sect. 9, cl. 2.

Since this clause forms the entire constitutional basis for the exercise of the privilege, it is imperative that its exact implications be investigated.

It is clear that the writ protected by the Suspension Clause "is the writ as known to the framers, not as Congress may have chosen to expand it or, more pertinently, as the Supreme Court has interpreted what Congress did." Friendly, *supra*, at 170. Therefore, the nature of the writ at the time of the Constitution becomes extremely important in order to elicit the scope of the protected privilege as conceived by the framers.

A. The writ of habeas corpus at common law.

The writ of habeas corpus originated as a means process by which the courts compelled the attendance of parties whose presence would facilitate the proceedings. The subsequent development of the writ as an independent remedy was along two classical lines.

First, habeas corpus was a weapon whereby the Court of King's Bench sought to establish its jurisdictional supremacy over the other courts. The writ became the appropriate process for checking illegal imprisonment by the inferior courts. Collings, *Habeas Corpus for Convicts—Constitutional Right or Legislative Grace?*, 40 Cal. L. Rev. 336 (1952); Oaks, *Legal History in the High Court—Habeas Corpus*, 64 Mich. L. Rev. 451, 459 (1964). This jurisdictional check was of an extremely limited nature, because of the principle of the "incontrovertibility of the return." At common law, a petitioner could not controvert a return filed in response to a writ of habeas corpus; it was sufficient that the return stated a valid explanation for the confinement, such as the judgment and sentence of a court. Oaks, *supra*, at 453. Thus, at common law, a person could not attack the final judgment of a court of competent jurisdiction. Second, habeas corpus functioned as a remedy "to assure the liberty of subjects against detention by the executive or the military without any court process at all." Bator, *supra*, at 475. See Collings, *supra*, at 336.

These principles were firmly embedded in the Habeas Corpus Act of 1679, which clarified, but did not enlarge, the types of confinement for which the writ could be issued. The Act specifically exempted from the benefits of the writ persons committed for "felony or treason plainly expressed in the warrant of commitment" and "persons convict[ed] or in execution by legal process." Bator, *supra*, at 466; Collings, *supra*, at 337; Oaks, *supra*, at 460–61. Subsequent interpretation of this Act by the English courts, until the time of ratification of the Constitution of the United States, did not expand the writ. Collings, *supra*, 337–38; Oaks, *supra*, at 461.

B. Habeas corpus in the early United States.

Habeas corpus as above described, then, was the writ that existed at the time of the Constitutional Convention. The framers mandated that the privilege of that writ should not be "suspended." An examination of English laws shows that a suspension was conceived to be a legislative enactment which denied the privilege of habeas corpus, allowing confinement without bail, indictment, or other judicial process. Collings, *supra*, at 340. Similar views of suspension were taken by members of the House in 1807, when suspension was proposed by President Jefferson following exposure of the Burr conspiracy. 16 Annals of Congress 807–20 (1807).

"These historical incidents all lead to the conclusion that to suspend the privilege of habeas corpus in the constitutional sense is to deprive persons accused of crime of their right either to be speedily accused and tried or to be set free. Certainly nowhere is there any hint that it would be suspension to postpone the right of a convicted prisoner to habeas corpus. Suspension statutes were aimed at suspects, never at convicts." (Collings, *supra*, at 340–41.

The original statutory authorization for the writ was contained in the Judiciary Act of 1789, which merely gave the courts of the United States the "power to issue writs" of habeas corpus. Act of Sept. 24, 1789, ch. 20, § 14, 1 Stat. 81.

"It is thus not surprising that we soon find the Supreme Court accepting the black-letter principle of the common law that the writ was simply not available at all to one convicted of crime by a court of competent jurisdiction. Ex parte *Watkins* [28 U.S. (3 Pet.) 193 (1830)] is the great case. . . . The principle [of *Watkins*] is clear: substantive error on the part of a court of competent jurisdiction does not render a detention 'illegal' for purposes of habeas corpus, because, to use Chief Justice Marshall's striking phrase, 'the law trusts that court with the whole subject.'" Bator, *supra*, at 466.

This strict jurisdictional principle was overwhelmingly adhered to in the nineteenth century by the Supreme Court.[1]

The Habeas Corpus Act of 1867 (Act of Feb. 5, 1867, ch. 28, § 1, 14 Stat. 385) was the first legislative expansion of the traditional limits of habeas corpus as understood by the framers. It not only broadened the application of habeas corpus to Federal prisoners, but also made it applicable to State prisoners:

"[The Federal courts], in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases where *any person* may be restrained of his or her liberty in violation of the constitution, or any treaty or law of the United States." *Id.* (Emphasis added.)

Congress thus decided that any constitutional violation could be the basis for the exercise by the Federal courts of habeas corpus jurisdiction.

C. Present status of habeas corpus

It was in construing the 1867 Act that the Supreme Court thereafter also began to broaden the concept of habeas corpus.[2] At no time did the Court, in interpreting the 1867 Act, indicate that its decisions resulted from any constitutional mandate. Collings, *supra*, at 356–57. The only constitutional basis for the decisions was that the Act specifically allowed relief to persons held in violation of their constitutional rights. While it is implicit in the due process clause that some corrective process should be supplied for such violations, nothing in the decisions indicated that the process need be habeas corpus.

Habeas corpus thus exists today in its expanded state primarily as a matter of statutory construction, and not as a matter of constitutional requirement. The limited common law writ was the one that the framers knew at the time of the drafting of the Constitution. As late as 1952, the Supreme Court in *United States* v. *Hayman*, 342 U.S. 205, recognized that at common law a judgment of conviction rendered by a court of general criminal jurisdiction was conclusive proof of the legality of the confinement. Although the Court in *Fay* v. *Noia*, 372 U.S. 391, 405 (1963), said that at the time of the adoption of the Constitution, "there was respectable common-law authority for the proposition that habeas was available to remedy any kind of governmental restraint contrary to fundamental law," it has been convincingly argued by various commentators that this historical analysis was incorrect. *E.g.*, Friendly, *supra*, at 170–71; Oaks, *supra*, at 456–68. See also the dissenting opinion of Justice Harlan in *Noia*, 372 U.S. at 448. It is therefore Congress, through the Act of 1867, which gave the courts the opportunity to broaden the scope of habeas corpus. The writ is not constitutionally *required* to be any broader than it was in common law. Congress can amend the law dealing with habeas corpus if it so chooses.

The only intimation from the Court that constitutional problems are raised is found in a dictum, by Justice Brennan, in *Sanders* v. *United States* 373 U.S. 1, 11–12 (1963): "If construed to derogate from the traditional liberality of the writ . . . § 2244 [dealing with finality of determinations on prior applications] might raise serious constitutional questions." We do not believe that this tentative dictum in a case in which the Court even at that time was divided, should be regarded as an obstacle to amendment of the statute.

III. H.R. 13722 AND PROPOSED AMENDMENTS OF THE DEPARTMENT OF JUSTICE RELATING TO PETITIONS BY FEDERAL PRISONERS

H.R. 13722 would amend section 2254(a) of title 28, United States Code, to limit the constitutional claims which could be raised on collateral attack in Federal courts by State prisoners to those (1) which were not theretofore raised and determined in a State court, *and* (2) which there was no fair and adequate opportunity theretofore to have raised and determined in a State court, *and* (3) which could not thereafter be raised and determined in a State court. The effect of this provision would be to add a significant degree of finality to the determinations of State courts on the merits of constitutional claims, and to require the defendant to raise in the State proceedings all claims reasonably available to him at that time.

The effect of two Supreme Court cases in the habeas area would be limited by this provision. Neither case is based upon a constitutional interpretation, since both decisions involved statutory construction. Prior to the Court's decision in *Brown* v. *Allen*, *supra*, Federal district courts would not provide review on the merits of constitutional claims fully litigated in the State courts. Since the decision in *Brown*, however, Federal courts have routinely reviewed the merits of final State court decisions. Under H.R. 13722, final decisions on the merits by the State courts on Federal constitutional issues would be entitled to conclusive effect subject only to ultimate Supreme Court review. In *Fay* v. *Noia*, *supra*, the Court held that a State petitioner for Federal habeas corpus need only have exhausted the remedies available to him at the time he makes his petition. Prior procedural defaults, such as a failure to appeal, could not be regarded as constituting a waiver of the right to petition for habeas corpus, said the Court, unless they could be characterized as a "deliberate by-pass" of the State procedures. H.R. 13722 would compel the petitioner to raise in the State proceedings, at trial or on appeal, all claims reasonably available to him at that time. If a claim had not been raised and could not have been raised, H.R. 13722 would still preclude Federal habeas corpus if there was an adequate collateral remedy available in the State courts. This final requirement would, of course, encourage the States to continue to provide adequate collateral remedies in their courts.

H.R. 13722 would delete subsection (b) and (c) of present section 2254. These subsections deal with exhaustion of available State remedies (as interpreted by *Fay* v. *Noia*, *supra*) as a prelude to Federal habeas corpus for State prisoners. We favor deletion of these subsections for two reasons. First, proposed subsection (a)(1)(ii) of section 2254 would effectively state a new concept of exhaustion of remedies that would apply to State prisoners, *i.e.*, the only time the exhaustion of State remedies would be controlling would be if the claim were one which was not raised and could not have been raised. In this instance, the determination would still have to be made that the claim could not thereafter be raised and determined in State court before Federal habeas corpus may be obtained. Second, the

Footnotes at end of article.

elimination of the existing exhaustion provisions would also eliminate certain exceptions to those provisions which are stated in existing subsection (b) of section 2254, *i.e.*, that "there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner." Proposed subsection (a)(1)(ii) of section 2254 would allow the use of Federal habeas corpus by State prisoners only if they are unable to raise collaterally in the State courts the constitutional issue involved.

Proposed section 2254 (a)(1)(iii) would limit the type of claim that could be raised on Federal habeas corpus to violations of the Constitution where the right violated "has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction." It would also provide that a claim of incompetency of counsel would be barred to the extent that it is based on conduct of counsel with respect to the type of constitutional claims barred by the previous language.

The concept of the "reliability" of trial and appellate processes, on which H.R. 13722 is based, is derived from principles developed by the Supreme Court of the United States in another context. In order to determine whether newly enunicated constitutional rights of criminal defendants should be applied retroactively, the Court has drawn a distinction between those constitutional rights which primarily protect the reliability of the trial and appellate processes, and those which do not.

The criteria that the Court has evolved to make the retroactivity decision have been stated as follows:

". . . (a) the purpose to be served by the new standards, (b) the extent of reliance by law enforcement authorities on the old standards, and (c) the effect on the administration of justice of a retroactive application of the new standards." *Stovall* v. *Denno*, 388 U.S. 293, 297 (1967).

It is in deciding what purpose the new standard is to serve that the Court looks to the reliability of the process used to convict the defendant. Since the Court has recognized that "whether a constitutional rule of criminal procedure does or does not enhance the reliability of the factfinding process at trial is necessarily a matter of degree," *Johnson* v. *New Jersey*, 384 U.S. 719, 728–29 (1966), it is the extent of the effect on the reliability that becomes important.

The impact of the criteria of reliance by law enforcement officials and of the burden on the administration of justice seems to be less crucial to the ultimate determination of the Court, with regard to retroactivity, than does the purpose criterion:

"It is to be noted also that we have relied heavily on the factors of the extent of reliance and consequent burden on the administration of justice only when the purpose of the rule in question did not clearly favor either retroactivity or prospectivity." *Desist* v. *United States*, 394 U.S. 244, 251–52 (1969) (footnote omitted).[3]

Thus the Court looks initially and primarily at the purpose criterion to decide retroactivity. The degree of the required effect on the factfinding process is perhaps best described in *Linkletter* v. *Walker*, where the Court indicated that retroactive application is justified where the new rule affects "the very integrity of the factfinding process." 381 U.S. 618, 639 (1965).

That the Court regards the purpose criterion as one of degree is further emphasized by the following language in *Johnson* v. *New Jersey*, *supra*:

"We are thus concerned with a question of probabilities and must take account, among other factors, of the extent to which other safeguards are available to protect the integrity of the truth-determining process at trial. . . . The problem presented here is whether *Escobedo* and *Miranda* should be applied retroactively. . . . Thus while *Escobedo* and *Miranda* guard against the possibility of unreliable statements in every instance of in-custody interrogation, they encompass situations in which the danger is not necessarily as great as when the accused is subjected to overt and obvious coercion." 384 U.S. at 729–30 (refusing retroactive application of *Escobedo* and *Miranda*).

In describing the types of constitutional violation for which the habeas corpus remedy would be available, therefore, the language, "one which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction," has been used. This language makes it clear that the types of violations with which the bill is concerned are those which do not allow a fair trial or appeal, i.e., those which cannot be corrected through these processes. We think that this language fairly reflects the approach of the Court to the retroactivity problem, and identifies the types of constitutional violation we believe should be excluded from habeas corpus.

The counsel limitation would preclude the use of an allegation of incompetent counsel as a vehicle to raise and have decided the very issues the bill seeks to bar on habeas corpus. To the extent that an allegation of incompetent counsel is based on either a failure to raise or an incompetent raising of a claim which does not have as its primary purpose the protection of the reliability of the trial or appellate process, it too would be barred.

Finally, H.R. 13722 would require, in proposed subsection (a)(1)(iv) of section 2254, that the petitioner show that a different result would probably have obtained if the violation of the constitutional right had not occurred. The petitioner would only have to show a probability of acquittal on the actual charge on which a verdict was returned, or that without the violation he would have been convicted only of a lesser included offense. He would not need to show that he would also have been acquitted of all lesser included offenses or that he was in fact innocent. This provision is a modification of the principle, as evolved by the Court, that some constitutional errors occurring at trial can be characterized as "harmless." See *e.g.*, *Chapman* v. *California*, 386 U.S. 18 (1967); *Fahy* v. *Connecticut*, 375 U.S. 85 (1963). The requirement of some showing of prejudice to the petitioner would have the effect of eliminating frivolous petitions, in order that those of true merit might be more conscientiously reviewed.

The proposed amendments to section 2254 which would be made by H.R. 13722 are an alternative formulation of concepts originally proposed in H.R. 11441, which provides that a Federal judge could not issue a writ of habeas corpus on behalf of the State prisoner unless he found (1) that the applicant suffered a substantial deprivation of his constitutional rights at his trial, *and* (2) that this deprivation was not harmless, *and* (3) that there is substantial doubt as to the guilt of the applicant.

The language of H.R. 11441 requiring "substantial doubt of the guilt of the applicant" would introduce into habeas corpus a concept which should not be a focus of inquiry, and the Department of Justice therefore supports its omission from the language of H.R. 13722. The basic purpose of the factfinding process approach is to limit cognizable claims on habeas corpus to those which go to the basic fairness of the trial and appeal. The basic fairness of the procedures used to convict the defendant, without reference to his guilt or innocence, should remain the primary focus of Federal habeas corpus. Similarly, we think the replacement in H.R. 13722 of the language of H.R. 11441 requiring a "substantial deprivation" of constitutional rights with language requiring the petitioner to show that a "different result would probably have obtained if such constitutional violation had not occurred" is a considerable improvement.

We feel that H.R. 13722 in combining the "finality" and factfinding process approaches is a necessary and desirable reform of habeas corpus with regard to State prisoners. We suggest, however, that similar changes be made by H.R. 13722 in section 2255 of title 28. relating to collateral attacks on Federal convictions, the statutory substitute for Federal habeas corpus for Federal prisoners who seek to vacate a Federal court judgment and sentence pursuant to which they are in custody.[4] See *United States* v. *Hayman*, *supra*. Thus Federal prisoners would also not be able to raise claims on habeas corpus which were determined or could reasonably have been raised in the original proceedings. Additionally, the Federal prisoner would have to allege a violation of a constitutional right which has as its primary purpose the protection of the reliability of either the trial or appellate processes, and that, but for the alleged constitutional violation, a different result was probable.[5]

As outlined above, the Department supports the language of H.R. 13722 with regard to State prisoners (section 2254), and we recommend its combination with the Department's language with respect to Federal prisoners (section 2255) to accomplish a significant reform of Federal habeas corpus both by providing uniform treatment of State and Federal prisoners and by substantially alleviating the major problems caused by the present expansive system of Federal habeas corpus.

IV. EFFECT OF H.R. 13722 AND OF THE PROPOSED DEPARTMENT AMENDMENTS RELATING TO PETITIONS BY FEDERAL PRISONERS

While H.R. 13722, amended as we have suggested, seeks to substantially adopt for purposes of habeas corpus the decisions of the Court in the retroactivity area, we think a description of the types of constitutional claims that would be cognizable and those that would be barred only on collateral attack under the suggested approach would be helpful.

There are three principal types of claims that the "reliability" approach would bar on habeas corpus, following decisions of the Court that such claims would not be retroactively vindicated: First, claims objecting to the admissibility of voluntary confessions because of the lack of constitutionally prescribed warnings could not be alleged. The Supreme Court has held that the *Miranda* decision will not be given retroactive effect. *Johnson* v. *New Jersey*, *supra*. Second, claims objecting to the admissibility of evidence gained as a result of an alleged illegal search and seizure could not be raised collaterally. The Court has held that the exclusionary rules of *Mapp* and *Katz* will not be applied retroactively. *Linkletter* v. *Walker*, *supra*; *Desist* v. *United States*, *supra*.[6] Third, any claim objecting to the admissibility of identifications made in lineups conducted without counsel would also not be cognizable on habeas corpus. The Court has held that the *Wade* requirement of counsel at lineups does not apply retroactively. *Stovall* v. *Denno*, *supra*.

The endless relitigation of claims based on the decision in *Miranda*, *Mapp*, and *Wade* presents a poor image of our system of criminal justice. It is generally agreed by those who have studied the subject that the exclusionary rule, based on these and other cases, is designed not to insure the fairness of the trial, but rather to discipline police officers. The extent of the impact of the rule in such discipline is certainly open to ques-

Footnotes at end of article.

tion. Oaks, *Studying the Exclusionary Rule in Search and Seizure*, 37 U. Chi. L. Rev. 665 (1970).

But assuming that the rule has some impact on the conduct of police officers when recently seized evidence is excluded, it is impossible to assume that the exclusion of evidence illegally obtained years earlier by a police officer will have any appreciable deterrent effect on present police conduct.

In addition, various other types of claims would not be cognizable on habeas corpus: (1) claims that there was a denial of a request for jury trial in serious criminal cases or that there was a right to jury trial in a trial for serious criminal contempt, see *De Stefano* v. *Woods*, 392 U.S. 631 (1968) (per curiam); (2) although not a claim involving a constitutional rule, the new standards governing guilty pleas, as set forth in *McCarthy* v. *United States*, 394 U.S. 459 (1969), which have been held to be nonretroactive in *Halliday* v. *United States*, 394 U.S. 831 (1969) (per curiam). In addition, we note one other nonconstitutional claim that could not be alleged under this approach. The Court held in *Boykin* v. *Alabama*, 395 U.S. 238 (1969), that before State courts can accept a guilty plea of a defendant, there must be an affirmative showing that it was intelligently and voluntarily given. On the basis of the *Halliday* decision, we do not think the Court would apply this new standard retroactively to pleas accepted before the date of the decision in *Boykin*.

The legislation would not, however, tie habeas corpus inflexibly and invariably to retroactively. Unless a habeas corpus petitioner could show that a holding was designed to protect the reliability of the fact-finding process at the trial or of the appellate process on appeal from the judgment of conviction, he would not be entitled to have a writ issue.

There are various constitutional claims that would continue to be available on habeas corpus. Claims that the Court was without jurisdiction to try the case and sentence the defendant are a traditional basis for habeas relief. Other classic claims requiring habeas corpus relief are those relating to prejudicial publicity or mob-dominated juries. Cognizable claims that relate to the "very integrity" of the trial and appellate process would be the right to counsel at trial for an indigent, and the right of an indigent to a transcript and to counsel for an appeal. The lack of appropriate confrontation rights at trial, or the use of perjured testimony by the prosecution would also be cognizable under our amendments. Similarly, a prisoner could claim that a confession was in fact coerced.

H.R. 13722, amended as we have suggested, would be a moderate solution to limiting the availability of collateral attack in the Federal courts. The more limited availability of habeas corpus relief in the Federal courts would aid in solving both court congestion and problems in rehabilitating convicted criminals. The result of H.R. 13722, amended as suggested, would be that the basic fairness of the trial and appellate process would remain subject to collateral attack. But claims of constitutional deprivation not related to the basic fairness of the trial or appellate process, which the defendant had already had an opportunity to litigate at trial or an appeal, would no longer be cognizable on Federal habeas corpus.

V. DEPARTMENT OF JUSTICE PROPOSED AMENDMENTS RELATING TO APPEAL OF HABEAS CORPUS ORDERS

We note finally that H.R. 13722 does not deal with the appeal of final orders in habeas corpus proceedings. In terms of effect on the resources of the entire criminal justice system, the impact of appeals of habeas corpus orders is significant.

The Department of Justice suggests that H.R. 13722 include amendments to section 2253 of title 28 to: (1) provide that Federal prisoners must obtain a certificate of probable cause to appeal a denial of habeas corpus by the Federal court, as is presently required only of State prisoners (see *In re Marmol*, 221 F. 2d 565 (9th Cir. 1955)); (2) in order to achieve uniformity in the various circuits, provide that for the State or Federal government to appeal the issuance of the writ, no certificate need issue; and (3) provide that the certificate may only be issued by the court of appeals instead of by either the district judge or a single judge of the court of appeals, as is presently allowed.

Chief Judge Friendly's article, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 38 U. Chi. L. Rev. 142, 144 (1970), indicates that "despite the safeguard intended to be afforded by the requirement of a certificate of probable cause, there were over twice as many appeals by state prisoners in 1969 as there were *petitions* in 1952." (Emphasis original.) In 1969, 20 percent of all appeals from district courts were from final orders in collateral attack proceedings by state and Federal prisoners. Most importantly, Chief Judge Friendly notes that:

"For most circuits the state prisoner figures do not include unsuccessful applications by state prisoners for the issuance of certificates of probable cause. On the other hand, they do include cases where the district court has issued a certificate and, under Nawakowski v. Maroney, 386 U.S. 542 (1967), the court of appeals has been obligated to hear the appeal although it believed the certificate was improvidently issued. See Garrison v. Patterson, 391 U.S. 464, 465–67 (1968)." *Id.* at 144 n. 9

While the affirmance rate is exceedingly high in all types of State prisoner cases, Chief Judge Friendly informs us that the experience of the Second Circuit is that it is particularly so in cases where the certificate has been issued by the district judge rather than by a panel of the court of appeals. He additionally points out that the time that will be spent by the panel of the court of appeals in deciding whether to issue the certificate is small "as compared to the time spent in hearing an appeal and the burden on assigned counsel of having to argue a hopeless case." *Id.*

There also exists an additional problem with the construction of the certificate requirement in 28 U.S.C. § 2253. The question is whether the certificate requirement applies to the State or to the warden of the prison against whom the writ is issued, if they seek to appeal the issuance of the writ, or only to the prisoner. While the language of the statute is ambiguous, and seems to require that the State or warden obtain the certificate, four circuits have held that the requirement does *not* apply to the State or warden, but only to the prisoner. *Texas* v. *Graves*, 352 F.2d 514 (5th Cir. 1965); *United States ex. rel. Calhoun* v. *Pate*, 341 F.2d 885 (7th Cir. 1965), *cert. denied*, 382 U.S. 1002 (1965); *Buder* v. *Bell*, 306 F.2d 71 (6th Cir. 1962); *United States ex. rel. Tillery* v. *Cavell*, 294 F.2d 12 (3d Cir. 1961), *cert. denied*, 370 U.S. 945 (1962). The *Tillery* case emphasizes that the legislative history of the provision clearly indicates that the purpose of the certificate requirement was to insure that State *prisoners* could not use appeals as a delaying tactic to avoid the execution of their sentences.

Only the Second Circuit requires that the State or warden obtain a certificate of probable cause in order to appeal. See *United States ex rel. Carrol* v. *LaVallee*, 342 F.2d 641 (2d Cir. 1965). Chief Judge Friendly informs us, however, that the certificate is almost always issued to the State or warden. We propose, therefore, to add a provision to the appeal provisions clarifying that neither the State (nor the warden) nor the Federal Government (under our suggested amendment that the certificate requirement apply to Federal prisoners also) be required to obtain a certificate of probable cause in order to appeal the granting of an application or motion for habeas corpus. This would insure uniformity in each of the circuits, and would adopt the approach of the *Tillery* case, *supra*.

The proposed amendatory language to section 2253 is also set forth in the attached draft bill.

* * * * *

The increasing volume of habeas corpus petitions is one of the causes of the overall problem of court congestion and trial delays in the Federal courts. Through habeas corpus reforms like those in H.R. 13722 and those suggested in this report, this problem can at least be partially alleviated. Our system of justice will thereby be advanced in its striving for fair and speedy adjudication of guilt or innocence.

The Department of Justice urges early consideration and approval of H.R. 13722, amended as we have suggested.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

FOOTNOTES

[1] There were two narrow exceptions: (1) where there was an allegation that the conviction was had under an unconstitutional statute, *Ex parte Siebold*, 100 U.S. 371 (1879); this was a doctrine necessitated by the fact that Federal criminal convictions were not appealable throughout most of this period, and when appropriate statutory appeal routes were later given, the Supreme Court repudiated the doctrine of *Siebold*. See, *e.g.*, *In re Lincoln*, 202 U.S. 178 (1906); (2) where the court reviewed the problem in terms of illegality of sentence rather than that of judgment, *e.g.*, *Ex parte Lange*, 85 U.S. (18 Wall.) 163 (1873) (imposition of two sentences where statute authorized only one). See Bator, *supra*, at 467–74.

[2] It has been argued that it was not the purpose of the Act to give to the Federal courts jurisdiction to redetermine the merits of all Federal questions decided in State litigation, contrary to the feelings of Justice Frankfurter in *Brown* v. *Allen*, 344 U.S. 443, 488 (1952) (concurring opinion). Professor Bator says that to so reason would fly directly in the face of the "deeply embedded" principle that a detention pursuant to the judgment of a competent tribunal is not illegal or subject to attack even if error occurred. This principle retained its vitality into the 1870's, and indeed, it was not until the *Lange* case, *supra*, that its strictness began to be lessened. The sparseness of the legislative history of the Act lends credence to a likelihood that Congress did not intend such a drastic departure from the existing status of the writ. See Bator, *supra*, at 475–76.

[3] See, *e.g.*, Haddad, *"Retroactivity Should be Rethought": A Call for the End of the Linkletter Doctrine*, 60 J. Crim. L.C. & P.S. 417, 436 (1969); Mallamud, *Prospective Limitation and the Rights of the Accused*, 56 Iowa L. Rev. 321, 347–54 (1970). Many opponents of prospective limitation argue that the *only* criterion should be the effect on the reliability of the factfinding process and not reliance and burden.

[4] Our suggested amendments to section 2255 are not intended to limit the ability of a Federal prisoner to seek the actual writ of habeas corpus to challenge executive detentions or prison conditions, which is allowed by the last sentence of present section 2255. That sentence allows the Federal prisoner to seek the actual writ if it appears that the remedy by motion for section 2255 relief "is inadequate or ineffective to test the legality of his detention." It is intended that our suggested amendments to section 2255 preclude a Federal prisoner, who had sought by a 2255 motion to vacate his sentence, from thereafter again *attacking the sentence* by

applying for a writ of habeas corpus, claiming the section 2255 relief was "inadequate" to test the legality of his detention.

[5] It should be noted here that one of the arguments that has been made in favor of the expanded state of habeas corpus today, as it relates to *State* prisoners, is that the vindication of Federal constitutional rights requires consideration in a Federal forum. Obviously, this argument does not apply to persons who are tried (and therefore appeal) in the Federal courts, and is questionable as it relates to State prisoners since ultimate Supreme Court review is available to them through a writ of certiorari.

[6] We note, of course, that the Supreme Court has held that claims of illegal search and seizure may be raised by both State and Federal prisoners on habeas corpus. See *Kaufman* v. *United States*, 394 U.S. 217 (1969); *Whiteley* v. *Warden*, 401 U.S. 560 (1971).

By Mr. HRUSKA (by request):

S. 3834. A bill to provide for the dissemination and use of criminal record information, and for other purposes. Referred to the Committee on the Judiciary.

AUTHORIZING USE OF CRIMINAL RECORD INFORMATION ON INDIVIDUALS

Mr. HRUSKA. Mr. President, over a year ago, Judge Gesell of the United States District Court for the District of Columbia rendered his decision in the case of *Menard* v. *Mitchell*, 328 F. Supp. 718. He ruled that the FBI could no longer exchange criminal record information on a given individual, commonly called "rap sheets", with State or local officials for the purpose of employment security or licensing. The Judge held that the statute authorizing the exchange of these records—5 U.S.C. 534—permitted the dissemination of such records only within the Federal Government or to State or local law enforcement agencies for law enforcement purposes. Judge Gesell stated further that additional legislation would be necessary before the prohibited exchange could be reinstated.

This court ruling had as one of its principal objections the incompleteness and noncurrent status of such "rap sheets" in that they often and usually listed arrests, indictments, or charges of criminal conduct without giving up-to-date and full information as to disposition of such arrests, indictments or charges. This deficiency was considered unfair and faulty to a point of calling for invalidating the practice. The proposed bill is designed to overcome the results of this court action.

After the decision, it was necessary for the FBI to curtail the service of providing such records—a service which it had undertaken in good faith for many years. The curtailment affected many public and private institutions which had come to rely on receiving criminal record information for employment security or licensing purposes. Notable among that group were financial institutions, which could no longer adequately screen their job applicants.

In addition, many states had enacted statutes over the years requiring a fingerprint check with the FBI before issuing certain licenses or permits. Requests for such checks, could no longer be honored.

Temporary legislation—section 902 of Public Law 92-184 enacted last December—provided for a continuation of this "non-federal applicant" service by permitting the expenditure of fiscal year 1972 funds for the exchange of records with officials of certain federally connected banking institutions as well as with State and local officials for employment and licensing purposes if authorized by State statute and approved by the Attorney General.

The temporary nature of this authorization highlights the need for permanent legislation dealing with the problem. The bill I introduce today would provide such permanent authority, and at the same time would protect the individual by establishing stringent requirements for dissemination.

There can be no doubt that there are many legitimate uses for criminal record information at the State and local level for other than law enforcement purposes.

It is difficult to see the wisdom of denying local authorities access to potentially vital information when they are reviewing the qualifications of, for example, teachers, who must educate our children; lawyers, who may handle our financial affairs; or pharmacists, who deal with drugs. Nor does this Senator think it wise to forbid financial institutions the access to criminal record information since it is well within the public interest for them to determine if their employees will faithfully fulfill their responsibilities.

On the other hand, we all recognize that a system of unrestricted dissemination can lead to abuses which can have detrimental effects on the individual. A person may be denied a job on the basis of erroneous information which he has no opportunity to correct. Or the information may fall into the hands of someone who has no legitimate reason for seeing it. The possible consequences of this, of course, are obvious.

What is needed is a law that would achieve a balance between the need of certain authorized public and private officials to obtain criminal record information, and the right of the individual to be protected from the harms that may be caused by erroneous or incomplete information or the uncontrolled dissemination of such information. The bill I introduce today strikes this balance.

First of all, the legislation places an affrmative duty on those agencies that submit criminal record information to the FBI to assure that it is accurate and complete, and periodically revised as necessary. Those that do not comply run the risk of having the FBI cancel the exchange service.

In addition, the bill states specifically to whom criminal record information may be dissseminated. Such information may be sent to authorized officials of the Federal Government for official purposes and to officials of foreign governments for a limited number of reasons. In addition, officials of certain financial institutions may directly obtain such information for reasons of employment security. Furthermore, dissemination is permitted to officials of State and local law enforcement agencies for law enforcement purposes, and for "such additional purposes as necessitated by State statute which the Attorney General may approve by regulations."

Concerning this last category, however, there would have to be a prior determination by the Attorney General that there is a need for the information to maintain or promote security within the requesting agency, or within a business, industry, profession or labor organization fulfilling a vital public need, or to protect other vital public interests.

It should be clear from this discussion that information will be denied to all agencies and employers except where they meet very strict statutory standards. This should go a very long way towards keeping this sensitive information out of the wrong hands.

Another important feature of the bill is that which permits the individual to review the information when it is disseminated to a State or local law enforcement agency for other than law enforcement purposes. The Attorney General would establish the procedures for the review through regulations, which would provide for notice to the individual and the waiver of fees in appropriate cases. Thus, a person would no longer run the risk of being denied employment because of incorrect, inaccurate or misleading information. If the information was erroneous, he would be given the opportunity to correct it.

The legislation has an additional safeguard to insure that criminal record information is handled properly. The bill provides for both a civil and criminal cause of action against persons who violate its provisions.

I believe that the bill sufficiently balances the competing interests of those who have a valid need for criminal record information and those individuals about whom the information pertains. It will, of course, be instructive to hear the views of those interested in all aspects of the matter. While this Senator feels that the Department of Justice has submitted a workable and fair proposal, it should be indicated that the members of the Judiciary Committee will welcome hearing from any of our colleagues or any citizen generally who may have suggestions on ways to strengthen and improve this bill. We approach this subpect with an open mind intent on seeking the fairest solution to a problem which must be solved if the FBI, those agencies which need access to criminal record information, and the individual citizens involved each are to be treated equitably. I introduce this bill for the purpose of providing the committee a vehicle to be used to begin the exploration for a permanent solution to the problem posed by the decision in Menard against Mitchell. It is hoped the committee can undertake this task at an early opportunity.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed in the RECORD the transmittal letter from the Attorney General, a brief section-by-section summary of the bill, and the text of the bill.

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

S. 3834.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 28, United States Code, is amended as follows:

§ 534. Acquisition, preservation, exchange and use of identification information and records; appointment of officials; regulations

(a) The Attorney General shall acquire, collect, classify and preserve identification information, criminal record information, and other information and records. Except as otherwise limited by this section, the Attorney General is authorized to disseminate such information and records in accordance with regulations issued under this section. For the purposes of this section, "identification information" means information including fingerprint classifications and other personal descriptive data which may be used for identification purposes; "criminal record information" means information of arrests and subsequent dispositions, including convictions, submitted by law enforcement and other governmental agencies; and "other information and records" means statistical data relating to crime and compiled for research and informational purposes which do not identify an individual.

(b) Agencies submitting criminal record information to the Attorney General or his designee shall assure that the information is accurate and complete, and regularly and accurately revised to include subsequent information. The Attorney General is authorized to terminate the dissemination of criminal record information authorized by this section for failure to comply with this subsection.

(c) The Attorney General is authoribed to disseminate criminal record information to (1) authorized officials of the Federal Government for official use; (2) authorized officials of foreign governments for visa, security, law enforcement and employment purpoes; (3) officials of financial institutions the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or other Federal agency to promote or maintain the security of such institutions; and (4) state and local law enforcement agencies for (A) law enforcement purposes or (B) such additional purposes as necessitated by state statute which the Attorney General may approve by regulations issued under this section. For the purpose of this section, "law enforcement" means any activity pertaining to the reduction, control or prevention of crime or the enforcement of criminal laws. A "law enforcement agency" is a public agency whose primary function is law enforcement and includes but is not limited to police or any other agency authorized to make arrests courts with criminal jurisdiction, prosecutors' offices, and penal and other correctional or criminal rehabilitation institutions. For the purposes of this section, "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) The dissemination of criminal record information authorized by this section is subject to cancellation by the Attorney General if it is used or disclosed in violation of this section.

(e) Whenever criminal record information is disseminated to a State or local law enforcement agency for other than law enforcement purposes, the individual about whom the information pertains shall be permitted to review the information upon satisfactory verification of his identity, and in accordance with regulations stating the time, place, fees, and procedure to be followed. If, after the review of the information, the individual disputes its accuracy or completeness, he shall apply to the agency or agencies responsible for the information for correction or revision, and the agency or agencies shall make any necessary correction or revision, and shall notify the Attorney General of the correction or revision.

(f) (1) A person with respect to whom criminal record information willfully has been disseminated or used in violation of this section shall have a civil cause of action against the person responsible for the violation and shall be entitled to recover from such person actual damages and reasonable attorney's fees and other litigation costs reasonably incurred.

(2) Whoever willfully disseminates or uses criminal record information knowing such dissemination or use to be in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(3) A good faith reliance upon the provisions of this section or of applicable law governing dissemination or use of criminal record information, or upon rules, regulations, or procedures prescribed thereunder, shall constitute a complete defense to a civil or criminal action brought under this Act.

(g) The Attorney General may appoint officials to perform the functions authorized by this section and may prescribe regulations to effectuate its provisions. Such regulations issued with respect to subsection (c) (4) (B) may authorize dissemination of criminal record information thereunder only upon a determination that a need exists for the use of such information for (1) maintaining or promoting security within that agency or within a business, industry, profession, or labor organization, fulfilling a vital public need, or (2) protecting other vital public interests.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 18, 1972.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to provide for the dissemination and use of criminal record information, and for other purposes. The proposal is in response to the decision in *Menard* v. *Mitchell,* 328 F. Supp. 718, which greatly circumscribed the dissemination of FBI fingerprint and arrest information and records under 28 U.S.C. § 534.

The *Menard* decision limited the dissemination to agencies within the Federal Government and to state and local law enforcement agencies for law enforcement purposes. It held that section 534 did not authorize dissemination of this type of information to law enforcement agencies for non-law enforcement purposes, or to other state or local agencies or institutions for purposes of employment security and licensing.

Public Law 92-184, approved December 16, 1971 provided a temporary continuation of this "non-federal applicant" service, by authorizing the expenditure of Fiscal Year 1972 funds to exchange identification information with officials of certain Federally-connected banking institutions, and, if authorized by state statute and approved by the Attorney General, with officials of state and local governments for purposes of employment and licensing. Permanent authorization, as well as legislation dealing with certain individual privacy issues raised by the decision, are nevertheless required.

The attached legislative proposal is intended to meet the issues outlined in the *Menard* case by incorporating the necessary sanctions and safeguards, while at the same time providing specific authorization for the dissemination and use of criminal record information for legitimate purposes.

The important provisions of the proposal in this respect are as follows:

First of all, the bill would place the burden upon the agencies submitting criminal record information to the Attorney General to insure that the information is accurate, complete and current. Non-compliance could result in the termination of the dissemination of this information to the delinquent agency.

Dissemination of criminal record information would be permitted outside of the Federal Government for non-law enforcement purposes, but only for such purposes as necessitated by a state statute and approved by the Attorney General in regulations. Moreover, all the information would be channeled through the state and local law enforcement agencies. Again, this dissemination could be cancelled if the information is used or disclosed in violation of the provisions of the proposal.

When such information is intended to be used for other than law enforcement purposes, the subject individual would be permitted to review the information and insure that it is corrected or reviewed, if necessary.

The proposal also would authorize both civil and criminal actions against persons who disseminate or use criminal record information in violation of the bill's provisions.

Finally, the proposal would establish guidelines to be followed by the Attorney General in establishing regulations to govern dissemination for non-law enforcement purposes. A determination would have to be made that the information was necessary to promote or maintain security within an agency, or within certain areas of the private sector filling a vital public need, or to protect other vital public interests.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

SECTIONAL ANALYSIS

The title of section 534 would be expanded to include identification "information" in addition to identification "records". The section itself is primarily concerned with certain types of identification information, and the identification records are relevant only insofar as they contain that information.

The title would also include "regulations". As will be noted below, the Attorney General would be authorized to issue regulations to effectuate the provisions of the legislation.

Subsection (a) has been reworded to emphasize the Attorney General's responsibility to acquire, collect, classify and preserve certain types of information. The second sentence of the subsection is intended to permit the Attorney General to disseminate any information or records where the dissemination is not otherwise limited by section 534. (The limitations are enumerated in subsection (c) dealing with the dissemination of criminal record information). As an example, this would allow the dissemination of identification information, as opposed to criminal record information, for assistance in emergencies or missing person cases, and would also permit the release of crime statistics and reports. This type of information would not infringe upon the rights of individuals, and, therefore, its dissemination would be controlled only by regulations.

Subsection (a) also includes definitions of "identification information", "criminal record information" and "other information and records".

Subsection (b) deals with criminal record information, and is designed to place the burden upon agencies submitting that information to the Attorney General to assure that it is correct and current. At present, there is no such assurance and, in fact, a great deal of relevant information is not forwarded to the Attorney General. This problem is particularly acute concerning ultimate dispositions of cases handled at the State and local level, with the result that the information is often incomplete or in-

accurate when subsequently disseminated. Agencies that are delinquent in this respect would face the possibility that dissemination of this information would be terminated.

Subsection (c) would authorize the Attorney General to disseminate criminal record information to authorized officials of the Federal Government for official use and to state and local law enforcement agencies for law enforcement purposes. Disseminations of this type are presently permitted by the *Menard* decision. The Attorney General further would be authorized to disseminate the information to officials of foreign governments for visa, security, law enforcement and employment purposes, and to officials of financial institutions the accounts of which are insured by the FDIC or the FSLIC or other federal agency in order to promote or maintain security within such institutions.

Moreover, dissemination would be authorized to law enforcement agencies for non-law enforcement purposes, but only when necessitated by state statute and approved by the Attorney General in regulations. This provision would permit the ultimate use of criminal record information for such purposes as employment security or licensing at the state or local level, but only in well defined circumstances.

Subsection (c) also includes definitions of "law enforcement", "law enforcement agency", and "state".

Subsection (d) would permit the Attorney General to cancel the dissemination of criminal record information if it is used or disclosed in violation of the section.

Subsection (e) would allow an individual to review and correct any criminal record information which pertains to him which is disseminated to a state or local law enforcement agency for non-law enforcement purposes. Thus, an individual need not be jeopardized by inaccurate or incomplete criminal record information when applying for employment or a license. The Attorney General would outline the procedures by regulations for the review of the information. The regulations would contain provisions relating to notice of the subject individual, and the waiver of fees in appropriate cases.

If the individual believes that the information is inaccurate or incomplete and wishes to have it corrected, he will be required to apply to the agency responsible for the information, and that agency will be required to make any necessary changes and notify the Attorney General of such changes. The intent of this provision is to place the burden upon the local agency responsible for any misinformation to make the correction, rather than upon the FBI, unless the FBI itself is responsible.

The provisions of subsection (e) would not apply to records which are disseminated within the Federal Government or to law enforcement agencies for law enforcement purposes.

Subsection (f)(1) would provide for a civil cause of action for willful dissemination or use of criminal record information in violation of the section.

Subsection (f)(2) would provide criminal penalties of one year in jail or $1,000 fine, or both, for willful and knowing violations of the section.

Subsection (f)(3) provides a complete defense against any civil or criminal action for anyone acting pursuant to the section or applicable laws or to regulations issued thereunder.

Subsection (g) allows the Attorney General to appoint officials to carry out the provisions of the legislation and to promulgate regulations to effectuate the proposal. The legislation would provide guidelines to the Attorney General in issuing regulations concerning the dissemination of criminal record information to state and local law enforcement agencies for purposes other than law enforcement. This is the area where the greatest potential for abuse exists and the area where a well defined policy is required by the *Menard* decision. The regulations, therefore, would specify under what circumstances the use of the information is authorized. Use would be authorized only to maintain or promote security within the requesting law enforcement agency or within defined areas of the private sector which fulfill a vital public need, or where other vital public interests require. As required by subsection (c)(4)(B), any of these uses would have to be necessitated initially by state statute.

It is also contemplated that the regulations would require state or local law enforcement agencies that desire criminal record information to submit their requests through a centralized state agency where such a centralized agency exists. Furthermore, such regulations probably would require that the local, state or Federal agency or official be responsible for taking and providing fingerprints and supplying other necessary material to the FBI before dissemination of criminal record information. The states also would be required to share responsibility in processing non-federal fingerprints by first checking them through the state identification bureau or local files. Additional regulations would be issued as required.

By Mr. MONDALE:

S. 3836. A bill to amend section 701 of title 18, United States Code, to prohibit the sale of simulated police badges in interstate commerce. Referred to the Committee on the Judiciary.

Mr. MONDALE. Mr. President, today I am introducing legislation which would prohibit the sale of simulated police badges in interstate commerce.

At a time when many of our established institutions—including our police departments—are under fire, many of these same institutions are making a serious effort to restore the public's faith and trust.

The seemingly harmless sale of badges that closely resemble a police badge could cause a great deal of apprehension and negative publicity if this identification were used to mislead or harm an innocent and trusting victim. These very official looking badges can easily be ordered from catalogs or advertisements in many magazines.

The legislative chairman of a St. Paul PTA group brought this situation to my attention recently when she wrote:

Our children have been taught that in an emergency the place to turn is to a policeman. Also, if anything were to happen to one of their parents and someone had to reach them they can trust the man with the badge.

The situation becomes alarming when you realize that badges and cases for these badges are so easily obtained by anyone for a small investment. Many of these are extremely realistic and someone with a twisted mind could easily dupe a child or an adult into trusting the quickly flashed badge and going with the bearer of said badge.

Since the police are doing their part to restore public trust and faith, we must do what we can to facilitate their efforts. We can act to insure that only trained policemen and policewomen are allowed to possess official police badges. Then when someone is in trouble, he will know that the person with a badge is there to help.

By Mr. MONDALE:

S. 3837. A bill to provide equitable treatment of veterans enrolled in vocational education institutions. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, thousands upon thousands of veterans attending vocational and other noncollege degree programs depend for their livelihood on educational assistance allowance payments from the Veterans' Administration. At the present time, however, many of these veterans are suffering from reductions in the size of their benefit checks because of circumstances beyond their control.

There is little doubt that veterans attending noncollege degree programs must meet standards stricter than those for college degree programs in order to receive their educational assistance checks. Limited to a set number of days allowable for absence, these vocational school vets find their payments diminished because of a snowstorm, a scheduled vacation, or other causes totally beyond their control. Veterans attending college courses, on the other hand, need meet no such attendance requirement.

The entire area of educational benefits for veterans attending vocational schools urgently needs reexamination. There have been in the past abuses in some segments of the private vocational school industry. These should not be forgotten, but they should also not allow us to fail to take remedial action where needed to free vocational school veterans from unduly burdensome requirements originally enacted many years ago.

A comprehensive reexamination of the vocational school problem will require time, however. In the interim, veterans attending vocational schools should not continue to lose vitally needed dollars because of unrealistic requirements.

The legislation which I am introducing would amend the present statute to broaden the categories of absence for which a veteran attending vocational school would not be penalized. Prescheduled vacations, teacher meetings, and weather emergencies will no longer be cause for reduction in benefits, which many of us believe are inadequate to begin with. At the same time, this legislation provides safeguards to ensure that the veteran attending vocational school will receive the instructional year which is his due.

Our primary task must be to raise veterans' benefits to levels which allow those who have sacrificed for our Nation to live decently. We must also, however, ensure that the benefits legislated are not arbitrarily reduced because of factors over which the veteran has no control. This legislation will greatly aid in pursuance of this latter, and important, goal.

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

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

S. 3837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1681(b)(2) of title 38, United States Code, is amended to read as follows:

"(2) to any veteran enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title) for any days of absence in excess of thirty days in a twelve-month period, exempting from being counted as absences.

"(A) weekends or legal holidays established by Federal or State law during which the institution is regularly not in session;

"(B) days when instruction is unavailable to the veteran by reason of prescheduled vacations or teacher meetings; or

"(C) days when instruction is unavailable to the veteran by reason of emergencies caused by weather or other natural conditions; except that for purposes of computing such exemption pursuant to clause (B),

"(i) for any institution covered by this subsection which enrolled eligible veterans during the 1971–72 school year, no number of days greater than the number of days during which instruction was unavailable to students enrolled in such institution during the 1971–72 school year shall be allowed; and

"(ii) for any institution covered by this subsection which did not enroll eligible veterans during the 1971–72 school year, no number of days greater than the average number of days during which instruction was unavailable to students enrolled in all institutions covered by this subsection which enrolled eligible veterans during the 1971–72 school year in the state in which such institution is located shall be allowed; or".

By Mr. STEVENS:

S. 3838. A bill to amend the Federal Aviation Act of 1958, as amended. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I am today introducing a bill to assure continued air service to points receiving neither highway service nor railroad service. This would make it clear that air service to points in the United States, including Alaska and Hawaii, receiving neither highway service nor railroad service shall be maintained on air routes. It will also insure that subsidy payments necessary to provide such air service will be allowed.

The bill will specifically accomplish two things. First, it will permit no term or condition limiting the maximum subsidy amount payable to be written into any certificate with respect to service to or from points receiving neither highway nor rail service. It will also require that any such condition now in any certificate must be deleted without further requirement for a hearing.

Second, the bill will require that in determining the need for such a subsidy, the Civil Aeronautics Board and the Secretary of Transportation must consider air service to be a requirement for points that receive neither highway service nor rail service.

This amendment is intended to prescribe guidelines in determining the payment of the subsidy and is not intended to increase the amount of subsidy paid.

I ask unanimous consent that the bill be printed in its entirety in the CONGRESSIONAL RECORD at this point.

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

S. 3838

A bill to amend the Federal Aviation Act of 1958, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

The Federal Aviation Act of 1958, as amended, is hereby further amended as follows:

SEC. 1. By adding the following sentence to Subsection (b) of Section 406 (49 U.S.C. 1376):

"In the exercise of their powers and duties under this subsection, the Board and the Secretary of Transportation shall consider as required for the commerce of the United States, the Postal Service, and the National Defense, air service to points in the Continental United States which shall include Alaska and Hawaii receiving neither highway service nor railroad service."

SECTION 2. By adding a paragraph (7) to Subsection (e) of Section 401 (49 U.S.C. 1371) that shall provide as follows:

"No term or condition in any certificate shall limit the maximum subsidy amounts payable with respect to service to or from points that receive neither railroad service nor highway service. The Board shall, without hearings, alter, modify or amend any existing certificate term or condition in contravention of this requirement so as to bring such term or condition into conformity therewith."

By Mr. EAGLETON:

S. 3839. A bill to provide for the national improvement of reading skills. Referred to the Committee on Labor and Public Welfare.

NATIONAL READING IMPROVEMENT ACT

Mr. EAGLETON. Mr. President, I send to the desk a bill entitled the National Reading Improvement Act of 1972, and ask that it be read twice and appropriately referred.

Mr. President, we think of America as a land of opportunity, as an advanced Nation with sophisticated technology, as a highly developed and complex society. The term backward nation is scarcely applicable to the United States. And yet in many areas of our country there are individuals who must truly be called backward in that they lack a fundamental skill, a survival skill, if you will: They cannot read. They do not have the ability necessary to survive in the increasing complexity of American life.

Mr. President, the country is facing serious problems related to illiteracy and reading deficiencies. Recently released test scores from the Office of Education reveal that both inner city and rural schools face a decline in reading scores. Throughout the country, some 10 million elementary and secondary children are severely deficient in reading.

Moreover, the most recent information indicates that 18 million adults, that is, those above the age of 16, are functionally illiterate. They are without the skills to perform the tasks necessary to function in our society. They cannot take driver's license tests, write checks, read newspapers, or help children with homework, thus perpetuating the illiteracy cycle.

America's future largely depends on the capability of the American people for mature and rational decision making. Literacy, defined as the ability to read, write, understand, and integrate information, is essential to educational achievement, and therefore essential to the country in terms of an enlightened society. The present information explosion and extraordinary complexity of social and political problems intensify the need for the highest possible level of literacy.

Inability to function in the society because of illiteracy contributes substantially to our social and economic problems. Many delinquents and criminal offenders have a history of reading difficulties. Our welfare rolls are filled with people whose lack of adequate reading ability renders them virtually unemployable. As reported by the White House Conference on Children, only 25 percent of the jobs now available can be described as unskilled or fit for the low-achieving reader. By the end of this decade, the figure is expected to dwindle to less than 5 percent. Without significant improvements in literacy and reading ability, the rolls of the unemployable will certainly continue to grow.

The endless facts and statistics which document the results if illiteracy on society cannot adequately express the human suffering experienced by the individuals involved. We have achieved nearly universal elementary and secondary school attendance. We have come a long way toward making opportunities for higher education available to all. Now we must turn our attention to the quality of the education provided by focusing on one of the most serious problems facing our educational system—the one school child out of four who suffers serious reading difficulties.

Mr. President, we hear a great deal about accountability of the Federal dollar these days—and we should. Of all the subjects taught in the classroom, reading is perhaps the best to incorporate in an incentive problem based on the principle of accountability. Pupil performance in reading and, correspondingly, teacher performance can be measured with reasonable objectivity by standardized tests. We can see what progress is being made, and what needs to be done to achieve our goal.

For 3 years we have heard this administration's rhetoric about its "Right to Read" program. You may recall that this program was first announced in October 1969, by the late Dr. James Allen, then U.S. Commissioner of Education.

Dr. Allen spoke of the 10 million American children and teenagers with serious reading difficulties who were, as he called it, "denied a right—a right as fundamental as the right to life, liberty, and the pursuit of happiness." He committed the administration to a far-reaching program of educational support for these youngsters to enable them to enjoy their right to read.

Not long thereafter, in May 1970, President Nixon added his endorsement in a message to Congress on education reform. The President said:

> I propose new steps to help States and communities to achieve the Right to Read for every young American. I will shortly request that funds totaling $200 million be devoted to this objective during Fiscal 1971. The basic ability to read is a right that should be denied to no one, and the pleasures found in books and libraries should be available to all.

The President's $200 million reading program was largely illusory. Buried deep

in his education message was the news that the $200 million in question was not new money but was actually the amount he was requesting for two existing programs, titles II and III of the Elementary and Secondary Education Act. In fact, this amount proved to be about $23 million less than Congress ultimately appropriated for titles II and III. Most of these funds were subject to previous commitments for ongoing projects and very little was available for the right to read program.

Almost 3 full years have now passed since this ambitious and far-reaching program was announced. Dr. Allen, the main proponent of the program, and an outstanding educator, was forced to leave the administration after he publicly criticized the military thrust into Cambodia and the administration's handling of racial problems at home. His dream of a right to read for every American became a game of educational politics.

In the last fiscal year the right to read program had allotted to it—not the $200 million promised by President Nixon—but a total of $10 million siphoned off from eight other programs. Thus, $1.2 million of the $10 million allocated to the right to read program could only be spent in bilingual education activities. Another $1 million, obtained from the title III program of the Elementary and Secondary Education Act, could be spent only in eight States that had unencumbered title III allotments. Nearly $500,000 could be spent only for evaluation. And so it went. And so it goes.

For fiscal year 1973, the administration recommended only $12 million for the right to read program. Certainly, the administration cannot believe that such a paltry sum can accomplish the right to read goal of insuring that, by 1980, 99 percent of the 16-year-olds in the United States and 90 percent of the people over 16 shall be functionally literate. The Senate appropriations committee increased the amount of the budget request and the House allowance by $10 million. But a total of $22 million, if the full Senate recommendation is agreed to in conference, is sadly inadequate in terms of need.

The right to read program, sadly, appears to be just another chimera—a Flying Dutchman born in the nether world of Presidential promises and fated to wander from one island of the Federal bureaucracy to the next. Despite the dedicated efforts of a few concerned officials in the U.S. Office of Education, the program continues to founder.

At the outset of his administration, Richard Nixon warned America of the threat of a "precipitous decline in public confidence." The cause of this crisis, he said, was:

> The chronic gap that exists between the publicity and promise attendant to the launching of a new federal program—and that program's eventual performance.

It has become obvious that Mr. Nixon's warning was in fact a self-fulfilling prophecy. He should have heeded his own words.

The bill which I am introducing today moves to fulfill the unmet promises made long ago by the present administration. The bill would:

Establish within the Office of Education an Office for the Improvement of Reading programs which would be responsible for administering the programs provided herein and for coordinating them with the other offices and agencies whose programs deal with instruction in reading.

Authorize the Commissioner of Education to make contracts with the States to develop improved reading programs, to encourage the establishment and expansion of improved reading programs for adults.

Authorize funds for the training and retraining of personnel involved in the teaching of reading and for the acquisition of instruction materials.

Authorize the National Institute of Education to conduct research on the use of educational technology in reading programs.

Mr. President, I hope that this legislation will receive thorough review from Congress, from organizations representing educators and parents, and from all interested parties. I know that contributions from these sources will lead to the development of strong, comprehensive legislation.

I ask unanimous consent that the text of the National Reading Improvement Act of 1972 and a section-by-section analysis may appear at this point in the RECORD.

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

S. 3839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Reading Improvement Act of 1972".

SEC. 2. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"READING IMPROVEMENT PROGRAMS

"SEC. 812. (a) It is the purpose of this section—

"(1) to provide for the strengthening of reading instruction programs in the school systems in the Nation;

"(2) to provide financial assistance for the development of instructional and other educational staff for reading instruction programs; and

"(3) to develop a means by which measurable objectives for reading programs can be established and a means by which progress toward such objectives may be assessed.

"(b)(1) There is established in the Office of Education an Office for the Improvement of Reading Programs (hereafter in this section referred to as the "Office") which shall be responsible for—

"(A) the administration of the programs authorized by this section; and

"(B) the coordination of education programs as provided in subsection (e).

"(2)(A) The Office shall be headed by a Director who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(B) In addition to the position created by subpargraph (A), there are created for the purpose of assisting in carrying out the provisions of this section, three positions to be placed in grade 16 of such General Schedule.

"(C) The positions created by this paragraph shall be in addition to the number of positions placed in the appropriate grade under section 5108 of title 5, United States Code.

"(c)(1) The Commissioner shall, in accordance with the provisions of this subsection make contracts with the States in order to encourage and assist elementary and secondary school systems—

"(A) in planning, developing, and operating improved reading programs; and

"(B) in identifying exemplary reading programs in the schools of the States and encouraging and assisting the replication of such programs in other schools; and

"(C) in encouraging the establishment and expansion of improved reading programs designed to eliminate illiteracy among adults.

"(2)(A) For the purpose of assisting the States under contracts entered into under this subsection, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $200,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975.

"(B) Sums appropriated pursuant to subparagraph (A) shall be allotted among the States on the basis of the relative population of the States. Amounts allotted among the States under the preceding sentence shall be available for reallotment under such terms and conditions as the Commissioner shall prescribe by regulation. Such terms and conditions shall be specially designed to achieve the purposes of this subsection.

"(3)(A) Any State desiring to receive assistance from its allotment under paragraph (2) shall enter into a contract with the Commissioner which contract shall provide that—

"(i) either the State educational agency or the State library administrative agency (or both) shall be the State agency responsible for the execution of the contract;

"(ii) the State agency shall establish and operate a State reading program which meets the requirements of paragraph (4); and

"(iii) the State agency will comply with such other requirements as the Commissioner may establish by regulation in order to achieve the purposes of this section and to protect the financial interests of the United States.

"(4)(A) A State reading program shall provide for the establishment of and the means of achieving the goal of eliminating illiteracy in the State within ten years from the date the State enters into a contract under paragraph (3). Such program shall make provision for—

"(i) the establishment and operation of comprehensive reading programs in the schools of the State which are designed—

"(I) in the case of pupils in attendance at elementary and secondary schools whose reading achievement is less than that which could normally be expected for pupils of comparable ages and in comparable grades of education, to provide remedial reading instruction and related services, and

"(II) in the case of persons who are not in regular attendance at such schools but who lack basic reading skills, to provide them with reading instruction necessary to enable them to achieve at least functional literacy;

"(ii) in connection with such comprehensive reading programs, the participation of the entire school population in reading related activities designed to facilitate the achievement of the purposes of this section;

"(iii) to the extent that there are a number of pupils or adults (as the case may be) in the area served by a reading program who are of limited English-speaking ability, the use of bilingual education methods and techniques;

"(iv) the training and retraining of instructional and other educational staff for such program (including the development of new or specialized training programs specifically designed for such program);

"(v) special reading projects for pupils

who do not succeed in regular school programs:

"(vi) the establishment of measurable objectives and the use of such evaluation devices as may hold significant promise in indicating the extent to which those objectives are being achieved; and

"(vii) such other components as may be agreed upon by the Commissioner and the State.

The Commissioner shall, by regulation, establish criteria for the evaluation of reading programs under this paragraph.

"(B)(i) The Commissioner shall not approve a State reading program under this paragraph unless he finds that the State agency and the schools of the State have assessed the reading problems of the pupils in such schools and of the persons in the areas served by such schools and that the activities proposed to be conducted under the State reading program hold reasonable promise of helping to solve those problems.

"(ii) The Commissioner shall not approve a State reading program until he has received the advice of a panel of experts who are not regular full-time employees of the Federal Government.

"(5) Funds appropriated and allotted to the States under paragraph (2) may be used only in accordance with the terms and conditions of the contracts entered into under this subsection and then for—

"(A) the recruitment, hiring, and training of instructional and other educational staff (including the development of training programs);

"(B) the acquisition of instructional and related materials, books, supplies, and equipment; and

"(C) the acquisition and dissemination of information related to the teaching of reading.

"(6) Terms and conditions of any contract entered into under this subsection shall be specifically enforceable in an action brought by the United States.

"(d) In addition to the funds made available to the States under subsection (c), the Commissioner is authorized, in accordance with regulations and consistent with the provisions of subsection (c), to make incentive awards to local educational agencies which he determines, in accordance with criteria and procedures established by regulation, are making substantial progress toward achieving the goals of their reading programs. There is authorized to be appropriated for the purposes of this subsection for any fiscal year an amount not to exceed 25 percent of the sums appropriated for such fiscal year for the purposes of subsection (c).

"(e) The Commissioner is authorized, in accordance with criteria and procedures established by regulation (which criteria and procedures shall be consistent with other law) to direct the coordination of the uses of funds under the following programs with the programs authorized by subsection (c):

"(1) those which are carried out under title I of the Elementary and Secondary Education Act of 1965:

"(2) those which are authorized by titles II, III, and V of this Act;

"(3) that which is authorized by section 222(a)(2) of the Economic Opportunity Act of 1964;

"(4) those which are authorized by the Adult Education Act; and

"(5) those which are authorized by the Emergency School Assistance Act."

(b) The National Institute of Education shall conduct research on, and support research, demonstration, and pilot projects related to the use of educational technology in reading programs. For such purpose there is authorized to be appropriated to the National Institute of Education $5,000,000 which shall remain available for obligation and expenditure until expended.

(c) In the case of any position placed by statute in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code in the Office of Education or the National Institute of Education after June 30, 1972, such positions shall be without prejudice to the placement of other positions placed in such agencies under section 5108 of title 5, United States Code.

Sec. 3. Clause (8) of section 306(a) of the Adult Education Act is amended to read as follows:

"(8) provide that, unless such needs can be shown to have been met, priority shall be given to programs and projects designed to meet the needs of adults who are not functionally literate."

THE NATIONAL READING IMPROVEMENT ACT OF 1972

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title: This section provides that the Act may be cited as "The National Reading Improvement Act of 1972".

Section 2: Amends title VIII of the Elementary and Secondary Education Act by adding a new section 812.

Subsection 812a.: This subsection states three purposes of the Act:

1. To provide for the strengthening of reading instruction programs in the school systems in the Nation;

2. To provide financial assistance for the development of instructional and other education staff;

3. To develop a means by which measurable objectives for reading programs can be established and a means by which progress toward such objectives may be assessed.

Subsection 812b: Office for the Improvement of Reading Programs:

This subsection authorizes an Office for the Improvement of Reading Programs in the Office of Education which is responsible for the administration of this program and the coordination of other reading programs in the Office of Education.

Subsection 812c: Contracts authorized, authorizations, State requirements: First, this subsection directs the Commissioner of Education to make contracts with the States to encourage and assist in reading programs in elementary and secondary schools. This subsection authorizes the appropriation of $100 million for fiscal year 1973, $200 million for fiscal year 1974, and $250 million for fiscal year 1975. Sums appropriated are to be allotted among the States on the basis of the relative population of the States. This subsection provides that any funds freed by the non participation of a State may be reallotted under terms and conditions prescribed by the Commissioner.

Secondly, this subsection provides that any State entering into a contract with the Commissioner shall provide that:

1. Either the State educational agency or the State library administrative agency (or both) shall be the State agency responsible for the execution of the contract.

2. The State agency shall establish and operate a State reading program in accordance with the provisions of this Act.

3. The State will comply with any other requirements the Commission may establish.

Thirdly, the State reading program shall provide for the establishment of and the means of achieving the goal of eliminating illiteracy within 10 years from the date the State enters into a contract with the Commissioner. The program shall:

1. Establish and operate a comprehensive reading program in the State.

2. Include participation of the entire school population in reading related activities.

3. Make use of bilingual education methods and techniques where appropriate.

4. Provide for the training and retraining of instructional and other education staff.

5. Provide for special reading projects.

6. Establish measurable objectives and use such evaluation devices as may hold significant promise in indicating the extent to which those objectives are being achieved.

7. Provide any other components agreed upon by the Commissioner and the State.

This subsection further provides that the Commissioner shall not approve a State reading program unless he finds that the State agency and the schools have assessed the reading problems of the State and that the program holds reasonable promise of helping to solve those problems. The Commissioner may not approve a State reading program until he has received the advice of an outside panel of experts.

This subsection also provides for additional use of funds after initial requirements are met:

1. Recruitment, hiring, and training of instructional and other educational staff.

2. Acquisition of instructional and related materials.

3. Acquisition and dissemination of information related to the teaching of reading.

The terms of any contract entered into by a State shall be specifically enforceable in an action by the United States.

Subsection 812d: Incentive awards:

This subsection authorizes the Commissioner to make incentive awards to local agencies which he determines are making substantial progress toward achieving their goals of their reading program. An amount not to exceed 25 percent of the sums appropriated for subsection 812c is authorized.

Subsection 812e: Coordination

The Commissioner is authorized to direct coordination of this program with other programs in the Office of Education related to reading.

Section 2b: Research:

The National Institute of Education shall conduct research on the use of educational technology in reading programs. $5 million is authorized for that purpose.

Section 3: The Adult Education Act is amended to give priority to programs for functionally illiterate adults.

By Mr. HANSEN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. COTTON, Mr. ERVIN, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S. 3841. A bill to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, I am today introducing legislation on behalf of myself and my fellow colleagues, Mr. BIBLE, Mr. BURDICK, Mr. COTTON, Mr. ERVIN, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG, which would amend the Internal Revenue Code of 1954.

Under the law prior to the Tax Reform Act of 1969, decedent's estate were entitled to a Federal estate tax deduction for the present value of a contribution of a charitable remainder in trust. As a result of the enactment of section 664 to the Internal Revenue Code in 1969, no estate tax charitable deduction is available for such bequests in trusts, unless it is in the form of a charitable remainder annuity or unitrust. The new rule was aimed at preserving and protecting a charity's interest in such trusts. It has resulted, however, during this transitional period, in the prospect of recognized charities and colleges actually losing funds.

Many public charities today are beneficiaries of nonconforming charitable re-

mainder trusts created by decedents after the effective date of the act, and which are outside the scope of any existing transitional rules. By failing to conform to section 664, these trusts deplete the principal which eventually passes to charity. This is caused by a loss of the charitable estate tax deduction for the value of the trust remainder. If the trusts are permitted under State law to retrospectively change their governing instrument to conform to section 664, our proposed bill would assure the estate of being able to preserve the charitable deduction and thereby increase the funds eventually available to public charity.

This proposed legislation authorizes the same treatment presently permitted by Treasury Department regulations, and merely extends the period allowed to accomplish the desired result. While Treasury regulations allow conforming amendment to such trusts until 90 days after the section 664 regulations are finalized—probably sometime in August—our proposal would further extend the time for this cut-off date. Such a transitional rule assists in the implementation of a complicated statutory change so as to reduce the prospects of hardship to public charities and colleges during the changeover period.

Mr. President, I am pleased to note that similar legislation has been introduced in the House of Representatives and hope that both Houses will act promptly to pass this legislation which will assist public charities and colleges.

By Mr. BAYH (for himself, Mr. RANDOLPH, Mr. COOPER, Mr. SCHWEIKER, Mr. TAFT, and Mr. WILLIAMS):

S. 3842. A bill to authorize the Secretary of the Army to undertake a national program of inspection of dams and to authorize $200 million for Highway Emergency Relief Program. Referred to the Committee on Public Works.

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill which would authorize a national program for the inspection of dams and would also increase the emergency highway relief fund from $50 million to $200 million. These changes are essential if we are to meet needs which have become evident during recent major disasters.

First, the bill seeks to remedy a serious problem which has become tragically apparent in the last few years—that of the potential destruction which could be caused by the failure of manmade impoundments of large quantities of water.

For example, the California earthquake in 1971 severely weakened a dam in the San Fernando Valley situated just above a densely populated area. Engineering surveys later revealed that a calamity of major proportions was averted only by a narrow margin. If the earth tremors had lasted a few seconds longer, the lives of 60,000 or more people would have been placed in great jeopardy.

This year the Nation has suffered two catastrophes caused by the failure of dams releasing huge quantities of impounded waters at Buffalo Creek, W. Va., and Rapid City, S. Dak. There is no need to recall here the terrible losses, both in lives and property, attributable to the breaching of these structures. While devastated property can be measured in dollars and destroyed homes and businesses can be restored or replaced, there is no way to evaluate lives lost or to minimize the terrible suffering inflicted on helpless, innocent victims. Suffice it to say that this Nation should take every possible step to help avoid similar tragedies in the future.

The bill I am introducing today would require the Secretary of the Army, through the Corps of Engineers, to direct a national program for inspecting those dams—with certain exceptions—which impound water 25 feet or more in height or have an impoundment capacity of at least 50 acre-feet. Dams under 6 feet in height would not be included for inspection purposes. Also exempted would be those which are under the jurisdiction of the Bureau of Reclamation, the Tennesee Valley Authority, or the International Boundary and Water Commmission, those which were constructed under licenses issued according to the Federal Power Act, those which were inspected during the previous year by a State agency, those excluded by gubernatorial request, and those determined by the Secertary not to constitute any threat to human life or property.

State Governors would be provided with the results of investigations of dams located in their State which have been inspected under this program, and the Secretary would be required to report to Congress on or before July 1, 1974. His report would have to include an inventory of all dams, a review of the inspections completed, and recommendations for a comprehensive national program of inspection and regulation of those dams for safety purposes.

Secondly, the bill would amend the emergency relief fund, section 125 of title 23, United States Code, to provide an increased authorization for the repair or reconstruction of Federal-aid highways damaged by a major disaster. For many years the present $50 million authorization has been sufficient to meet the demands for such emergency assistance, but the destruction wrought by Hurricane Agnes is so widespread and costly that it is necessary to increase this authorization. Although it is too early to establish an accurate amount for the overall cost of repairing and restoring highways and bridges which were damaged by this unprecedented storm, estimates clearly indicate the need for a substantial increase.

Mr. President, in view of the urgency of both of these matters, I hope that Congress will be able to expedite action and act quickly on them.

By Mr. SCOTT (for himself, Mr. BUCKLEY, Mr. JAVITS, and Mr. SCHWEIKER):

S. 3843. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972. Referred to the Committee on Commerce.

EMERGENCY RAILROAD RELIEF

Mr. SCOTT. Mr. President, I introduce the "Emergency Rail Facilities Restoration Act," legislation to authorize up to $40 million in long term Federal loans for the restoration or replacement of essential railroad facilities damaged or destroyed during last month's severe floods.

This proposal is endorsed by the administration. It is the result of careful consultations between railroad and business officials, President Nixon, Secretary of Transportation John Volpe and Federal Rail Administrator John Ingram. This bill is intended to provide a realistic and workable approach to a problem that is truly of an emergency nature requiring expeditious action by the Congress.

I am pleased to have joining me in this effort the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER) and the distinguished Senators from New York (Mr. JAVITS and Mr. BUCKLEY).

Mr. President, we are all by now familiar with the widespread disaster which followed Tropical Storm Agnes on the eastern seaboard, and heavy flooding in South Dakota a short time earlier. Congress has already acted to provide substantial relief to private individuals and other affected sectors of the economy. Additional, comprehensive flood relief legislation has been proposed by the administration and is now before committees in both Houses of Congress. Yet the success of these programs will depend ultimately on the ability of the railroads to provide a vital transportation link for goods and services. Total recovery from widespread flood devastation will be possible only when—and if—full railroad service is restored.

Unfortunately, the railroads hardest hit included five major carriers already in bankruptcy receivership, others that are on the verge of imminent financial collapse, and numerous short line carriers which are also in poor financial condition. These railroads simply do not have the funds which are needed for replacements and repairs to restore essential rail services; nor, is there any existing Federal program under which assistance to these railroads to meet this unexpected—and unpreventable—emergency situation can be extended.

The gravity of this problem is underscored by the two-fold nature of the dilemma which these railroads now face: on the one hand, railroads are unable to provide full revenue service because of losses of track, rolling stock, and other related operating facilities; on the other, major industries which normally provide customer revenues to the railroads are themselves shut down, some perhaps permanently.

The overall economic picture is further complicated by the fact that a number of industries, not directly affected by the flooding themselves, have nevertheless had to suspend or curtail production because of interrupted rail services. Losses of payroll and tax revenues—although difficult to estimate—may well run into millions of dollars, adding greatly to the burden already suffered as the result of property destruction.

To alleviate this situation, my bill authorize the Secretary of Transportation to grant up to $40 million in long-term Federal loans when he determines such loans are necesary to insure the provision of essential rail services. Railroads in section 77 bankruptcy reorganization, or those which have experienced a deficit net income for either of the last 2 calendar years, would be eligible to make application.

Security requirements, if any, conditions of repayment and other related details would be left to negotiation between the Secretary and the railroads, depending on the circumstances which the Secretary finds applicable in each individual case. No outright grants, however, would be authorized; nor could the Secretary make any loan unless assured that the railroad in question would act "without undue delay" to complete needed repairs or replacements.

Mr. President, I know that administration witnesses and representatives of the railroads are anxious to testify in order to present full data justifying this proposal. It is my hope that hearings can be scheduled promptly; this week if at all possible.

In my opinion, the title of this bill—the "Emergency Rail Facilities Restoration Act"—speaks for itself. I repeat my strong belief that this is indeed an emergency situation which requires action by the Congress on an emergency basis. I urge consideration in that light.

Mr. President, I ask that the full text of the "Emergency Rail Facilities Restoration Act" be printed at this point in the RECORD:

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

S. 3843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Rail Facilities Restoration Act".

SEC. 2. For the purpose of this Act—

(1) "Secretary" means the Secretary of Transportation.

(2) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1–27).

SEC. 3. The Secretary is authorized to make loans, upon such terms and conditions as he deems appropriate, in an aggregate amount not to exceed $40,000,000 to railroads undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), and to railroads which have reported to the Interstate Commerce Commission on the Railroad Annual Report Form A a deficit net income for either of the last two calendar years for the purpose of restoring or replacing railroad facilities, equipment, or services which are determined to be essential to public service (including, without limitation, bridges, track, track structures, signal and communication systems, and rolling stock) damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972. There are authorized to be appropriated to the Secretary, to remain available through June 30, 1975, such sums as are necessary to carry out the purposes of this Act.

SEC. 4. Loans shall be made upon application of a railroad in such form and substance as the Secretary shall prescribe and upon satisfactory proof of the costs incurred or to be incurred in the restoration or replacement of essential railroad facilities, equipment or services. No loan application shall be approved under this Act after six months have elapsed from its date of enactment and unless the Secretary receives satisfactory assurances that the restoration or replacement to be accomplished with funds made available under the loan shall be completed without undue delay.

SEC. 5. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by not to exceed two percentum per annum. In no event shall any loan made under this Act bear interest at a rate in excess of six percentum per annum.

SEC. 6. Whenever he determines it necessary to ensure the provision of essential transportation services of a railroad, the Secretary may in his discretion provide in the terms and conditions of a loan under this Act for—

(1) deferral of the payment of principal and interest on the loan for a period not to exceed ten years from the date the loan is made;

(2) such security, if any, for the loan as he deems to be appropriate; and

(3) notwithstanding section 3466 of the Revised Statutes (31 U.S.C. 191) or any other law, any priority or subordination of the interest of the United States he deems to be appropriate in relation to the claims of any other creditors of the railroad or its trustees, except that the Secretary may not accept a position lower than that of a pre-bankruptcy unsecured creditor of the railroad.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2161

At the request of Mr. HARTKE, the Senator from New Jersey (Mr. CASE), the Senator from Vermont (Mr. STAFFORD), the Senator from Ohio (Mr. SAXBE), the Senator from Wyoming (Mr. HANSEN), and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2837

At the request of Mr. Pell, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2837, the Museum Services Act.

S. 2909

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2909, the National Blood Bank Act.

S. 3083

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3083, a bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods.

S. 3472

At the request of Mr. ANDERSON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3472, a bill to authorize Federal cost sharing in promoting public safety through elimination of hazardous open canals by converting them to closed conduits or by fencing.

S. 3614

At the request of Mr. WILLIAMS, the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. PERCY), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 3614, the Education for All Handicapped Children Act.

S. 3659

At the request of Mr. WILLIAMS, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Montana (Mr. MANSFIELD) were added as cosponsors of S. 3659, a bill to establish a commission to develop a plan leading to the conquest of multiple sclerosis.

S. 3758

At the request of Mr. NELSON, the Senator from North Carolina (Mr. ERVIN), the Senator from New York (Mr. JAVITS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3758, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 3802

At the request of Mr. HOLLINGS, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3802, to promote commerce and establish a Council on Energy Policy in the Executive Office of the President, and for other purposes.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Virginia (Mr. SPONG) was added as a cosponsor of Senate Joint Resolution 228, to pay tribute to law-enforcement officers of our country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 243

At the request of Mr. MATHIAS, the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Ohio (Mr. SAXBE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 243, providing U.S. support for the United Nations Office of Disaster Relief Coordination.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and aerial piracy.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1336

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

Mr. SAXBE submitted an amendment intended to be proposed by him to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component of the Armed and for other purposes.

AMENDMENT NO. 1337

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

WAR DISCLOSURE AMENDMENT

Mr. HUGHES. Mr. President, several weeks ago I introduced as a separate bill S. 3729, the Air War Disclosure Act. Since the pending defense authorization bill deals directly with the subject matter of this legislation. I believe that now is an appropriate time to consider what information about our military activities should be made available to the American people. Therefore, I am offering the substance of that bill as an amendment.

Now that the major U.S. military activity in Indochina is an air war, I believe that the American people deserve to be fully informed as to its nature and extent. Instead of incomplete dribbles of data, they need regular reports.

The old yardstick of U.S. troop strength in Vietnam is no longer meaningful, for there are now nearly twice as many Americans fighting the war from outside Vietnam as from inside. The number of Americans launching attacks from offshore has been more than doubled since January; the number of Americans in Thailand has increased by 50 percent, including some units transferred directly from bases in Vietnam.

Nor is the weekly death toll any longer an appropriate measure of the severity of the air war, despite the fact that during the past 3 months one American has been killed each day, on the average, and one more American has been added to the list of those missing in action.

A better measure of the air war is that, during the same period, one American has been captured every 3 days. And the estimated cost of the planes and helicopters lost is $539 million.

These indicators are useful and already available, but I believe that we need a new, regular, and consistent yardstick in order to measure how much the war is escalating or, if we ever reverse the trend, how much it is winding down.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases.

These figures are hardly adequate. According to the recent "Staff Report on Vietnam," prepared for the Foreign Relations Committee, only 8 percent of U.S. air sorties are now flown in South Vietnam. In other words, the bulk of the air war—92 percent—is conducted within the shrouds of secrecy.

The American people do not know how often or how heavily we are bombing Laos, Cambodia, and North Vietnam. These sortie and tonnage figures are provided to the Armed Services Committee, but are labeled "secret." And despite the passage of time and the revelations of documents on the Vietnam war, we still have not been told the sortie and tonnage figures, by country, for the early years of this conflict.

I find it inconsistent and beyond explanation that the Defense Department can declassify the total sortie figures by country for 1970 and 1971 and yet refuse my requests to declassify the monthly and yearly figures for previous years. Yet that is what happened with another staff report for the Foreign Relations Committee, this one on Thailand, Laos, and Cambodia.

When I pointed out this inconsistency and repeated my request for declassification, Assistant Secretary Doolin wrote back:

> Unfortunately, there are no classified Department of Defense records of Southeast Asia tactical air sorties, other than those which were finally approved for publication in the Senate Foreign Relations Committee Report.

This was only the most recent exchange in a continuing effort I have made to get the facts about this war before the American people.

In hearings several months ago before the Armed Services Committee, I asked the Defense Department:

> Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

> The enemy may be developing precise data concerning our air activity in sea through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1972 certainly can have no bearing on "enemy air defense planners" now. And as for current data, I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B–52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation. But after weeks of letters, questions, and phone calls from my staff, the Defense Department remains unmoved.

No issue of executive privilege is involved here, since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the signifiance of the figures and what they reveal.

Both the Congress and the people need to know by how much the war is escalating or winding down. Monthly figures are necessary if we are to measure, for example, this year's response to the dry season offensive compared with previous years. The figures are also useful if we are to check the level of bombing along the trails against the level of infiltration. Breakdowns by country are necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is an amendment declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. This measure would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand as well as the tonnage of munitions expended in each country.

I include Thailand, Mr. President, so that we will not be guilty of an oversight—or kept in the dark about a new war, if the current insurgency in that nation should ever prompt combat air involvement by American forces.

In order to provide a timelag necessary to insure that no tactical benefit will accrue to our opponents, the law would provide that figures need not be released until 10 days following the end of each month.

I recognize, Mr. President, that the figures which would be required under this amendment would not tell us all we really want to know. They would not tell us whether some of the strikes are unauthorized, nor whether dams and dikes are actually being bombed, nor whether the targets struck are military rather than civilian.

But if we are to have a yardstick by which to measure this war, these figures must be open to public scrutiny and debate. Instead of partial leaks or unauthorized disclosures of such classified information, I believe that the Congress can legislate a determination that public disclosure of these facts is not harmful to—and on the contrary is necessary for—the American national interest.

AMENDMENT NO. 1338

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

Mr. BEALL submitted an amendment intended to be proposed by him to the bill (H.R. 15495), supra.

AUTHORIZATIONS FOR CERTAIN MARITIME PROGRAMS—AMENDMENT

AMENDMENT NO. 1339

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

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (H.R. 13324) to authorize appropriations for fiscal year 1973 for certain maritime programs of the Department of Commerce.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE—AMENDMENTS

AMENDMENT NO. 1340

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

Mr. STEVENS (for himself and Mr. MAGNUSON) submitted an amendment intended to be proposed by them jointly to the bill (S. 945) to require no-fault motor vehicle insurance as a condition precedent to operating a motor vehicle on streets, roads, and highways or other lands open to automobile use by the public in order to promote and regulate interstate commerce.

AMENDMENTS NOS. 1341, 1342, AND 1343

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

Mr. STEVENS submitted three amendments intended to be proposed by him to the bill (S. 945), supra.

MARINE MAMMAL PROTECTION ACT—AMENDMENTS

AMENDMENT NO. 1344

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

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

AMENDMENT NO. 1345

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

Mr. HARRIS (for himself, Mr. WILLIAMS, Mr. BAYH, Mr. CASE, Mr. CHURCH, Mr. CRANSTON, Mr. HUGHES, Mr. MCINTYRE, Mr. NELSON, Mr. PERCY, Mr. RIBICOFF, Mr. STAFFORD, Mr. STEVENSON, and Mr. TAFT) submitted an amendment intended to be proposed by them jointly to the bill (S. 2871), supra.

HIGHWAY EMERGENCY RELIEF—AMENDMENT

AMENDMENT NO. 1346

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

MINNESOTA DISASTER RELIEF

Mr. MONDALE. Mr. President, 1972 has been a painful year of natural disasters throughout the Nation. Just this weekend a second round of disastrous flooding hit my home State of Minnesota.

Last Friday night more than 12 inches of rain fell across central Minnesota, causing devastating floods in 10 counties. Rivers overflowed their banks destroying bridges and roads. Ditches and dry washes suddenly became turbulent rivers flooding homes, farms, and fields. Damage estimates are indefinite at this point. Early estimates, however, are that damage to public roads and other facilities runs into millions of dollars in each of the devastated counties. And at this moment, several communities are without roads, sewer and water facilities.

This latest tragedy is particularly heartbreaking in view of the massive flooding which struck farmers in 23 Minnesota counties earlier this spring and summer. For 8 weeks these counties experienced floods comparable to the storm last month here in Washington. But because those farmlands are flat, no dramatic flash floods occurred. The water just saturated the soil and flooded the fields.

Farmers could not work their land. Some planted the crops; the crops drowned out. Many farmers never did get their crops completely planted. What got planted was very late and will bring only a fraction of the yield needed to make a profit. Those farmers need assistance desperately. Without emergency assistance many farm families will be forced to sell out. Others will go bankrupt. Small communities and businesses will suffer greatly.

Today Senator HUMPHREY and I have joined in requesting that President Nixon declare the 10-country area most recently stricken a major disaster area. Such a declaration would render these counties eligible for immediate aid, and for broader relief under legislation now pending before the Congress. We earlier joined in a similar request with respect to the 23 counties stricken last month.

We have asked the President to join those of us under the leadership of Senator HUMPHREY and Senator MCINTYRE, who are working to expand the administration's request for aid to victims of Hurricane Agnes, in order to cover all those devastated by major national disasters.

And we are joining to submit an amendment adding $25 million to S. 3796, which will provide emergency highway relief to disaster victims. Although precise damage estimates are not yet available, we wish to assure that adequate funds will be available, on the basis of need, to meet the needs of Minnesota's recent disasters, as well as those of other areas.

Mr. President, I respectfully request that the text of the letter from Senator HUMPHREY and myself to the President, together with the text of our amendment, may be printed at the conclusion of my remarks.

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

U.S. SENATE,
Washington, D.C., July 24, 1972.

Hon. RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: On Friday, July 21, 1972 a tremendous rain storm swept across central Minnesota bringing about floods and severe devastation in at least 10 counties. Roads and bridges have been washed out; farms and homes flooded. Many villages and cities are stranded.

We respectfully urge you to promptly declare that area a major disaster and bring to bear every available means of Federal Assistance for speedy recovery to normal. And we respectfully urge you to support expansion of your emergency flood relief request to include not only victims of Hurricane Agnes, but all areas in this country which suffered natural disasters.

Both because of the great needs of victims of recent natural disasters, and because the Congress is currently considering legislation to meet these needs, we would deeply appreciate your prompt action on this matter.

We deeply appreciate your consideration.

Sincerely,

WALTER F. MONDALE.
HUBERT H. HUMPHREY.

AMENDMENT NO. 1346

On page 1, line 7, strike out "$200,000,000" and insert in lieu thereof "$225,000,000".

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1302

At the request of Mr. ROBERT C. BYRD (for Mr. HART) the Senator from Wisconsin (Mr. NELSON), the Senator from Indiana (Mr. BAYH), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of amendment No. 1302 intended to be proposed to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

NOTICE OF HEARINGS ON CRIME AND LACK OF SECURITY IN HOUSING FOR THE ELDERLY

Mr. WILLIAMS. Mr. President, as Chairman of the Subcommittee on Housing for the Elderly, I would like to announce that the subcommittee will hold hearings on July 31, August 1, and August 2, 1972, on crime and lack of security in housing projects with elderly tenants.

The hearings will be held in room 4232 of the New Senate Office Building, beginning at 10 a.m.

Initial hearings on this subject were held here in October of last year as part of the continuing series on "Adequacy of Federal Response to Housing Needs of Older Americans." The seriousness of the crisis that many elderly face on a daily basis has convinced me that this inquiry must be continued. In far too many housing projects, elderly tenants are the No. 1 target for criminal attack and theft. Not only are many elderly afraid to leave their apartments, but in some cases they feel no safety even behind locked doors.

Persons wishing to submit statements for the record should write to the Senate Committee on Aging, room G–233, New Senate Office Building.

NOTICE OF HEARINGS ON U.S. MAGISTRATE SYSTEM

Mr. BURDICK. Mr. President, I wish to announce that open public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery relating to the operation of the U.S. magistrate system, including an amendment to the statutory ceiling on magistrates' salaries as proposed by H.R. 7375.

The magistrates system was enacted by the 90th Congress as Public Law 90–578 and contemplated the establishment of as many full-time magistrate positions as was feasible and desirable. Implementation of the act by the ad-

ministrative office of the U.S. courts and the Judicial Conference has resulted in the appointment of 528 magistrates, only 16 percent of which are full-time positions. H.R. 7375, which will be considered at these hearings, would increase the maximum salary for a full-time magistrate from $22,500 to $30,000 in order to bring this office in line with comparable offices which have statutory maximum salaries of $30,000 to $36,000.

Hearings will be held on August 3, 1972, in room 1114 and on August 10, 1972, in room 2228; both hearings are in the New Senate Office Building and will commence at 10 a.m. each day.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the subcommittee staff, 6306 New Senate Office Building, extension 5-3618.

ANNOUNCEMENT OF CHANGE IN DATE OF HEARINGS ON THE RED-TAPE BURDEN

Mr. McINTYRE. Mr. President, I wish to announce a new hearing date of Wednesday, August 2, 1972, at 10 a.m. in room 318 of the Old Senate Office Building, for a continuation of hearings of the Subcommittee on Government Regulation of the Senate Select Committee on Small Business into the Federal paperwork burden.

The witness at this session will be Mr. Paul F. Krueger, Deputy Chief, Statistical Policy Division, Office of Management and Budget, as previously scheduled.

Further information may be obtained by calling the subcommittee staff on 225-5175.

ADDITIONAL STATEMENTS

AN INCREDIBLE STATEMENT

Mr. SCOTT. Mr. President, the Daily Review of Clifton Forge, Va., on July 11, 1972, published an editorial entitled "A Menace." The editorial refers to what it terms as an "incredible statement" attributed to the Senator from South Dakota, Mr. McGOVERN. The statement was made in a news interview with a reporter from Life magazine. The statement is what I call shocking. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

A MENACE

With Senator George McGovern's victory last night in getting the 151 California delegates back in his camp, a win Wednesday night during the Democratic National Convention looks almost certain.

An incredible statement by the South Dakota Senator appears in the latest edition of Life magazine, which makes us wonder, even more, about his candidacy.

"When J. Edgar Hoover died everyone went into long eulogies. I couldn't bring myself to do that. I don't welcome anybody's death, but Hoover had lived beyond the normal years so I couldn't feel the pathos I would for a young man.

"I could feel nothing but relief that he was no longer a public servant. I thought he had become a menace to justice."

We wonder in what way was this man a menace?

Because he built and maintained the world's best and most efficient crime fighting force? Because he vigorously protected the security of the United States? Why?

We think that maybe the Senator is a menace to our American way of life.

THE RESOLUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. ALLEN. Mr. President, in Indianapolis, Ind., a few weeks ago at the 82d annual Congress of the Sons of the American Revolution, 12 resolutions were adopted by the unanimous vote of the members present.

The positions taken and the principles endorsed by the members of the National Society of the Sons of the American Revolution will, I am sure, be of great interest to the Members of the U.S. Senate and to citizens throughout the entire country.

I therefore ask unanimous consent that the resolutions be printed in the RECORD.

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

RESOLUTIONS

The National Society of the Sons of the American Revolution, at its 82nd Annual Congress, assembled June 11th through June 14th, 1972, at the Indianapolis Hilton, Indiana, adopted by unanimous vote, the following resolutions:

RESOLUTION NO. 1

Whereas, President Richard M. Nixon's policy regarding the war in Vietnam is to continue to seek to negotiate a just and honorable settlement and a return of American prisoners held by the Communist forces, but not to participate in a surrender of the freedom of the millions of South Vietnamese citizens nor in a surrender of the honor of our nation;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled hereby affirms its support of these policies as stated by The President of the United States and urges that he take all necessary and responsible action to effect an end to the conflict, a prompt return of American prisoners held by the Communists and the reasonable assurance of the freedom of the South Vietnamese people whom we have befriended from future political and military aggressions.

RESOLUTION NO. 2

Whereas, the National Society, Sons of the American Revolution has noted a rapid rise in public proposals that the United States should grant amnesty to those young men who have fled their country to avoid military service and those who have deserted from military service, and

Whereas, we believe those young men who have fled or deserted have refused to fulfill one of the most essential duties of citizenship and that it would be a violation of faith with those hundreds of thousands of brave men who have honorably served their country, those who are prisoners of war and those who have given their lives, the ultimate sacrifice;

Therefore be it resolved, that we express our strong opposition to such action; that we call upon our Senators and Representatives in the Congress and the President of the United States to resist the pressures being mounted for amnesty; and that the appropriate authorities prosecute those offenders swiftly and fully when and if they are apprehended.

RESOLUTION NO. 3

Whereas, truth constitutes the greatest weapon against communist falsehoods; and

Whereas, "Radio Free Europe" and similar agencies have done a commendable task, on a relatively modest budget, in penetrating the Iron Curtain and presenting essential and truthful news, thereby bringing a ray of hope and comfort to the enslaved masses laboring under the communist yoke;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution favors these programs and urges that they be continued.

RESOLUTION NO. 4

Whereas, many citizens are expressing concern for the moral decay, the spiritual dearth and the rise of destructive revolutionaries who are seeking to destroy the American way of life and undermine the principles of our Constitutional Republic; and

Whereas, every endeavor to make the fibre of our country stronger has little hope of success unless our citizens are inculcated with the need to observe the principles of love of country and our countrymen, justice and service; and

Whereas, the Chaplain General of the National Society in his report to this Congress has urged a National spiritual effort on the part of all Compatriots of the Society;

Now, therefore be it resolved that the National Society, Sons of the American Revolution at its 82nd Annual Congress assembled endorse the recommendation of the Chaplain General in said report and urgently ask all Chaplains of the State Societies and local Chapters of the Sons of the American Revolution and all Compatriots everywhere, to give earnest and active encouragement to all programs of the Society for a deepening of the spiritual motivations of our people.

RESOLUTION NO. 5

Whereas, for many years, certain agencies of the Judiciary and Executive Branches of the Federal Government have directed various local school districts to adopt courses of action which have encroached upon parental and local authority governing neighborhood schools; and

Whereas, such encroachment threatens to destroy our public schools and places in jeopardy the traditional control of Public Education by the States;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, urges the United States Congress to propose and the States to adopt a constitutional amendment which would assure the preservation of our neighborhood schools and promote the provision of a quality education to all children, and prohibiting any form of compulsory busing of students to achieve racial balance.

RESOLUTION NO. 6

Whereas, one of the most revered men in the United States, President Abraham Lincoln, directed that the song "Dixie" be played at events celebrating the end of the War Between the States; and

Whereas, "Dixie" is a most important part of Americana, and should be recognized as such by all patriotic citizens; and

Whereas, respect for America and its old and respected institutions and traditions, including the music which makes up a part of her history, should be displayed by all patriotic citizens;

Now, therefore be it resolved that the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled endorses the right of all free citizens to freely play and sing the song "Dixie" and other music forming a part of our American heritage, and urges all civil authorities to preserve this right as one of those fundamental freedoms which are so dear to the hearts of true Americans.

RESOLUTION NO. 7

Whereas, the California Society, Sons of the American Revolution has taken appropriate action to support the establishment of the Patton family home in the City of San Marino, California as a memorial to the late General George S. Patton, Jr.;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled that it endorses the action of the aforesaid California Society and urges the establishment and maintenance of the Patton Home in San Marino, California as a permanent memorial to the memory of General Patton.

RESOLUTION NO. 8

Whereas, the National Society, Sons of the American Revolution and the Indiana Society, Sons of the American Revolution lost a steadfast and valiant compatriot upon the passing of Compatriot James Arthur DeWeerd, D.D.; and

Whereas, upon the occasion of the 82nd Annual Congress being convened in his beloved State of Indiana, it is deemed fitting that a special tribute to our late Compatriot DeWeerd be adopted by this Congress;

Now, therefore be it resolved by the National Society, Sons of the American Revolution in its 82nd Annual Congress assembled, that we express our deepest regret upon the passing of Compatriot James Arthur DeWeerd, we extend our sincere sympathy to his family and many friends; and we express our deep gratitude for all of the dedicated service he gave during his lifetime to the Society and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 9

Whereas, the National Society, Sons of the American Revolution has learned with deep regret of the recent death of F.B.I. Director J. Edgar Hoover; and

Whereas, the 81st Annual Congress by its Resolution #7 has strongly approved Mr. Hoover's policies, leadership and dedication to law and order; and

Whereas, Mr. Hoover was the first recipient of the National Society's Law Enforcement Commendation Medal being presented to him by the then President General, Walter Sterling;

Now, therefore be it resolved by the National Society of the Sons of the American Revolution at its 82nd Annual Congress assembled that we express our deepest regret upon the passing of Mr. J. Edgar Hoover and extend our sincere sympathy to his family and many friends and we express our deep gratitude to the dedicated service he gave during his lifetime to the people of the United States of America and to the preservation of the principles upon which our Republic was founded.

RESOLUTION NO. 10

Whereas, the United Nations General Assembly has expelled loyal member of the U.N. the Nationalist Republic of China, and

Whereas, this action by the U.N. violated the principles of its own Charter, and

Whereas, Nationalist China was a peaceful, dues paying member of the U.N. and a friend of the United States, and

Whereas, the U.N. has admitted Communist China, a government which has slaughtered millions of its own people, and has imposed a constant reign of oppression and slavery, and

Whereas, Communist China, having been given a seat on the Security Council, can now veto any action by the U.N. thereby making it totally impotent as a force for peace, and

Whereas, many of the United Nations proponents seek to grant a total Power of Attorney over the internal affairs of its members which would thereby deprive the United States of its Sovereign Powers and make it subservient to the will of multitudinous, foreign countries, and

Whereas, competent testimony shows that certain foreign nations are using their membership in the U.N. to bring in spies and subversion to attack the United States internally;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution again goes on record as opposing continuation of our membership in the United Nations.

RESOLUTION NO. 11

Whereas, it has been the policy of the National Society of the Sons of the American Revolution to re-affirm and re-adopt all previous Resolutions;

Now, therefore be it resolved, that the National Society does re-adopt and re-affirm all previous resolutions where applicable.

RESOLUTION NO. 12

Whereas, the 82nd Annual Congress of the National Society of the Sons of the American Revolution has been successful in every respect; and

Whereas, our appreciation should be extended to the individuals and groups that contributed to the success of this Congress;

Now, therefore be it resolved, that the National Society, Sons of the American Revolution hereby expresses its grateful appreciation to President General Eugene C. McGuire and to his charming and devoted wife, Paula, for the faithful performance by him of the arduous duties of his high office and the gracious giving of their talents to his outstanding administration; and

Be it further resolved: that our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, for their vital role in the arrangements for, and execution of, the Congress, and

Be it further resolved: that our grateful appreciation and thanks be extended to:

Compatriot Marshall E. Miller, Chairman of the Indiana Society Congress Arrangements Committee, and his attractive wife, Marilyn, and Compatriot Jack K. Carmichael, President of the Indiana Society and Co-Chairman of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society Congress Arrangements Committee, and members of the Indiana Society and their ladies who assisted them, and in particular, Compatriot and Mrs. Cyril L. Johnson, Compatriot and Mrs. Albert T. Morris, Walter C. Bridgewater, Troy G. Thurston, Lowell C. Reed, Adam Riggin and Estel L. Allen;

The Honorable Edgar D. Whitcomb, Governor of the State of Indiana and The Honorable Richard G. Lugar, Mayor of the City of Indianapolis and The Honorable John W. Walls, Senior Assistant Mayor of the City of Indianapolis for their well-received greetings and remarks to this Annual Congress;

Compatriot Fred J. Milligen, Speaker at the Monday luncheon;

Mr. M. Stanton Evans, Speaker at the Tuesday evening banquet;

Colonel (and Compatriot) Charles M. Duke, Jr., USAF, the first member of the Sons of the American Revolution to walk on the Moon, and Speaker at the Wednesday evening banquet, and his lovely wife, Dottie, who charmed everyone;

Mrs. Donald Spicer, President General, National Society, Daughters of the American Revolution; Mrs. Roy D. Allen, Senior National President, National Society, Children of the American Revolution; Mr. Philip F. Horne, National President, Children of the American Revolution; and to Mrs. Floyd H. Grigsby, State Regent, Indiana Society, Daughters of the American Revolution, for their attendance at and greetings to this 82nd Annual Congress;

Past President General Charles A. Anderson, M.D., for arranging the display of Compatriot S. Hubbard Scott's collection of historical, State and Territorial flags belonging to the Ohio Society, Sons of the American Revolution;

The Staff of the Indianapolis Hilton for their cooperation and assistance in connection with this 82nd Annual Congress of the Society.

Be it further resolved: That the National Society, Sons of the American Revolution, in its 82nd Annual Congress assembled, hereby expresses its sincere appreciation to all the many others whose efforts contributed to the success of this Congress.

THE HAUSKNECHT-SHIELDS CLINIC TO AID DRUG ADDICTS

Mr. BUCKLEY. Mr. President, one of the unique attributes of our country is the extraordinary range of public good which is accomplished by private citizens acting in a purely voluntary capacity. The great majority of our most innovative and effective programs in the social area are financed and organized not by government, but by individuals motivated by a deep desire to help others less fortunate than they.

Last week I came across a particularly striking example of this application of private generosity and private concern to one of the most urgent of our domestic problems—drug addiction. It involves the establishment of a methadone clinic which has as its ultimate objective the weaning of addicts from dependence on methadone as well as on heroin.

The Hausknecht-Shields clinic is the result of a fortuitous meeting between a very dedicated physician, Dr. Allan Hausknecht, and a very generous businessman, Mr. Abe Margolies. The story is told in an article published last Friday in the New York Post. I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Post, July 21, 1972]

METHADONE: THE NEW BREED OF CLINIC

(By Robert Garrett)

When a doctor and a jeweler sat for dinner together more than 18 months ago, neither knew their casual conversation about drug addiction would result in one of the city's best methadone maintenance clinics.

But by early the next morning, Dr. Allan Hausknecht had convinced Abe Margolies, a jeweler with factories here and in the Caribbean, that city and state methadone programs—although "helpful" in stopping "heroin addiction and its accompanying crime—could be improved.

Said Margolies to his doctor-neighbor: "If you believe you can do it right, I'll help you."

DIDN'T COME CHEAP

Dr. Hausknecht and a colleague at the Bronx State Hospital methadone program searched for a vacant building and soon found an old mansion at 15 W. 190th St., near Bronx Community College. They warned the jeweler it would be expensive.

But Margolies bought the property for $100,000, spent another $30,000 to "put it together," and asked the doctor to hire a staff.

"I was paying $3000 a week before we had our first patient," the jeweler said a few days ago. "But I wanted to prove it could be done, without government money, at a price the patient could afford."

The clinic, now more than a year old, boasts a staff of 54, with 800 methadone patients.

And the staff is proud that the operation is now self-supporting and that enough money has come from patients to open a second clinic in Manhattan, at 301 W. 37th St.

But patients pay only according to their ability; the cost averages $15 weekly, substantially less than most private ventures in methadone maintenance.

Included in the weekly fee for the synthetic drug, which eliminates a craving for heroin in many addicts and permits them to function nearly normally in society, is a required, extensive therapy program. This, too, is unusual among most private methadone programs, which are often described as "legal drug pushers." Methadone, while aiding heroin addicts, is itself addictive.

The reasons for the apparent success of the Hausknecht-Shields clinic are difficult to pinpoint, even among top staff members. The clinic claims a 97 per cent success rate, compared to just under 80 per cent among most government clinics.

"NO WAITING"

Paul Kordas, a psychiatrist with 20 years experience in group therapy, says his coworkers are "simply concerned with the rehabilitation" of the addicts. "We don't just give out pills," he said. Karen Hess, responsible for organizing education programs for the patients, said, "It's the staff, a very dedicated staff."

"In a city program," Miss Hess added, "I could earn $50 a week more. But I don't ever want to work in a bureaucratic office."

Robert Fagan, a former addict and now counselor at the clinic, pointed to several fans still crated in the corner of his office.

"We bought those this morning . . . We just walked into a store and bought them, with no requisitions, no waiting. If we were affiliated with the city or state, who knows when we would have received them.

"And that's just the fans," he said. "We work with people, trying to get them jobs, helping them relate to their families, their schools. If something comes up, we don't have to go through red tape."

Probation officer Gerald Aptaker, who has 20 cases in the clinic's program, agrees red tape is minimal, and added that the clinic stood alone, among three he regularly visited, in producing no probation violators. "I see that this program works, and I feel a part of it," he said.

"WE CAN MATCH THEM"

Although both city and state methadone program officials are enthusiastic in private about the Bronx clinic, they prefer not to praise it "too highly" in public. As one city program director said, "If a private group can do so well, there should be no reason we can't match them. They're right, though, our program is too bureaucratic."

One city Health Services Administration official, while warning that "the clinic is still pretty new, so we'll have to keep a close watch on it," said he "had not heard one bad thing" about the Hausknecht operation since it opened, "even though the private clinics come up in conversation" at HSA "quite often."

Among the clinic's procedures, the orange juice in which methadone is dissolved is dyed an unappetizing green to discourage potential illicit street buyers, should a patient somehow sneak a quantity of the drug out of the building.

And if any doubt exists about the results of twice-weekly urine samples, which would show a continuing heroin use, a clinic worker acompanies the suspected patient into the sample room to assure the urine is freshly provided.

PARENTS HELPED, TOO

The clinic has established counseling sessions for the parents of addicts, people usually ignored by government programs. Also, the clinic runs electroencephologrames when patients begin treatment, and again months later, to determine whether brain wave patterns have altered under methadone maintenance.

The clinic's goal, according to Dr. Hausknecht, is to eliminate dependence even on methadone. Its first patient to totally detoxify, 40-year-old Howard Jackson, had been hooked on heroin for 16 years, somehow managing to continue his printing business.

"In this program," Jackson said, "methadone is just a small part of rehabilitation." He criticized other programs for "just dispensing methadone and nothing else." Before being weaned of drugs two months ago, he was hired as a clinic counselor and given 12 of the "most unresponsive patients" to work with.

After successfully "altering the thinking patterns" of several of the "dirty dozen," as they were called, he was put in charge of the clinic's methadone detoxification program.

"THE BEST AROUND"

Several other patients, following a recent group therapy session, said the Hausknecht-Shields clinic was "the best around, the only one where the people care what happens to us." Many had been in the program since its beginning, or had stopped taking methadone at other facilities "because they weren't doing anything for my problems."

Peculiar to the clinic is the absence of a waiting list. Dr. Hausknecht said his staff could handle "up to 2000" patients at their Bronx and Manhattan locations. But "professional ethics" prevent him from advertising

Because it is private, "just like a doctor's office, only larger," few government agencies refer addicts to the clinic. At a time when heroin addiction touches an estimated 150,000 New Yorkers or more, Dr. Hausknecht hopes others will follow the lead of Abe Margolies, the jeweler, and finance similar clinics throughout the nation.

GEN. W. C. WESTMORELAND

Mr. SYMINGTON. Mr. President, recently it was my privilege to attend the retirement of Gen. W. C. Westmoreland, Army Chief of Staff.

His short talk at that time was one of the finest addresses of its kind it has ever been my privilege to hear.

Those of us who know the problems he faced, his character, courage, and unflinching loyalty to his superiors, were saddened to view the departure from active duty of this superb soldier and outstanding American.

May he and his gracious and lovely wife have many happy and rewarding times in the years to come.

I ask unanimous consent to have printed in the RECORD the inspiring words of General Westmoreland on the day of his retirement.

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

REMARKS BY GEN. W. C. WESTMORELAND

Secretary Laird, Secretary Froehlke, Distinguished Guests, Friends, Fellow Soldiers.

I appreciate the courtesy and the distinction accorded me today. By your presence, I am reminded of the responsibility and trust which have been reposed in me, of old friendships which have warmed and sustained me, and the comradeship in arms which I have shared with American soldiers for more than thirty-six years.

Most especially, the ladies who are present remind me once again of the very great debt I owe to my own Army wife for her abiding support, grace, and inspiration. This last parade is at once a moment of recollection, gratitude, renewed faith, and pride—

And pride in an Army that has defended our country and met our commitments with dedication and selflessness,

And pride in an Army that has played a significant role in building our country and in meeting the needs of our society,

And pride in an Army that has given total loyalty to the leadership of our country and to the people it supports.

As I bid farewell, I say to the American soldier who stands tall today around the world: The country you serve is the greatest on earth—whatever its present problems and whatever its present torments. The ideals of our great land—its history and its leadership today—remain the guiding light and standard for mankind.

Be proud of your service to your country. You are soldiers in the service of a democracy.

Stay knowledgeable, for knowledge is power.

Stay strong, for strength is peace.

Stay firm in devotion to duty, for the people of our country need you.

Stay obedient—always—in spirit, mind, and purpose to the authority that commands you in this democracy.

The professionalism and service you demonstrate is our country's best weapons system—and in the final analysis, it is our Nation's true security.

As I look back on my life, I thank God for the opportunity that was given to me to be a soldier. If given that opportunity again, I would—with the same pride and with even greater humility—raise my hand—and take once again—the soldier's oath.

Goodbye and Godspeed.

UTAH CELEBRATES ARRIVAL OF PIONEERS IN SALT LAKE VALLEY

Mr. BENNETT. Mr. President, coming from a Mormon heritage, I am proud to recognize that today the State of Utah is celebrating the 125th anniversary of the arrival of the first group of Mormon pioneers into Salt Lake Valley. The journey was not an easy one. Driven from their homes, they crossed the banks of the Mississippi in the middle of February 1846, taking with them only the barest necessities. Led by Brigham Young, the people were organized into groups of 10, 50, and 100, for the westward journey. It was not easy to organize so many people and get the supplies, such as grain and farm equipment, which were necessary for a new life, and so it was decided to make the journey in two parts.

The pioneers camped at Winter Quarters, Nebr., for the winter. That was the hardest winter the hearty settlers had to endure. There was a shortage of food and scurvy broke out. The little medicine available was soon used up, and many died. Not one family escaped the sorrow that comes when a loved one dies. But uppermost in their minds was the desire to find a place where they could live in peace and harmony.

In the spring of 1847, a group of 147 left Winter Quarters. After much hardship, the group arrived at the Rocky Mountains, and, on July 20, Erastus Snow and Orsen Pratt were sent ahead to prepare for the others. On July 21, they arrived in the valley and that day planted 5 acres of potatoes. On July 23, the main group arrived at Big Mountain and looked out onto the Salt Lake Valley. Brigham Young saw the valley and said:

"This is the place. Drive on."

Entering the valley on July 24, the pioneers began the monumental task of building a home out of the desert. It would take years to fulfill the promise made by Brigham Young that the desert would blossom like a rose. But all that was in the future. The pioneers had finally found a home.

I take this opportunity to pay tribute to those pioneers and those that came after them, who had the courage to face the unknown and continue on when all seemed impossible. This is the type of courage that we need today.

GOLDEN ANNIVERSARY OF AHEPA

Mr. SAXBE. Mr. President. July 26, 1972, marks the golden anniversary of the Order of Ahepa. I would like to congratulate this fine society on its contributions to American life and recognize the day.

Under the leadership of such men as George Fotos, of Cincinnati; Nick Polites, of Columbus; Gust J. Herouvis, of Akron; and Angelo Kallipolitis, of Zanesville, this order functions for man's betterment on local, district, and national levels.

Let us all be grateful for their efforts to impress the honor and responsibility of being American citizens who wish to promote good fellowship and moral sense.

The American Hellenic Educational Progressive Association emanates a comprehensive understanding of the attributes of Hellenism and Hellenic culture, but offers opportunities to participate in education, sports, civic affairs, and international relations.

Again, congratulations to this esteemed fraternity.

BIRMINGHAM, ALA., AND BIRMINGHAM, ENGLAND

Mr. ALLEN. Mr. President, through the years the people of Birmingham, Ala., and Birmingham, England, have built a strong bridge of understanding between their two cities, both of which are major steel and commercial centers.

In April of this year, John Whybrow, of Birmingham, England, visited Birmingham, Ala., and on June 10, 1972, the Birmingham, England, Post published a picture and word story of his visit, entitling it "The Other Birmingham." Mr. Whybrow gives his impression of the Alabama city, which has just reached its 100th year.

Mr. Whybrow viewed Birmingham, Ala., with the objective eye of an outsider, unmarred by clouds of publicity which so often deceive Americans in our understanding of one another. I find Mr. Whybrow's comments a positive approach to my home State's largest city, and I believe they will also be of interest to others. Therefore, 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 OTHER BIRMINGHAM

The truck driver next to me at the coffee bar asked: "What do you want to come here for?"

He was pleased—and curious. He could have understood a tourist going to, say, New York or Miami, but why Birmingham, Alabama?

I explained that I came in peace and that I was from Birmingham, near Stratford-upon-Avon, England. I gave further details. I had come, I said, to gather information on the origins and growth of Birmingham, Alabama, for a book I was editing. I was also hoping to finance my trip with pre-sales of the book.

His opinion of me took a sharp upwards turn. He approved of this motive. In America selling is as honourable as buying. From that moment we got along fine.

I had other reasons, too. These, however, I did not offer because they were disjointed even to myself. For example, my business had been founded the same year as his Birmingham. That is in 1871. And as regards Alabama and the other States of the South, Churchill had written of the closing stages of the 1861–1865 Civil War: "Nothing crumbled, no one deserted: all had to be overpowered, man by man, yard by yard." I wanted to meet these Southerners who had taken our name for their city. How could I fail to be interested in Birmingham, Alabama?

SEMIPARADISE

Alabama is bigger than England, 12,000 square miles bigger. Alabama's population is under four million, one million of which is in Jones Valley in the Midlands.

Jones Valley is seven miles wide, 70 miles long and 600 feet above sea level. In April, when I was there, the temperature was in the eighties. Birmingham rests in the valley. About 100 years ago, or a little earlier, there were deer and bears. It is still a semi-paradise.

From the ridge of the valley you can see the whole of Birmingham. There are some fine buildings. The population is above 300,000. Birmingham links with nearby towns and suburbs making a conurbation of almost a million souls. Trees camouflage the sprawl.

As an English visitor, goodwill towards me abounded. After a few days friends sprang up like mushrooms. Food, motel accommodations and services were excellent. TV and radio less so; be smart, save money was the all-too frequent advertising theme. By English standards I was spending money like water; I did not need this perpetual reminder that I was a fool.

Birmingham, Alabama—planned in 1871 before motor-cars were thought of—owes its existence to four factors: minerals, war, railways and private enterprise.

THE CHOSEN SITE

In the 1840s iron ore, and later coal and limestone were found in Jones Valley. These minerals were adjacent and abundant. By 1860 railroads to exploit this wealth had been surveyed. One track was to come down from Chattanooga in the north; and the other to ascend from Montgomery in the South. The junction would be in Jones Valley. Here, surely, must be the site of an industrial city?

In the Deep South slavery was a special institution and provided labour for the cotton plantations. Indeed "slavery had become so necessary that it had ceased to appear evil." The North thought otherwise.

Civil war broke out in 1861. Railroad plans were pigeon-holed. When the war ended in 1865, the North was victorious but heavily in debt. The South was crushed; but the spirit of independence—a sense of difference—still lingers.

By 1870 the construction of the railroads was resumed. A year later the junction crossing was pin-pointed and the surrounding area bought by a private corporation, the Elyton Land Company. Plots were advertised and auctioned.

It is difficult for us in crowded England to imagine a private company acquiring land to build a city. But however much self-interest prompted the speculation it was none the less inspired. Spaces were reserved for churches of all kinds, parks were planned, and the streets were to be a hundred feet wide.

Altogether there are 12 Birminghams. Nine are in the United States, one in Canada, and one (New Birmingham) in Eire. The other, the original, is in Warwickshire. The folk in Alabama considered it "the best workshop in all England" and so took our name for their own. I must add that this seems too calm a reason. Were there no personal links? I am still trying to discover them.

"The City to be built in the County of Jefferson, State of Alabama, shall be called BIRMINGHAM." Thus the land company decreed. By December 19, 1871, the newborn City received its charter. There were then about 1,000 inhabitants, mostly young, mostly ex-servicemen, determined to start life afresh and make their city go.

Forward it went. In 100 years it has become the industrial and medical capital of the South. In 1969, in comparison with the rest of Alabama, Birmingham was described as "an island of racial amity in a troubled sea of racial conflict."

In 1971, Birmingham was named an "All American City" because of racial and cultural progress.

Before my visit to Birmingham, Alabama, I had tried to do some homework. Not much material was available. I met only a discreet silence based on vague memories of distant riots. There was a generous amount of dull interest in my proposed trip.

WELCOME

Ald. Victor Turton, the then Lord Mayor, was different. He gave me encouragement and sent a letter of introduction to his counterpart, Mayor George G. Seibels, Jr. He was different, too. Back came his welcoming reply. I made my preparations with the help of Mr. T. G. Downes, the Lord Mayor's secretary.

I did not go to Birmingham, Alabama, on a civil rights fact-finding tour. I had neither the background nor training to make an authoritative appraisal. And I was only going there for five minutes, so to speak. But naturally I was involved. No man is an island. On the other hand it wasn't my business. I didn't find this contradiction a handicap. Over there they accepted me as I was, warts and all.

TURNING POINT

As late as 1930, convicts in Alabama worked in chains. In 1963 there were riots in Birmingham and people were killed at the time when integration was enforced. That was the turning point. Since 1963 the two communities, two-fifths black and the rest white, have lived in almost unbroken peace beneath the shield of a progressive city. More than that, they are working together for a better future. Mutual respect and trust is growing. Certainly that is the official line. Do I believe it? Yes.

I went on no conducted tours. My visit wasn't like that. As a private individual I spoke to anybody I pleased. By chance I talked to a Reserve Deputy Sheriff, a volunteer who pays for his own uniform. He wore a revolver on his hip; a full cartridge belt, carried a torch and a bright pair of handcuffs.

I asked him why he joined. He told me that he had become a part-time policeman because law enforcement is not easy and he wanted to prove to himself that he could do it. He believed in persuasion. Talking to people was better than shouting at them. Of course it didn't always work. Sometimes advantage was taken of a reasoned approach, but he was convinced it was the lasting way. He had been a Reserve Deputy Sheriff for four years.

I inquired if he had ever used his gun? "Never. I half-drew it once. It was enough. But I wished I hadn't done even that."

I spoke to a negro who, not by choice had been involved in the 1963 riots. He had suffered grievously. I do not use the word lightly. I asked him if he still felt bitter? "No," he said. I don't think so. At least I tell myself I'm not. I can't be sure."

He went on to say how his father had taught him never to be a slave to prejudice. Since then he had disciplined his mind to be free. Freedom was what you thought about other people—not what they did to you.

Democracy in Birmingham, Alabama, seems to mean that you can approach authority direct. I went to the City Hall and asked the clerk at the injuiry desk if I could speak to the Chief of Police. He picked up the telephone. "Is that you. Chief? There's a Mr. John Whybrow here from Birmingham, England. He wonders if you could spare him a few minutes? . . . Yes, *Sir!*"

He put the telephone down. "The Chief will be very pleased to see you, Mr. Whybrow. Just go right through that door." It would be misleading to pretend that earlier arrangements had not been made. They had. But the receptionist didn't know and no time had been fixed.

COMPARISONS

I had their annual police report. I handed the chief a copy of ours. He called in some of his senior colleagues and they compared identical breakdowns of two cities 4,500 miles apart. Murder, rape, robbery, assault, and so on. In 1963 their figures were divided into whites and coloureds. No longer

Most of the senior officers, like me, were around 50 and had been in the second World War Between ex-Servicemen there is often a close and immediate bond. Nationality seems irrelevant. I could have asked any question I liked, and did.

I came from that discussion knowing that keen brains were peering beyond my vision to protect the spirit of racial co-operation. The problems to be solved are profound, but I am sure they have the strength to tackle them. I was reminded of Edward Grey's remark that the United States is like "a gigantic boiler. Once the fire is lighted under it there is no limit to the power it can generate."

Integration is part of the civic jigsaw puzzle. Birmingham is building a new civic centre and accommodating a vast medical campus; and sorting out pollution and striving to become "Great Birmingham" to increase the revenue in order to do many more things efficiently. I had time to see only some of the projects and to meet just a few of the people involved. Then I had to return home.

At the airport was Mr. Bob Olson, already a friend, the Mayor's executive secretary. He had come to wish me farewell. He handed me a packet. The plane took off.

Inside the packet was a three-page letter from Mayor Seibels. He had been in hospital throughout my visit recovering from a heart attack. We had exchanged messages through Mr. Olson. But quite apart from those I had been conscious of his mayoral thrust wherever I went.

SYMBOLIC KEY

From the intensive care unit he had dictated his letter and had included a batch of reading material. He enclosed, for my wife, a symbolic key to the city. There was a book for me. On the fly-leaf he had written: "It is a bitter disappointment not to have a chat with you and shake your hand. Excuse my lengthy letter, but I did want you to get the full picture of our 'moving' City. My regards to the Lord Mayor and Lady Mayoress. With every good wish to you—please come back again. Sincerely yours. George G. Seibels, junior, Mayor, Birmingham, Alabama."

One day I will return, in the meantime a couple of the friends I made are to come here to visit "the best workshop in all England." What will they think of our Birmingham? what's in a name?

CAPTIVE NATIONS WEEK

Mr. BUCKLEY. Mr. President, on Thursday, July 6, 1972, page 3 of the New York Times carried two news stories concerning Eastern Europe. The headlines to those stories are as follows:

British Data Point to Soviet Guilt in Katyn Deaths.

A Third Lithuanian Protest Suicide Reported by Soviet Dissidents.

There is a kind of ironic justice to the fact that these two stories should appear on the same page of the Times. The Katyn story refers, of course, to the massacre of 11,000 Polish prisoners of war, mostly officers, after the Russian conquest of part of Poland in 1939. Secret British papers made public on July 5, 1972, said that the Soviet Union was almost certainly responsible for this slaughter, a finding in keeping with the most scholarly investigations of the subject.

The story about the protest suicide told of the self-immolation of a Lithuanian worker in protest against the Soviet occupation of the Lithuanian Republic.

A massacre in a forest, over 30 years ago, and a suicidal protest only a few days ago: What do they have in common? Only this: They both remind us of the fate of those who became victims of Communist imperialism.

Thirteen years have passed since President Dwight D. Eisenhower issued the first Captive Nations Week proclamation. We are told by some that the current geopolitical reality is such that the mention of captive nations is inappropriate. It is considered to be somewhat gauche to remind Americans that there are—according to figures prepared by AFL–CIO—172,107,000 subjugated by the Soviet Union and the Chinese Communists. It is not intellectually or politically fashionable to speak as President Eisenhower did of the "imperialistic and aggressive policies of Soviet communism."

Yet it would seem that the current intellectual fashion has not penetrated the minds or souls of those who, as captives, have firsthand experience of what it means to be a victim of communism's imperialistic and aggressive policies.

The men and women who watched Russian tanks roll over their dreams of freedom in Czechoslovakia know what a captive nation is.

The Polish workers who rioted against the Communist regime in 1970 know what a captive nation is.

The Lithuanians who cry out to the world for political justice and freedom of religion know what a captive nation is.

The Tibetan refugees all over the world know what a captive nation is.

Mr. President, this year the commemoration of Captive Nations Week is of special significance. It is especially significant because it must be viewed against the background of our new efforts to achieve detente between the United States and the Soviet Union. And against this background of detente stands a dwindling resolve to reaffirm our commitment to provide truth and hope to the people of the captive nations who live in a world of lies and despair. It is a commitment, I submit, which we cannot permit to falter.

But the tendency to abandon that commitment has been great indeed. Consider for a moment some of the debate we have had this year on issues vitally important to the world's captive nations. The USIA faced unprecedented and potentially crippling budget cuts in the Foreign Relations Committee. Voice of America, the broadcast arm of USIA, was nearly silenced despite the compelling testimony of Soviet author and Nobel Prize Winner Alexander Solzhenitsyn who said of the VOA broadcasts:

If we learn anything about events . . . it comes from there.

Radio Free Europe and Radio Liberty, whose broadcasts provide for millions the only source of uncensored news in their native tongue, also faced extinction early this year.

The point which must be borne in mind while considering these and other similar ill-advised attempts to emasculate America's commitment to keep the hope for freedom alive is that they were conceived and promulgated on the basis of a new world order of detente; an order suddenly so friendly and conciliatory that operations as vital to our commitment to human freedom and dignity as the USIA, Voice of America, Radio Free Europe, Radio Liberty, and captive nations groups active in the United States for many years, became mere "relics of the cold war."

Let us take a brief look at some of the events which have taken place in this year of 1972, which may for some be a year of detente but for others—those captured within the totalitarian Communist power structure—has been a year of repression.

From the very beginning of this year, throughout the entire of the Soviet Union, there has been an intensified police crackdown following a secret central committee resolution to silence the human rights movement and especially its sturdiest offspring, the underground Chronicle of Current Events. Despite a sweeping series of arrests which followed, the Chronicle published its 24th issue in March, and its 25th issue began circulating in June. However, there has been much speculation that the Chronicle cannot long survive under this pressure as dissidents continue to be arrested. Moreover, the recent arrest of Pyotr Yakir—a leading dissident considered immune from persecution, because of the stature of his father who was executed under Stalin—implies a repression far greater than expected even by the most pessimistic of the Sovietologists.

In the Ukraine, the Soviet secret police, the KGB, have been conducting a series of arrests of nationalists since January. According to the Chronicle of Current Events, the numbers of those arrested on charges stemming from "bourgeois nationalism" now exceed 100. Reports reaching the West just this week state that already three of those arrested have been given sentences at hard labor.

In Lithuania, on the eve of the President's Moscow summit, 2 days of rioting broke out in Kaunas, the second largest city, as several thousands of Lithuanians—mostly youths—fought police with sticks and stones. Reports of the incident mentioned that young Lithuanians roamed the streets chanting, "Freedom, Freedom," and "Freedom for Lithuania."

In order to put down the upheaval, the Soviet authorities had to dispatch units of the tough, heavily armed internal security forces to Kaunas.

This outburst followed the funeral of the first of these young Lithuanian factory workers to immolate themselves this spring in protest of the Soviet Union's continued occupation and forced Russification of that once proud republic.

In the Soviet Republic of Latvia, like Lithuania and Estonia, a once proud nation conquered by the Red army in 1940 under the terms of the secret protocol of the Hitler-Stalin pact, 17 "national Communists" resorted to a public appeal last February addressed to the leaders of the Western Communist parties. In this appeal, they documented in detail Moscow's policy of Russification, forced assimilation, and physical repression. Russification has been so severe that even in Riga, the capital, only 40 percent of the population is now Latvian.

Just this past week in Czechoslovakia, we have witnessed the completion of the first of three trials directed against prominent Czech reformists. In this trial, the three defendants were convicted of subversion for having advocated in clandestine leaflets that their fellow citizens exercise their constitutional rights in the parliamentary elections which were held last November. The two other trials will begin at the end of this month and in mid-August.

In the first trial, the defendants were all supporters of the former Czech Communist Party leader, Alexander Dubcek. Dubeck's policies were not those simply of another Communist liberalizer, but rather those of a democratizer. He, and he alone out of the parade of different Communist leader, offered a possibility of a true detente—he attempted reforms so fundamental that they threatened the all-pervasive control of the Communist Party itself. And because of this, his reforms, and the only real hope for detente, were met by the crushing military weight of the Soviet Union supported by its neo-Stalinist satraps of East Germany, Poland, Bulgaria, and Hungary. And now, almost a full 4 years later, Dubcek's supporters are being brought to trial as "class enemies."

Since last November, approximately 300 Czechs have been arrested in an attempt to intimidate the more outspoken survivors of 1968 and stifle any lingering tendencies toward dissent. Western press reports confirm the success of this intimidation as the flow of underground publications has dried up, and those dissidents with former reputations for outspokenness are now shunning all contacts with Westerners.

The most bitter irony, however, was the resolution passed by the Czechoslovak trade unions at the end of their Congress held in Prague last month. The resolution expressed "comradely thanks" for the Soviet-led invasion of 1968. This resolution marked the formal recantation of the trade union movement, which by the end of 1968 had become a stronghold of support for Mr. Dubcek's reforms and bitterly opposed the invasion.

In Yugoslavia—the showpiece of Communist liberalization programs—four army personnel were killed early this month as a guerrilla group of Croatian nationalists entered Yugoslavia secretly and penetrated as far as Bugojno, a small town in western Bosnia, before they were rounded up. Although this attempt at setting up a guerrilla liberation movement has apparently failed, it demonstrates the strength of conviction which Croatians, as well as other minority groups in Yugoslavia, hold in desiring their liberation.

Many Westerners have looked to the forthcoming European Security Conference as an arena for the discussion of a freer flow of information between East and West. But even here, it seems clear that these hopes will meet frustration.

In mid-May, as the world prepared for the coming fruits of the Moscow summit, the First Deputy Foreign Minister of Hungary discussed the projected security conference at a Budapest meeting. He stated that the prospects of detente would not be served by discussing a free exchange of information and the free flow of ideas. The free flow of ideas was characterized as an attempt to smuggle hostile ideas into the Socialist States.

A similar policy line is also emerging in Czechoslovakia, Poland, and East Germany, and there is now little hope that a discussion on the free flow of information will even be put on the agenda of the security conference.

Mr. President, 13 long years have now elapsed since Dwight D. Eisenhower reminded the world that Soviet-dominated nations have been "deprived of their national independence and their individual liberties." During these long years, the fires of hope have stayed alive in the hearts of tens of millions of men and women who dream only of achieving the freedom which we Americans take so much for granted, and which some benighted Americans hold in such disdain.

As we commemorate Captive Nations Week this year, let us pray that the hopes of these captive peoples will one day be realized; and let us also pray that we will never forget the priceless blessings which we in this land enjoy, or of the price which we must always be prepared to pay in order that we and our children may continue to enjoy them.

LOCKHEED-GEORGIA TOP BLOOD DONORS

Mr. HARTKE. Mr. President, it is a fact of life that the safest blood available today is volunteer donor blood. One provision of the National Blood Bank Act, S. 2909, calls for a vigorous national recruitment campaign for volunteer donors.

The American National Red Cross has had tremendous success in this area through their bloodmobile program. Red Cross bloodmobiles go out daily across this country to groups of citizens willing to save a life.

The Metropolitan Atlanta Red Cross recently paid tribute to the thousands of employees of the Lockheed-Georgia Co. for their generosity in giving blood since the very inception of the industrial bloodmobile program 20 years ago.

Shortly after the Atlanta Regional Red Cross Blood Center went into operation some 24 years ago, leaders in the community were called upon to help set up bloodmobiles in industry and business. Daniel Haughton, then president of the Lockheed-Georgia Co., was instrumental in developing the blood program and is considered by the American National Red Cross to be one of the pioneers in the bloodmobile operations. Mr. Haughton is a member of the board of governors for the American National Red Cross and is chairman of the board for Lockheed Aircraft.

Since the beginning of the Red Cross blood program at Lockheed-Georgia, employees had contributed 156,439 units—almost a pint each—of blood by June 6, 1972. During a 12-hour bloodmobile visit held at the Marietta plant on June 7, an all-time high of 754 units of blood was donated in a single day.

This outpouring of generosity to provide lifegiving blood for patients in civilian, military, and Veterans' Administraton hospitals is but one example of outstanding corporate citizenry that we all depend on and must support. I personally admire and applaud their contribution.

GEN. WILLIAM WESTMORELAND

Mr. PERCY. Mr. President, Gen. William C. Westmoreland, the distinguished Army Chief of Staff, retired on July 1, 1972. During his 36 illustrious years in uniform, General Westmoreland took an active role in initiating many reforms to help keep the Army in step with a changing nation.

Throughout his career, the general took pride in the U.S. Army and its achievements in keeping with its distinguished history.

On June 25, the New York Times published General Westmoreland's interesting reflections upon his years of service and upon the Army. I ask unanimous consent that the general's article and a recent interview he had with the board of editors of U.S. News & World Report, that appeared in their June 19, 1972, issue, be printed in the RECORD.

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

A SOLDIER LOOKS BACK

(By W. C. Westmoreland)

WASHINGTON.—I will put away my uniform on the first of July, 36 years after pinning on the bars of a second lieutenant. This leads me to reflect, not without some nostalgia, upon the Army I have known and served. In so doing, I find certain constants—truths and principles which have determined the character of the United States Army throughout its proud history. I also find marked evidence of change as the Army responded over the years to the changes in our society and the challenges to our national security. Both—the immutable character,

and the change and growth—have opened the way to far greater opportunities for young men entering the Army today than were open to me long ago.

If there was ever doubt, one simple truth has been reaffirmed beyond question during the time I have been a soldier; the United States must have an Army if is to remain free and great. A healthy skepticism of all things military has been woven into the fabric of our nation since its birth, but no reasoning person can proceed from this skepticism to a conclusion that we do not need armed forces. In a world peopled with imperfect human beings, a world forever in ferment and often threatening, our armed forces are indispensable to our freedom and, indeed, to human progress.

There is another constant etched indelibly in the character of the Army, and that is the code of ethics by which the American soldier lives, works, and fights if need be. The code is best expressed in the credo of West Point: "Duty, Honor, Country." In reflecting on the long reach of American history, I am deeply impressed by the way the Army as a whole has lived up to this code—as an institution, and man by man.

Related to the foregoing, one other constant which I would emphasize is the total loyalty which the American Army has given to the nation and the society it serves. This willing and proper subordination of military force to the leaders, principles and purposes of our civilian society is in itself one of the greatest successes achieved by those who charted our original course nearly 200 years ago.

On the other hand, the Army is a dynamic organization that has changed dramatically during any term of service. Its size has ranged from a Depression level of 165,000 men to a World War II peak of nearly six million. Even at this moment, we are contending once again with the turbulence and manifold difficulties of reducing the Army in size by nearly a half, all the while being required to remain vigilant and competent to carry out our missions.

The changes in Army equipment have been equally striking. The technological revolution has provided materiel far more effective than that with which the Army of the thirties was equipped. The horse and the mule have entered history's stables, to be supplanted by the jeep, the tank and the helicopter. Electronic miracles are commonplace. And of critical importance, the gear of the soldier himself has been markedly improved.

Some other changes come to mind. On a personal note, my monthly base pay as a second lieutenant was $125, which itself was generous indeed compared to the $21 a month paid to a new private. The Depression-era civilian populace, resentful of even the imprudently inadequate military budgets of those days, had little use for the man in uniform and virtually no use for spending money on him. In those days, the very word "soldiering" was a demeaning term implying that some one was slacking on his job. Along with this, troop units were so short of money and equipment that they often were able to do little more than go through the motions of drill without any sense of real purpose or achievement.

Fortunately for the Army and the nation, there were corps of officers and noncommissioned officers in that long-ago Army who understood why they existed, and who had such a sense of mission that they used the time available to prepare themselves professionally for the challenges which came. They understood—in peacetime—the need for an Army. Since their time, neither the nation nor its armed forces have been free to idle in the backwaters again.

The Army to which young men come in 1972 offers certain enduring opportunities; first of all, the opportunity to belong to an institution which remains essential to our survival and well-being and has as its first mission the preservation of peace through preparedness; and secondly, the opportunity to work at something which puts duty, honor and country above self—a chance to serve other men.

Along with these, there are other circumstances far more attractive than those I remember when I first took my oath. The base pay of a recruit has advanced more than fifteenfold since 1936, with N.C.O. and officer salaries now competitive in most cases with those found in industry. Given the time, the resources and public support, the Army will soon be able to offer young men adequate housing, exceptional training facilities, and almost unparalleled chances for men of all ranks to advance themselves vocationally and academically. Many strides have already been taken in these directions.

There is room within the Army of today for men of many backgrounds, talents, skills and interests. There is equal opportunity to advance on merit. There is interest and meaning in what they do. There are open doors through which they can communicate ideas aimed at improving the Army's effectiveness. And with all this, there remain the mental and physical challenges to the modern soldier.

A look back, then, confirms for me the enduring truths and principles on which the United States Army is based. It reaffirms for me the great pride I have always taken in wearing the khaki and the Army green. It puts in astonishing perspective the strides which have been taken by the Army during my lifetime and the challenging opportunities—personal and professional—which lie before the soldiers of today and tomorrow. If I were able to stand on the Plain at West Point once again and take the same oath, I would do so with equal pride, and even more anticipation.

BIG CHANGES IN THE ARMY

Interview with Gen. William C. Westmoreland, Chief of Staff:

Q. General Westmoreland, people hear a lot of talk about the "new Army." Just what is so different about it?

A. For one thing, it's shaping up as the smallest Army this country has had in a quarter century, since before the Korean War. It's shrinking in size, but it is going to be the highest-quality Army we've ever had.

We're keeping our best officers and noncommissioned officers. We are teaching those we keep to be more sensitive to the feelings of their men. We are screening out needless Army policies and practices—what some people refer to as "Mickey Mouse stuff." We're improving our recruiting—using better recruiters and setting higher entrance standards. And, perhaps most important, we are working on what we call "personnel turbulence," which is really the basic disease the Army has suffered from during the last seven years.

Q. What do you mean by "personnel turbulence"?

A. In the business world, you'd call it too rapid turnover of people in their jobs. During the last several years we have had one third of our trained people in short-tour areas—that is, either in Korea, where we have a 13-month tour of duty, or in Southeast Asia, where we have a 12-month tour.

To replace those who finished their tours or who were casualties in Vietnam, every month we had to deploy thousands of officers and men with the proper skills from the United States, Europe, Panama, Alaska and even Korea on occasion. The result worldwide was astonishing: a 100 per cent turnover in personnel every year. Specifically, in the United States the turnover rate has been 120 per cent, and in Europe, about 80 per cent. Now, can you imagine running a business organization where executives, foremen and workers are turning over almost 100 per cent a year? We did it. I'm not sure any other organization could have done it as well as we did, but we paid a price for it.

Q. In what ways?

A. For one thing, a lowering of unit morale and *esprit*. For another, a feeling of insecurity by the individual. And still more, a lowering of professional standards. A company commander would be transferred before he got to know his officers and men. Squad leaders could never really get to know their squads—the troops were coming and going all the time. In this type of environment, we found ourselves with a criminal element, making matters even worse.

Q. Are you saying the Army, with all its discipline, was infested by criminals?

A. Not infested, but, unhappily, during the peak periods of the build-up in Southeast Asia, the Army got more than its share of the criminal element. Waivers were made rather liberally for men with police records. Unfortunately, some officials were dropping criminal charges if a man joined the military forces. This was a great detriment to us. The Army cannot be an institution for the dregs of society. We have to be very careful to avoid taking into our ranks men with criminal records. To protect the Army from this element, we have started taking extraordinary steps to try to screen the records of prospective volunteers.

Q. Is this still much of a problem—this criminal element?

A. It is still a problem. We are eliminating it as rapidly as we can, but, of course, there has been a crime wave in the U.S., and this is reflected in the Army. This doesn't excuse us. And as we stabilize personnel turbulence, improve the standards of men getting into the Army, and rid our ranks of marginal performers, we will be better able to handle the problem.

Now that we have withdrawn a division from Korea and we are withdrawing from Vietnam, for the first time in several years we can stabilize our ranks. We started with our commanders. A year ago we made division, bridgade and battalion commanders, sergeants major and first sergeants all 18-month tours at least. And we are continuing to proceed in that direction as the situation will permit.

Q. How are you improving the standards of the men you are taking into the Army?

A. For one thing, we are emphasizing the enlistment of high-school graduates. We are doing this by not giving credit to a recruiter for the enlistment of certain nongraduates. Of course, we still enlist qualified non-high-school graduates, but we don't spend as much time soliciting them as we used to. We are also tightening up on mental tests, aptitude tests and physical examinations.

A great percentage of those who volunteer do not qualify. But we can't afford to lower our standards. If it is to be a small Army, it must be an Army of high quality.

Also, we have authority from Congress, for the first time in history, to discharge a recruit if we find he is not good enough to promote. We can send him back to civilian life after four months of training, rather than to a unit where he will be a headache to his noncommissioned officers and officers.

ENDING "OUTMODED" PRACTICES—

Q. Is there much you can do to make the Army more attractive to the higher-quality recruit you are looking for?

A. We are taking innumerable steps. Let me just name a few:

We analyzed what had happened to the Army when it was carrying the major burden of the Vietnam war—when it was taking two-thirds of the casualties and becoming the focal point of the emotion in a country that seemed vocally against the war. From these studies, we isolated certain problem

areas and proceeded to develop programs for these areas specifically.

We concluded, for instance, that a lot of Army practices were outmoded. The young man we have to deal with today is a fine young man, but he is a man who asks "Why?" The American soldier has always questioned, but today's young man is more prone to do that than his predecessors. And policies and practices that are not "relevant"—to use his language—"turn him off." So we have screened out the needless irritants where they have been identified.

We also concluded that our leadership standards were lowered during the Vietnam build-up. We had turned into a huge training organization with the mission of training men and officers and sending them to Vietnam. During this period our leadership practices suffered. So we have sent special teams of officers all over the country to conduct leadership seminars and discussions.

Q. What kinds of faults are you trying to correct among your officers?

A. A lack of sensitivity to the feelings of the individual; arbitrary handling of the individual; a lack of appreciation that every individual is different, and his strengths and weaknesses should be known by his leader—and that he should be handled accordingly.

We also found that there was a break in communications between our lower-grade enlisted men and our noncommissioned officers, caused by the "generation gap." In the Army, this generation gap, which civilian society is also experiencing, has been exacerbated by the student draft-deferment policy. A lot of young men stayed on the campus until they got their baccalaureate, master's and even doctorate degrees, then were drafted.

Last year, as an example, about 14 per cent of the men received through the Selective Service System were college graduates, and many had advanced degrees. This meant they were better educated than their noncommissioned officers and as well educated as their officers. It was, therefore, sometimes very difficult for the sergeant, who perhaps had a high-school education or less, to communicate with this highly educated private. Some of today's privates have educational qualifications of such caliber that they could, and perhaps should, be officers.

Q. How are you bridging this gap?

A. We have organized enlisted councils and junior-officer councils. These councils are basically a temporary measure. But they have already served a worthwhile purpose, letting officers know what the enlisted ranks have on their minds without usurping the chain of command, that is, without going around the noncommissioned officers.

If the commander uses the information he gains from these councils properly, he can, in fact, actually strengthen the chain of command—and this is being done.

Q. Are other improvements being made?

A. The Army is trying to take better care of its people. For the first time in years we are putting more money into construction of family quarters and barracks. Do you realize that half of our enlisted barracks in the U.S. now are World War II barracks that were built for five years of occupancy and now have been occupied for over 30 years?

We are also improving community facilities at our bases—schools, recreation facilities and the like. We are taking better care of our people when they report to a post. We've revitalized community-service organizations—with the help of base wives—to help new families get relocated.

We've left no stone unturned. We have looked at every aspect of the Army. We've analyzed our present practices and initiated a whole spectrum of new programs. And these programs are working.

"MORALE IS ON THE UPWARD SWING"

Q. What results have you seen so far?

A. All our indexes of discipline, morale and professionalism are on the upward swing. I'm extremely pleased by the results. This is partly because there is more stability and less personnel turbulence, but it is also because of the multiple programs that we have started.

Q. General, just how big is the Army today?

A. From a peak build-up of 1,570,000 men in late 1968 and early 1969, the Army is now being reduced to 861,000 men by June 30, 1972.

This is the most drastic reduction in the size of the Army since World War II. In this year alone, the Army is being reduced 21 per cent. And we have been told to reduce the Army another 20,000 men by June 30, 1973—making it the smallest Army since before the Korean conflict.

Q. Isn't this normal following a war?

A. It varies. The build-up during Vietnam was generally comparable, for instance, to the build-up during the Korean conflict, but there was a great difference in the way this was done. During the Korean conflict we called up 380,000 Reservists, including eight divisions. During Vietnam we called up a handful of Reserves in 1968. We made up the difference by increasing the draft and expanding officer-candidate schools. We had to lower our qualitative standards to get the manpower and the leadership we needed.

After Korea, it was a simple matter to take the Reserves off active duty. But this time it is not quite so simple, so we are having to thin our leadership ranks in a rather traumatic way.

Q. How many divisions will you have?

A. We will have 13 divisions, which I consider the minimum essential to meet our commitments.

Q. Where are most of these divisions going to be?

A. We will retain 4⅓ divisions in Europe, which we feel is very important to deter war in Western Europe. The one-third division is a brigade from the First Infantry Division, and the remaining two thirds of this division is stationed at Fort Riley, Kans., but is earmarked for Europe and is really part of the NATO-committed force.

We will also have a division in Korea and a division in Hawaii, The remainder of our forces will be stationed in the United States, prepared to reinforce our troops overseas or to react in response to any worldwide contingency.

Q. How do you compare the state of the Army today with what it was four years ago?

A. When I took over as Army Chief of Staff four years ago, the Army was composed of 19⅔ divisions. Of this total, eight divisions and four independent brigades or regiments were fully manned and fighting in Vietnam. The remaining units in Europe, in the U.S. and elsewhere were undermanned and stripped of their equippment to support the Vietnam effort.

By July 1 of this year, we will have 13 divisions, almost seven less than when I took over. Some of these divisions will not yet be fleshed out to their proper strength. We plan to build up these divisions to their proper manpower level, during the 1973 fiscal year.

Q. How many divisions are ready for action today?

A. The readiness of our troops in Europe and in Korea today is better than it was in 1968. On the other hand, it is not as good as we would like, and we intend to improve on it in the year ahead.

The readiness of our troops in the U.S. is generally comparable to what it was in 1968, but, of course, we plan to have a larger number of divisions based at home. Today, the 82nd Airborne Division is in a state of full readiness. The other divisions fall short, but we expect them to be progressively improved over the next year.

As far as equipment is concerned, I would say we are in better shape today than we were in 1968. This is especially true for the Reserve forces. The Reserve forces are in a better state of readiness as far as equipment is concerned than they have been in 20 years.

Q. What about manpower strength of the Reserves?

A. Their manpower strength is somewhat less favorable than in 1968. We hope, through a strenuous recruiting campaign, that it will improve.

Recruiting for the Reserves is a matter of some concern for me. It may take some special incentives to keep their strength up. And this is important, because with a smaller Army we must rely more heavily on the Reserves.

Q. How many men are in the Reserves now?

A. The mandated annual average strength of the Army Reserve and Army National Guard is 660,000 men, and they are running about 40,000 men short. But we believe recent new recruiting methods will arrest this decline and hopefully attract enough men to return to full strength. Some additional incentives may be required, however, to attract the quality of Reserves we want.

Q. What kinds of incentives do you have in mind?

A. The Department of Defense has prepared a package of incentives and emoluments which were presented to Congress.

Without the inducement of the draft, it is going to take a major recruiting effort by both the active and Reserve forces to attract the numbers of men we need and the quality of man we want.

Q. Do you see an end to the draft law entirely?

A. I feel personally that it's extremely important that the draft laws stay on the books as a matter of national insurance, as an incentive to volunteer in the Regular or Reserve forces, and to keep the draft machinery ready. If this machinery is dismantled, it would be very detrimental to our national security.

Q. Can you maintain your planned active and Reserve forces without a draft?

A. We hope so. As you know, President Nixon has decided as a matter of national policy that we will move to a voluntary military force. We are making rather good progress in moving in that direction. But our recruiting objectives still are not being met. We feel that during the spring and summer months we will achieve the 18,000-to-20,000-man monthly volunteer rate we need to recruit a volunteer Army.

In the first four months of this year, we fell short, though these are traditionally poor recruiting months. In January we had 15,500 volunteers. In February this dropped to about 12,000, in March to 11,500—and then in April to 9,600. And as I pointed out earlier, the Reserves also have been losing ground.

Q. Is pay high enough in the Army to attract young men as volunteers?

A. The new pay scales are the most favorable we have ever had. They compare quite favorably with what a young man 17, 18, 19 or 20 years of age could get in civilian life.

Of course, we hope to attract a high quality of young man, a man who will not only be attracted to the service by the pay but also, and more importantly, because he is interested in taking advantage of what the Army can offer a young man.

I find as I travel around the country that Army recruiters are motivated by the realization that they are really helping out the young men in their community when they enlist them in the Army. They are providing them an opportunity to get into an organization where they can break out of the local environment, where they can get good pay, where they can meet other young men from other parts of the country, where they can travel in the United States and serve over-

seas, where they can learn a skill or trade, where they can improve their education, and where they can advance according to their demonstrated ability.

Our recruiters are motivated by this realization—that they are in a position to open a door to opportunity for a young man who doesn't want to go to college—perhaps he is not interested in college at this time of his life, or is not yet prepared for college or just doesn't have enough money. This young man, if he stays in his local area, may get a job, but the job probably may not offer any great opportunity for advancement.

Q. What else are you doing to encourage volunteers?

A. We are developing a completely modern recruiting system. We have expanded our recruiting force, and we are putting the very best people on recruiting duty. We have expanded our recruiting service from 3,000 to 6,000 men. Recruiting stations have been increased by 60 per cent. These recruiters are in the vanguard of the modern volunteer Army, and they are a highly motivated group doing an excellent job.

We also are introducing new techniques that are working. We will take a man who has finished his training and send him back to his hometown to work for the local recruiters. This is after he has been in the Army for only four months. He knows the young men in the area, and he is a great help in contacting them and telling them what it is all about. And what he says is credible. They listen to him.

We also send teams from posts to the surrounding areas to attract volunteers, with a commitment that they will get advance training and a 16-month tour near their home.

An example of this program is the 101st Airborne Division at Fort Campbell, Ky. Vice President Agnew and I visited this unit in April. The division commander has developed a comprehensive recruiting campaign in a radius of 300 miles from the base. The division calls for 16,000 men, but at present is only 4,000-men strong. The manpower is there, and by working with the young men and advertising what the Army service provides, I believe that they will be successful in recruiting an all-volunteer division. It is going to be interesting to see if they succeed.

Q. As you move toward an all-volunteer Army, are you finding that it is going to have a preponderance of blacks?

A. I don't think so. The number of blacks that we're getting is not more than 3 percentile above the national average.

Q. Does any young man ever come in the Army any more just out of a sense of patriotism?

A. We have that type of young man in this country still. There are more young men with this attitude than you would suspect. You don't read too much about them, but they're around—men who want to serve for service's sake, men who feel that they can serve and at the same time profit by getting into uniform.

Q. What are the dangers of replacing the conscript Army we've known with an all-volunteer Army?

A. I joined a volunteer Army when I was commissioned in 1936. It was very small. We had a little over 150,000 men and 12,000 officers. But it was composed entirely of volunteers.

The quality of our enlisted men left something to be desired, and this is something that I'm very sensitive to. The danger of an all-volunteer Army is we may not be able to maintain a level of military strength compatible with our security requirements and our international commitments.

But I do not believe there are any political or social dangers. The school of thought that a professional Army separate from society would become a danger to our type of democracy is specious, in my opinion. It's not within the tradition of the Americal military.

Q. How much is it going to cost to have an all-volunteer Army?

A. It's going to be far more costly. But it should be a high-quality Army. It should be an Army that is more professional, with a higher *esprit de corps*, because the officers and men in the Army will be there because they want to be.

Q. Does that mean we are in for constantly increasing military spending?

A. Of course, the pattern of defense budgets is well known to you. I would say that the percentage of the military budget devoted to pay and personnel costs is destined to go up, but perhaps not to the extent that you might suspect. As an example, comparing the fiscal 1963 budget with the 1973 budget, there has been only a 3 per cent increase in the funds devoted to pay and personnel costs, both military and civilian. That 3 per cent increase, of course, represents a considerable amount of money.

ECONOMIES IN A VOLUNTEER FORCE—

Q. Can you cut costs in other areas to make up the difference?

A. If we can get all our men for a three-year enlistment as a minimum and we improve our quality, we're going to have fewer men in our training base. Once we train a man, we will have him for a longer period of time, and this represents a saving.

We should also have a higher level of motivation, so we should get greater productivity out of the individual soldier, particularly in the administrative and industrial areas.

We should have fewer men who are absent without leave. We should have fewer men in the stockade. We'll have fewer men in what we call the "pipeline" who are moving, because we're going to have a more stable Army. We won't have to transfer people around to the extent that we've had to in the past.

All these changes in the Army cannot help but produce savings that will replace—in part, at least—the higher costs of maintaining an all-volunteer Army.

Q. Does the low regard in which some segments of the general public hold the military hurt efforts to restructure the Army?

A. Without any question. To achieve a volunteer Army we have got to have public support.

Unhappily, antiwar attitudes have become antimilitary attitudes in some sectors of our society. I believe that steps must be taken to develop an understanding of the raison d'etre for military forces, so that the average American citizen will have an understanding and appreciation of why we have people in uniform.

If we can create an attitude of understanding and respect, we can fill up our ranks without the draft. But to continue to demean or disparage the man in uniform is working against eliminating the draft.

The American public can't have it both ways.

Q. Has there been any improvement at all since you have been back from Vietnam?

A. The pendulum is beginning to move in the direction of better understanding and respect. I cannot document this precisely, but it is a feeling that I receive as I travel around the country and talk to civilian groups.

The one bit of specific evidence is the fewer number of demonstrations we have on campus and the attitude of students toward the military and specifically the Reserve Officers' Training Corps. The number of ROTC incidents we've had in the past year have been very few, in contrast to the number that we had in the previous two years.

Q. Is there any difference in the way recruiters are received on campus now?

A. This is still a problem, but we've made some headway. There are still a number of campuses that will not allow recruiters. But I am more concerned about high schools than I am colleges. We're making some real progress at high schools, though a number of high-school principals still will not let our recruiters on high-school grounds.

As far as ROTC is concerned, we have had 11 colleges drop out of the program. Three were eliminated because they didn't meet the criteria for maintaining ROTC units. Eight others dropped it because of the attitude of the college staff and students.

We replaced those colleges with 11 new colleges last September, and this year we will add another nine new ROTC units. This September we'll have 294 colleges and universities with Army ROTC.

We have a backlog of colleges that want ROTC, but we do not have a requirement for them at this time.

Q. Has ROTC enrollment held up during this period?

A. The number of young men enrolled in ROTC has dropped substantially, but the officer production has remained fairly stable. My feeling is that during the coming year the number who choose ROTC will increase.

One reason for the decline in ROTC enrollment is, of course, the antiwar attitude. Another reason is that there has been a reduction in the number of colleges that make ROTC mandatory

Although we are moving toward a voluntary Army, we will need an ROTC generally comparable to what we have now, to produce second lieutenants for both the active and Reserve forces.

LESSONS LEARNED FROM VIETNAM

Q. General, looking back over your Vietnam experience, what lessons were there for the Army in all those years of conflict?

A. From a military standpoint, we've learned much about guerrilla warfare. We have developed on the battlefield new techniques to capitalize on sensors and other new equipment provided by technology. The helicopter came of age in Vietnam, not only as a troop carrier but as a gunship, to provide support for infantry.

We have learned a lot in working with a foreign ally that was not under our command. We developed a rather unusual command structure—one tailored to the military, political and psychological considerations involved.

We also learned that in fighting an undeclared war, there is no censorship of the news. The battlefield is going to be covered by the media to an extent unprecedented in the past. And this has involved a public-relations dimension which was rather new. In fact, it added another dimension to war. If it had been a declared war, perhaps it would have been different.

We have learned that a limited war involving limited objectives and fought with limited means—a war in which military forces are not used to achieve victory in the traditional manner—is probably destined to be a long war; and a long war is going to try the patience of our people—which, indeed, this war has done.

This is the first war ever covered by television, where the horrors of war and some of the extremes on the battlefield have been piped into the living room and into the bedroom. This dramatic coverage of the war has apparently had a marked psychological impact on our people.

All of these are facts of life, and lessons that we have learned from the Vietnam war.

Q. Was it the wrong war for American fighting men?

A. For me as a military man to pass judgment on a question that broad, which is basically political, would be extremely difficult. Besides, it is too early to do so. I think history will have to decide.

CONGRESS ON A SPENDING SPREE

Mr. ROTH. Mr. President, the encouraging economic news for the second quarter of 1972 might lead one to think we are "out of the woods." With real growth at 8.9 percent and a 2.1-percent inflation rate, casual observers may well be lured into an unrealistic economic euphoria.

The fact is that, although the private sector has been showing welcome signs of recovery, Congress has been off on a spending spree of unprecedented proportions. This glut of Federal outlays for fiscal year 1973 is approaching the point at which major increases in taxes will soon become necessary if we are to avoid renewed runaway inflation.

In yesterday's Washington Post, Mr. Hobart Rowen laid the fiscal cards on the table. Only a month ago, we were thinking about fiscal year 1973 outlays of some $250 billion. Mr. Rowen astutely observes the figure may reach $258 billion before this Congress adjourns.

Mr. President, we must put a stop to irresponsible spending, or else face the unpleasant, and perhaps crippling, economic and political consequences of across-the-board tax increases. I have twice introduce legislation which would bind both Congress and the Executive to a "no-holes" expenditure ceiling. If we had taken such action 4 to 6 months ago, this impending crisis would not be facing us today.

I would strongly urge every Senator to heed the fiscal warnings which will be presented in a series of hearings this week presided over by the Senator from Wisconsin (Mr. PROXMIRE). The Joint Economic Committee, under his leadership, should be commended for bringing to the Hill the top administration economic spokesmen, and women, as well as several of the country's most noted independent economists. Their testimony should be required reading for all of us.

I ask unanimous consent that Mr. Rowen's article be printed in the RECORD, to be followed by the schedule of witnesses for this week's JEC hearings.

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

BUDGET DRIFTING OUT OF CONTROL, NIXON ORDERS CUTBACK FOR 1974

(By Hobart Rowen)

You're going to hear an awful lot about budget deficits in the next few days.

To be specific about it, the top brass of the Nixon administration, accompanied by Federal Reserve Chairman Arthur F. Burns, are preparing to go before the Joint Economic Committee to confess that the deficit for fiscal 1973—which began July 1—will be well in excess of $30 billions.

They won't say so directly, but the fact is that the federal budget is out of control. Unless the Nixon administration finds some way of chopping it down, the fiscal 1973 deficit could in fact hit $40 billions.

Over the weekend, cabinet members were given ceilings for their departments for fiscal 1974—the year that starts July 1, 1973—and the screams to be heard in Washington on Monday will suggest how sharp a knife is being wielded by OMB Director Caspar Weinberger.

"We don't want to get into any more fiscal stimulation," Weinberger told The Washington Post. If Congress would co-operate, Weinberger says, the federal budget posture could be made a lot more respectable.

The economic case for reduced spending will be made with especial force by Burns, who will tell Congress that unless budget cuts are enforced, the nation will be faced with a tax increase of meaningful proportions.

Financial markets, Burns feels strongly, need some reassurance that the Nixon administration can bring the budget under control. Without that, Burns has told friends, international monetary markets will continue to be jittery.

But the Nixon administration's record of budget management is rather dismal. For fiscal 1971, the President forecast a $2 billion surplus, and wound up $23 billion in the red.

Then a deficit of about $12 billion was forecast for fiscal 1972, revised to $38.8 billion last January, and now appears to have shrunk to about $23 billion because of bad estimates on spending and on tax withholding.

And instead of the $25.5 billion deficit originally forecast for fiscal 1973, the number is clearly somewhere in the $30 billion, at a time when the economy is expanding. Moreover, in 1973, wage settlements are likely to be on the upswing again, adding to inflationary pressures.

Despite appeals to cabinet officers to pare their spending requests, it now appears that federal spending for fiscal 1973 will run $255 to $258 billion, or well over the administration's hoped-for ceiling of $250 billion.

Delay on revenue sharing has shifted about $2.5 billion from fiscal 1972 into fiscal 1973. New benefits for disease-stricken coal miners will add another $1 billion. The cost of the new Social Security package (benefits will be boosted 20 per cent beginning Oct. 1) will be $6.5 billion, or nearly $2.5 billion more than Nixon originally budgeted. (The benefits will be even more costly in fiscal 1974 and beyond.)

And that's not all. An analysis by Goldman, Sachs of New York shows that military spending could go $1.5 to $3 billion over the target, and that health-education spending is likely to mushroom by $1 billion (a popular heart-lung research bill alone could add $500 million).

When you add potential spending for even more liberal Social Security-medical coverage; for pollution control, flood relief, school lunch subsidies, and veterans medical care, you can see why Cap Weinberger, as a budget balancer by profession, risks a daily heart attack.

Thus, what may be in store is a boom for 1973, but one with an inflationary bust and high interest rates at the end of it.

The Nixon administration has desperately tried to avoid tax-increase talk during this election year, promising instead expenditure control. But it's easier said than done, as every man in the Office of Management and Budget knows.

What's worse, if a tax increase is needed, the political strategists know that even if they propose a value added tax, they probably couldn't get it through Congress for 2 or 3 years.

So what's left that could be made effective some time during calendar 1973? Loophole-plugging? The Nixon people insist there's not much money there. Cut the investment credit or slow accelerated depreciation? That's McGovern talk.

So if the Nixon crowd wants to reclaim the "fiscal integrity" tag, it will either have to cut the budget or propose straight increases in corporate and/or individual tax rates. Wall Street, which isn't as dumb as it sometimes likes to sound, figured it out some time back.

THE CHANGING COMPLEXION OF THE 1973 FEDERAL BUDGET

(Billions of dollars)

	1973
RECEIPTS	
Official Estimates—January, 1972	$220.8
Official Adjustments:	
Individual income taxes	+1.6
Corporation income taxes	+0.3
Social Security taxes	+0.2
Other	+0.1
Total Official Adjustments	+2.2
Revised Official Estimate—June, 1972	223.0
Additional adjustments	
Postponement of Social Security Income base increase from January, 1972, until January, 1973	−2.2
Increase in Social Security tax rate effective Jan. 1, 1973	+0.5
Personal income higher than administration estimate	+0.6
Corporate profits lower than administration estimate	−2.0
Total Adjustments	−3.1
Revenue Estimate	$219.9
EXPENDITURES	
Official Estimates—January, 1972	$246.3
Official Adjustments:	
Revenue sharing delay	+2.2
Coal miner benefits	+1.0
Interest on public debt and other	+0.5
Total Official Adjustments	+3.7
Revised Official Estmiate—June, 1972	250.0
Additional adjustments	
Social Security benefit increase 20%	+2.3
Additional cost Vietnam	+1.5
House and Senate passed health and education programs	+1.0
House and Senate passed water quality control	+0.5
Minimum total additions	+5.3
Expenditure Estimate	255.3
Possible further additions	
Liberalization of Social Security and Medicare coverage contained in H.R. 1	+2.0
Defense—Vietnam	+1.5
Heart and lung research	+0.5
School lunch subsidies	+0.1
Flood relief	+1.3
Veterans medical care	+0.1
Assumed Expenditure Range	$255–258
Deficit Range	$35–38

Joint Economic Committee Hearings on the Mid-year Review of Economy will be held on July 24, 25, 26 and 27, 1972 in Room 1202 of the New Senate Office Building, beginning each day at 10:00 a.m.

Monday, July 24—Council of Economic Advisers: Herbert Stein, Chairman; Ezra Solomon, Member; and Marina v.N Whitman, Member.

Tuesday, July 25—George P. Shultz, Secretary, Department of the Treasury; and Caspar W. Weinberger, Director, Office of Management and Budget.

Wednesday, July 26—Arthur F. Burns, Chairman, Board of Governors, Federal Reserve System

Thursday, July 27—John Kenneth Galbraith, Professor of Economics, Harvard University; Walter Heller, Professor of Economics, University of Minnesota; Paul A. Samuelson, Professor of Economics, Massachusetts Institute of Technology.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in an effort to put important public policy is-

sues before the public, "The Advocates" a debate series in the Public Broadcasting Service, has discussed the role of the transnational firm in the modern world.

In every case, "The Advocates" attempts to present a balanced view of both sides within the adversary process which characterizes our judicial system. Their March 14 show—"Should There Be Federal Regulation of the Overseas Operations of U.S. Corporations?"—revolved around portions of my own Foreign Trade and Investment Act of 1972 (S. 2592).

Although "The Advocates" has traditionally attracted what I would term a "free trade" audience, only a bare majority voted against regulations. Undoubtedly, the facts attested to by the two witnesses in favor of the Foreign Trade and Investment Act—Paul Jennings, president of the International Union of Electrical Workers, and Stanley Ruttenberg, former Assistant Secretary of Labor—must have brought these thoughts to many viewers' minds.

Mr. President, because of the importance of trade and investment policy, I ask that a news release indicating the response of the viewers of The Advocates television program be printed in the RECORD.

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

VIEWERS DIVIDED ON MULTINATIONAL ISSUE

Slightly more than one-half of viewers responding to the March 14 debate of The Advocates say they are against having the government place tougher restrictions on giant multinational corporations.

Of the 2,716 responses to the KCET-produced program, 1,428 were opposed to a labor-supported Congressional move to impose heavier taxation and stiffer regulations on U.S.-based global firms.

Secretary of Commerce Peter G. Peterson disputed claims by labor leaders on the program that the multinational firms are siphoning jobs out of this country and have a detrimental effect on U.S. trade and balance of payments. "U.S. employment of these companies has been in growing on the average about twice as fast as that of that of other U.S. companies," Peterson said.

On the other side, Stanley Ruttenberg, former assistant secretary of labor, charged that 900,000 American workers have lost their jobs since 1966 as the result of trade policies governing the multinationals. He said foreign investments by U.S.-based companies are important, but should only be encouraged "when they don't replace workers."

THE PRICE OF INDEPENDENCE

Mr. ALLEN. Mr. President, on July 2, 1972, Dr. R. Elmer Nielsen, pastor of the Capitol Heights Baptist Church, Montgomery, Ala., preached a sermon to his congregation on "The Price of Independence."

This sermon is a challenging one which I believe will be of interest to each Member of the Senate and to every American. For that reason, I ask unanimous consent that the sermon text and a brief biographical sketch of Dr. Nielsen be printed in the RECORD.

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

THE PRICE OF INDEPENDENCE

(Sermon preached by R. Elmer Nielsen, Th. D., Pastor)

Text: Psalm 33:12—"Blessed is the nation whose God is the Lord." Proverbs 14:34—"Righteousness exalteth a nation but sin is a reproach to any people."

God's hand in American history is unmistakable. The pillars of our Country were laid deep in granite foundations of God. His foothills echo through our valleys. His heart pulsates in our lives. His voice is heard in our land. Faith in God hung the lanterns on the prow of the *Mayflower* as it charted the unknown Atlantic. That vessel was laden with deathless destiny—devotees of a new order, the heralds of a new freedom, the trail blazers of a new epoch in human history. It carried Pilgrims, not passengers.

Christian principles were woven into the fabric of our government. Our most cherished documents acknowledge God as the author of this republic.

A noted Frenchman came to America over 170 years ago. He wrote, "I sought America's greatness. I found it not in her fields and forests; I found it not in her mines and factories; I found it not in her Congress and tribunals. It was only when I entered her churches and heard her pulpits thundering against sin and preaching righteousness that I discovered her greatness. America has been great because she is good. If America ceases to be good, she will cease to be great."

It was Alexander Blackburn who expressed it in a poem entitled "What Makes a Nation Great?"

Not serried ranks with flags unfurled,
Not armored ships that gird the world,
Not hoarded wealth nor busy mills
Not cattle on a thousand hills,
Not sages wise, nor schools, nor laws,
Not boasted deeds in freedom's cause—
All these may be, and yet the state
In the eye of God be far from great.

That land is great which knows the Lord,
Whose songs are guided by His Word;
Where justice rules 'twixt man and man,
Where love controls in art and plan;
Where, breathing in his native air,
Each soul finds joy in praise and prayer—
Thus may our country, god and great,
Be God's delight—man's best estate.

On this July 4th, 196 years ago a group of brave and dedicated men signed a historic document which we prize as our "Declaration of Independence". It began ". . . and for the support of this declaratalon, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor".

It was signed on July 4, 1776 by 54 men, "in the name and by authority of the good people" of the 13 original colonies which stretched from New Hampshire to the North and Georgia to the South.

The men who signed "the Declaration of Independence were not wild-eyed, rabble-rousing ruffians. They were men of culture and education. Twenty-four of them were lawyers and jurists. Eleven were merchants. Nine were farmers and large plantation owners. All were well educated men of means.

Many of the signers soon were called upon to pay the price they had pledged for liberty.

At the Battle of Yorktown, Thomas Nelson, Jr. noted that British General Cornwallis had taken over the Nelson home for his headquarters. The owner quietly urged General George Washington to open fire. The home was destroyed, and Mr. Nelson died in bankruptcy.

Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British Navy. He was forced to sell his home and properties to pay his debts. He died penniless.

The home and properties of Francis Lewis were destroyed, and his wife was jailed.

Five signers of this grant document were captured by the British as traitors and tortured before they died. Twelve had their homes ransacked and burned. Two lost their sons in the Revolutionary Army, and another had two sons captured. Nine fought and died from wounds or the hardships of the Revolutionary War.

Before the signing of the Declaration of Independence each of these men had security, but they valued liberty more. Our forefathers paid a high price for this country's independence, but we were born free.

Even so, there is a price we must pay for the independence we were born to. Eternal vigilance is the price of liberty.

Today we are the heirs of the freedom which they purchased. A sad fact of human nature is that people seldom fully appreciate things that they do not personally earn, pay for, or involve themselves in a direct way. This is so apparent today in relation to the precious heritage that has been handed us by the past. Abundant example is seen in the attitudes of many youth about us in their rebellion and so-called "counter-culture." Too many have down-graded patriotism and show base ingratitude for their material blessings as well as their heritage of freedom and liberty, purchased at so great a cost by others.

A sign of our times is a documentary recently released by NBC television in which young blue collar workers are venting their frustration at having to work 8 hours a day for 5 days, many times at boring, production line work. The dignity of labor and the necessity to contribute to production for compensation is lost in a cry to be free from all monotonous labor.

If they could only remember how their forefathers and fathers only a generation or so ago worked 12 to 15 hours a day and were paid so very much less.

They overlook the fact that there are 166 hours in a week. Productive labor is honorable.

Think of the things those patriots of the past were turning their backs on in order to be independent from England.

English citizenship
British trade. Money and banking
British protection
British prestige
The culture and social life of England
Ties of family and friends
The traditional British laws that guaranteed certain rights to its people.

But the kind of people who fled Europe did not come here to settle for a life of dependency. Their creed coincided with that of an unknown author who wrote: "I do not choose to be a common man or woman. It is my right to be uncommon . . . if I can. I seek opportunity—not security. I do not wish to be a citizen, humbled and dulled by having the state look after me. I want to take the calculated risk; to dream and to build, to fail and to succeed. I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the stale calm of Utopia. I will not trade freedom for beneficence nor my dignity for a handout. I will not cower before any master nor bend to any threat. It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefit of my creations and to face the world boldly and say: this, with God's help, I have done. All this is what it means to be an American. . . ."

Several things have characterized our nation over its history.

1. A belief in and dependence upon God.

2. A belief in and dependence upon our fellow citizens to rally to the call for defense of our liberty.

3. A belief in and dependence upon the Constitution to guide and protect us.

4. A concern for freedom and justice wherever it is threatened.

5. A desire for liberty and justice for all of our citizens.

Some time ago Ronald Reagan in a stirring speech gave an inspiring characterization of our true governmental function when he said: "The Founding Fathers—that little band of men so advanced beyond their time the world has never seen their like since—created a government based on the theory that you and I have the God-given right and ability to determine our own destiny.

"Here took place the only revolution in all history that didn't just exchange one set of rules for another. They shaped a government, bound it with a Constitution and said its only function was to be a watchdog over man's freedom. They never planned that it should become a cow to be milked.

"Here for the first time the individual genius of man—every man—was unleashed. Six percent of the world's population on seven percent of the earth's land surface created and owns more than fifty percent of the world's wealth, and that wealth has been distributed more widely among our people than in any other society since time began.

There were no fringe benefits at Valley Forge. The West was won without an area redevelopment program.

Now you and I must answer once again whether life is so dear and peace so sweet as to be purchased at the price of chains and slavery. If we are unwilling to pledge our lives, our efforts and our sacred honor, then we must one day spend our sunset years telling our children and our children's children what it once was like in America when men were free."

A most impressive fact is that independence is to a large extent an illusion, and not necessarily an ultimate goal to be desired by anyone. Freedom—yes. Free to make and shape our destinies, to choose our way of life, to walk about free from harm and danger, free to own and control property—real and personal; freedom of choice, to live where one pleases, work where one chooses, associate with those of his choice, to be free as long as that freedom does not infringe upon the basic right and freedom of someone else.

So, "Let Freedom ring," but remember that "Independence Day" simply marked the time when the colonies ended their dependence upon England and had to begin to depend upon themselves. They exchanged British government for their own, British authorities for American authorities, British law for American law, British taxes for American taxes, British garrisons for American garrisons. They exchanged one set of rules for another.

This has been a sad lesson for some of the small emerging nations of this generation that has severed ties with colonial powers. Countries like India, Pakistan, Bangladesh and Nigeria have found that all of their problems were not solved simply by independence. The Congo found that killing and running out the Belgians did not solve all of their problems. So in America we are so aware of the past that the price of independence comes high. We must depend now on ourselves to solve our problems rather than an outside force.

"No man is an Island". The life of the hermit, the recluse, the "Robinson Crusoes" is the scarce and abnormal exception. Even the loner must come to town for supplies produced and sold by someone else. He finds the going it alone route to be almost impossible. Ray L. Smith expressed it well when he said: "No man has ever been independent: every man has leaned upon the past."

Every liberty we enjoy has been bought at the cost of martyrs blood; every achievement of the race has been made at the cost of incredible toil.

There is not a privilege nor an opportunity that modern society grants to us that is not the product of other men's labors.

We drink every day from wells we have not dug; we warm by fires we have not kindled; we live protected by institutions we have not set up.

Our churches are built upon rocks put in place by martyrs of the ages past.

Our government rests upon the foundations cemented in place by the blood of soldiers who tracked their way, barefoot thru icy battlefields or over burning sands.

Our courts are reared upon the bodies of those who died for freedom.

No man liveth unto himself; all the past has invested in him."

One of our greatest dangers today is in independent type action and thinking which ignores the best interests of our country as a whole and seeks short term solutions to long range problems. When some minority groups scream out for their "rights", he often goes far beyond what was ever considered a right, but rather a privilege, a grant, or a gift, and one which called for some responsible action. The most blatant current example is a group of militant welfare recipients angrily demanding a minimum of $6,500 per year in benefits for doing absolutely nothing.

Someone has noted the cycle of the great civilizations of the past, most of which have lasted about 200 years or less.

From Bondage to Spiritual Faith
From Spiritual Faith to Great Courage
From Courage to Liberty
From Liberty to Abundance
From Selfishness to Complacency
From Complacency to Apathy
From Apathy to Dependency
From Dependency back again into Bondage.

In 4 years the United States of America will be 200 years old.

Will Americans follow the path of past civilization . . . or will they face up to the challenge that confronts them today?

Largely through our militant and ideological struggle with Communism we see our country proliferated fully into many hostile camps; political groups, economic groups, labor vs. management, racial groups, ethnic groups, religious divisions, social groups, poor vs. affluent, youth against age, education vs. uneducated. Criminals and reformers against law enforcement, revolutionaries against the establishment. All of this has been taken by a largely hostile press at the national level, feeling as though they should be "the devil's advocate" in trying to air every force and crackpot arrayed against us, and shown to the world in the worst light. Our image has suffered while outsiders have looked in on an apparent family squabble here while ignoring their own shortcomings.

The average citizen and his views are lost in headlines which herald the release of avowed Communist militant Angela Davis, who it was proved at least purchased and furnished guns which later were used in a courtroom shootout. We see unprecedented action in which she goes home that night to join in a victory celebration with the jury, and now night after night is renting great halls in our largest cities haranging Communist sympathizers to tear our country apart.

How frustrating to see the *Today* show from New York recently furnishing Jane Fonda a forum to spew out her venom against our president, our country, and everything we hold dear, while the interviewer carefully avoids bringing out that this brazen, spoiled, youth has been jailed many times for violating the laws of the land in her militant actions in protests of all kinds, arrested for smuggling in drugs, and well known for her attitude on traditional morals of our country.

The terrible price of our dependence is still a bargain today for what we have. But whether we keep this priceless heritage increasingly becomes a question of how much we are willing to become involved and pay a personal price for continued freedom and liberty.

The most pertinent spiritual application is that we can never be independent of God. Some are trying, but only the love, grace, mercy and long-suffering of our God allows so much of our country to ignore Him, break His laws with impunity as we see today. The wheels of Judgment and justice grind slowly but surely.

Every breath we breathe, every heartbeat is dependent upon God.

Being dependent is not wrong, nor necessarily undesirable. It is being dependent upon the wrong things. If we are independent upon our own shrewdness, subtlety and trickery to get us by, or upon our loudness and bombast, even our muscle hard work and material accumulations we will find sooner or later that this is insufficient. Many are dependent upon alcohol and other drugs to get them by and shield them from the realities of life.

We must depend upon God. He must be our last line of defense. "If the Son shall make you free ye shall be free indeed."

With prophetic accuracy Rudyard Kipling wrote many years ago concerning his beloved England in the Recessional:

"God of our fathers, known of old,
Lord of our far flung battle line,
Beneath whose awful hand we hold
Dominion over palm and pine,
Lord God of Hosts, be with us yet,
Lest we forget, lest we forget!

If drunk with sight of power we loose
Wild Tongues that have not Thee in awe,
Such boastings as the Gentiles use,
Or lesser breeds without the law,
Judge of the nations, spare us yet,
Lest we forget, lest we forget!"

May God grant that we in our great but endangered country not forget the God who has loved us and brought us safe thus far.

Arthur Brisbane expressed it so well some time ago when he said: "We may sweep the world clean of militarism. We may scrub the world white of autocracy. We can carpet it with Democracy and drape it with the flag of republicanism. We may hank on the walls the thrilling pictures of freedom—Here the signing of America's Independence, there the thrilling portrait of Joan of Arc, yonder the Magna Charter, and on this side the inspiring picture of Garibaldi. We may spend energy and effort to make the world a paradise itself, where the lion of capitalism can lie down with the proletarian lamb. But if we turn into that splendid room mankind with the same old heart, "Deceitful and desperately wicked," we may expect to clean house again not many days hence. What we need is a peace conference with the Prince of Peace."

If you have not had the experience of a personal experience with Christ in which you have committed yourself in an experience of repentance and faith to become His follower, I urge you to make that decision even now.

You can give your country, your community, your family and yourself no greater gift than new life in Christ.

BRIEF BIOGRAPHICAL SKETCH—R. ELMER NIELSEN

Born and Reared in Montgomery, Alabama.

AB—Samford University, Birmingham, Alabama.

BD and ThD—New Orleans Baptist Theological Seminary.

Prior to 1948—Business and Layman in Montgomery.

1944–45—Served in U.S. Marine Corps, 4th Division in Pacific Theater.

1948–50—Pastor of Memorial Heights Chapel, Montgomery, and Oakdale Baptist Church, Ramer, Alabama.

1950–52—Pastor, Ferris Hill Baptist Church, Hattiesburg, Mississippi.

1958–67—Pastor, First Church, Cullman, Alabama (9 years, 7 months).

1967–70—Executive Secretary, The Alabama Council on Alcohol Problems, Birmingham, Alabama.

Since May, 1970—Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

Member—of Alabama Baptist Convention Executive Board, 1958–61, 1964–67.

Member—of Administration Comm., Alabama Baptist Convention Exec. Board, 1966–67.

Member—Board of Directors, Alabama Temperance Alliance 1962–67.

Member—Board of Trustees, Judson College, 1961–64.

President—Montgomery Baptist Minister's Conference 1971—Present.

Civic—Active in Civic affairs wherever his ministry has led him, Civic Clubs, Red Cross work, American Legion, Radio broadcasting, and school affairs. In 1968 he was appointed to the Governor's Committee on the Study of Alabama's Educational System. President, Montgomery Leased Housing Corporation (non-profit, low income).

Travelled and Spoke—Europe, 1950 and 1955; Central and South America 1960; South Europe and Holy Land, 1963; Europe, 1965 and 1966. Has had voluntary association in Billy Graham Crusades in New York, 1957; New Orleans, 1955; Charlotte, 1959; Birmingham, 1965; Montgomery, 1965; Tuscaloosa, 1965; Huntsville, 1963; London, 1955; Buenos Aires, 1960; Copenhagen, 1965; Berlin, 1966. Has preached in 7 foreign countries and conducted more than 95 revivals in the United States. Attended the Baptist World Alliance, Tokyo, 1970. Toured in Turkey, Syria, Lebanon, Syria and Israel, 1973.

Has Written—"An Appraisal of the Ministry of F. B. Meyer," and for several Baptist publications, including the Encyclopaedia of Southern Baptists. Vol. I and II.

Wife—Annie Lee Mullis of Charlotte, N.C.; one daughter, three sons.

JAROSLAV MASARYK KIDNAPED BY COMMUNIST CZECHOSLOVAK BORDER GUARDS

Mr. PERCY. Mr. President, more than 2 months have passed since Jaroslav Masaryk became one of the more recent victims of the continuing tragedy of Czechoslovakia. For it was on May 3 that young Masaryk was kidnaped on the Austrian-Czechoslovak frontier, as he attempted to see his parents at the border.

Jaroslav Masaryk had left Czechoslovakia in 1968, as did so many other young Czechs and Slovaks, in the wake of the brutal Soviet invasion, because he refused to live under a puppet regime supported by an occupying army. He made a new life abroad, but always had a deep desire to see his parents again. Hoping to get close enough to at least touch his parents' hands, Masaryk ventured to the very edge of the border. While still on Austrian soil he was, without warning, seized by Communist border guards and dragged into Czechoslovak territory. He has not been heard of or seen since.

The Austrian Government has protested strongly against this flagrant violation of international law and is continuing to press vigorously for Masaryk's release and his return to Austrian soil. I have written to Secretary of State William P. Rogers, asking that the United States offer every possible assistance to the Austrian Government in this matter.

A REAFFIRMATION OF THE BELIEF IN THE INHERENT RIGHTS OF MANKIND

Mr. PROXMIRE. Mr. President, by failing to ratify the convention on the prevention and punishment of the crime of genocide, the Senate has implied that the rights that U.S. citizens enjoy by virtue of the Constitution and the Bill of Rights are not to be construed as belonging to the rest of mankind.

In 1776 the founders of this country dedicated themselves to the self-evident-truth "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Is it not ironic that we, who have been in the forefront in promoting freedom for individual and human rights for all groups, fail to ratify the convention on the prevention and punishment of the crime of genocide?

How many Americans have ancestors who were immigrants to this country? How many Americans have relatives who are still living abroad? Do we not care about those who were not born on American soil?

Our ratification of the Genocide Treaty will be an affirmation of the fact that all men, not just Americans, are created equal. It will be an acknowledgement of the fact that all men, not just Americans, are endowed with certain inalienable rights.

I call upon the Senate to reaffirm our belief in the inherent rights of mankind. I ask the Senate to ratify the convention on the prevention and punishment of the crime of genocide.

JAMES J. KILPATRICK RECONSIDERS: SAYS LET THE SACB GO

Mr. ERVIN. Mr. President, James J. Kilpatrick is a journalist and commentator whose analyses of current issues and constitutional questions command the Nation's interest and respect.

On June 22 of this year, Mr. Kilpatrick taped for delivery on station WTOP a statement concerning the Subversive Activities Control Board in which he pointed out that a year or so ago he had joined in urging that funds be provided to continue the SACB, but that he has since changed his mind. Mr. Kilpatrick now agrees with my own conclusion that the time has come to abolish the SACB.

Mr. President, in the near future, a House-Senate conference committee will meet to consider whether funds should be appropriated to continue the SACB. In view of the timeliness of Mr. Kilpatrick's commentary, I ask unanimous consent that his statement be printed in the RECORD.

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

COMMENTARY BY JAMES J. KILPATRICK

A year or so ago, when the President proposed that new duties be assigned to the Subversive Activities Control Board, I went along with the idea, and I joined then in urging that funds be provided for the SACB for Fiscal '72.

Well, I think I was wrong then; and I think the Senate was right the other day, when it voted 45–12 to abolish the board by wiping out its appropriation for Fiscal '73.

Many conservatives, if I am not mistaken, have been deeply troubled about this issue. There was a tendency to stick by the board as a symbol—a symbol of continuing resistance to Communist subversion, an official manifestation of national vigilance against the overthrow of cherished institutions by an ideological imperialism that never lets up. We felt the board was not to be blamed for administrative defects in the law; and at a time when new revolutionary groups were developing, we saw some rational role for an agency whose sole function would be their surveillance.

But we have had many misgivings also. There were the constitutional objections pressed by Senator Sam Ervin, not merely on the matter of the President's executive order, but more gravely on the serious First Amendment questions involving rights of association and rights of free speech. Finally, there was a conservative's instinctive hostility to the sheer waste of the taxpayers' money. The hamstrung board was not doing anything—there was no prospect of amending the law to give the board new duties—and $450,000 is no trivial sum. The need continues for a vigilant eye on revolutionary groups, but perhaps that need can otherwise be met. Let the board go.

THE PRESTIGIOUS ORDER OF AHEPA

Mr. ALLEN. Mr. President, the prestigious Order of Ahepa was founded on July 26, 1922, in Atlanta, Ga. Thus, this highly respected organization will celebrate the golden anniversary of its founding on Wednesday of this week.

Mr. President, I consider it timely and most appropriate for the Senate to use this occasion to give recognition and pay our respects to this exceptionally fine fraternal organization. It is a pleasure for me to express my personal appreciation for its enviable record of civic and patriotic contributions to worthy causes in the United States and in the international area of humanitarian concerns. Those of us who are familiar with the Order of Ahepa are acutely aware of its long record of generous financial and personal support of a wide variety of community projects in local areas such as education, charity, and civic improvements.

Mr. President, the objects of AHEPA speak for the order far more eloquently and persuasively than can I, and for this reason I commend these objects to the thoughful consideration of Members of the Senate and the public in general. They are:

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic,

social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

Mr. President, in honoring AHEPA on the occasion of the golden anniversary of its founding, I cannot but point with pride to the contributions to the order of outstanding Alabama citizens who serve as officers on national, district, and local chapter levels. I ask unanimous consent that the list of Alabama officers be printed in the RECORD.

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

ORDER OF AHEPA

ALABAMA

Local chapter officers

Nick Sfakianos, President, Fairfield.
Constantine Sfakianos, Vice President, Fairfield.
Nick Glenos, Secretary, Fairfield.
Angelo Petelos, Treasurer, Fairfield.
John Diamantakos, President, Birmingham.
Demetrios Nakos, Vice President, Birmingham.
Constantine Koutroulakis, Secretary, Birmingham.
Anthony Boulgaris, Treasurer, Birmingham.
John A. Cookorinis, President, Montgomery.
William Manning, Vice President, Montgomery.
James Klonaris, Secretary, Montgomery.
John C. Costopoulos, Treasurer, Montgomery.

Current national officers

Sam S. Nakos, Chairman, Educational Foundation, Birmingham.

Current district lodge officers

John Cookorinis, Lt. Governor, Montgomery.
Tony Voulgarides, Marshall, Montgomery.
John Diamantakos, Admin. Ass't to District Governor, Fairfield.

Past national officers

Gregory J. Despinakis, Past Supreme Lodge, Birmingham.

THE 50TH ANNIVERSARY OF AHEPA

Mr. PERCY. Mr. President, on July 26, 1922, the Order of Ahepa was founded in Atlanta, Ga. In the 50 years that have followed, the American Hellenic Educational Progressive Association has expanded to 430 local chapters in 49 States, Canada, and Australia. Its membership has included Presidents, Cabinet members, Senators, and Representatives, and today the Order of Ahepa counts as one of its distinguished members the President of the Senate and Vice President of the United States, Hon. SPIRO T. AGNEW.

Over the years the Order of Ahepa and its affiliated organizations have repeatedly demonstrated their active interest in America by contributing to a wide variety of charitable causes. Ahepa members have long championed the cause of education and have participated in civic affairs, helping to promote a better and more complete understanding of Hellenism and Hellenic culture.

I congratulate the members of the Order of Ahepa on the 50th anniversary of the founding of their fraternity. They have reason to be proud of their organization's achievements and of themselves as fine, creative, hard-working Americans.

SALUTE TO THE ORDER OF AHEPA

Mr. HARTKE. Mr. President, after 50 years of service and accomplishment, the Order of Ahepa—American Hellenic Educational Progressive Association—an international fraternity of men of good moral character deserves recognition. This organization has contributed its time and resources to many international causes in the hope of achieving worldwide brotherhood and love.

Within the past 50 years, the organization has promoted loyalty to the United States and has made American citizens more aware of their rights and obligations through its 450 local chapters.

Mr. President, the members of AHEPA have a justifiable pride in their record of accomplishment and I am pleased to take this opportunity to salute a fraternity that exemplifies the true spirit of the United States.

SUPREME COURT UNDERMINES FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, on June 29, 1972, the Supreme Court announced its decision in three consolidated cases which involved an interpretation of the first amendment respecting newsmen's confidential sources of information. In Branzburg against Hayes, a majority of five Justices determined that there is no first amendment privilege for newsmen to refuse to answer questions of a grand jury even if those questions require the disclosure of confidential sources and information.

Justice White's opinion for the majority rejects the analysis of the Ninth Circuit Court of Appeals in the case of United States against Caldwell, one of the consolidated cases, which had recognized a first amendment newsmen's privilege against compulsory disclosure of confidential sources and information in certain circumstances. Justice White wrote:

> Fair and effective law enforcement aimed at providing security for the person and property of the individual is a fundamental function of government and the grand jury plays an important, constitutionally mandated role in this process. On the records now before us, we perceive no basis for holding that the public interest in law enforcement and in ensuring effective grand jury proceedings is insufficient to override the consequential, but uncertain, burden on news gathering which is said to result from insisting that reporters, like other citizens, respond to relevant questions put to them in the course of a valid grand jury investigation or criminal trial.

On previous occasions I have stated that the Ninth Circuit Court's decision and the analysis upon which it was based constituted a wise and true reading of the first amendment's guarantee of freedom of the press. I am deeply concerned and greatly disappointed over the majority opinion in Branzburg against Hayes, which reversed the Ninth Circuit's decision in the Caldwell case. I must agree with Justice Stewart, writing in dissent, that—

> The Court's crabbed view of the First Amendment reflects a disturbing insensitivity to the critical role of an independent press in our society.

In protecting New York Times reporter Earl Caldwell from appearing before a Federal grand jury in California investigating the Black Panthers, the Ninth Circuit Court emphasized the vital role which a free press plays in a free society. It correctly observed that the first amendment was adopted to preserve an "untrammeled press as a vital source of public information." Judge Merrill wrote for the Court of Appeals:

> The need for an untrammeled press takes on special urgency in times of widespread protest and dissent. In such times the First Amendment protections exist to maintain communication with dissenting groups and to provide the public with a wide range of information about the nature of protest and heterodoxy.

He warned about the threat to freedom of the press which comes from fear of Government interference with the newsman's investigative process. He cautioned:

> To convert news gatherers into Department of Justice investigators is to invade the autonomy of the press by imposing a governmental function upon them. To do so where the result is to diminish their future capacity as news gatherers is destructive of their public function.

It is important to understand that neither the district court nor the Court of Appeals in the Caldwell case purported to establish a sweeping, unlimited privilege for newsmen. The general rule set forth by the Court of Appeals requires a balancing of the interests of the first amendment and the interests of law enforcement. It would simply require that where the public's first amendment "right to be informed'" would be jeopardized by a journalist's submitting to secret grand jury interrogation, the Government must demonstrate a compelling need for the witness' presence before he can be subpenaed. The Ninth Circuit opinion emphasized that its rule was a narrow one. It specifically noted:

> Not every news source is as sensitive as the Black Panther Party has been shown to be respecting the performance of the "establishment" press or the extent to which that performance is open to view.

Quite clear, the Court of Appeals decision resulted from a careful consideration of both the first amendment and law enforcement interests at stake. The decision struck a wise balance between

these interests under the circumstances of this particular case.

I am compelled to say that the Supreme Court's reasons for rejecting the ninth circuit's decisions are neither impressive nor persuasive. The majority opinion does not take into account the practical effect of its holding on newsmen and the public's right to be informed. At one point the majority opinion naively describes the consequences of its decision as not "forbidding" or "restricting" the use of confidential sources by the press. It states:

Reporters remain free to seek news from any source by means within the law.

Of course, it would be absolutely unprecedented and unconstitutional for the Government to "forbid" or "restrict" newsmen from using confidential sources in their effort to enlighten Americans on matters of public concern. That is not the problem raised by the subpenas to Earl Caldwell and other reporters. The problem for them and for the public is how a reporter can continue to gather news and to report to the public from and about sensitive persons and issues when that reporter can be compelled by the Government to disclose these confidential sources and information in secret grand jury interrogations.

Aggressive and curious newspaper reporters have always been a tempting and easy source of information for Government. Nevertheless, whatever short-term benefits may flow from Government's reliance upon newsmen as a substitute for its own investigations, the long term threat to the public's right to be informed about the controversial as well as the routine is too great a risk to take in a free society.

Justice Stewart's dissenting opinion in Branzburg against Hayes, declares:

A corollary of the right to publish must be the right to gather news. The full flow of information to the public protected by the free press guarantee would be severely curtailed if no protection whatever were afforded to the process by which news is assembled and disseminated.

The right to gather news, Justice Stewart correctly observes:

Implies a right to a confidential relationship between a reporter and his source.

Several affidavits filed with the Ninth Circuit Court by some of the country's outstanding newsmen underline the practical importance of protecting newsmen's confidential sources. They uniformly warn that without some protection from zealous law enforcement, sensitive sources for news about controversial subjects will quickly "dry up."

In one of these affidavits, Mr. Walter Cronkite of CBS News stated:

In doing my work, I depend constantly on information, ideas, leads and opinions received in confidence. Such material is essential in digging out newsworthy facts and, equally important, in assessing the importance and analyzing the significance of public events. Without such materials, I would be able to do a little more than broadcast press releases and public statements.

The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. In nearly every case their position, perhaps their very job or career, would be in jeopardy if this were not the case. There are almost daily examples of this. For example: A member of the staff of a United States Senator advised me, far in advance of the announcement, that his employer did not plan to run for reelection. Another person in a similar position tipped me to his employer's intention to seek a higher office. An officer high in Pentagon circles recently offered evidence of pressure high in the military command structure to get the President to cut back on his Viet Nam withdrawal commitments. A bartender told me of fraud in restaurant inspection in New York City. A scientist asserted that the Atomic Energy Commission's safety standards for atomic energy installations were not adequate. None of these persons would have volunteered this information if they thought they would be exposed as the source of the information. In short, I would be unable to obtain much of the material that is indispensable to my work if it were believed that people could not talk to me confidentially. I certainly could not work effectively if I had to say to each person with whom I talk that any information he gave me might be used against him.

Mike Wallace, an outstanding reporter, declared in a similar affidavit:

In my experience in investigative news gathering, the ability to establish and maintain the confidence of people who may be willing to suggest leads and divulge facts and background information to me has been essential. If such people believed that I might, voluntarily or involuntarily, betray their trust by disclosing my sources or their private communications to me, my usefulness as a reporter would be seriously diminished.

An examination of the Supreme Court's decision in Branzburg against Hayes, must be made in the context of the importance of a free press to any free society. The rationale for protecting newsmen from Government inquiry is not to protect them individually, but to insure that the public has access to that free flow of information so vital to a democracy. The first amendment, including its guarantee of a free press, was designed to make Americans politically, intellectually, and spiritually free. Its prohibition against Government suppression and intimidation of the press is couched in sweeping language. In my judgment, the Founding Fathers intended the first amendment's protection of the press to be liberally construed.

In this decision, the Supreme Court's majority has overlooked the philosophy of the first amendment's guarantee of a free press. The five-justice majority has casually dismissed the practical effects of its holding which will certainly undermine the ability of reporters to search out the truth for the American people. The majority has apparently forgotten the historic dangers always implicit when Government, even for the most noble of purposes, interferes with and restricts the operations of the press. And, I am sadly compelled to believe, it has not fully understood the grand and hopeful assumptions which underlay our Founding Fathers' conviction that men have nothing to fear from freedom of thought, speech, and press as long as truth is free to combat error.

I believe that Justice Stewart in his dissent has accurately perceived the relationship of the news gatherer and the confidentiality of his sources to the purposes of the first amendment. He wrote:

The reporter's constitutional right to a confidential relationship with his source stems from the broad societal interest in a full and free flow of information to the public. It is this basic concern that underlies the Constitution's protection of a free press, because the guarantee is "not for the benefit of the press so much as for the benefit of us all."

Concern over Government interference with the journalist's function was manifested during recent hearings of the Senate Subcommittee on Constitutional Rights on the state of freedom of the press in America. Representatives of news organizations and publisher associations and individual newsmen expressed their alarm over Government's sudden increased subpenaing of newsmen over the last few years. A 20th century fund task force on Government and the press studied in detail this problem and has published its findings in an impressive report entitled "press freedoms under pressure." A number of professional news associations have advocated enactment of legislation to protect newsmen's confidential sources.

Responding to this growing concern over Government interference with the operation of a free press, the Senator from Kansas (Mr. PEARSON) has introduced S. 1311, widely known as the "newsmen's privilege" bill. Referred to the Constitutional Rights Subcommittee, this bill has received considerable support and was the subject of discussion during the subcommittee's hearings. More recently, following the Supreme Court's reversal of the Caldwell decision, the Senator from California (Mr. CRANSTON) introduced another version of a "newsmen's privilege" bill, S. 3786. Similar legislation has been introduced in the House of Representatives. This legislation is designed to do what the Supreme Court refused to do—to protect newsmen's confidential sources and information in certain circumstances from compulsory disclosure to governmental bodies.

In the course of our hearings on freedom of press, I expressed my hope that the Supreme Court would affirm the wise holding of the Ninth Circuit Court of Appeals in the Caldwell case. It was my view that, once having established a constitutional basis for a newsmen's privilege, the courts could best balance the competing interests between the press and Government on a case-by-case basis without the need for any legislation. Inasmuch as the Supreme Court has rejected a constitutionally based privilege for newsmen, proposed legislation establishing a privilege for newsmen deserves renewed consideration.

Mr. President, there has been considerable editorial commentary on the Supreme Court's decision in this case. Because I consider the issues involved to be of fundamental importance to the freedom of our country, I ask unanimous consent that several of the editorials be printed in the RECORD.

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

[From the Charlotte Observer, July 3, 1972]

COURT CHILLS REPORTER'S ROLE

It may be a minor point to some, but the Supreme Court's decision requiring newsmen to provide confidential information to grand jury investigators knocks a sliver from the bulwark that has separated the press and the government for 200 years.

The court determined that as a citizen a reporter has a responsibility to aid such investigations under certain circumstances. But does he? A lawyer is a citizen, but no one questions the confidential lawyer-client relationship. A priest is a citizen, but he is bound by secrecy in the confessional. A reporter has similarly unique relationship with his source.

Historically, the role of the American press is to keep a watchful eye on the government—not to rescue it when it fails in its law-keeping function. Reporters are not in the business of doing the legwork for grand juries or other government bodies. They generally assume that law enforcement agencies have more efficient methods of criminal investigation than their own. All a reporter has is his integrity and his access to a publisher. Requiring him to divulge sources chills his access to information.

The decision may not stop many newsmen, although they may find it more difficult to win the confidence of a source. Earl Caldwell of The New York Times, one of three principals in this ruling, has indicated that he would go to jail before disclosing confidential information about the Black Panthers. We suppose there are many others willing to become martyrs to freedom of the press.

Will the larger public suffer as a result of the court's ruling? We think so. Investigations by reporters lend insight about all aspects of community life and frequently bring about reforms. Sometimes things are worse than local politicians or police officers or even grand juries would have us believe. Any impediment to the reporter's ability to find out is a curtailment on the public's right to know.

[From the Charlotte Observer, July 17, 1972]

THE CALDWELL CASE—REVISITED

Last month, the Supreme Court struck a major blow against our civil liberties. In the case of New York Times reporter Earl Caldwell, the Court ruled that a reporter can be required to reveal confidential sources to a grand jury. We warned then that the ruling could have dire consequences. Last week in federal court in Washington, D.C., the results were worse than we had imagined.

On Thursday, a young attorney, Douglas Caddy, was jailed by a federal judge for refusing to answer a grand jury's questions about a client. The grand jury was investigating the recent arrests of five men inside the Democratic party headquarters. The jury asked Caddy the name of the man who retained him as counsel for the five men. They also queried him about the whereabouts of E. Howard Hunt Jr. Mr. Hunt, who disappeared recently, is sought because his name and phone number were found on two of the five.

Judge John J. Sirica's ruling that Mr. Caddy was in contempt would, if upheld, open the door to still further infringements of our civil liberties. At issue here is the confidentiality of the attorney-client relationship. Prominent local lawyers say they could not recall a precedent for such a ruling.

Obviously the grand jury is on a fishing expedition for information which it does not have. The tenor of its questioning suggests "guilt by association." In either case, it is wrong to force a client's lawyer to testify against the client.

The Supreme Court's ruling in the Caldwell case aroused little fear among members of the public especially the legal profession. With the Caddy case however, perhaps lawyers and the public will join in the fight against the government's further undermining of our basic liberties.

[From the Washington Post, July 1, 1972]

THE "NIXON COURT" AND THE FIRST AMENDMENT

If there was one resounding note in the welter of opinions from the Supreme Court Thursday, it was the low value the Court's new majority places on the flow of information. In three cases involving a newsman's right to protect confidential sources, the Court brushed aside claims that forced disclosure of confidential information and of the identity of sources would lessen substantially the flow of news to citizens. In another case involving an aide to Senator Gravel, the Court denied the existence of any constitutional link between the legislative duties of a Congressman and the information he receives or sends to his constituents. In still another, this one involving Senator Brewster, the Court said that among the things which are not purely legislative activities of Congressmen are "preparing so-called 'news letters' to constituents, news releases, speeches delivered outside the Congress." All these decisions, taken together, indicate that the new majority on the Court is remarkably insensitive to the First Amendment to the Constitution and to what we had always thought were two fundamental principles of a republican form of government—the need of the public to know what is going on in and out of government and the need of the public's representatives to communicate freely with it.

We would begin with the question of the reporter's privilege, perhaps because it cuts to the heart of our business. (The related matters involving the Court's peculiar understanding of the legislative process is also of great importance to the way this country works, or doesn't work, and we will turn to it at a later time.)

The issue that divided the Court, five to four, in the reporter's privilege cases was not that of whether newsmen should have an absolute right to refuse to provide the government with information they have received in confidence. It was, instead, the question of whether the government, when calling a reporter before a grand jury, should have to provide in advance a special need for the particular information the reporter desires to keep to himself. The Court's majority says the government does not have to do that and its holding, we believe, will be costly to the nation in terms of the stories that will never be written about the hopes and plans of political dissenters, the corruption and political deals made inside the government and the activities of organized crime.

Stories of this kind—the leaking of secret government documents or even of non-secret ones to newsmen by bureaucrats fed up with coverups; the inside tales of the Black Panthers and other such organizations; the exposes of links between government and organized crime—are often obtainable only on the assurance of newsmen that they will not reveal their sources. Whether such information will still be forthcoming, now that the Court has said such assurances do not need to be respected, is an issue of substantial substance to you as well as to us. In this town, for example, will the middle-level public servant who has an honest difference with the official line, or something to say about wrongdoing within the bureaucracy, be as ready in the future to talk frankly in confidence to a newsman? We doubt it. Or will it be possible in the future as it has been in the past for the public to learn as much about the goals and plans of groups like the Black Panthers? We doubt that, too.

The Court's majority, of course, escapes these hard questions by focusing on crime and turning the argument of the press on its head by calling it "the theory that it is better to write about crime than to do something about it." No one we know of has contended that it is better to write about crime than to act against it. The contention of the news media, at its heart, is that it is better for both the public and the government to learn *something* about the forces loose in our society than to learn *nothing*, a contention set out forcefully by Justice Stewart in his dissent, extracts from which appear elsewhere on this page.

The Court's majority also attempts to reassure newsmen that its rejection of their position does not mean a total end to confidential information. It notes that a grand jury's questions must be related to the commission of crime. But it also quotes with approval this description of what a grand jury is:

"It is a grand inquest, a body with powers of investigation and inquisition, the scope of whose inquiries is not to be limited narrowly by questions of propriety or forecasts of the probable result of the investigation, or by doubts whether any particular individual will be found properly subject to an accusation of crime.

Given this concept of a "grand inquest," there is little solace in the Court's comment that grand jury investigations conducted in other than good faith would pose "wholly different issues" than those in these cases. Nor is there much comfort in its remark that a prosecutor may not insist on answers if a reporter raises the issue of confidential sources. This is not what you would call a firm position, given the antagonism in recent years between the press and some parts of government.

It is true, no doubt, that the press, as the Court suggests, "has at its disposal powerful mechanisms of communication and is far from helpless to protect itself from harassment or substantial harm." But it would have been far better, and far more in line with the Constitution's commands, for the Court to have brought about an accommodation between the legitimate claims of government prosecutors and the equally legitimate claims of newsmen. Instead. it has chosen to throw them into open conflict. Even while asserting that news gathering is protected by the First Amendment and that "without some protection for seeking out the news, freedom of the press could be eviscerated," the Court has left the news media to protect that freedom as best they can without much help from the First Amendment. We do not believe that is what was intended by the men who wrote that Amendment.

[From the New York Times, July 15, 1972]

LOSS FOR THE PUBLIC

A subtle trend toward erosion of the Bill of Rights is among the points of concern raised by the shift in the Supreme Court. Specifically, the decision denying reporters the right to refuse to reveal their sources of confidential information to a grand jury reflects, as Justice Stewart pointedly observed in his sharp dissent, "a disturbing insensitivity to the critical role of an independent press in our society."

In the cases involving three newsmen—including a reporter for The New York Times—who maintained their right to protect their sources of information, the Court's majority seemed oblivious of the chilling effect of its decision on the press's freedom to investigate, to expose, and to report without fear of governmental sanctions. The decision is an assault on the public's right to know. By forcing newsmen to reveal their sources of information to a grand jury, the Court is in fact undermining the whole basis of the confidential relationship between a reporter and his sources, which is the only basis on which

much information of vital importance to the public can ever be revealed.

It is the public, rather than the media or the reporters, that will be the principal victim of this amazingly constricted viewpoint of the Court. For it will be infinitely more difficult henceforth to obtain and publish information involving criminal matters that, perhaps for ulterior motives, governmental bodies may wish to conceal. "As the years pass, the power of government becomes more and more pervasive," Justice Douglas noted in his dissent. "It is a power to suffocate both people and causes."

The newsmen did not claim "an absolute privilege against official interrogation in all circumstances"—after all, newsmen do have the normal obligations of citizenship—but they did claim, and are now denied, protection against grand jury questioning except when there was special reason to believe that they possessed relevant information for which there was "compelling" need. In eighteen states including New York, reporters have this special and needed right to the privacy of communications; and Justice Powell's "enigmatic" opinion, concurring with the majority, specifically notes that newsmen do have constitutional rights "in safeguarding their sources," and that governmental authorities are not free to "annex" the news media as "an investigative arm of government."

Yet the purport of the prevailing opinion raises exactly this danger, especially insofar as two of the three cases themselves involved reportorial activities with such an unpopular and suspect group as the Black Panthers, and the third was concerned with the equally unpopular and generally suspect "drug culture." Obviously the decision opens a way to fishing expeditions on the part of grand juries and prosecuting attorneys, at the expense of newsmen's ability to maintain independent and confidential relationships with persons in possession of useful information who fear loss of jobs, harassment or other reprisals if their identity is disclosed.

It seems evident that Federal legislation to restore to reporters some reasonable protection from grand juries of their right to confidentiality—along the lines proposed by Senator Cranston of California and Representatives Koch and Reid of New York—is now essential.

[From the Chicago Tribune, July 8, 1972]

A BLOW TO PRESS FREEDOM

The United States Supreme Court last week solemnly acknowledged the virtues of a free press and the need to protect it, and it then just as solemnly declined to do so.

The 5 to 4 opinion involved three cases in which newspaper reporters had been subpenaed to divulge the nature and sources of information which they had gained in confidence. The most notable of the cases was that of Earl Caldwell, a New York Times reporter who established a confidential relationship with the Black Panthers in California and was then ordered by a grand jury to tell it what he had learned about the Panthers and their plans.

The majority opinion, written by Justice White, cited case after case in which the courts have recognized the dangers which unrestrained power in the hands of officials can create for a free press. The Court held that these dangers were not present in the cases before it; it then went on to minimize the dangers in general and to criticize what it seems to regard as a journalistic theory "that it is better to write about crime than to do something about it." It wound up by sidestepping the whole issue, leaving reporters completely at the mercy of prosecutors and grand juries. To define the conditions under which a reporter might be subpenaed, it said, would involve "a long and difficult journey."

"In each instance where a reporter is subpenaed to testify," the court said, "the courts would also be embroiled in preliminary factual and legal determinations with respect to whether the proper predicate had been laid for the reporter's appearance: Is there probable cause to believe that a crime has been committed? Is it likely that the reporter has useful information gained in confidence? Could the grand jury obtain the information elsewhere? Is the official interest sufficient to outweigh the claimed privilege?"

For heaven's sake, these are precisely the sort of questions the courts must undertake to answer if the First Amendment is to mean anything at all. The reporters involved, and their employers, were not demanding absolute immunity, even tho some editors and some politicians [such as California's liberal Sen. Alan Cranston] have proposed it. They were not putting the interests of a free press above the interests of justice. They were merely asking the Court to acknowledge that the power of subpena can be abused and that the courts have a duty to prevent such abuse.

As for the suggestion that newspapers are more interested in printing stories about crime than in doing anything about it, it is so naive as to be astonishing. The type of crime most often involved in the confidences we're talking about is corruption in government. Who would ever stop it if it were not exposed in the press? How would the press be able to expose it without the help of confidential informants who were willing to tell what they knew to reporters whom they trusted? The Supreme Court's blanket ruling will certainly make these people think twice before they talk to a reporter, and to that extent the Court has turned itself into the protector of corruption and incompetence in government. Any reputable newspaper's purpose in exposing corruption is precisely to see that something *is* done about it.

In a concurring opinion, Justice Powell offered the hollow consolation that "no harassment of newsmen will be tolerated" and that the courts "will still be available" to them. In view of the majority opinion, it is hard to see what the courts will be able to do about it.

In the main dissenting opinion, Justice Stewart deplored that the Court had overlooked the precedent of prior cases and had "failed to recognize that under the guise of 'investigating crime' vindictive prosecutors can . . . explore the newsman's sources at will, with no serious law enforcement purpose" and can demand information about informants "who have neither committed crimes nor have information about crime."

So where do we go from here? We have to go someplace, because if the present opinion stands, it will promote neither justice nor freedom of the press. Legislation might help, but the task of interpreting any laws is going to fall to the courts anyway. The better solution is to see that another case is brought before the Supreme Court, one in which there is less justification for a subpena. Justice Powell, for one, would presumably then have to change his position. Last week's dissenters would become the new majority, voicing a doctrine upholding both justice and the First Amendment.

[From the Los Angeles Times, July 2, 1972]

THE SUPREME COURT'S PRESS DECISION

The Supreme Court of the United States has struck a heavy blow at the independence of the press of this nation. And, striking at the press, the court has diminished the right of the American people to a free flow of information about their government and about all other significant events that affect our lives.

In a 5-to-4 decision, the court ruled that newsmen can be called before grand juries and compelled to divulge the names of their news sources and to answer any and all other questions that a jury decides is relevant to matters under investigation. To refuse means the risk of going to jail.

While much of the public's—and the court's—attention has been focused on the protection of a criminal news source, the truth is that the bulk of sources needing protection are honest businessmen and public officials who could lose their jobs or their livelihoods if they were publicly identified.

These are the people who made possible the many prize-winning stories by this and other newspapers in recent years involving dishonesty and mismanagement in public agencies.

But the court did not stop with the grand jury question. In an opinion by Justice Byron R. White, it reached far beyond the issue in question to sanction unprecedented restrictions on the press. Justice White declared, "Newsmen have no constitutional right of access to scenes of crime or disaster when the general public is excluded, and they may be prohibited from attending or publishing information about trials if such restrictions are necessary to assure a defendant a fair trial before an impartial tribunal."

Justice White's opinion breathed with hostility to the function of a free press in this country as we have known it for two centuries. He declared it would be frivolous to hold that the First Amendment gave news reporters the right "to violate otherwise valid criminal laws."

That is wholly a false argument. Never has it been asserted that a news reporter or a newspaper is above the law or had a right to violate the criminal statutes.

What was at issue in the cases before the court, and what will continue to be an issue, is the constitutional right of a free people to be adequately informed. It is not the press that is primarily protected by the First Amendment. The First Amendment is the guardian of the people's right. To cast the argument in any other light, is to deceive the American people.

As the late Justice Hugo L. Black said, "The press was to serve the governed, not the governors. . . . The press was protected so that it could bare the secrets of government and inform the people."

This is an old doctrine which has guided this country from its inception. Thirty-six years ago, the Supreme Court said that the purpose of the First Amendment is "to preserve an untrammeled press as a vital source of public information . . . and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern."

The court has now acted to subvert this historic position by deciding that a news reporter has no constitutional right to protect his sources of news. Justice Potter Stewart, in his strong dissenting opinion, said, ". . . Not only will this decision impair performance of the press' constitutionally protected functions, but it will . . . in the long run harm rather than help the administration of justice."

Justice White argued that it would be wrong to grant newsmen before a grand jury "a testimonial privilege that other citizens do not enjoy." Here again, Justice White blurred the great principle involved. Immunity from compelled revelation of news sources is not sought for the protection of newsmen but for the protection of their function. Justice White might as well have argued that the right of an ambulance driver to run a red traffic light conferred upon him a special privilege not enjoyed by other motorists.

The decision, in a most fundamental way, will have a crippling effect upon news gathering. The right to publish is dependent upon access to news. One, without the other, is rendered useless. Compelled testimony by newsmen will impair their access to news sources.

In the past five years, this newspaper has exposed widespread corruption in government. These revelations depended heavily on the trust placed in Times reporters by hundreds of news sources.

In 1967, an investigation of a proposed World Trade Center on Terminal Island led to a grand jury inquiry and the indictment of four commissioners.

In 1968, an investigation of the Recreation and Parks Commission resulted in the indictment and conviction of a commissioner.

In 1968, an investigation of the Rapid Transit District led to the indictment of two men who had arranged the sale of surplus equipment at a cut-rate price.

In 1969, an investigation disclosed that a Los Angeles city planning commissioner and the city planning director had joined a group of developers and had bought land for speculative purposes on the site of a proposed airport at Palmdale.

In 1969, an investigation disclosed irregularities in the Beverly Ridge Estates development financed by Teamster Union pension funds in the Santa Monica Mountains.

In 1971, an investigation disclosed waste and mismanagement in the development of the Queen Mary as a maritime museum.

And last month, an investigation disclosed speculative land investments based on inside information by Anaheim's city manager and public works director who played key roles in planning public works that boosted the value of their property.

These revelations, like similar revelations by other newspapers, were conducted in the interest of the public, and they were successful, in great part, because of the trust imposed in Times reporters by their news sources. Such investigations are always difficult, but they will be doubly so now under the Supreme Court's grand jury decision.

Justice Stewart went to this point in his dissent. He held that "the right to publish is central to the First Amendment and basic to the existence of constitutional democracy," but that right, as Justice Stewart recognized, depends on the right to gather news. He stated, "The full flow of information to the public protected by the free press guarantee would be severely curtailed if no protection whatever were afforded to the process by which news is assembled and disseminated . . . for without freedom to acquire information the right to publish would be impermissibly compromised."

Justice White's opinion that newsmen may be prevented from attending or publishing information about a trial is an even more radical step in denying the press access to the news. The opinion will stimulate the already growing tendency in the lower courts to issue a variety of gag orders and in some cases to close off trials to the public. Unchecked, this tendency can lead to secret trials.

The issue here lies not fundamentally between the press and the government. The issue here lies between the government and the people. Restrictions sanctioned today by the Supreme Court are restrictions on the people of this country.

FUNDS FOR PUBLIC AND EDUCATIONAL BROADCASTING

Mr. FULBRIGHT. Mr. President, on July 21 the Senate passed a bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

While I understand and appreciate the need for prompt action on this legislation in view of the President's veto of the earlier bill on this subject, I think it is most unfortunate that the Senate has, in effect, yielded to the President's position. The vetoed bill would have authorized $65 million for fiscal 1973 and $90 million for fiscal 1974. The new bill provides a 1-year, $45 million appropriation, as favored by the President.

I am, of course, pleased that the new legislation does retain the provision authorizing an increase of $10 million for Federal matching grants for educational broadcasting facilities. This $25 million authorization was contained in the original bill.

Mr. President, public and educational broadcasting are among the most important and worthwhile activities receiving Government assistance, and the President's veto of the bill passed by the Senate on a vote of 82 to 1 represents still another indication of his tragically misplaced priorities and another example of the administration's efforts to influence and control the media.

The amount President Nixon has apparently succeeded in cutting from public broadcasting funds for fiscal 1973 is about the equivalent of the cost of one—just one—of the highly questionable F–14 aircraft which we will be asked to approve this week. The total the bill would have provided for this year—$65 million—is less than we spend every 5 hours for military and related activities. It is indeed ironic that on the same day he vetoed the public broadcasting legislation, President Nixon requested an additional $2.79 billion for military activity in Southeast Asia.

Mr. President, on June 22 I spoke at some length on the importance of public broadcasting to my State and to the Nation. The vetoed legislation would have provided some significant increases and expansion of service in Arkansas. I am hopeful that the new legislation will allow at least some of this expansion to be carried out.

As one of my State's leading newspapers, the Arkansas Democrat in Little Rock, pointed out in an editorial on July 15, the veto "is a blow to educational television in Arkansas."

The Democrat continued:

Actually, no one was fooled by the President's announced reason for the veto. . . . although the public statements indicate otherwise, people who have been following the matter feel that the veto is a form of political censorship.

Mr. President, I ask unanimous consent to have the Democrat editorial and an editorial from the Northwest Arkansas Times of July 11 printed in the RECORD.

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

[From the Arkansas Democrat, July 15, 1972]

MONEY FOR PUBLIC TV

President Nixon's veto of the public television money bill is a blow to educational television in Arkansas. If it stands, it could delay expansion of coverage and conversion to color for local programs. The extra money the bill would have provided would have doubled the local station's budget, allowing for construction of four new stations, at Fayetteville, Mountain View, Jonesboro and Arkadelphia.

Mr. Nixon said he vetoed the bill because it gave too much control to the Corporation for Public Broadcasting over the 200 local stations. The result, however, will be that local stations not only will have less money to produce their own programs but also that they will have fewer network programs to fill their time with. Most of the $39 million in the legislation would have gone to local stations.

Actually, no one was fooled by the President's announced reason for the veto. For months before the legislation cleared Congress there were reports from administration sources that the White House was unhappy with the public affairs programming sent out by CPB. It was clear that the President and his aides felt it was biased against them. So, although the public statements indicate otherwise, people who have been following the matter feel that the veto is a form of political censorship.

That's too bad, too, because the CPB public affairs programs have been a welcome addition to the television choice. To begin with, there are not near enough informational programs on commercial television. Furthermore, the CPB programs are often more detailed than the commercial offerings. That's one of the benefits of being freed of the need to seduce viewers to please commercial sponsors. At the same time, news and public affairs amount to only 2 per cent of public television programming.

Mr. Nixon may not have the final word. The legislation passed the House 256–69 and the Senate 82–1, so there is a chance that Congress might override his veto when it returns after the Democratic National Convention. It should. There is the principle of his attempt at censorship. And there is the practical loss to an educational medium that is just beginning to come of age. Either would be reason enough to reinstate the money.

[From the Northwest Arkansas Times, July 11, 1972]

ETV ZAPPED

Richard Milhous Nixon (our President) suffers from an almost constant insensitivity to areas outside the field of foreign affairs. If the nation's economy and the ranks of the jobless aren't evidence enough of this the roster of his all-time major league baseball favorites should be. (Ernie Lombardi, the catcher?)

Cruelest blow of all in domestic affairs isn't Phase II, Lombardi, or even the pass play he gave the Miami Dolphins for the Super Bowl. The clincher on the President's record is his veto of appropriations for expansion of Educational Television.

In explaining his veto, the president said it is time to return programming to the local stations. The White House also has indicated that the administration isn't at all happy with ETV's political commentary.

Granting the President his pique over a few newspapers and writers who offer criticism of his administration (the vast majority of the nation's press is staunchly Republican and pro-Nixon, which somehow doesn't seem to mollify him), how does that justify the virtual elimination of such splendid ETV programs as "Civilization," "Film Oddessy", and the Boston Pops series?

To be sure, the Presidential veto won't wipe out ETV. But congressional sponsors of the bill had envisioned an expansion of programming, with an emphasis on fare that is unavailable on commercial tv . . . such things as opera, jazz and art.

To the Senate's credit (where the appropriation passed 82–1) considerable indignation has been expressed over the veto. Sen. Frank Moss, D-Utah, calls the veto "Outrageous." In the House, too, there is disappointment in Mr. Nixon's action. Rep. Torbert MacDonald, D-Mass., declares pointedly

that the administration in this veto has apparently decided that "its interests would be best served by muzzling the voice of public broadcasting and that plans to create new programs . . . will have to be abandoned . . ."

There is some hope that the veto can be overridden following the conventions. It is worth a try, and we urge the Arkansas delegation's support in such an effort.

ETV isn't a "gut" issue in this area by any means, but part of the reason for this is that it has yet to be expanded to this corner of the state. At the present time Northwest Arkansas gets moderately fair reception of Oklahoma ETV, but none from the Arkansas station at Conway. The presidential veto assures that this corner of the state will remain isolated from this potentially valuable means of in-state communication.

The tragedy is that while ETV's costs are not so very high—not in comparison with a load of "smart" bombs—it is being sacrificed for pure, unadulterated political expediency.

By coincidence, at about the time the President was putting his zip mark on the ETV bill, Public Broadcasting Corporation was airing a program from the footsteps of the Washington Monument in the nation's capital, not far from the presidential desk.

The program recorded portions of events from "Roberta Flack Day" in the District of Columbia, along with brief glimpses of Miss Flack's private view of things. It was a unique program and one which could hardly be imagined through any medium other than Public Broadcasting.

An irony in the juxtaposition of the presidential veto with the broadcasting of the Flack ceremony, in which she received the key to D.C. along with a bust of the late John F. Kennedy, thus is to be found in Miss Flack's plea for an annual "Human Kindness Day."

No more of that nonsense. No siree.

ORDER OF AHEPA

Mr. CHURCH. Mr. President, this month the Order of Ahepa—the American Hellenic Educational Progressive Association—celebrates its 50th anniversary.

The Order of Ahepa was founded July 16, 1922, in Atlanta, Ga., as a fraternal organization which is both nonpolitical and nonsectarian. Over the past 50 years, the organization has supported many worthy charitable causes which deserve the praise of all Americans.

These activities include relief for victims of natural disasters, support for refugees, student scholarships, support for two hospitals, seven health centers and a college in Greece, and many others. I might add that Idaho has two chapters of the Order of Ahepa—in Boise and Pocatello—which have contributed significantly to the well-being and betterment of our State.

Mr. President, I am pleased to add my voice to that of many others in wishing the Order of Ahepa well on its 50th anniversary.

THE NEW YOUNG VOTERS

Mr. FONG. Mr. President, an excellent editorial on our new young voters and the need for U.S. citizens to exercise their franchise has been written by Richard L. Davis. editor of the Contra Costa Times, published in Walnut Creek, Calif.

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

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

HONOR AMERICA BY VOTER SIGNUP

Across the country today, while most of us in the East Bay, Contra Costa and Alameda counties relax with our families, political candiates are skirmishing with more than the usual fervor at this stage of an election year.

The professionals are motivated by the knowledge that in 1972 the election process is being opened to new major elements.

People from all walks of life—young and old—the rich and the not-so-rich—men and women of all races and creeds—are climbing into the political arena with firm ideas of their own about shaping this country's destiny. This is their right, protected by our Constitution of 200 years.

To our traditional electorate will be added in 1972 over 11 million young adults, 18 to 20 years of age, now enfranchised by the 26th Amendment. Additionally, some 14 million Americans who have turned 21 since 1968 will be eligible to participate, for the first time, in a Presidential election.

This 25 million potential could have a decisive impact on the outcome.

Candidates are pressing hard for this vote. Party bosses who traditionally met in smoke-filled rooms and handpicked by their states are finding their powers eroded. Pollsters are having difficulty charting the political pulse of this youthful electorate. Incumbents and candidates alike are concerned over the effect of this new voting element.

These first voters comprise a massive force for accomplishment. The newcomers are turned on and eager to become involved in such problems as peace in Vietnam, disarmament, inflation, joblessness, education, minority rights, housing, health care, dangers to life from air and water pollution, and countless other problems. Undoubtedly, many of these young adults can help the United States remedy its national and international illnesses.

As an essential first step, they should be aided and encouraged to register and vote. If they should fall victim to the apathy which already exists among their elders toward the electoral process, the nation will continue to suffer.

The dismaying truth is that only 73 million citizens cost ballots in the 1968 Presidential election. Then only 60.2 per cent of the 121.5 million eligibles went to the polls. 47 million stayed away. Here in the world's greatest democracy, a smaller percentage voted in a major election than in any other nation of the free world.

Of the 47 million non-voters, some 15 million qualified to vote passed up the opportunity. Another 10 million could have qualified but didn't bother. Many, of course, were prevented by harsh state residency requirements, or by illness or disability, or by being unexpectedly away from home or overseas on election day. Thanks to the Voting Rights Act Amendments of 1970, the right to register and vote by absentee, process for President and Vice President, regardless of where one may be in the world on election day, now belongs to those who take the initiative in exercising that right.

Perhaps you are one of those who asks, "Does my vote really count among all the millions eligible to vote?"

In the 1960 Presidential election, Richard Nixon lost to John Kennedy by less than one vote per precinct out of a total exceeding 69 million votes.

In 1968, Mr. Nixon won over Hubert Humphrey by less than three votes per precinct out of more than 73 million votes cast.

A shift of 64,000 votes or 1.2 per cent of the 5,573,810 ballots cast in Illinois and Missouri in 1968 would have thrown the Presidential election into the U.S. House of Representatives for decision. There, 26 votes—one from each of 26 states—is the maximum needed to elect the President.

Do you still wonder whether your vote counts? Hopefully, you are prepared to make it count.

Begin today to familiarize yourself with your precinct's requirements for registration and voting. Mark these important dates on your calendar and rearrange your daily timetable to meet these deadlines.

Undoubtedly, you have opinions about our country's major political issues, and our national and international problems. Read, listen to and think more intently about current events. Seek out reliable information on important issues. Study both sides of a question. And find out whether candidates share your views; if not, why not?

Many issues today present a challenge to the electorate. But America didn't become strong and free because her people turned their backs on challenge. Today, as in past years, there are disturbing conflicts that must be confronted and resolved.

You—and every other American citizen—can take the first important steps toward answering today's challenges:

Register to vote.

On each individual rests the responsibility for implementing this right. No one can do it for you. Start today. Become informed. Register. Make your vote count!

You can honor America, and yourself, by your action.

OVERESTIMATING OUR WEALTH AND OUR POWER

Mr. CHURCH. Mr. President, Mr. Marriner S. Eccles, currently chairman of the board of the First Security Bank N.A. and former assistant to the Secretary of the Treasury in the Franklin D. Roosevelt administration, as well as for many years chairman of the Board of Governors of the Federal Reserve System, recently delivered an address on American national security to the World Trade Club at San Francisco in acceptance of the club's 1972 international achievement award. What this most famous and important banker had to say deserves the attention of the Senate. He wisely warns:

No matter how much we spend for armaments, there is no safety in arms. Our security is wholly the product of economic, intellectual, and moral strength. Our national policy of relying on military power primarily, as in Vietnam, to solve the political problems, breeds violence everywhere and ultimately destroys the foundations of our Republic.

I ask unanimous consent that Mr. Eccles' significant statement be printed in the RECORD.

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

[From the Lewiston (Idaho) Morning Tribune, June 11, 1972]

"WE HAVE OVERESTIMATED OUR WEALTH AND OUR POWER"

(By Marriner S. Eccles)

The dilemmas we find ourselves in today were quite apparent on the horizon as long as ten years ago. And through two administrations, we have taken the wrong road every time we had a chance to alter our course. Through these years, our record for unwise and reckless action is bad. We are now—in the present world crisis—confronted with the sum total of our mistakes:

We have completely ignored our domestic needs so that we have a frustrated and angry

society. Explosive and dangerous rebellion simmers just below the surface.

We have overestimated our wealth and our power and spread ourselves too thin around the world. We are just now realizing that we cannot dominate the world militarily and take care of our domestic needs as well.

We took no steps to reverse the balance of payments deficiency—but just watched the dollar depreciate. Now it is a floating currency of indeterminate value.

We have never faced up to the monopoly of labor, the favoritism toward big business, and the inequities of the tax structure. These and other developments have made the control of inflation impossible.

We have allowed the military to become blown up into such a force that it is now our master instead of our servant. Far from being a department of defense—which we do need—it has become a political arm of the President and the delineator of our foreign policy. As a result, we have wrecked our credibility in the world to such an extent that we are neither believed nor trusted. The sleight-of-hand and secret conduct of our foreign affairs has cost us our friends and made us new enemies. The Vietnamese debacle is the best "proof of the pudding."

The war is destroying American system. It is drawing upon resources which need to be put to work solving increasingly critical social and economic problems facing the nation.

Our annual defense budget has increased from $49 billion in 1965 to approximately $80 billion at the present time. This is almost entirely due to the war in Southeast Asia which has cost about $150 billion. The federal deficit during the period was approximately $90 billion. Without Vietnam, there would be a budgetary surplus of around $60 billion. The U.S. has already spent well over a trillion dollars on the military since 1946. The accumulated deficiency in our international balance of payments through 1971 was approximately $73 billion. We had a deficiency last year in our trade balance for the first time in 77 years of more than $2 billion, with an increasing deficiency this year. Previously, for a number of years this country had a trade balance surplus averaging about $5 billion.

In a financial sense, a war is never over since the cost of war does not end with the cessation of hostilities. During the war period since 1965, there have been over 50,000 boys killed and more than 250,000 wounded or missing. We are spending approximately $11 billion a year for veterans' benefits, and nearly $2½ billion for veterans' hospitals and medical expenses. The annual interest on the public debt is about $20 billion. This debt and high taxes are entirely due to the present and past wars. These problems cannot be brought under control until our national defense expenditures are reduced by at least $20 billion to the pre-Vietnam level of $50 billion. This makes the ending our stupid involvement in Southeast Asia imperative.

We have become great in world affairs because of economic strength, and not because of military strength; but we have allowed the defense establishment to overwhelm with military might. By mid '72, the U.S. will have more than 5,000 long-range nuclear weapons; the Soviet Union 2,500. Each one can destroy a city, and yet the U.S. is now proposing to substantially increase its nuclear arsenal. When is enough enough?

American bombs since 1965 have produced 21 million craters in South Vietnam. In this period, we used 26 billion pounds of explosives; that is twice what the United States used in all of World War II. Of this 26 billion pounds, 21 billion were exploded in South Vietnam. In that small country—one we are supposedly there to save—all of these rained down on a country the size of Missouri.

NO SAFETY IN ARMS

No matter how much we spend for armaments, there is no safety in arms. Our security is wholly the product of economic, intellectual, and moral strength. Our national policy of relying on military power primarily, as in Vietnam, to solve the political problems, breeds violence everywhere and ultimately destroys the foundations of our republic. We must leave the politics of Asia to the Asians.

To have world trade, you have to have a climate of peace. You have to have a stable currency, and perform responsibly on the world scene. You can't have 2,300 military bases around the world. You can't ring China and Russia with nuclear installations as we have done. World trade and world friendship go hand in hand. Neither self-isolation nor aggression can solve the acute problems that each nation shares with the rest of the world. It is one world—or no world. The raw materials of the world belong to the people of the world and must be shared through international trade and finance.

We are told we have to have a victory in Vietnam or there will be a "blood bath." What do you consider over 700,000 Vietnamese troops killed by us and our ally—not to mention the appalling civilian toll? Isn't that a blood bath? A parallel situation in the U.S. would figure out to about 6½ million young men dead. What do you think that would be called in the U.S.?

So—we have to face it. There already is a "blood bath"—and it is our doing. We are guilty. And no amount of rhetoric about "a generation of peace" will make it go away. It will never be forgotten—or forgiven. Nor should it be.

AT ALL COSTS

What we have now actually done in our mining of the Haiphong harbor and bombing of the railroads is to tell Russia and China and the rest of the world that they cannot send anything to Vietnam, but we can. Win or lose this immediate challenge, we have demonstrated to the Communist world, Russia and China, with whom we are hoping to trade and establish good relations, that we are dictatorial and inflexible, and that we must win at all costs. What permanent confidence and trust can we expect to establish in our future with them by this recent action?

I am sure the irony of the situation is lost on no one—when it is to Russia we must turn for restraint, cool-headedness and responsibility in world affairs. If this confrontation with Russia, which we have precipitated, does not result in a global conflict, it will be because of the wisdom, judgment and restraint of the Communists whom we hold in such scorn.

One thing is certain, we have learned some important truths about ourselves in these difficult years. We have learned that we can be influenced erroneously; that our judgment and fairness can be overwhelmed. We can be fooled and made uncertain.

We are pathetically at the mercy of our political leadership, which determines the image we project in the world. No king or dictator in modern times has anything remotely like the power of an American president.

Deep down in our hearts we know we have strayed far afield from the ideals on which this country was founded. We know that killing and carnage do not bring us honor. We know the quiet of a shattered country is not peace. We know that the prestige of the presidency and the honor of our country are enhanced in the world by integrity and stability, and we are appalled at the savagery we have unleashed on a small Asian country which has in no way offended us.

NOT MONEY ALONE

Oddly enough, it was a military man who most tellingly put into words the folly and tragedy of war. It was General Eisenhower who said: "This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. The cost of one modern heavy bomber is this: A modern brick school in more than 30 cities; it is two electrical power plants, each serving a town of 60,000 population; it is two fine, fully-equipped hospitals. We pay for a single fighter plane with a half million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people."

And, finally, from my beloved countryman, Robert Burns, a closing thought that seems to me to fit our moment in history:

"Oh wad some Power of the giftie gie us
To see ourselves as others see us!
It wad fra monie a blunder free us,
An' foolish notion."

NEW CONCEPTS OF POSTAL SERVICE

Mr. TAFT. Mr. President, when Ben Franklin designed the Nation's first postal system, he had no idea that it would last 200 years.

While man has made astounding progress in the areas of space, medicine, communications, and atomic power, until now, the Postal Service continued to play peek and poke with this Nation's 80 billion pieces of mail a year.

The Postal Service has now entered into a dynamic modernization process, and I am pleased that my hometown of Cincinnati has been chosen as the systems simulation test center. In less than 3 months, what has been 3 years in the planning and 2 in testing will be presented as the prototype post office of the future. I have visited the test prototype and am most impressed with what I saw.

The core of the new concept in mail is the preferential mail system and the code sort concept. These concepts might confuse the average American in the highly mechanized, computerized terms. But what it will mean to the average American is faster handling of their letters.

The average post office productivity increase per year from 1956 to 1966 was 0.23 percent, far lower than other industries such as communications—6.2 percent, transportation—4 percent manufacturing, and wholesale—over 3 percent.

To add to those figures, rising wages, rote work and unpleasant job surroundings deal yet another blow to any remaining possibility of efficient operations.

Comparatively, the new code sort concept can read and print 35 letters a minute, can read 10 letters a second and print them at 36,000 an hour.

Sometime this fall, Pat Hanes, Program Director for Letter Mail, will go before the U.S. Postal Service Board of Governors for approval of this system and the go-ahead for national deployment. If so granted, it will take, approximately, 6 years and $4 billion for total national implementation.

For its $4 billion investment the Postal Service stands to get a 25-percent return on their money or $1 billion a year in savings. This will not result in a man replacing machine syndrome, but rather, will reduce the increase in employment, and will produce more selective and sophisticated jobs for postal employees.

Hopefully, the new system will curb the rising costs lines for mailing a letter.

I am extremely encouraged and excited about the Cincinnati prototype mail handling system. I would like to congratulate the postal workers on having been chosen to test the new equipment, and congratulate the U.S. Postal Service for their innovative approach to this staggering problem.

I ask unanimous consent that an article on this subject be printed in the RECORD.

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

[From Government Executive, July 1972]

POSTAL SERVICE LOOKS TO THE FUTURE IN CINCINNATI

(By John Wilpers)

HIGHLIGHTS

1. The Post Office, ultimately not unlike Ben Franklin's prototype, was floundering under 80 billion pieces of mail a year.

2. Reorganization hit and the new quasi-corporate status has bred new ideas and unprecedented R&D.

3. The heart of the new Postal Service is Cincinnati. Here a "hands off" mail system is being developed, installed and tested.

4. Someday soon, mail will be touched only by the neighborhood carrier as computers process it between origin and destination.

When Ben Franklin designed this Nation's first postal system, he had no idea that it would last 200 years.

While man has progressed from horse and buggy to Apollo craft, quill and scroll to communications satellites and candlelight to atomic power, the Post Office still uses the "peek and poke" system. Ultimately, a man, not unlike Ben's colonial contemporaries, still sits in front of 49 little boxes, peeks at a letter address and pokes it into a small box.

However, man has finally overcome petty politics and some misguided priorities so as to dispel myopia and see the quagmire into which he has stumbled.

Winton M. Blount, Postmaster General of the United States, while lightly referring to one of these irrational priorities has underscored the potential disaster into which the U.S. was careening. In Pat Hanes' words (who is Program Director for Letter Mail), "Red Blount said he hoped that President Nixon would end the war pretty soon and end the draft of people because if we keep up the way we're operating today with the increased volume of mail, we're soon going to have to start drafting postal employees to serve the mail."

The real dilemma is not quite so facetious. Although keeping with the humorous tone set by his boss, Pat Hanes, in his own words, gave *Government Executive* a view of the Postal service's dilemma. "When we first came into the Postal Service, we thought it was amazing that you could drop a letter anywhere in the U.S. for eight cents and it would go any other place in the U.S. in a day or two and be delivered. After working in the Office for a while and looking around, it was a miracle."

There are approximately 37,000 different post offices around the country handling over 80 billion pieces of mail a year. Hanes points out that "when you think that we deliver 80 billion pieces of mail a year and we have to handle every one of them four to seven times to get it from mom to home, just give us the benefit of the doubt and say the average is five—that's 400 billion handlings!

"And give us the benefit of the doubt and say we're as good as the space system who are shooting men to the moon and we've got a confidence level of 99.9 percent accuracy. That's one-tenth of one percent error. Multiply one-tenth of one percent times 400 billion and you flat out got a lot of unhappy customers, a lot of letters that just didn't go to the right place. And there ain't NOBODY that's 99.9 percent accurate!"

Besides the sheer mass to be handled, there are more deep seeded problems. There has been almost no money put into research and development for many years. Capital investment in terms of net fixed assets per employee average around $1,145 for postal workers. This suggests a serious lack of capital equipment when compared to leading companies and selected industries such as the power utilities companies which have a net fixed asset average of $151,710 per employee.

Just in terms of operating costs and meeting expenses, the Postal Service is hard pressed. "The average direct labor dollar for us in the Post Office," says Hanes, "probably runs about $6. Now you take that $6 and realize that we have to make stamps, sell stamps, do all the services, go pick up your letter, sort your letter four to seven times and deliever your letter and do it all for six to eight cents.

"You can see that at $6 an hour, that's 10 cents a minute on your letter, if you walk up and buy a 10 cent stamp from us and there's no way we can ever make that money back."

Productivity has also been affected by the right budget, the absence of capital investment and the allergy to research and development. The average Post Office productivity increase per year from 1956 to 1966 was .23 percent, far lower than other industries such as communications—6.2 percent, transportation—4 percent manufacturing, and wholesale—over 3 percent.

On top of all that, rising wages, rote work and unpleasant job surroundings deal a coup de grace to any remaining possibility of efficient operations.

Hanes concludes that "at 80 billion letters a year you are almost at the breaking point of an old antiquated system. If we continued under the system we have today, we would have a catastrophe."

Fortunately the Postal Service is painfully aware of its situation, conscious of its mission and engaged in remedial work and far reaching R&D.

Pat Hanes makes it very clear that the Postal Service knows why it's here. "There are many things that we do in the Post Office that are not for dollars. If the Postal Service was merely here to make money, we'd run it a lot differently than we do today. We tease, that if we wanted to make money we would take anything east of the Rocky Mountains and west of the Mississippi and we wouldn't deliver mail there. There's no money in it.

SAME SERVICE FOR ALL

"But the Postal Service, by name, is a service organization. It is just as important to a farmer in Montana to get a letter from his son in Vietnam as it is to a businessman in New York. And it's easier for us to get it to a businessman in New York than it is a farmer in Montana. But, by nature we have to try to provide the same service for everybody.

"In fact, we are probably more critical of the farmer in Montana getting along than maybe the businessman in New York, because we're probably his means of ordering his clothes, getting his plants in and certainly his baby chickens.

"And bear in mind, there is no way you are going to make money on that. Take our competitors, the United Parcel Service. They won't deliver there. They look at it and say there's no way I'm going to deliver baby chickens in Montana; there's no profit in it.

"So they can take the cream of the crop. There's not a doubt in the world that there's cream. But there's some regular milk and then there's skim milk down there, and we have to take it all."

So now the Postal Service has aggressively entered into the modernization process.

The core of the work is made up of two basic concepts—the Preferential Mail system and the Code Sort Concept. After the development of these ideas Cincinnati was chosen as the systems simulation test center. In less than three months, what has been three years in the planning and two in testing will be presented as the prototype Post Office of the future.

Kent Comegys, Manager of the Coded Letter Mail System Division, outlined just what the future holds for the Postal Service. "When we talk about the Preferential Mail System we are talking about mass mailing into a few number of points and then highly mechanizing those points."

"All mail originating in a geographical area would be brought into the center for processing. If slated for delivery outside the area, it would be placed on the best available transportation. Mail from outside and mail originating in the area for delivery in the area—and there could be 200 individual post offices in the area—would be processed in the center down to the way the carrier is going to walk his route and sent out to the local.

"In order to determine those centers we developed a computer networking program in order to determine where were the best points in the U.S. to mass mail to. In the program we allowed 588 areas in the U.S. to be candidates for preferential mail centers. We had the accurate data for mail volume flow between each one of these 588 locations.

"We developed a 588 unit matrix of origin and destination volumes. We then added in the transportation between each of the 588—scheduled air routes, surface routes—buses, trains, trucks, and so on. We also added our service constraints; we want to develop a network any part of which will provide next day service from one preferential mail center to any other.

"The computer answered 179 points in the U.S. We have that information out to our regions letting them take a human and local look at it."

The Code Sort Concept is based on the extraction of certain characteristics from the address that will uniquely identify the address from any other address. The crux of the concept is to transform those extracted characters into a computer language and put those on the mail piece as bars and half bars. After this is done, all other sorting operations can be automated. Three to six sorts can be eliminated by automatic handling by very simple, inexpensive code readers.

There are simple and never-changing rules, regardless of the locale, for the extraction of characteristics. The code would contain the zip code, the house number, the first, third, fourth, next to last and last letter of the street name, the first letter of any direction associated with the street and the first letter of any designation of that street name.

"To really show you that we're not talking about a goose in a new world type of concept here," continues Kent Comegys, "most well developed countries in the world are all utilizing some form of coding of letter mail. Some of the most advanced are Germany, England, Australia and Canada.

SIXTY LETTERS A MINUTE

"Looking at our own system. We said, let's invest a little more at the time we first read the mail piece and apply a machine readable code that we can use to automate further sorting operations."

Presently there are machines in operation which can key in the zip code at 50 to 60 letters a minute. But these are based on the ability of the operator to memorize codes for close to 300 zip codes and they can only key

in the zip codes. With the new system the operator can key in the house number, street name and the zip code.

Although these operations only produce 30 to 35 letters a minute, Pat Hanes explains that "we're losing money on the peanuts but we're going to make it up on the popcorn. The first time we see the mail piece, it's going to cost us a little bit more than it did originally, but from there on nobody will ever have to read that letter again. It will be done with a machine."

Comegys continues: "Having developed an extraction code and having seen that it was feasible, we than took to lay out a system and simulate that system to determine what the economics would be if we were to install that system.

"Our next step was to validate these simulations. We did that by constructing here in Cincinnati a minimum cost, minimum investment system to test these concepts and validate these simultations."

In September of 1970, work got underway in Cincinnati.

Mail comes into the test center in two ways, either the average private letter or in bundles of letters from major mailers (business or government). Both must reach the coding desk and beyond. The individual letter is sent through an automatic culling process which cancels the stamp, distinguishes sizes and weights, turns them all the same way and stacks them up at the head of the primary transfer conveyor. Major mailer mail often arrives in trays ready to be placed at the primary transfer point.

The primary transfer conveyor, twin belts moving at 600 feet a minute, moves the letters out in a "shingle-ated" fashion to the stacker on one of the code desks. This is done in response to an automatic call from the code desk to replenish the desk's supply.

At the coding desk, the operator keys in the information using those never cnanging rules. The computer prints a bar code on the letter and simultaneously makes a decision as to which of the 30 channels flowing underneath the code desks to put it in.

Beyond this point there are a number of sequences that can be in operation. If, for example, the sequence in operation is for the north side of Cincinnati, then any letters going elsewhere in Cincinnati and all letters going outside of Cincinnati will be directed into one of these 30 channels. They will then be either sacked for delivery to certain high volume areas such as Columbus, Cleveland and so on outside the city, or placed in trays to await their sequence on the next piece of equipment.

Meanwhile, letters in the operational sequence go by means of secondary distribution conveyors, again pinch belts, from the coding desks to code readers. Here the code applied is read and the computer decides into which of some 305 pockets of the letter sorting machine to put the letter into.

Soon, hopefully in September, the final piece of equipment will be installed at this point in the operation. A carrier Sequencer will take mail that is broken down according to carrier in the Letter Sorting Machine and sort it according to the manner in which the carrier is actually going to walk his route.

Two other pieces of hardware have been installed very recently. One, a Bar Code Detector, was put into the stream at a point prior to where the mail reaches the code desks. It will detect any pre-coded mail, take it out of the system, and with a small 100 pocket sorter and code reader, process it right there.

Currently, in cooperation with the Postal Service, 80 major mailers in Cincinnati have placed about 1.5 million pre-printed return envelopes in circulation and have had significant initial success.

A Code Sort Optical Character Reader was installed in the middle of June. This is an optical character reader combined with a high speed printer so that as the OCR reads the addresses on the mail pieces, it interfaces with a computer that drives a printer to print a code, presorts it and sends it over to the letter sorting machine in the same manner as if it had been done at the coding desk. "The code desk operator can read and print 35 letters a minute," says Hanes. "The machine is reading at 10 letters a second and printing them at 36,000 an hour. It gobbles up mail just—ssschlooop!"

With all of these pieces in operation from automatic culler to carrier sequencer, the total functional operation of the Letter Mail Code Sort System will be complete, all the basic prototype components will have been installed and tested.

Sometime this Fall, Hanes and his people will go before the U.S. Postal Service Board of Governors for approval of the system and the go-ahead for national deployment. If so granted, it will take, optimally, six years and $4 billion for total national implementation and deployment.

For its $4 billion investment the Postal Service stands to get a 25 percent return on their money or $1 billion a year in savings. Most of this will come from employment reduction. It will be a reduction however only in the terms that there won't be any increase in the staff. The attrition rate will reduce the rolls and the jobs will become more selective and sophisticated.

Hanes did not want any misunderstanding on this point. "One thing I wouldn't want you to go off with is the opinion that we are going to go out and abolish a whole bunch of people's jobs and put them out on the labor market. That's not going to happen because of two things. We have many people quitting every year and you won't see many more employees coming aboard to handle the increase in volume."

The Postal Service, by doing all this, is trying to improve service and dependability and hold the cost line. Hanes: In some three years, costs have risen from six to eight cents a letter. We're trying to bend that curve. We can't say we'll stop it from climbing but at least we'll provide the service we are now providing or better.

A lot of people don't especially want to pay more to get faster service but they sure as hell would like to know that if they mail a letter it's going to take three days every time, not six one time and one the next. They would like consistent service."

Hanes believes that the success of modernization is due to the drastic reorganization of the Postal Service into a free and quasi-owned corporation where we can now chart our own course through these troubled waters. We operate as a corporation. We have a profit-and-loss sheet, we can buy buildings, own property, negotiate with our employees. We now have the characteristics of a corporation, but as a matter of fact we are Government.

"I used to live in Midwest City," recalls Hanes, "only four miles from Oklahoma City. I used to call either way and it would cost me a dime or a quarter long distance. But you can still send a letter anywhere in the country for a dime."

And in terms of the Cincinnati prototype, Hanes assuages any fears that might be lingering from other episodes of corporate irresponsibility. We don't go nationwide with it until we develop and make the equipment stand up on its own. We have to have a reliable piece of equipment.

"If there's any one thing that we don't want, and I guess you can quote me on this, we don't want a C-5A or an F-10 whatever-it-was that didn't fly. We don't want to put this system out until we are confident that it will fly, that it will accomplish what we say it should."

EXPANSION OF EXECUTIVE POWER

Mr. McGEE. Mr. President, the world has undergone immense changes since the cold war days of the 1950's. And in the midst of this change, the United States must begin a reassessment of the role it is to play in the future course of international affairs.

The Washington Post, of Sunday, July 23, contains an article written by Seyom Brown, a senior fellow at the Brookings Institution. Mr. Brown notes that—

> The new American world role will require the most difficult and complicated set of foreign policies ever attempted by this country. More than at any time in the past, the capacity of America to sustain rational statesmanship will be tested. The post-Cold War period—characterized by a diversification of friendships and rivalries, overlapping and issue-specific coalitions, and a plethora of powerful nongovernmental actors such as multinational corporations and interest groups—is likely to require greater executive flexibility rather than less. For the United States to function effectively as the guardian of the general public interest against specialized interests, it will have to be vigorously represented on multifarious international matters in a bewildering array of international forums. Foreign affairs officials will require considerable leeway for maneuvers, unencumbered by the need to come back to the Congress for approval of every detail.

Mr. Brown's analysis comes at a particularly significant state of our political development in the area of foreign affairs. It comes at a time when there is much debate and increasing attempts at limiting the use of executive power in the foreign policymaking processes of our Government. As Mr. Brown so rightly points out, there will be a greater need in the future for expanding executive power than for a curtailment of its use in the area of foreign policymaking.

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

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

FOREIGN POLICY: OUTDATED ISSUES

(By Seyom Brown)

The prospect that the defense budget will be a central issue in the presidential election should be welcomed by those who believe that questions of war and peace are too important to be left to generals and national security experts. But if the McGovern-Humphrey primary election debates and recent exchanges between Defense Secretary Laird and Sen. Proxmire before the Joint Economic Committee are any sign, the issue is likely to be fought with concepts that are now becoming obsolete.

Rather than clearing the way for a fresh American approach to world affairs, the airing of the defense issue runs the risk of artificially extending the life not only of rickety military notions but also of basic foreign policy assumptions whose demise is long overdue. The Vietnam issues aside, a great debate on foreign policy does not appear to be in the offing this fall. We are sure to hear charges and denials of "isolationism," but paltry little examination of the external interests of the United States and the best means of sustaining them.

The in-party will insist that its projected military spending is the minimum required to protect U.S. vital interests. The out-party will charge that these levels are purchasing wasteful overkill. The Pentagon will sub-

ject the budget reductions proposed by the outs to detailed analysis and solemnly conclude that, if they were enacted, by the late 1970s the United States and its allies would be hopelessly outclassed by the Soviet Union and its allies in military power, and therefore, that "our side" will be forced to surrender to Soviet demands all over the globe. The opposition will produce its own computer print-outs to show that its recommended American defense posture easily could ride out the largest possible nuclear attack and still have enough lethal capability left to incinerate all major Soviet cities. *Kaffeeklatch* hostesses and doorbell ringers will be expected to converse credibly about "assured destruction," "strategic sufficiency," "realistic deterrence," the "theatre conventional threat," the "naval balance in the Med," and to keep up to date on the alphabet soup of advanced weapons.

Such defense concepts and many of the weapons systems derived from them made sense in the Cold War world of two hostile camps with incompatible territorial objectives. Many of them still need to be taken seriously, to the extent that:

1. The military balance between the United States and the Soviet Union remains the dominant element in the criss-crossing webs of conflict and cooperation among the numerous actors in world politics.

2. The forces deployed by the United States and the Soviet Union continue to be bargaining chips of overriding importance for most of their bilateral conflicts of interest and negotiations.

But the time has come to look critically at even these underlying assumptions of U.S. national security programs.

A DEPOLARIZED SYSTEM

The disintegration of the Cold War coalitions, the muting of the intense animosity between the superpowers over spheres of influence, the expansion of commercial "bridge-building" between Communist and non-Communist nations, the dramatic increase in kinds and numbers of actors influential in world politics, and the rising prominence of non-security issues—all of these trends point toward a depolarized international system in which:

Alignments over specific issues, rather than highly elaborated military alliances, will be the order of the day.

Coalition partners on one issue may be opponents on another.

Military deployments will have little if any utility as bargaining chips for most of the issues among countries, private groups, and political movements.

Helping to reinforce these tendencies should be what American foreign policy is all about at this juncture of world history.

But to make the defense budget per se a major issue in the presidential election sustains a world view in which the military balance among the great powers is central to the issues in world politics rather than peripheral to them, and sustains foreign policies that give primacy to military considerations. It can also stimulate others to imitate our apparent continued faith in the utility of a massive military force.

The emergence of a depolarized and demilitarized system of international relations in Asia will depend crucially on Japan continuing to sense that her prestige derives from her socioeconomic dynamism, and that any revival of Japanese militarism would lessen her usable power. But recent fuzzy talk in Washington about a five-power, or "pentagonal," balance conjures up images of a revival of the classical 18th and 19th Century balances of power when peace was supposed to be assured by a visible distribution of military power among the major states and by the prospect of rapid shifts in alliance in order to balance destabilizing changes in the distribution. If Japan were to take the new balance-of-power talk seriously, and to interpret America's current China policies through Congress of Vienna lenses, she would have to act rapidly to acquire her own set of nuclear weapons.

NIGHTMARES FROM THE PAST

Continued progress in depolarizing and demilitarizing great-power politics will also be effected negatively or positively by the stance of the United States on the relation of force to politics in Europe. Backsliding could occur if the issue of U.S. troops in Germany is inflated way out of size, and if in the process we revive the anachronistic notion that what keeps the lid on the European caldron is the submersion of European national rivalries within two hierarchically organized military coalitions.

These military coalitions and the fears and ideologies on both sides that support them interfere with the ability of East and West Europeans to deal with the real European issues of the 1970s: the terms by which peoples and goods will be allowed freer access across the great peninsula.

The problem with most prominent arguments for and against a unilateral halving of the American military presence in Europe is that they are couched in the war and military deterrence scenarios of the 1950s.

Some unilateralists fail to understand how the fact that the function of the troops today is almost entirely political does not mean they ought to be facilely redeployed back to the United States, regardless of the sentiments of the Europeans. In the first place, the way the troop issue is handled can either undermine or support West Germany's Ostpolitik, based as it is on the premise that improving relations with the East does not mean severing the special connection with the United States. Secondly, the troops, being an increasingly irrelevant military asset, are—partly because of their military dispensability—an important ingredient of the negotiating pot with the Soviets as efforts to effect mutual arms reductions continue.

On the other hand, many whose careers have been closely associated with the establishment and maintenance of NATO fear that any admission that the troops are virtually without a credible military role will lead to an unravelling of the whole Atlantic alliance. To avert this "catastrophe," they tend to summon apocalyptic nightmares out of the past. Instead of helping to educate the unilateralists and the American public to the new complications of world politics, the stand-patters entrap themselves and the opposition into arguments over the best way to fight World War III.

MIDDLE EAST MYTHS

Similarly, it is most unlikely that this election season will do much to advance the necessary decoupling of global balance-of-power issues from the Arab-Israeli conflict in the Middle East. The Middle East is, of course, Exhibition A for champions of the myth that the distribution of military capabilities is the final arbiter of conflicts among nations. The local balance between Israel and her neighbors may well be the temporary arbiter of their conflict, but it is precisely in Israel's interest, ultimately in the larger interests of the Arabs as well, and certainly in the interest of the United States to keep the global geopolitical rivalries between the United States and the Soviet Union removed from the Arab-Israeli conflict.

The process of decoupling the super-power rivalry from the local conflict there could be accelerated if the current withdrawal of Soviet military personnel from Egypt means that the Kremlin is reassessing its overcommitment to the Arab side. The danger of World War III that has hung over the Arab-Israeli conflict in recent years emanated precisely from the possibility that the U.S.S.R. would allow a marginal geopolitical interest in the area's oil resources and water routes (which need not be incompatible with the geopolitical interests of the United States) to be inflated into a "vital security interest" through too close an identification with its own prestige with Egyptian successes or failure.

But America, too, may need to reassess its stance. To the extent that either superpower postures as though it believes that the United States and the Soviet Union are engaged in a contest for all-out dominance of the Mediterranean area, and that their coming to blows over Israel would only be a symptom of this geopolitical rivalry, its actions will only stimulate greater posturing by its opponent. Specious debates over the American defense budget, in which a direct connection is asserted to exist, between the survival of Israel, fine alternations in the overall U.S.-Soviet strategic balance, and whether or not the United States retains one or two carriers in the Mediterranean, are for this reason dangerous.

FALLING-DOMINO FANTASIES

Defenders of budget-vulnerable programs of military assistance to Third World countries also are prone to resort to old falling-domino fantasies: "If we don't keep our commitment to the Government of Colonizia to protect them against the insurgency aided and abetted from the Peoples Autocracy of Milkomagnesia, then our large enemies will be tempted to attack even our large friends." The corollary to this argument is that, when the chips are down, only the fear of counter-intervention by U.S. forces will forestall our large enemies from intervening on behalf of this or that "liberation movement." The objective of an advantageous balance of military power against all possible opponents, in all categories of military force—from long-range bombers to flame throwers—is given artificial respiration. Force-matching comparisons between the United States and the Soviets and the Chinese are revived.

Thus, at the very time when the military balance of power should be relegated to a distant backdrop to the main action in world politics, it is brought center-stage and spotlighted by the exigencies of the American election campaign. It may be good campaign theatrics, but it leaves much to be desired as statesmanship.

Hopefully, after the big binge of election polemics is over the construction of post-Cold War foreign policies can proceed, and the global balance of military power can be put in proper perspective. Fashioning the new American world role, like previous major demarches by this country—the construction and leadership of the grand alliance against Hitler, the organization of a coalition to contain Soviet expansion—will again require politicians to rise above partisanship.

The profound adaptation needed in national habits of reacting to world events will not be helped by appeal to either jingoistic or isolationist impulses. For over a quarter century now, the maintenance of an advantageous balance of military power against the Soviet Union and its allies has been the *sine qua non* of American foreign policy. Originally only a policy to protect and extend American values, military superiority became itself the most valued of vital interests. The means turned into the end.

CONFUSED CRITICS

The militarization of foreign policy affected the whole process of decision-making in this country. The primacy of military security considerations as reflected in the relative insulation of executive agencies responsible for national security affairs from popular and legislative oversight. It is not surprising, therefore, that those who want to demilitarize U.S. policy and reorder national priorities to tend to neglected domestic tasks should take out after executive dominance in the making of foreign policy.

But here it is the critics of Cold War pol-

icies who show signs of confusing means with ends.

The new American world role will require the most difficult and complicated set of foreign policies ever attempted by this country. More than at any time in the past, the capacity of America to sustain rational statesmanship will be tested. The post-Cold War period—characterized by a diversification of friendships and rivalries, over-lapping and issue-specific coalitions, and a plethora of powerful nongovernmental actors such as multinational corporations and interest groups—is likely to require greater executive flexibility rather than less. For the United States to function effectively as the guardian of the general public interest against specialized interests, it will have to be vigorously represented on multifarious international matters in a bewildering array of international forums. Foreign affairs officials will require considerable leeway for maneuvers, unencumbered by the need to come back to the Congress for approval of every detail.

The nation will have to learn again that foreign policy is more than defense policy, that there is more to participation in world politics than tending to the military balance of power. Those who have become attached to the military instruments of power will find the learning process painful. But many critics who have made the military-industrial complex their *bête noire* have yet to face the complexities of politics beyond the water's edge.

A national election is a great simplifier. And in this, there is often a healthy catharsis. But we should not delude ourselves that the debate over the defense budget is, in fact, the deeply cutting re-examination of American priorities, grand strategy, and policy-making that is needed.

EULOGY OF DR. WILLIAM T. PECORA, UNDER SECRETARY OF THE DEPARTMENT OF THE INTERIOR

Mr. STEVENS. Mr. President, Friday morning a memorial service was held for Dr. William Thomas Pecora, Under Secretary of the Interior, who passed away last Tuesday, July 19, here in Washington, D.C., at the age of 59.

Dr. Pecora was one of the foremost geologists in this country. He served for many years with the U.S. Geological Survey until becoming Director of the Survey and then Under Secretary of the Interior Department.

Dr. Pecora was born in 1913 in Belleville, N.J. He attended Princeton, majored in geology, and was graduated with honors in 1933. He received his doctor of philosophy degree in geology at Harvard University in 1940. He subsequently received honorary degrees from Franklin and Marshall College in 1969 and from the Colorado School of Mines in 1970.

Dr. Pecora joined the U.S. Geological Survey in 1939. He rose to become the Survey's eighth Directory in 1965. He was nominated as Under Secretary of the Interior on April 20, 1971, and his nomination was confirmed by the Senate on May 3.

I came to know Dr. Pecora both personally and professionally. He was an outstanding gentleman and a world renowned scientific leader in his field.

At the time he appeared before the Interior and Insular Affairs Committee for confirmation as Under Secretary, I was privileged to serve on that committee. He expressed to us his scientific philosophy. I believe portions of it are so important that they are worth repeating now:

One must look at the role of man on this earth. If he is to survive as a species, and a thriving species, he does, in fact, need more resources. But, on the other hand, he must adopt good housekeeping.

Therefore, all of his attention must be not only to the science and technology for seeking and developing earth resources, but at the same time maintaining a careful balance with the environment so that his tradeoffs and judgment values do not destroy the very environment upon which he calls for his subsistence.

I do believe sincerely that with the application of rational, good judgment and deep investigation we can provide for the material resources man needs and at the same time provide for a high quality of the environment.

Mankind would do well to adopt such a philosophy.

In his lifetime, Dr. Pecora authored more than 50 scientific publications. He received international recognition in a number of geological fields. He studied the rocks of this earth throughout the United States and in many parts of Latin America. He spent considerable time and contributed greatly to the study of geology in Brazil. As the results of his research in that country, nine new minerals were identified for the first time. Few people can lay claim to such scientific accomplishments.

The Geological Survey, of which he was Director, assumed leadership of the earth resources observation systems—EROS. He also established in this Survey the National Center for Earthquake Research at Menlo Park, Calif.

Of particular interest to my State of Alaska, Dr. Pecora coordinated and led the preparation of the highly complex environmental statement on the trans-Alaska oil pipeline proposal.

I came to know Dr. Pecora for his work in the Department of the Interior when I was in the legal department there, and also later when I joined the Senate and served first on the Senate Interior Committee and later on the Interior Subcommittee of the Senate Appropriations Committee. Dr. Pecora has ably testified before us on a number of occasions on different measures. He has always provided sound, factual basis for his conclusions and displayed keen insight.

I have also dealt with him on the trans-Alaska pipeline issue. His work on that issue has been thorough and extremely well done.

One measure of the extent of Dr. Pecora's wide interests is the fact that he was U.S. Intercollegiate Fencing Champion in 1933, and won a place on the U.S. Olympic Team of 1936.

To his wife, Ethelwyn Elizabeth, and his son, William, and his daughter, Ann, I extend my condolences.

I ask unanimous consent to have printed in the RECORD Dr. Pecora's biography as it appeared in the Department of the Interior's news release dated Wednesday, July 19, 1972.

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

DR. WILLIAM T. PECORA, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR

Dr. William Thomas Pecora, 59, Under Secretary of the Interior, died today, July 19, 1972, at George Washington University Hospital, Washington, D.C.

The Interior official had undergone surgery for diverticulitis on June 6, but was unable to survive post-operative complications that required additional surgery.

Interior Secretary Rogers C. B. Morton said that he was deeply shocked and saddened by the death of Dr. Pecora, who as the number two man in the Department was Morton's chief assistant and the Acting Secretary in his absence.

"Our Department—and the Nation—has lost a singularly talented and energetic scientist and administrator," Morton said. "Few men possess the leadership qualities which Dr. Pecora showed in the quest for balance and harmony in resource development and conservation.

"Dr. Pecora understood conservation in the true sense. As a scientist, he recognized that nature's forces are neither angry nor benign; they operate on laws and principles of matter, motion, physics and chemistry. He felt strongly that man must not seek to subdue these forces, but to understand them, work with them, and live in harmony with them.

"Dr. Pecora was an optimist, and I believed him when he said that man's ingenuity, coupled with his humanity, can achieve the solutions needed in an age when, within three decades, our uses of both energy and water will triple. We at Interior have lost a dedicated leader and a friend."

Dr. Pecora's appointment as Interior Under Secretary was confirmed by the Senate on May 3, 1971, following his nomination by President Nixon on April 20, 1971.

At his confirmation hearing before the Senate Interior Committee, Dr. Pecora expressed his scientific philosophy in these words:

"One must look at the role of man on this earth. If he is to survive as a species, and a thriving species, he does, in fact, need more resources. But, on the other hand, he must adopt good housekeeping.

"Therefore, all of his attention must be not only to the science and technology for seeking and developing earth resources, but at the same time maintaining a careful balance with the environment so that his tradeoffs and judgment values do not destroy the very environment upon which he calls for his subsistence.

"I do believe sincerely that with the application of rational, good judgment and deep investigation we can provide for the material resources man needs and at the same time provide for a high quality of the environment."

A decisive and frequently colorful administrator, Dr. Pecora proved unusually effective at advancing programs and policies he strongly believed in. Longtime associates credited him with a blend of precision, wit, and personal warmth that made him a memorable figure in the Federal bureaucracy. He was recognized for his adeptness in explaining complex and puzzling scientific phenomena in layman's terms.

A widely acclaimed expert in mineralogy, petrology and geochemistry, with special emphasis on determinations of scientific principles as guides in the exploration of mineral, fuel, and water resources, Dr. Pecora was a career scientist with the U.S. Geological Survey since 1939, and was the Survey's eighth Director from 1965 until he became Under Secretary.

Born February 1, 1913, in Belleville, N.J., Dr. Pecora attended public schools in Newark, N.J. He graduated with honors in geology from Princeton University in 1933, and received his Ph.D. in geology at Harvard University in 1940. Honorary degrees were conferred upon him by Franklin and Mar-

shall College in 1969 and by the Colorado School of Mines in 1970.

The author of more than 50 scientific publications, Dr. Pecora received international recognition for his work in a number of geologic fields such as rare minerals and volcanic regions. His research studies were made throughout the United States and in many parts of Latin America. As the result of his work in Brazil, nine new minerals were identified for the first time.

In 1965, Dr. Pecora was elected to the National Academy of Sciences for "distinguished and continuing achievements in original research." That same year, he was elected a Fellow in the American Academy of Arts and Sciences. In 1968, he received the Interior Department's highest honor, the Distinguished Service Award, and in 1969, was a recipient of the Rockefeller Public Service Award for career civil servants.

Under his direction, the Geological Survey assumed leadership of the Interior Department's EROS (Earth Resources Observation Systems) program. He also established the Survey's National Center for Earthquake Research at Menlo Park, California. Most recently, Dr. Pecora coordinated and guided the preparation of the massive environmental statement on the trans-Alaskan Oil pipeline proposal, and helped Secretary Morton formulate the Department's position on numerous and complex problems relating to development of the Nation's mineral water, and energy resources.

Dr. Pecora's numerous professional affiliations included the Geological Society of America (Fellow and Councillor); Mineralogical Society of America; American Association of Petroleum Geologists; American Institute of Professional Geologists; Mining and Metallurgical Society of America; Society of Economic Geologists, the Cosmos Club of Washington, D.C. (President, 1968); and the American Philosophical Society.

He was a President of the Geological Society of Washington (1964); served on the Executive Committee, National Research Council, Division of Earth Sciences; on the Advisory Committee for Graduate Records Examination to Geology, Educational Testing Services, Princeton, N.J.; was Chairman, U.S. Civil Service Commission's Board of Examiners for Geology; Honorary Member of the Rocky Mountain Association of Geologists; and a Foreign Member of the Brazilian Academy of Sciences.

Dr. Pecora won the title of U.S. Intercollegiate Fencing Champion in 1933, and was on the U.S. Olympic Team of 1936.

He is survived by his wife Ethelwyn Elizabeth, 4572 Indian Rock Terrace, N.W., Washington, D.C., a son, William Carter (born 1949), and a daughter, Ann Stewart (born 1953).

Funeral arrangements are pending.

PIONEER DAY 1972

Mr. CHURCH. Mr. President, today marks a memorable occasion in the hearts of the people of my home State of Idaho for today is the 125th aniversary of the coming of the Mormon pioneers to the mountain valleys of the West.

It is a memorable occasion because these early pioneers brought with them the virtues of hard work, integrity, and determination to make the western desert "to blossom as a rose."

Their saga is a heartbreaking tale of misery and suffering for these brave people left warm and comfortable homes in the dead of winter to endure the terrible hardships of travel by foot and wagon across the wide expanses of the Rocky Mountains. Yet, because of their perseverance and their foresight, the lands that they settled have become verdant and productive—evidence enough that this was indeed the "promised land" spoken of by early Mormon leaders.

In commemorating the achievements of these pioneers, it is not surprising to know that they were led by men of great vision.

I have a double anxiety for the happiness of all men.

These were the words of Joseph Smith, first president and founder of the Mormon Church, in a statement of his views on the Government and policy of the United States.

The wisdom, which ought to characterize the freest, wisest, and most noble nation of the nineteenth century, should, like the sun in his meridian splendor, warm every object beneath its rays: and the main efforts of her officers, who are nothing more or less than the servants of the people, ought to be directed to ameliorate the condition of all.

Such words, uttered during the infancy of this great Nation, bespeak the profound compassion that Joseph Smith accorded his fellow man. Often the victim of cruel injustices, he remained steadfast in his commitment to the dignity of the human spirit and the equality and nobleness of all men.

Possessed of great wisdom and foresight, his pronouncements remain astonishingly relevant even to this day:

That there should be equal justice for all regardless of power and wealth.

That the general interest should have precedence over "local prejudices and attachments."

That individual morality was the basis for national morality.

That all men should be engaged in the cause of doing good for their fellow man.

As with so many of our Nation's great leaders, Joseph Smith died a martyr, felled by a mob. Yet his noble heritage can be seen today in the church which he founded. More than 3 million members of the Church of Jesus Christ of Latter-day Saints today strive to follow the counsel of this remarkable man as set forth in the 13th Article of Faith of the Mormon Church:

We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul—We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things.

It is only proper that we observe Pioneer Day 1972 as an occasion to honor this great man and his followers. Their sacrifices deserve our deepest admiration and their accomplishments our deepest respect. I am sincerely proud to join with the people of my State in paying tribute to their memory.

DECISION ON USE OF DDT

Mr. GOLDWATER. Mr. President, the entire country has had its attention called to the decision made on the use of DDT and I imagine that the majority of Americans look upon this chemical as one concocted by the devil. While I recognize that DDT in some areas has caused some damage, I can also recognize that it has been a great bonus to people in all parts of this country.

I have also been concerned that chemicals recommended to replace DDT might not be as good and might even be more dangerous.

Arizona State University has long been interested in these chemicals, because it is located in a region of the United States infested by the type of bug and insect that is harmful to crops, distasteful to citizens and difficult to get rid of.

Dr. J. Gordon Edwards, of Arizona State University, has reviewed the decision not to use DDT in a complete and interesting way and has also been critical of the decision. I have read his paper with great interest, and I feel that anyone who lives in an area that requires insect control should read this paper to have a better understanding of what we are faced with in this field. Dr. Edwards has also appended a suggestion on the bottom of his paper. I ask unanimous consent that the entire matter be printed in the RECORD.

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

THE INFAMOUS RUCKELSHAUS DDT DECISION

The recent Ruckelshaus decision regarding DDT restrictions is an abject capitulation to professional environmental extremists and a tremendous defeat for science and mankind. Most concerned persons are mindful of the waste of holding seven months of federal "hearings" on DDT and then ignoring or rejecting all evidence which did not support the preconceived decision of this EPA Administrator. If Mr. Ruckelshaus was determined not to be influenced by any factual data, he should not have implemented such a costly, time-consuming legal charade! A major consequence of his ignoring the scientific record and rendering this fatuous decision on DDT will be the *increased* destruction of the environment which his Environmental Protection Agency (EPA) is supposed to defend! The "substitutes" recommended most highly by Mr. Ruckelshaus to replace DDT will needlessly destroy thousands of honeybee colonies and millions of birds and mammals . . . which would NOT be injured by DDT applications. (Audubon Magazine reported more than 10,000 robins killed this spring by just one of those "substitutes" in one small area of Florida, and in one year California lost more than 83,000 colonies of honeybees to such "substitutes" which had been used on cotton after DDT was prohibited).

Another ill consequence of importance will be the certain death or injury which always follows the shift from harmless DDT to more toxic "substitutes", which Ruckelshaus has recommended. Hundreds of farm workers have already been killed and hundreds of thousands made ill by those chemicals, but the EPA and the EDF (Environmental Defense Fund) obviously do not object. Dr. Charles F. Wurster, Chairman of the Scientists Advisory Council of the EDF stated in a 1970 speech that ". . . the organo phosphate acts locally and only kill farm workers and most of them are Mexicans and Negroes" and that "People are the cause of all the problems. We have too many of them. We need to get rid of some of them and this is as good a way as any." (See the published record of Hearings before the Congressional Committee on Agriculture, Serial No. 92–A, 1971, pages 266–67.) It was Wurster's EDF with which Ruckelshaus sided so eagerly during the EPA hearings, in opposition to witnesses representing the U.S. Dept. of Agriculture, the U.S. Public Health Service, the World Health Organization, the United Nations Food and Agricultural Organization (FAO), and other concerned groups. The ultimate goals of the EDF have been explained as far back as 1969, in *Bioscience*

19: 809, by one of their leading spokesmen, as follows: "If the environmentalists win on DDT they will achieve, and probably retain in other environmental issues, a level of authority they have never had before. In a sense, then, much more is at stake than DDT." Perhaps that *is* an understandable goal for professional environmental fund-raising groups, but what justification can there be for the already-powerful Environmental Protection Agency to aid them so obsequiously?

For seven months the EPA hearings exposed the insincerity of anti-DDT cultists and the incredibility of their allegations. The hearings firmly established the facts that DDT: does *not* normally persist long in the environment; is *not* normally transported great distances from points of application; does *not* eradicate all beneficial insects; does *not* threaten birds, mammals, fish, or estuarine invertebrates; is *not* "magnified" to dangerous levels in food-chains; does *not* continue to persist or build up in living tissues; does *not* cause wild birds to form thin eggshells; and has *not* beeen shown to pose any health hazard to man or domestic animals.

For seven months, EPA/EDF witnesses who testified in the Washington hearings admitted to experimental bungling, ineptitude, shameless obfuscation, and the deliberate publication of errors and distortions in their "scientific" and pseudoscientific articles. The patient cross-examination of dozens of those "authorities" gradually revealed the enormity of the lucrative anti-DDT conspiracy. Under oath, there were a great many confessions of citing false information and deliberately omitting or altering significant data. The "authorities" repeatedly feigned ignorance of extremely significant details which are well-known to most scientists and students with a sincere interest in the DDT controversy. Some biologists employed in federal wildlife research on birds, for example, disclaimed knowledge of the results of annual Audubon Society bird counts, disclaimed knowledge of the results of the Hawk Mountain Sanctuary counts of migrating hawks, and disclaimed knowledge of details of articles which are the major source of DDT residue data in birds, water, soil, and other environmental components. These disclaimers were especially strong when the "unknown" knowledge was in strong disagreement with the "authorities". Dr. Philip Butler claimed ignorance of the research results of his own colleagues at Gulf Breeze, Florida (U.S. Dept. of Interior laboratory), who had found in 1969 that over 92% of all DDT, DDD, and DDE disappeared in 38 days from sea water. (Dr. Butler's 1971 National Academy of Sciences panel publicized the frightening propaganda that "As much as 25 percent of the DDT compounds produced to date may have been transferred to the sea." (page 1, in "Chlorinated Hydrocarbons in the Marine Environment").

It is obvious that Mr. Ruckelshaus did not attend the EPA hearings, and that he even failed to read the transcript of the testimony and cross-examination. His official "opinion" indicated no awareness of hundreds of *very* significant points that were clarified during those seven months of testimony or of the forced retractions of untruths by his EDF/EPA "experts". Also, he appeared unaware of the possibly perjury in the testimony of some of his greatest "authorities"!

Hearing Examiner Edmund Sweeney, however, *was* present every day. He considered *all* of the testimony and evidence presented, was aware of the incriminating retractions brought about during cross-examination, and obviously studied the 9,300 pages of hearings transcript. His conclusion was that the benefits derived from DDT use far outweigh any hazards. "In my opinion, the evidence in this proceeding supports the conclusion that there is a present need for the essential uses of DDT . . .", stated the Examiner, and added: "DDT is not a carcinogenic hazard to man. DDT is not a mutagenic or teratogenic hazard to man. The uses of DDT under the registrations involved here do not have a deleterious effect on freshwater fish, estuarine organisms, wild birds or other wildlife", and that "necessary replacements would in many cases have more deleterious effects than the harms allegedly caused by DDT." It seems remarkable that EPA Administrator Ruckelshaus, without attending the hearings and without reading the transcript, was able to decide that Mr. Sweeney (a federal examiner with 40 years of legal experience) was wrong in all of his major conclusions and probably erred in his handling of the case. Evidently Mr. Ruckelshaus in his wisdom did not *need* those seven months of testimony to aid him in divining a decision . . . in fact, it appears that EPA hearings are simply an expensive sham! If Ruckelshaus agrees with the decision he "approves" the results, but if he disagrees he ignores the evidence and issues his own ultimatum, regardless of the facts established during the hearings.

On 10 November 1971 Deputy General Counsel for the EPA, Mr. Alan Kirk, appeared at the hearings. He admitted (p. 4583 of transcript) that he had not read the transcript of the previous day's proceedings (during which Mr. R. G. Heath contemptuously refused to answer a vital question and refused to provide data upon which he based his allegations), nevertheless Mr. Kirk had rushed over to criticise Mr. Sweeney's handling of the recalcitrant witness. While there, Mr. Kirk also stated (p. 4580) that the role of the EPA "is not that of an adversary, our role is as a representative of the 207 million American people . . ." It soon because evident that, on the contrary, the EPA was working in collusion with the EDF, and the Ruckelshaus "decision" on DDT frequently indicate the close association between EDF and EPA in this action, revealing the strong advocate position of the EPA. In the "Opinion of the Administrator" (page 4) it is stated: "The case for cancellation has been presented by counsel for the Pesticides Office of the Environmental Protection Agency and attorneys for the Environmental Defense Fund which is an intervenor." Later (page 8) Mr. Ruckelshaus writes that the *EPA and EDF* filed exceptions to the Examiner's report, challenging his findings of fact and his conclusions of law! That doesn't sound like the EPA maintained its non-advocate position very long!! It seems most unusual that this wealthy, tax-exempt anti-DDT lobby (the EDF), which legally forced the EPA to engage in a lengthy review procedure, ended up working hand-in-glove *with* the EPA in that action and even helped frame the EPA "decision" ruling that they (the EDF) were "right" about DDT (despite the evidence and facts to the contrary) and the Hearing Examiner was "wrong" about it!

Obviously, very few people will receive copies of the official "Opinion" by Mr. Ruckelshaus, therefore I shall discuss it very briefly here. The total document consists of a 40-page "Opinion", a 6-page outline of "Factual Findings", two paragraphs entitled "Conclusions of Law", and a 3-page "ORDER" which is based on "the foregoing opinion, findings, and conclusions of law". The ORDER is dated June 2, 1972, but was not released to most news media until June 14th. An appeal was filed just 30 seconds later in the 5th Circuit Court of Appeals, in New Orleans, so there will be several months in which scientists can point out the errors and dispute the conclusions in the Order, and the unbiased judges on that Court may be expected to reach the same sort of conclusion earlier held by Hearing Examiner Sweeney. The ORDER decrees that "Cancellation for uses of DDT by public health officials . . . and by USDA and the military . . . and use in prescription drugs is lifted." The ORDER also permits continued use of DDT for "control of weevils on stored sweet potatoes, green peppers in the Delmarva Peninsula (Delaware) and cutworms on onions. . . ."

The Opinion is jammed with errors and misstatements, but I shall only include a small number of them here. Surely the others will also play an important role in the subsequent review of the decision by the Circuit Court judges.

1. What is DDT?

Ruckelshaus statement (page 1): "DDT is the familiar abbreviation for the chemical (1,1,1-trichlorophenyl ethane), which was for many years . . ."

Correction: DDT is not the chemical Mr. Ruckelshaus thinks it is, but is instead 1,1,1-trichloro-2,2-bis (p-chlorophenyl ethane). This error on the first page unfortunately is a harbinger of worse errors yet to come.

2. What does DDT break down into?

Ruckelshaus statement (page 4): "DDT has three major breakdown products, DDA, DDE, and DDD; separate registrations exist for TDE (DDE)."

Correction: TDE is the chemical that is also known as DDD, not DDE. These are entirely different compounds, and DDE is not even an insecticide! This fact is well known to most entomology students and to practically every grower and orchardist. Mr. Ruckelshaus must have been misadvised by someone who had heard about DDE because of allegations that it inhibits carbonic anhydrase, thus causing thin eggshells to form (an EDF theory which was refuted by at least five research teams last year). It might also be of interest to point out here that DDD does not even break down into DDE.

3. What substitutes will be used for DDT?

Ruckelshaus statement (page 37): "Such a program can also introduce farmers to the less acutely toxic organophosphates, *like carbaryl*, which may be satisfactory for many uses." (Emphasis added)

Correction: Carbaryl is a carbamate insecticide, not even remotely related to the organophosphates! This fact is well known to most entomology students and to practically every grower and orchardist.

4. What substitutes for DDT are recommended by the EPA Administrator?

Ruckelshaus statements: (page 36): "The record before me leaves no doubt that the chief substitute for most uses of DDT, methyl parathion, is a highly toxic chemical and, if misused, is dangerous to applicators."

(Page 37): "Other testimony noted the increase in non-fatal accidents and attributed almost one-half reported pesticide poisonings to the organphosphate group."

(Page 37): "I am accordingly making this order effective as of December 31, 1972, insofar as the cancellation of any particular use is predicated on the availability of methyl parathion as a substitute."

Comments: Why discard DDT as a "potential hazard", despite its marvelous record of human safety and lack of environmental damage, and recommend a replacement which Ruckelshaus states is likely to cause so much poisoning?

5. Will substitutes cause environmental damage?

Ruckelshaus statements: (page 25): "Indeed, it may be that the same tendency of a chemical to persist or build up in the food chain is present but not known about substitute chemicals."

Comment: We know exactly what happens to DDT in the environment and in plants and animals. Why leap into the unknown unnecessarily and use great amounts of compounds about which he admits very little is known?

Ruskelshaus statements (page 21): "While they are toxic to beneficial soil insects and non-target species, particularly birds alighting on treated fields, these organophosphates break down more readily than DDT."

Comments: Because they break down so readily, they must be applied much more often, also. When less toxic insecticides will control the pests, why outlaw them and use

more toxic compounds? Who will get the blame for killing the birds and beneficial insects? It should be Mr. Ruckelshaus!

6. Did DDT kill off the fish and birds? (Is that why it is being phased out?)

Ruckelshaus statement: (page 16): "The Petitioner-registrants' assertion that there is no evidence of declining aquatic or avian populations, *even if actually true*, is an attempt at confession (sic!) and avoidance." (My emphasis added.)

Comments: Ruckelshaus admits that even if there *has been no decline*, his mind is made up! What kind of justice is that?? Hundreds of pages of transcript prove that there *was* no decline which could be attributed to DDT use, and indeed that there have been practically no declines of birds or fish at all during the "DDT years". Such proof obviously has failed to impress Mr. Ruckelshaus even though he evidently believed it.

7. Does DDT actually cause thin eggshells?

Ruckelshaus statement (page 18): "Viewing the evidence as a total picture, a preponderance supports the conclusion that DDT does cause eggshell thinning. *Whether or not* the laboratory data above would sustain this conclusion [it does not] *is beside the point*. For here is laboratory data and observational data, and in addition, a scientific hypothesis, which *might* explain the phenomenon." (My emphasis added.)

Comments: The laboratory data do *not* sustain the allegation. Why doesn't that fact deserve consideration by Mr. Ruckelshaus? The observational data do *not* sustain the allegation. Why doesn't that fact deserve consideration by Mr. Ruckelshaus? And of what value or significance is a "scientific hypothesis" that has already been proven wrong during seven months of EPA hearings and three years of scientific investigations by independent biologists whose salary is not linked to the anti-DDT hypothesis?

8. Is DDT mutagenic?

Ruckelshaus statement (page 13): "Mutagenic effects will be apparent *only* in future generations." (My emphasis added.)

Comments: This is the old "for all we know" thesis. Obviously, after five or ten generations without any mutations, we will be told that "for all we know" mutations may be apparent only after another five or ten generations. The same scare tactics could be applied equally well to dangers from most modern medications, to vaccines, to drugs, to enriched vitamins, etc. It seems incredible that the Administrator of the Environmental Protection Agency would be this naive, for the substitutes he is recommending to replace DDT are just as open to the ridiculous charge as DDT, and they have not been tested nearly as long as DDT already has!

9. Is DDT carcinogenic?

Ruckelshaus statement: (page 29): "The possibility that DDT is a carcinogen is at present remote and unquantifiable;"

Despite this statement, Mr. Ruckelshaus was able to imply elsewhere that there IS *no* proof that at some future time any substance might not cause cancer. Thousands of mice and other experimental animals have already been exposed to incredibly great, long-sustained diets of DDT, but *nobody* with any expertise in cancer research will state definitely that DDT causes cancer. Unfortunately, some news media seemed to think this "decision" was based in part on the unknown future possibility that DDT might pose some hazard to man. Ironically, DDT is the only insecticide that has actually been ingested by man in massive daily doses for months or even years . . . with no ill effects whatever. No substitute will be able to make that record!

10. What is the function of the Hearing Examiner?

Ruckelshaus statement: (page 24): "Whatever extra weight, then, that might be due findings based expressly on a credibility judgment is not appropriate in the case before me."

Comments: Mr. Ruckelshaus evidently means that if the witnesses fail to tell the truth, and are proven to have perjured themselves, it will have no effect on his decision against DDT. As a matter of fact, that is exactly what did happen during the hearings, and the Administrator seems to feel it necessary to explain why the lack of credibility of his witnesses has not affected his decision.

Ruckelshaus statement: (page 24): "The precedents, moreover, make clear that the Agency (EPA) is free to make its own findings and that the Examiner's findings and report only comprise part of the record *which a court will then evaluate*." (My emphasis added.)

Comment: If the Examiner's findings and report were supposed to be evaluated by a court, why did Mr. Ruckelshaus do it? If Mr. Ruckelshaus was supposed to evaluate the Examiner's findings and report, why does he then state here that "a court will then evaluate" them? Certainly if a court evaluated the report by Mr. Sweeney (the Hearing Examiner), they would not arrive at a decision that was in direct opposition to his on every point, as was done by Mr. Ruckelshaus! Perhaps *that* is the only way to obtain justice from EPA?

This capricious act by the Environmental Protection Agency administrator is a matter of great importance to the average American. . . . It will directly affect his environment, his food supply, his personal health and safety, and his cost of living. He has long been upset by extremists in the environmental movement and by unreachable bureaucrats, but he seldom knows what to do about it. THIS time there IS something he can do. He can send letters and telegrams to the Environmental Protection Agency, with copies of all letters also sent to the U.S. Department of Agriculture, in Washington D.C., and copies to his federal legislators. If public concern matches that of the agriculture officials, the public health service, the world health authorities, and the legislators, constructive action certainly *will* be taken to correct this latest injustice!—J. Gordon Edwards.

ORDER OF THE AHEPA

Mr. MONDALE. Mr. President, this month the Order of Ahepa—American Hellenic Educational Progressive Association—is celebrating its 50th anniversary of service to communities across our Nation. The 430 chapters of this fraternal organization have achieved a record of accomplishment which all its members can look to with pride and satisfaction.

Over the past 50 years, AHEPA has time and time again shown its deep commitment to humanitarian causes. The list of people which AHEPA has aided includes the victims of many of the great natural disasters over the past half century; Florida hurricane victims, Mississippi flood victims, Turkish earthquake victims, Kansas City flood victims, and countless others. The unfortunate people caught in nature's destructive path have been able to count on AHEPA to aid them in overcoming the effects of these disasters.

However, AHEPA's list of accomplishments goes far beyond this impressive list. AHEPA's members have also shown their commitment to aiding those in need by aiding fatherless children of refugees in the Near East, by providing national scholarships for worthy students, and through the sale of over $500 million of U.S. war bonds during World War II.

The goals which this worthy organization pursues—loyalty to the United States, active interest in civic and political affairs, championing the cause of education and assisting in eliminating political corruption—speak highly of its basic concern for democratic ideals and practices. And AHEPA's record of accomplishment is the best evidence that it has translated these basic concerns into effective and long-lasting action.

In my State of Minnesota, AHEPA has been active in implementing the worthy projects which the organization as a whole has set as its top priorities. The current Minnesota local chapter officers, President Peter Canellos in Rochester; President John Regas in Duluth; President Mannie Nicolopoulos in St. Paul; and President Peter G. Brown in Minneapolis, are ably carrying on the tradition of service in Minnesota set by such past national officers as John W. Mercury and James P. Demos.

In saluting these men, and in also saluting the men who will be heading up the district lodge activities over the next year—Gov. George N. Patronas and treasurer John Regas—I am pleased to congratulate all who have and will continue to contribute to the important work which the Order of Ahepa is undertaking, both in Minnesota and throughout the Nation.

THE NATURAL GAS SHORTAGE

Mr. STEVENS. Mr. President, at the end of last month the Columbia Gas System, Inc., placed advertisements in the Washington Post—June 27, 1972, and the New York Times—June 29, 1972—concerning the natural gas shortage facing our Nation today and including several recommendations as to methods for alleviating this problem. These advertisements were responsible and farsighted efforts on the part of natural gas spokesmen to convey to the American public the difficulties we face in obtaining additional supplies of energy resources.

The fact that our Nation is facing a drastic shortage of natural gas can be seen after only a cursory glance at a few statistics. At the same time that demand for natural gas is increasing year by year, our domestic supplies are going down. Thus, there is an ever-increasing gap between our natural gas requirements and supply. Statistics from the Federal Power Commission state that the demand for gas in the "Lower 48" States is projected to increase from 22.6 trillion cubic feet annually in 1970 to 34.5 trillion cubic feet in 1980, and 46.4 trillion cubic feet in 1990. However, domestic production of gas in the same year is expected to decrease from 21.8 trillion cubic feet in 1970 to 20.4 trillion cubic feet in 1980 to 17.8 trillion cubic feet in 1990. This difficulty was dramatized during the last winter of 1971 to 1972, when seven major pipelines, all of which served the Eastern and Midwestern regions of the country, were required to curtail services. In addition, to date, 27 interstate pipe-

lines have filed curtailment plans with the Federal Power Commission. Eighteen pipelines made emergency gas purchases in order to maintain customer service.

Because of the increasing shortage of natural gas, our Nation must find additional supplies of gas to meet our requirements. Unfortunately, the importation of foreign liquefied natural gas and the manufacture of synthetic gas are processes which are both expensive and still developing technologically.

In its advertisement, Columbia Gas has listed several recommendations as a part of its action program which it believes the Federal Government must adopt to enable the gas industry to deal effectively with the growing gas supply crisis. Among these various proposals is the recommendation that the construction of the trans-Alaska oil pipeline be permitted to move forward at the earliest possible date. Not only would the high quality oil from the North Slope help to supplement the presently dwindling domestic oil supplies, but the great natural gas reserves associated with this oil would help alleviate the gas shortages in the "lower 48." Indeed, the estimated natural gas reserves of Alaska total 327 trillion cubic feet—28 percent of the total estimated U.S. gas potential. Therefore, the great natural gas resources of Alaska will be of great assistance in helping to alleviate the shortages in the "lower 48."

Columbia Gas also points out the often forgotten fact that natural gas reserves of Alaska's North Slope cannot be recovered until oil production begins. This is so, because the gas there is associated with the oil and will be reinjected into the ground in order to keep up pressure upon the oil reserves. This will allow for the full production of the oil reserves on the North Slope as opposed to its incomplete production were the natural gas supplies immediately tapped.

In short, an early production of North Slope oil will also hasten the delivery of natural gas to the American East and Midwest, the area of greatest natural gas shortage in our Nation. Likewise, increased delays in the construction of an oil pipeline for the delivery of North Slope oil will add to the delays that will be encountered in the delivery of North Slope gas to the "lower 48."

The U.S. Department of the Interior has estimated that delays associated with a trans-Canada pipeline could involve up to 5 years. I believe that this is, if anything, a conservative estimate, due to the intergovernmental coordination which should be necessary for a trans-Canada pipeline, the unsettled claims of Canadian Natives, and the necessary engineering and design analysis which would be necessary on a Canadian route. These are all factors which would add to the delay associated with Canadian oil. On the other hand, none of these factors are present with the trans-Alaska oil pipeline route. The design analysis has been finished, the aboriginal land claims of Alaskan Natives have been settled, and required environmental analysis through the filing of an impact statement has been completed. Therefore, it can be completed much sooner than a trans-Canada route and, consequently, will hasten the delivery of urgently needed natural gas to the American Midwest.

Mr. President, Columbia Gas System has performed a real service by paying for these informative advertisements in national newspapers. The American public must be informed of the energy crisis which it faces if it is to properly plan for the future. In addition to discussing the energy crisis facing our Nation, the Columbia Gas System has formulated an action program with specific recommendations for the Federal Government. These are well-considered recommendations which deserve careful analysis and thought.

PIONEER DAY

Mr. MOSS. Mr. President, today is a statutory State holiday in Utah. This day, July 24, Utah celebrates the 125th anniversary of the arrival of the Mormon pioneers into the Salt Lake Valley in 1847.

Pioneer Day is celebrated not only in Utah but in towns and cities throughout the Rocky Mountains, because the settlement of the Mormon pioneers in the Salt Lake Valley began the colonization of the entire Mountain States area.

Pioneers first entering the valley of the Great Salt Lake found it nearly void of vegetation and with but one solitary tree which seemed to accentuate the inherent desolation of the area. Now, one looks across a verdant valley with beautiful homes, churches, schools, and industry; with beautiful trees and flowers. These are a tribute to the diligence of these early settlers.

The settling of the valley by courageous pioneers is a result of their desire to worship God according to their belief. Their faith stemmed from the teachings of Joseph Smith, the founder of the Church of Jesus Christ of Latter-day Saints. After a humble beginning in New England, the church moved to Ohio, to the city of Kirtland. But within a short time, the persecution they had experienced in New York was again manifest in Ohio.

A new beginning was sought in Missouri, where the Saints settled the western part. Once again, discord developed between the Mormons and their neighbors which made it apparent that a further rooting up of homes and families had become necessary.

This time, the members of the church moved to Illinois to be free from the threats that had plagued them in Missouri. Here they established the city of Nauvoo on the Mississippi River. This city witnessed the death, in nearby Carthage, of the Mormon prophet, Joseph Smith. It was from Nauvoo, that the church initiated its historic westward trek to the "land of the everlasting hills."

The story of that movement of the church to the Rocky Mountains is a worldwide legend which is familiar to us all. It deeply etched in the annals of our national history, a saga of heroism and sacrifice.

The pioneer display of courage and devotion encouraged other Mormons from far-away lands to join with the members of the church in their newly established mountain home. My own grandparents, Thomas and Fanny Goodman Moss, were born in England, where they were converted by Mormon missionaries. They, too, experienced the desire to travel to Utah to be with the main body of the Mormon Church. They could not afford both to travel to America, so in 1862, my grandmother set sail from Liverpool, bound for the New World with her baby in her arms. After arriving in New York, grandmother made her way by train to Winter Quarters on the banks of the Missouri River, where she joined a company of pioneers about to travel west by wagon train. She was assigned to walk every second day to help preserve the strength of the oxen pulling the wagon. Only because of her babe in arms she was enabled to ride on alternate days.

It was a long and difficult journey that lasted 6 months, for it was October 15, 1862, when she arrived in Great Salt Lake City. She went to work as a domestic servant shortly after her arrival in the valley, saving all she could to help pay the passage of her husband. After 1 year, the two of them were able to save enough to purchase a passage for him to come to Salt Lake City.

By the time grandfather arrived in 1863, the city was a thriving community, greatly changed from the scene which greeted the first pioneers who arrived in 1847. Mormons in large numbers had crossed the plains to join the members of their church that settled in the valley. When he first arrived, their new leader, Brigham Young, had pointed out across the barren valley and declared, "This is the place." This was prophetic for the Mormons who set about making their desert bloom.

Throughout the Mountain West, parades, rodeos, and official ceremonies will commemorate this day celebrating the arrival of the pioneers in Utah. All Utahans will join in this holiday and mark another year in the progress and development of our beloved Mountain West.

THE TRANS-ALASKA PIPELINE: STATEMENT OF SECRETARY MORTON

Mr. STEVENS. Mr. President, on June 22, the Joint Economic Committee held the last of its 4 days of hearings on the subject of the proposed trans-Alaska pipeline. I believe that that day's hearings were most enlightening and worthwhile, since various proponents of the trans-Alaska pipeline presented many important points apparently ignored by the committee in its previous consideration of this most complex issue.

Among those who testified was the Honorable Rogers C. B. Morton, Secretary of the Interior. I personally found his testimony both instructive and persuasive. I believe that he presented information and material which prove beyond a doubt that the trans-Alaska oil pipeline is the best route for such a line economically, environmentally, and for reasons of national security. In the Secretary's own words:

The decision to grant the trans-Alaska pipeline is in the highest public interest.

In his testimony, the Secretary enumerated the numerous public hearings which were held to provide for full public hearings which were held to provide for full public discussion of this most involved issue. In addition, the Secretary outlined the stringent regulations imposed by his Department upon oil tanker transport from Valdez to west coast ports.

Secretary Morton also summarized the various factors involved with a Canadian route which would involve substantial and unacceptable time delays. These include the problem of constructing a line four times longer than a trans-Alaska line, the necessity for preparation of two additional impact statements for the 300 miles in Alaska and the 900 miles south of the international border through which an Alaska-to-Chicago route would pass, the possible delays associated with the settlement of the land claims of Canada's native population and the great difficulty that would be posed in raising the required $6 billion for a Canadian oil pipeline.

In conclusion, Secretary Morton stated:

The nucleus of my decision to grant the Alaska route is based on the urgent need to bring North Slope oil and gas into the American marketplace as rapidly as possible. Our studies have clearly articulated the need for these petroleum resources and the costs of delay. The trans-Alaska route presents the only feasible means of transporting Arctic oil within an acceptable time frame.

In summary, I believe that Secretary Morton ably defended his decision to grant the permit for construction of the trans-Alaska pipeline. He made it clear why construction on this important project must, in the national interest, begin as soon as possible.

Mr. President, I ask unanimous consent that Secretary Morton's statement be printed in the RECORD.

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

STATEMENT BY THE HONORABLE ROGERS C. B. MORTON

Thank you for the opportunity to appear before this Committee to discuss my decision to approve the proposed trans-Alaska pipeline.

Mr. Chairman, the United States urgently needs the oil from Alaska's North Slope in American markets to satisfy a growing gap between domestic demand and supply. We need that oil as quickly as an environmentally safe delivery system can be developed.

My decision is based on an exhaustive and unprecedented three-year study of the ways to safely transport these valuable petroleum resources from the Alaska Arctic.

In this period, the Federal Task Force on Alaskan Oil Development, established by the President in May of 1969, has completed the following tasks:

(a) It has prepared a six-volume Environmental Impact Statement, which is thought to be the most comprehensive and detailed study ever conducted under the National Environmental Policy Act. Preparation of this Statement required 18 months, and involved consultation with and contributions from over twenty Federal and State agencies.

(b) It has closely examined other alternatives, including possible Canadian routes, other transport systems, and other sources for the needed energy.

(c) It has prepared, in three detailed volumes, an analysis of the economic and security aspects of the system.

(d) It conducted a sweeping geologic and engineering analysis of the proposed pipeline system across Alaska.

(e) It has developed the strictest environmental and engineering stipulations ever drafted to safeguard a project of this nature.

(f) It has organized a professional Federal surveillance team to enforce the Stipulations, to impose strict quality control of the system and to insure maximum environmental protection.

Three significant and separate groups of public hearings have been held on the proposed pipeline.

The first was held on August 29 and 30, 1969, by former Under Secretary Russell E. Train in Fairbanks, Alaska.

A second series of hearings, nine in number, was held by the House and Senate Interior and Insular Affairs Committees, and by the Fish and Wildlife Subcommittee of the House Merchant Marine and Fisheries Committee between August and December of 1969.

The third series of hearings, seven days in length, in February of 1971, was held on the preliminary environmental statement in Washington, D.C. and Anchorage, Alaska. They resulted in over 12,500 pages of transcripts.

Mr. Chairman, the Department's examination of this project has been penetrating and thorough. After months of searching consideration, I am totally convinced that the decision to grant the trans-Alaska pipeline is in the highest public interest. I am convinced that my decision fully reflects the letter and spirit of the National Environmental Policy Act of 1969, to which we are deeply committed.

Let me turn to the substantive points of our long examination.

THE CANADIAN ALTERNATIVE

Perhaps the most frequent question is why didn't I pursue the Canadian alternative.

Many people asking this question are genuinely motivated by environmental concern. Others are motivated by regional, economic, and other interests. I have carefully weighed the environmental, economic, social and security considerations from a National, rather than a parochial perspective.

Let me explain briefly the status and the disadvantages of the Canadian alternative.

INFORMATION ABOUT THE CANADIAN ROUTES

Most immediately, no right-of-way through Canada has been established and thus there is no "Canadian Route". Our environmental impact statement examined six possible routes through Canada, but clearly there has been no single route determined and quite obviously we have no set of detailed route studies comparable to our comprehensive TAPS analyses.

Contrary to the testimony of Mr. David Anderson, a Member of the Canadian Parliament, before your Committee, the United States did formally request information of Canadian authorities to assist us in the preparation of the TAPS environmental statement. This information was requested in a United States Aide-Memoire of July 9, 1971.

The 30 environmental and social studies of northern pipelines being pursued by Canada were not announced in Canada by Minister Macdonald until April 18, 1972, three weeks after the publication of the TAPS environmental statement and nine months after our request. Not one of the studies, as far as we know, has been completed and we have not received any substantive information from the Canadian Government on any pipeline route through their country.

RELATIVE ENVIRONMENTAL CONSIDERATIONS

While specific information on a Canadian route is not available, we have had enough general knowledge to reach some important conclusions.

There are two types of environmental impacts that must be considered in comparing the Alaskan and Canadian routes; *unavoidable impacts* and *potential impacts*. A major conclusion with respect to terrestrial impact is that because the Canadian route is longer, crosses more permafrost and more major rivers and necessitates much more gravel extraction, it involves a greater degree of *unavoidable* environmental damage than does the Alaskan route.

On the other hand, the Alaskan route involves a maritime leg to the West Coast which is likely to involve small chronic discharges from the ballast treatment plant at Port Valdez. We were unable to determine the extent of environmental impact, if any, that might result from these discharges.

An Alaskan pipeline would have *potential* seismic risks along three zones in the southern half of the route. These zones have been identified and the system designed to accommodate the largest earthquake on record. The system is being engineered to withstand ground movements of from 5 to 20 feet, and all seismic zones will be continuously monitored to determine crustal movements.

In addition to these unprecedented seismic safeguards, containment dikes and remotely controlled block valves will further insure against environmental damage from the remote possibility of earthquake damage.

The marine leg of the Alaska route also involves *potential* pollution from oil tanker collisions and groundings, and from accidental spills during loading and unloading.

It is pertinent to observe here that the pipeline will have a throughput of only 600,000 bbd. for the first 1–2 years of operation, then an increase to 1,200,000 bbd. in the third year with 1,500,000 bbd. planned by the 6th or 7th year. While the system is being designed for a maximum throughput of 2 million bbd. it is uncertain when that capacity will be attained. Consequently, the number of ships entering Valdez and other West Coast ports, and the accompanying risks of polluting accidents, will be proportionately reduced during the first 6–7 years of operation.

NEW AMERICAN INITIATIVE

Nonetheless, I am convinced that we must seize this opportunity to set new and exacting standards to govern the marine transport of American oil. This goal is worth accomplishing by itself; but if our standards can set an example for solving the broader problems of international oil movements, we will have accomplished a task of long range significance for mankind. I have discussed this matter with Secretary Volpe, and we are now studying the implementation of the following steps:

All tankers, foreign and domestic, operating in the TAPS trade will be prohibited from discharging oil into the ocean, including oil contaminated ballast, tank cleaning waste, or bilge effluent. The facilities at Port Valdez will not be allowed to deliver oil to tankers that have violated this prohibition. Newly constructed American flag vessels carrying oil from Port Valdez to United States ports will be required to have *segregated ballast systems, incorporating a double bottom,* which will avoid the necessity for discharging oily ballast to the onshore treatment facility. All other tankers will be required to discharge oily wastes into the treatment facility at Port Valdez. That facility will be required to eliminate as much oil from these wastes as technologically practicable. In no instance will the discharge exceed 10 ppm of oil, and the standard will be upgraded as improved technology becomes available.

Vessel Traffic Systems will be required for Port Valdez and the West Coast ports. These systems will incorporate traffic separation schemes and will be geographically situated so as to avoid the fishing grounds and eco-

logically sensitive areas off Canada, Alaska and our West Coast. The Coast Guard will increase its staff and equipment as necessary to implement these schemes. Aids to navigation will also be modified as required to implement these systems.

New United States flag vessel designs will be evaluated, looking toward improving their maneuverability with regard to stopping distance and turning characteristics.

All accidental discharges during loading and unloading will be eliminated to the fullest extent possible and if they occur, will be subject to substantial penalties. Coast Guard regulations scheduled to become effective late this summer are being reviewed to assure their adequacy for Alaskan operations. Construction specifications and required manning and equipment standards are also being reviewed to provide further insurance against accidental discharges during loading and unloading operations.

Contingency plans for cleaning up oil spills must be continually reviewed and proven to minimize the damage in the event any accidents occur. These will be kept current in the light of new technology to assure their maximum effectiveness. The Coast Guard will augment its personnel and equipment to insure a maximum capability in this regard.

A continuing environmental monitoring system will be required during the lifetime of oil movement in American coastal waters.

Discussion of the marine leg should not blind us to the grave environmental problems that would be involved along a Canadian route.

First, it is important to stress that the large number of river crossings constitute significant potential risks along a Mackenzie route. The wider the river crossing, the greater the risk to the environment of a pipeline system. The only crossing of as much as one-half mile width on the Alaskan route is at the Yukon River. At least twelve major river crossings of this width or greater are involved between Prudhoe Bay and Edmonton on a route up the Mackenzie River.

Second, guidelines adopted by Canada in 1970 require that oil and gas pipelines be located within a *common corridor*. However, a recent study by Canada's Federal Environmental Agency recommends that *gas* pipelines should be built in the west side of the Mackenzie River and *oil* pipelines on the east.

This study by the project leader of Canada's Northern Pipeline Project indicates that for engineering and environmental reasons the two quite different types of lines should be constructed a considerable distance apart. If the recommendations of this Canadian study are observed, then the environmental and economic savings from a common corridor are materially diminished. With your permission, Mr. Chairman, I would like to offer for the record, an account of the study prepared by Mr. C. T. Hatfield, Fisheries Service, Department of the Environment, Winnepeg.

Third, a Canadian oil pipeline alone, 3200 miles in length, could require as much as 320 million cubic yards of gravel, involving over 1,000 excavation pits. The uncertain availability of this material and the impact of its extraction on the environment of the Mackenzie Valley constitute most serious questions.

I have not made these points in an effort to convince you or the American people that the Alaskan route is environmentally superior to a Canadian route. Rather, I have attempted to show that the environmental question is not as simple as some believe, and that we cannot avoid the tough environmental problems involved in this massive project by sweeping them under the rug of our Canadian neighbors.

In fact, it is by no means clear which route will produce more environmental damage over the long run, because no one can predict with certainty which potential risks will actually be realized. My authority does not run to Canada, so I can give no assurances with respect to a Canadian route similar to the exacting environmental stipulations and strict environmental surveillance that we have developed for Alaska.

DETERMINING THE NATIONAL INTEREST

While environmental concerns have been among our highest priorities, a project of this magnitude compels the consideration of the broadest framework of issues in determining the national interest. One of the most critical issues is the time frame in which oil can move to market.

CAUSES OF DELAY ON CANADIAN ROUTE

Selection of a Canadian alternative would involve substantial and unacceptable time delays. In my May 11 announcement, I estimated the delay to be 3 to 5 years; it might be even greater—possibly as much as seven years. There is no objective justification for the view that the delay could be as short as 1 to 2 years.

1. *Longer Line.* The first, and most obvious, point is that the Canadian route to Chicago would involve a 3200 mile pipeline, four times as long as the Alaskan route of less than 800 miles. As a matter of logic, a longer line takes longer to build because of increased requirements for material, logistics and manpower.

2. *Drilling in Permafrost Terrain.* The second point is not so obvious, but it is equally important. During the past three years, the Department has required the drilling of 3,300 core holes in permafrost terrain, to ascertain optimum pipe location and construction modes. This drilling is essential both to the safe construction of any oil pipeline system in the Arctic and sub-Artic and to the preparation of adequate impact analyses. Since very little of this engineering feasibility work has been done for a Canadian oil pipeline route, the companies and the Canadian Government would be starting nearly from scratch. It is reasonable to assume that if two years were required to core-hole 700 miles of permafrost along the defined Alaska route, then at least two years and probably three would be required to drill the 1,200 miles of permafrost along a Canada route, which has yet to be chosen.

3. *Environmental Statement.* While the Canadians have no National Environmental Policy Act, it is important to realize that *any* Canadian route would require the preparation of a comprehensive environmental statement because of the 300 miles in Alaska and the plus 900 miles south of the international border under United States jurisdiction. To comply with American law, this statement must provide a detailed examination of the entire 3,2000 miles of the route. It would entail the careful drafting of a preliminary statement; the preparation of comments by Federal, State, and in this instance, Canadian authorities; the conduct of public hearings in both countries, and the careful assessment of all alternatives, before the final document could be completed.

A reasonable length of time to allow for this preparation is 18–24 months, realizing that an adequate study could not be finished until a route is selected, and the core-drilling and other scientific and environmental studies completed.

4. *Canadian Government Action.* The fourth point, the issuance of a Canadian permit, is somewhat delicate because it involves very good neighbors; but nevertheless it is important to understand this issue.

According to our best information, the Canadian Government has not been, and it is not now, even prepared to accept an application for a permit. Minister Macdonald has explained to us that an application can be accepted by the end of the year. We received Alyeska's application on June 10, 1969, three years ago. There is little reason to believe that the Canadian Government will be able to resolve their environmental and Native Claims issues in any less time.

CANADIAN NATIVE CLAIM DELAYS

Our Congress solved the Alaska Natives claims problem by adopting the Alaska Native Claims Settlement Act of 1971. It provided 40 million acres, an area larger than the State of Wisconsin, and nearly one billion dollars. Canada is just beginning her consideration of this problem and indeed it is pertinent to note that *none* of the 30 Canadian studies addresses this problem specifically.

I bring to your attention, and offer for insertion in the record, Mr. Chairman, press accounts of recent activities of Canada Natives with the headlines "No Settlement—No Pipeline" and "Stopping the Pipeline is Northern Native Cause". They indicate that Native groups will "use every weapon at their disposal and are building an arsenal that will include everything from environmental protest to exercising a form of squatters rights" . . . to achieve their aboriginal land rights.

My point here, Mr. Chairman, is that the Canadian Native Claim issue is now at an incipient stage and time for its resolution must be properly considered. The American Congress took several years to determine and act upon this critical issue.

In view of the United States record, it would be unwise, and indeed ill serve the cause of social justice, to ignore the possibility of delay from Canadian Native Claims in the interest of expediting pipeline construction.

CANADIAN ENVIRONMENTAL DELAYS

Likewise, there are no grounds to assume that environmental groups in Canada will not demand of their government an important voice and a most cautious and deliberate approach to a project of this magnitude.

As an example, the Canadian Arctic Resources Committee, an environmental group of scientific and northern experts, has recently recommended that exploitation of the Arctic should be delayed for approximately a *decade* to allow for the completion of basic research and environmental management procedures. It is certain that this Canadian group, among others, will seek a close participation in discussions for any proposed pipeline through Canada.

CANADIAN APPLICATION REQUIREMENTS

Finally, it is important to clearly assess the demanding requirements for filing a pipeline application in Canada. The Canadian National Energy Board requires in effect that a full Project Description accompany the application together with a detailed map of the route and specific information regarding markets, reserves, growth trends, capital costs, accrued depreciation, throughput contracts, projected revenues and expense, construction schedules, and disclosure of financial matters.

I insert in the record, with your permission the Rules of Practice and Procedure of the National Energy Board pertinent to the filing of applications for oil pipelines.

For comparison, it took Alyeska 18 months to comply with our mapping requirements and three years to file a satisfactory Project Description.

Once an application might be filed and approved, further time must be allowed for the conduct of hearings, the review of comments and for Parliamentary debate. These debates certainly, would involve discussion and possible enactment of pending Canadian environmental legislation which in turn could have significant effects on the timing of a pipeline permit.

5. *Financing.* Let me turn now to problems whose solution would be as difficult as any of the engineering or administrative issues—the problem of financing.

The TAPS route is estimated to cost $2.8

billion for the pipeline and $1.7 billion for tankers—a total of $4.5 billion. Its costs have the advantage of being shared between the petroleum and maritime industries.

The Cost of a Canadian oil pipeline is unknown but we estimated it at $6.0 billion. Canadian authorities have indicated that they must control 51% of any system through their country. We enter here, Mr. Chairman, a most uncertain and difficult area. Let me bring to your attention some questions of critical importance about the feasibility of a Canadian route:

1. Could the Canadian industry raise from their own money markets the $3.1 billion necessary for 51% of equity financing for an oil pipeline?

2. Could they raise an additional $2.3 billion necessary for 51% of a gas pipeline through Canada . . . making a total of over $5 billion of Canadian financial resources?

3. How long would these financial arrangements take, and can an application be filed before agreements are completed?

4. Would not agreements on financing and an elaborate corporate structure be necessary before route feasibility studies and a Project Description could start on a specific Canadian route?

5. How much of the throughput capacity would the Canadians demand and what effect would this have on raising American capital, and on the financial structure of American companies?

6. Would a pipeline system of shared capacity and ownership require treaty arrangements, and if so, how long would these take?

7. If the Canadians are given any percent of throughput, how long would trade negotiations over oil import quotas require?

The answers to these administrative and financial questions bear most directly on the time frame of a Canadian system. The great uncertainty of their resolution in time as well as substance makes it clear that our 3-5 year delay may well *underestimate* the actual time required. Under the most optimistic assumptions, I do not personally see how oil could flow through a Canadian system earlier than 1981.

IMPACT ON THE UNITED STATES

In concluding my statement, let me outline the more significant impacts that a Canadian route would have on the United States:

1. While the Canadians have offered to increase oil exports to us during the period of delay, it is most uncertain whether they can guarantee the equivalent of the TAPS capacity *above* the Canadian import increases which we have already assumed in our calculations.

2. If 50% of the capacity of the line were reserved for Canadian oil, royalty revenues to the State of Alaska and to Alaska Natives would be cut by 50%.

3. A Canadian route would deny to the United States the substantial employment benefits resulting from construction and operation of a pipeline in Alaska.

4. The denial of an Alaskan route, with the accompanying reduction of State and Native royalties, would most seriously affect the economy in the State of Alaska.

5. A Canadian route would deny to the United States and the State of Alaska the construction of a vital transportation artery to its own Arctic.

6. To the extent that a Canadian route involved shared capacity, the resource cost savings and balance of payments of the United States would be adversely affected.

7. A Canadian route would deny to this country the substantial benefits that otherwise will occur to our maritime industry.

TRANSPORTATION OF ARCTIC GAS

The Department's examination has indicated the growing need for gas in the United States and the economic efficiencies which would be realized by transporting Prudhoe Bay gas by a pipeline through Canada. Throughout our analysis, we have recognized the clear benefits that a Mackenzie Valley route would have for this gas and we welcome a close working relationship with the Canadian Government on this matter.

We also recognize the severe burdens that will be imposed on the Canadian economy should the funding of a $6 billion oil pipeline and a $4.3 billion gas pipeline, at 51% Canadian equity, be sought from their domestic money markets.

Because of the staggering, perhaps insuperable difficulties involved with financing both systems with Canadian capital, we propose that the trans-Alaska pipeline proceed now under American financing, and that we join together with Canada in pursuing a Mackenzie route for the gas.

It is pertinent to add here, Mr. Chairman, that United States gas pipeline companies advised the Department on May 4, 1972, that the adoption of a Canadian route for North Slope oil would be "disastrous" inasmuch as the construction of a gas line would be delayed until the mid-1980's. This delay, they indicate, would cast doubts on its economic feasibility. With your permission, I enclose for the record their comments on the Department's final environmental statement.

THE TAPS DECISION

Mr. Chairman, the nucleus of my decision to grant the Alaska route is based on the urgent need to bring North Slope oil and gas into the American market place as rapidly as possible. Our studies have clearly articulated the need for these petroleum resources, and the costs of delay. The trans-Alaska route presents the only feasible means of transporting Arctic oil within an acceptable time frame. This route avoids the delays and uncertainties inherent under Canadian control and Canadian law. District V provides an important American market where the full capacity of the pipeline is needed and can be readily absorbed.

Every year of delay will increase the gap between our demand for crude oil and production from secure sources.

Every year of delay increases our vulnerability to arbitrary price changes and supply interruptions.

Every year of delay will materially weaken our bargaining positions in the continuing negotiations with oil producing and exporting countries, and add complications to our foreign relations.

By the far-reaching steps that Secretary Volpe and I announced today to combat marine pollution, and by the unique stipulations and enforcement that we have developed for the Alaska pipeline, its cautious construction and operation will proceed under the most rigorous environmental protection.

Mr. Chairman, the Alaska route is right for the interests of the State of Alaska and of Alaskan Natives.

It is right for our shipbuilding, maritime banking and petroleum industries.

It is right for the interests of American labor.

And it is right for the economic security and the National interest of this country.

This completes my statement and I am happy to answer questions from the Committee at this time.

THE PLATFORM OF GOVERNOR WALLACE

Mr. SPARKMAN. Mr. President, recently it was my privilege to meet with the distinguished Governor of Alabama, the Honorable George Wallace, in Birmingham shortly after his arrival from Miami, Fla. I am pleased to report that his spirits are good and his resolve continues undimished.

We Alabamians are proud of the determination and courage which brought Governor Wallace from the almost fatal bullets of a would-be assassin to the floor of the Democratic Convention in a few short weeks to return and fight for a platform which represents the views of millions of his fellow citizens.

It is a platform which I regret to say was rejected at the Democratic Convention, but it is one that the American people have not rejected and will not reject. It is a platform upon which Americans can stand whatever their political persuasion. It includes provisions for which I have worked over the years—a strong defense force, tax reform, a quality education for our children, and fair treatment for all Americans.

It is a platform that I commend to the Senate, the President of the United States, and political leaders throughout the country. I ask unanimous consent that the platform be printed at this point in the RECORD.

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

MINORITY REPORT NO. 3

I. INTRODUCTION

This Platform represents the attitude, policy, position, judgment and determination of this Party with respect to the major problems confronting America.

We believe that our analysis of the nature of these problems is in keeping with the feelings of the great majority of our people. We further feel that our approach to solution of these matters is sound, logical, practical and attainable and in keeping with the basic, inherent good judgment of the American people.

Among other proposals, we offer:

Opportunity for early peace to a nation at war;

A program of job opportunity for the jobless;

A return to respect for the law and an opportunity for every citizen to pursue his daily activities in safety and security;

To relieve our citizens, their businesses and institutions from harassment and intimidation by agents of the federal bureaucracy;

To return to the officials of local government those matters rightly and properly falling within their scope of responsibility;

The laboring man and woman an opportunity to provide for himself and his family a better and fuller life and a greater democratic freedom in the management of the affairs of his organizations, free from intrusion by the federal government;

To the farmer an opportunity to regain a place of prominence in the economy of this nation, a fair price for the products of his labor and less dependence on federal subsidation;

To restore the dignity, strength and prestige of this nation to a level commensurate with its position as acknowledged leader of the nations of the free world;

A national defense designed to assure the security of this nation and its citizens; and

Above all, we offer to each individual citizen a system of government recognizing his inherent dignity and importance as an individual and affording him an opportunity to take a direct hand in the shaping of his own destiny and the destiny of this nation. Under such a system, we are convinced, America will reach new heights of greatness.

II. JOBS, PRICES AND TAXES

National economy

The national economy must be restored to and maintained in a healthy, viable pos-

ture under conditions assuring to each individual American the opportunity to participate in and enjoy the benefits arising from a real prosperity, as distinguished from the false, inflationary conditions presently existing. As a first step, the nation's business, industry and other agencies and organizations of production must be freed from the ever-increasing intrusions of government into the affairs of these institutions and organizations. This nation achieved its economic greatness under a system of free enterprise, coupled with human effort and ingenuity, and thus it must remain. This will be the attitude and objective of this Party.

There must be an end to inflation and the ever-increasing cost of living. This is of vital concern to the laborer, the housewife, the farmer and the small businessman, as well as the million of Americans dependent upon their weekly or monthly income for sustenance. It wrecks the retirement plans and lives of our elderly who must survive on pensions or savings gauged by the standards of another day.

We will take immediate, affirmative steps to bring these conditions to an end through selective decreases in the lavish expenditures of our federal government and through the institution of efficiency into the operation of the machinery of government, so badly plagued with duplication, overlapping and excesses in employment and programs. Bureaucracy will cease to exist solely for bureaucracy's own sake, and the institutions and functions of government will be judged by their efficiency of operation and their contribution to the lives and welfare of our citizens.

We will support and assist business and industry, particularly small business, where and when needed and desirable.

We will enforce those laws designed to protect the consumer and wage earner, but will eliminate those programs and agencies serving only to harrass and intimidate our business community.

We will review and propose revisions to our present tax structure, so as to ease the burden upon lower and middle income citizens and to place upon all their rightful share of the tax burden.

We will work toward a reduction in the tax burden for all our citizens, using as our tools efficiency and economy in the operation of government, the elimination of unnecessary and wasteful programs and reduction in government expenditures at home and abroad.

We will eliminate the favorable treatment now accorded the giant, non-taxpaying foundations and institutions and require these organizations to assume their rightful share of the cost of operations of our government.

To achieve these goals and objectives, we would use government for the strengthening of the free enterprise system rather than the replacement of the free enterprise system by government. We believe that strength and confidence in the American political and economic system will tend to encourage domestic private investment and prosperity in our economy.

We would propose that effective use be made, during our Administration, of economic advisors dedicated to the preservation and strengthening of our economic freedoms in the areas of enterprise, labor and marketing that have contributed so much to the strength of the American system.

Our Administration will be dedicated to the maintenance of prosperity and price stability in our economy. We will institute a strong anti-inflationary fiscal, monetary and debt management policy in our nation as the first requirement to solving international problems.

We propose to rely heavily upon a competitive market structure rather than upon prices administered or fixed by bureaucratic procedures.

We feel little is done to curb inflationary trends in the nation's economy merely by taking from the taxpayer in order to enrich the spending programs of big government. We propose, rather, a stabilized and equitable tax base affording fair treatment to those of small income and designed to cause all persons, organizations and foundations to assume their rightful financial responsibility for government coupled with selective and prudent reductions in the wasteful expenditures of government.

We commit to the American people a return to fiscal responsibility and a conscientious and diligent effort toward a balancing of the Federal budget, now operating at a record deficit, and a reduction of the huge national debt with which the nation is burdened. Fiscal sanity must be restored.

The present effort at control of wages and prices has proven ineffective. Prices continue upward in a never-ending spiral, while wages fail to keep pace. The basic fallacy is the fact that government has failed to control itself. Federal spending must be reduced in order for there to be any measure of adjustment in our economy. This we pledge to do.

Job opportunity and the poor

We feel that the matter of our citizens in need and the existence of job opportunities are closely related as to warrant concurrent consideration.

We are convinced that the average American believes in the inherent dignity of gainful employment, preferring this method of attaining a livelihood to any welfare grant or benefit not earned through his own efforts. For this reason, we consider the solution to the problem of our needy citizens, capable of gainful employment, to be the provision of job opportunity. This will be the goal of our Party and our Administration.

Our first consideration will be the inclusion of private industry in this program and effort. We believe that the private sector of our economy has the will and capability of providing a solution to the problem of poverty much more promptly and efficiently than any or all governmental programs of indiscriminate welfare contributions. Based on this premise, we will work in partnership with private industry in a program mutually beneficial to each to provide these job opportunities. We propose to make this program economically attractive to industry through tax incentives and other means of economic benefit, believing fully that the answer to this problem lies in the vigor and capability of our tremendous free enterprise system.

We would propose that the federal government aid and assist in a well-designed program of job training or re-training for those in need thereof. This will be at the vocational school and lower level, depending on the needs of the trainees. We will encourage and assist the states in programs of job training or re-training through realistic productive efforts in this respect, including assistance to the establishment and maintenance of vocational trade schools and other like institutions designed to provide skilled and semi-skilled personnel for industrial employment, as well as means whereby "in-training" programs can be carried out by private industry in cooperation with government.

In the event a public works program becomes necessary to provide employment for all employable Americans, we will provide such a program, assuring, however, that these programs be needful and productive and that the participants engage in labor beneficial to the nation and its economy rather than becoming wards of the government and the recipients of gratuitous handouts.

For those unemployable by reason of age, infirmity, disability or otherwise, provision will be made for their adequate care through programs of social services based on the requirements and needs of these persons. We hold that all Americans are deserving of and will have the care, compassion and benefits of the fullness of life.

Labor

America achieved its greatness through the combined energy and efforts of the working men and women of this country. Retention of its greatness rests in their hands.

Through the means of their great trade organizations, these men and women have exerted tremendous influence on the economic and social life of the nation and have attained a standard of living known to no other nation. In the meantime, American labor has become a bulwark against the intrusion of foreign ideology into our free society. America must be eternally grateful to its working men and women.

The concern of this Party is that the gains which labor struggled so long to obtain not be lost to them either through inaction or subservience to illogical domestic policies of our federal government.

We propose and pledge:

To guarantee to and protect labor in its right of collective bargaining;

To assert leadership at the federal level toward assuring labor its rightful reward for its contribution to the productivity of America;

To propose and support programs designed to improve living and employment conditions of our working men and women;

To prohibit intrusion by the federal government into the internal affairs of labor organizations, seeking to direct and control actions as to seniority and apprentice lists and other prerogatives.

To provide for and protect the working men and women in the exercise of democratic processes and principles in the conduct of the affairs of their organizations, free from threats, coercion or reprisals from within or without such organizations;

To support programs and legislation designed to afford an equitable minimum wage, desirable working hours and conditions of employment and protection in the event of adversity or unemployment;

To add efficiency and dispatch to the actions and activities of the National Labor Relations Board, resulting in more prompt decisions by this agency;

To pledge and assure that labor will be adequately represented in all deliberations of this Party and its administration of the affairs of government; and

To cause all agents of government to refrain from any coercive action in strike settlements, serving in the role of counselor and advisor only, believing that good faith bargaining between the parties concerned is the best solution to any settlement.

Social services

The people of this land are the fiber of our nation. Their well-being is essential to a strong America. Unfortunately, many of our citizens are unable to earn an adequate living, due to no fault of their own. Our aged, our blind and our disabled who are unemployed are the concern for us all.

In every area of social welfare, rehabilitation should be of paramount concern. This includes physical restoration where possible, rating to develop new skills, adult education in many instances and broad cooperative endeavors between government and private industry to develop jobs that the less skilled can fill. We believe that every American prefers independence and a wage earned. For those whose infirmities, age or other problems prevent such independence, welfare services should be adequate to provide a living with dignity and honor.

Dependent children become the responsibility of government when they lack the care and support of parents or guardians. Every effort should be made to provide support by responsible persons rather than the government, where possible. However, when children are separated permanently, by death or other cause from their families, all facilities of

government should safeguard, protect, serve and care for them.

In every area possible, federal grants should be administered through existing state and local government agencies, thus eliminating additional federal offices and agencies which merely duplicate efforts of existing state and local agencies.

We will review and examine the administration of these programs with a view to the elimination of waste and duplication and thereby better serve the purposes and people designed to be assisted. We subscribe to the principle of block grants administered by state agencies as a possible solution to these problems.

We will direct the appropriate agencies of the federal government to institute a process of evaluation and screening of welfare recipients to assure that those in the welfare rolls are eligible and deserving of the assistance they request or receive. We will insist that all found to be qualified and deserving receive the assistance to which they are entitled. By like token, we will assure that those guilty of abuse and misuse of the programs designed to grant assistance are denied opportunity to thus defraud the American taxpayer.

Senior citizens

Social Security is basically an old age, survivors and disability insurance plan. It provides for citizens to pay into the trust fund during their working years and is designed to replace part of the earning capacity of the participant, or his family, lost due to retirement, death or disability. During past Administrations, the Social Security Trust Fund has been depleted and current payments are being made from current revenues. Social security cannot be financed from current revenues or from the federal treasury without raising taxes or jeopardizing other essential programs of government. Such a policy is irresponsible.

We pledge to restore the Social Security Trust Fund to a sound financial basis and, by responsible fiscal policies, to ensure the following:

An immediate increase in Social Security payments, with a goal of a 60 percent increase in benefits;

Restoration of the 100 percent income tax deduction for drugs and medical expenses paid out by people 65 and over;

Removal of the earnings limitation on people 65 and over in order that they may earn any amount of additional income.

Our goal is to make all senior citizens first-class citizens; to restore their dignity, prestige, self-respect, independence and their security, without intrusion into their private lives by federal bureaucrats and guideline writers.

HEALTH CARE

In some areas involving matters of life or death, we leave nothing to chance. For real or potential military conflict, every nuance is carefully considered; every movement meticulously planned. In our space program, the very best brains and the most sophisticated hardware are combined to assure safe and fruitful voyages into outer space. Both operate under an umbrella of national commitment and national purpose. Both are lavishly financed.

On matters of health care for its citizens, however, America very nearly leaves everything to chance. There is no national health care strategy. There is no nationally inspired commitment or sense of purpose.

Americans are rightly preoccupied with health care problems—the doctor shortage, the high cost of medical attention, the low quality of facilities, the inaccessibility of even rudimentary health care and medical attention for a very large segment of our population. The situation is deplorable.

There is a desperate need to change the economics in national health care policy. We favor the use of the Social Security Administration as a payment mechanism while the states would handle the delivery system.

A national health care policy, in effect, a national strategy for health care delivery, is the essential beginning toward providing all Americans with adequate medical attention and assuring our people that the ability to finance needed health care will be provided under a National Health Insurance System.

This proposed national health care strategy would be directed toward stabilizing the spiraling costs of all health care services. It would attack the severe manpower shortages in the health care field by devising workable financial incentives for encouraging talented young men and women to enter the medical profession as doctors, nurses, pharmacists, paramedical personnel and allied health field specialists.

The national health care policy would strengthen the federal government's financial support of graduate education in the medical field. It would encourage, with appropriate incentives, young men and women to train for family practice and to take up their medical careers in areas of the country having the greatest need for proper medical facilities.

A national health care policy would include setting up strict national standards for licensing of health care facilities and providers, with the states monitoring and administering the implementation of the licensing standards.

A national health care policy would develop more economical alternatives to the very expensive institutional care which comprises the bulwark of our fragmented health machinery.

A national health care policy program would investigate and encourage new and quicker methods for the training of all medical personnel. It would urge the development of new criteria for the acceptance or rejection of potential medical school trainees. It would undertake to adequately finance existing medical schools, the development of new medical schools and assist in devising new plans beyond traditional modes and facilities for the education of medical personnel.

The national health policy program would develop active participation by the medical consumer in the planning of health care delivery system programs. It would also introduce a medical consumer education program and, most important from the viewpoint of the consumer, the national health care policy program would install accountability procedures to which medical consumers could address their grievances.

In summary, under the proposed national health care policy program, a health care delivery strategy would begin to put order and rationality into a non-system of medical care, which clearly is not now in the best interests of the American public.

National sales tax

We oppose the proposed hidden national sales tax (value added tax), which shifts the burden to the average wage earner and raises prices of virtually everything ordinary people buy.

V. EDUCATION

Replacement for section on Page V–4:

Equal access to quality education

We believe in equal access to quality education for all students, regardless of race. When transportation of students is consistent with quality education, when parents consent, and where time and distance are not detrimental to the welfare of students, we do not oppose it. But we are unalterably opposed to busing to achieve racial balance irrespective of the guise under which busing may be ordered.

The American people want immediate relief from busing to achieve racial balance in the schools. We urge Congress to give the people this relief through the exercise of its constitutional power to limit the jurisdiction of the federal courts. We urge the Chief Executive to give the people this relief through the exercise of its constitutional power to limit the jurisdiction of the federal courts. We urge the Chief Executive to give the people this relief through directives to the Justice Department and the Department of Health, Education and Welfare to actively oppose the use of busing to achieve racial balance.

For long range protection to the people against forced busing to achieve racial balance, we favor the adoption of an amendment to the Constitution of the United States outlawing busing for such purpose.

Addition to Education:

Prayer in schools

We urge the adoption of an amendment to the Constitution of the United States to permit prayer in the public schools.

VI. CRIME, LAW, AND JUSTICE

Substitute for paragraph 1 on Page VI–5:

Preventing crime

The Constitutional right of the people to keep and bear arms must remain inviolate. A disarmed citizenry would soon lose its liberty and freedom. But persons who use guns in the commission of crimes should be punished.

Substitute for paragraph 10 on Page VI–8:

The quality of justice

By respecting the constitutional rights of the states to impose capital punishment as a deterrent to crime.

VIII. FOREIGN POLICY

National defense

Nothing is of greater importance to the American people at this time than the state of our National Defense, and, sadly, there is no area of our national structure so fraught with misrepresentations and inconsistencies, so much so that it is often difficult, if not impossible, for the nation to ascertain the true state of its defenses.

It is imperative that America remain safe and secure. We can pledge no less to the nation. Without this strength and security America cannot enjoy her right place of leadership in the family of nations. We must guarantee to our people that adequate means and resources will be provided to assure the continued safety and security of our country. Failing in this, little else matters.

We propose an intensive and immediate review of the policies, practices and capabilities of the defense agency with a view to reestablishing sound principles of logic and reasoning to the decisions and directives relating to our national security.

We are in accord with civilian control of our defense establishment but will insist that the civilian authorities work in partnership and harmony with which this country is blessed.

We will require our civilian and military leaders of defense to establish a reasonable relationship between defensive and offensive capabilities and provide our services with the proper arms, munitions, and equipment to afford a proper mix of both weapons and munitions.

We will place increased emphasis on research and development in the area of space, weaponry and mobility, as well as other areas vital to our national security.

We will assure to our services the best attainable weapons, equipment, machines and munitions.

We will guarantee to the services and to the nation that American troops will never be committed with less than full support of available resources.

We will seek efficiency in the collection and evaluation of vital intelligence throughout the services.

We will never permit a static situation to develop wherein America stands still while

her potential enemies continue to advance in all areas of development.

We will hasten the reconstitution of an adequate and efficiently organized reserve force throughout the several states of the nation. We will accept these reserve component forces into full partnership with the regular military establishment and will assure stability to their organizational structure and operation.

We will take all steps necessary to return our Merchant Marine fleet to its rightful place among the maritime nations of the world. This is not only vital to our national security but to the economic progress and viability of the nation. Maritime shipping has been, and will once again become, a vital part of the nations economy and trade activity.

We will take steps to make military service more attractive to the enlistee, the inductee and career personnel at all levels. We will support programs for better pay; better housing and living conditions, both on and off the post; more realistic programs of promotion potential so that merit and performance may be rewarded; equitable sharing of hardship assignments; an increase and more uniform retirement benefit to correct serious inequities now existing; a pay scale commensurate with that of private employment, with provisions for periodic increases measured by the cost of living index; improved and expanded medical and hospital benefits for dependents, and a restoration of the dignity and prestige rightfully due those engaged in the defense of our nation.

With military services becoming more attractive the requirement for involuntary inductions through the Selective Service System is reduced. However, we favor retention of such a system for so long as there is a need for manpower being acquired by this means. We would approve any changes to such system designed to eliminate inequities in the selection of inductees.

We would hope that eventually manpower requirements may be met on purely voluntary basis. In such an event, a fair and equitable system of civilian induction will be kept in existence, on standby basis, for use in the event of national emergency.

Foreign policy

One of the greatest needs of our country at this moment in history is a strong, realistic, well defined policy to guide our relationship with the other nations of the world. The policy developed to govern our actions in foreign affairs must be one well stated and well understood, first by our own people and, equally as important, by friends and foes alike throughout the world. The absence of any such well defined and consistent policy throughout the past two decades has contributed immeasurably to the chaotic world conditions now existing.

Our foreign policy will be one designed to secure a just and lasting peace. We feel that such a situation can best come to exist when nations deal with one another on a basis of mutual trust and understanding. If this be lacking, as is so often the case in today's world, the only alternative is complete frankness and determination to adhere to stated objectives and courses of action. If a nation, as is the case with an individual, will only say what it means and mean what it says, it will gain the respect, if not always the admiration, of its sister nations. It is in this regard that we have failed, so often equivocating in such a manner as to cause friendly, as well as unfriendly, nations to have grave doubt as to our stability, determination and reliability of purpose.

We feel that the road to peace lies through international cooperation and understanding. We will pursue this goal to the limits consistent with our own national interest. We will become participants in international programs of aid and development from which all member nations, including our own, derive benefit.

We will not abandon the United Nations Organization unless it first abandons us. It should be given fair opportunity at resolving international disputes, however, we will not subordinate the interest of our nation to the interest of any international organization. We feel that in this organization, as in any other, participating members should bear proportionate shares of the cost of operation and we will insist on financial responsibility on the part of the member nations. We also feel that the officers and officials of such organization must conduct themselves with an abstract air of objectivity and impartiality, and we will so insist. We will give this organization every opportunity to succeed in its purpose but should it fail, we will reappraise our relationship with it.

Foreign aid

Foreign aid and assistance, both of an economic and military nature, will be granted on a basis of what is in the best interest of our own nation as well as the receiving nation.

We will deny aid and assistance to those nations who oppose us militarily as well as those who seek our economic and military destruction by giving aid and comfort to our avowed enemies. This must be so in order to protect the economic welfare and national security of this country.

We will continue aid to those countries who need, deserve and have earned the right to our help. This will be done freely and willingly with every effort directed to elimination of waste and dishonesty from such programs.

Foreign aid must become an instrument of foreign policy and be used in such manner as to further the interest of this nation.

Export-import

We believe strongly in the free enterprise system for America, internally as well as in its trade relations with other nations. However, should the increasing inflow of imports from low-wage nations endanger employment or marketing by American industry, we will approve reasonable quantitative limits on these imports. We feel that our home industry is entitled to a fair share of the present market and of future growth. Before seeking additional legislation in the import field all efforts will be exerted toward securing negotiated agreements that would fully protect American industry.

We will insist on equitable tax treatment for any industry adversely affected by foreign imports, in the area of depreciation allowances for plants and equipment and in like measure.

We will cause the Department of State and other interested agencies of government to work toward the lowering of trade barriers against American goods in a manner consistent with the policy of our administration on controlling imports into the American market.

In the event certain segments of our industrial economy are adversely affected by foreign imports to such as extent as to cause economic harm, we will sponsor and develop programs of re-training and re-employment for those so affected.

Balance of payments

A serious situation now exists in our balance of payments and this must be ended.

We feel that the adoption of the programs and proposals set out in this Platform will result in a more favorable balance of payments situation. Specifically, we feel that the relief we so badly need in this respect may be achieved through reductions in spending for foreign aid, more efficiency in the use of funds for international programs, and more reliance on our allies in meeting heavy military expenditures abroad.

We have earlier proposed that foreign aid be granted on a basis of need and in a manner consistent with the best interest of this country and that it be denied those who aggressively seek our destruction. We strongly advocate efficiency in operation and the elimination of waste and corruption from expenditures under international programs, and we will insist that our allies assume their proportionate and rightful share of the burden of defenses in those areas in which we have mutual interest.

Our export-import situation remains in reasonable balance but our disastrous situation as to balance of payments is caused by excesses in our foreign aid program and other international gratuitous expenditures.

We will work to reduce our military expenditures overseas, not by lessening our military strength and preparedness, but by causing our allies to assume and bear their proportionate share of the burden.

Middle East

The Middle East remains a source of high potential danger to world peace. In the interest of securing a stable peace in this part of the world, we will take the initiative in seeking mutual cooperation between the adversaries in this area in reaching agreement in their age-old dispute. We will encourage the initiation of multilateral discussons to arrive at the best possible terms of settlement. This will mean resolving and stabilizing boundaries and the free use of water and land routes throughout this area. Binding non-aggresssion agreements must be developed and we must seek the mutual respect of both Israel and the Arab nations.

First and foremost is the need for sincere negotiations between these two parties. Until this is accomplished we must assure that no imbalance of force comes to exist in this area, nothing could more endanger the peace.

Should arms continue to be introduced into this area by foreign powers to such an extent as to endanger the peace in this part of the world, we must take steps to assure that a balance of force is brought to exist. We will join with other nations of the free world in providing the means whereby this balance of force will continue and the threat of aggression of one nation against another is made less likely. More importantly, this nation will strive in every way to merit and receive the friendship of all parties to this dispute and to earn the respect and good will of Israel and the Arab nations alike. The road to peace in the Middle East lies in this direction rather than in the continued use of military might.

Europe

We continue to regard Western Europe as an area of vital importance to America. In our concern with the interminable conflict in Southeast Asia we must not lose sight of the strategic importance of our relationship with our European allies. We must retain a posture of strength in this area and must work with and for our allies to assure that they remain economically and militarily strong.

We will continue to support the North Atlantic Treaty Organization and seek to strengthen it through the cooperative efforts of all member nations. We will retain the necessary troop strength in this vital area and will insist that our allies and member nations do likewise.

We will remain concerned for the captive satellite nations of Eastern Europe and share with them their hopes and aspirations for their eventual and inevitable return to the family of free nations.

Latin America

The interests of the nations of Latin America are closely related to those of this country, economically, geographically, security-wise, socially and politically.

We must and will provide aid and assistance to these nations to enable them to achieve political and economic stability and

to better prepare them to resist the threat of communist infiltration and subversion from the Red satellite, Cuba.

We will develop a program of assistance to these countries designed to relieve the conditions of economic and social poverty existing in some segments of these nations and to provide for their less fortunate citizens a better condition of life.

We will assist in the development of the agricultural and industrial potential of these nations and the development and proper utilization of their tremendous natural resources rather than the exploitation thereof, to the end that the nations of this hemisphere may live in peace, prosperity and harmony with one another and that the principles of the Monroe Doctrine may once again become a corner-stone of our national policy.

We will work with and support the Organization of American States.

Africa and Asia

The emerging nations of Africa and Asia desiring assistance and demonstrating a capability of reasonably assimilating such help and assistance will be aided. We will not aid in the replacing of one form of despotism with another, nor will we become concerned with the internal quarrelings of dissident groups and factions.

We disagree with present economic sanctions and pressures applied to Rhodesia and the Union of South Africa and will seek to have these removed and eliminated. We consider these to be nations friendly to this country and they will be respected and treated as such.

Vietnam

The Vietnam conflict must be resolved at the earliest possible moment. America has been involved far too long in this nagging, disruptive war. The decision has obviously been made for disengagement. This being so, withdrawal should proceed without delay.

This conflict should be resolved by mutual negotiations, if possible. It not, withdrawal should proceed on a basis affording safety to our departing forces. In either event, this nation should conclude this affair in a manner consistent with national honor and integrity, being ever mindful of the tragic situation of our American prisoners held by the enemy and the unaccounted missing in action personnel. Their safety, well-being and return to home and family must be conditions precedent to any final termination of this tragic affair.

Once disengaged from Southeast Asia our diplomatic and military policy should be such as to prevent any recurrence of the events that led us to this involvement in Vietnam, and care must be taken to assure that this country does not again find itself drawn by design or circumstance into such a national posture.

Disarmament and arms control

The Democratic Party stands for keeping America strong; we reject the concept of unilateral reductions below levels needed for adequate military defense. But effective international arms control and disarmament do not threaten American security; they enhance it.

The last Democratic Administration took the lead in pressing for U.S.-Soviet agreement on strategic arms limitation. The recent SALT agreement is an important and useful first step.

The SALT agreement should quickly be ratified and taken as a starting point for new agreements. It must not be used as an excuse for new "bargaining chip" military programs or the new round of the arms race.

A Democratic Administration should:

Carry on negotiations to expand the initial SALT agreement to other areas, especially to seek limits to the qualitative arms race and to begin reducing force levels on each side;

Seek a comprehensive ban on all nuclear testing, verified, as SALT will be, by national means;

Press for wide adherence to the Non-Proliferation Treaty, signed in 1968, and for extension of the concept of nuclear-free regions;

Seek ratification of the Protocol on Chemical Warfare without reservations;

In concert with our allies, pursue with the USSR mutual force reductions in Europe; and

Widen the range of arms control discussions to include new subjects such as mutual budget cuts, control of arms transfer to developing countries, restrictions on naval force deployments and other measures to limit conventional forces.

General

We will conduct the foreign affairs of this country on a basis of aiding, assisting and cooperating with our friends and recognizing and treating our enemies and adversaries as such. We feel that foreign affairs can be conducted effectively only when there is respect of our nation and this respect is best engendered by attaining a position of strength and adopting an attitude of firmness and fairness. This we will do.

We feel that when this nation again becomes a strong and determined nation, dedicated to a fixed national and international policy many of our existing difficulties throughout the world will become resolved and new difficulties are less likely to arise.

We will oppose aggression and subversion, Communist or otherwise, whenever it infringes upon the national interest of this country or its friendly allies through means appropriate to the situation.

We do not propose, nor does this or any other nation have this capability, to police the entire world. We will avoid unilateral entanglement in situations not vital to our national interest and will seek the cooperation of our allies at every opportunity.

IX. THE PEOPLE AND THE GOVERNMENT

Addition to Section IX:

The Federal judiciary

Our forebears, in building our government, wisely provided and established, in the Constitution of the United States, that the federal government should consist of three branches, the Legislative, represented by the Congress, whose duty and responsibility it is to enact the laws; the Executive, represented by the President, whose duty it is to enforce the laws enacted by the Congress; and the Judicial, whose duty and responsibility it is to interpret and construe those laws, not to enact them.

The Constitution of the United States provides that the judicial power of the United States shall be vested in a Supreme Court and in such inferior courts as the Congress shall from time to time ordain and establish; and, further, that the judges of the federal courts shall hold their offices for life, during good behavior.

In this Republic, there is a dual system of government, national and state. Each within its own domain is supreme, and one of the chief functions of the Supreme Court is to preserve the balance between them, protecting each in the powers it possesses and preventing any trespass thereon by the other.

In the period of the past three decades, we have seen the federal judiciary, primarily the Supreme Court, transgress repeatedly upon the prerogatives of the Congress and the rights of the states and exceed its authority by decreeing judicial legislation, in the form of decisions based upon political and sociological considerations. We have seen them, in their solicitude for the criminal and lawless element of our society, shackle the police and other law enforcement agencies; and, as a result, they have made it increasingly difficult to protect the law-abiding citizen from crime and criminals. The federal judiciary, feeling secure in their knowledge that their appointment is for life, have far exceeded their Constitutional authority, which is limited to interpreting or construing the law.

It shall be our policy and our purpose, at the earliest possible time, to propose and advocate and urge the adoption of an amendment to the United States Constitution, whereby each member of the federal judiciary at district level be required to face the electorate on his record at periodic intervals; and, in the event he receives a negative vote upon such election, his office shall thereupon become vacant, and a successor shall be appointed to succeed him by the appropriate original appointing authority.

With respect to the Supreme Court and the Courts of Appeals, we propose that this amendment require the re-confirmation of the office holder by the United States Senate at reasonable intervals.

THE GOVERNMENT AND THE RED CROSS

Mr. JAVITS. Mr. President, at the recent annual convention of the American Red Cross, Frank L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs, described the tragic plight of the more than 8 million international refugees and the dedicated efforts of the Red Cross to extend aid and comfort to these unfortunate lonely wanderers.

The increasing cooperation between the United States and the Red Cross, and Washington's "increasing support of and reliance on" Geneva as the new look of the future are stressed by Mr. Kellogg.

I commend the full text of the statement, entitled "The Government and the Red Cross," to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

REFUGEES, THE GOVERNMENT AND THE RED CROSS

(By Frank L. Kellogg)

Let me begin by noting that among all the privately-supported agencies dedicated to preserving human dignity and assisting human beings in need of help—and there are scores of these organizations with which your Government deals—it is the Red Cross, with its international bodies and its national societies, which is the most widespread and which carries the broadest range of responsibilities.

In Washington, with its unique relationship to the Government, the American National Red Cross has manifold programs with agencies other than the Department of State. But there are important matters which do bring your organization and the Department together, and these keep me in continuing touch with your able Director for International Relations, Samuel Krakow.

The chief of my office in Geneva, James L. Carlin, is so deeply involved with your organizations that he labors under the official title of "Counselor of Mission for Refugee, Migration and Red Cross Affairs."

So directly or indirectly, we work with the Red Cross in a number of programs. It is our inter-connected operations, in Washington and Geneva headquarters and in the field, on fronts around the world—particularly in refugee and migration matters—which I wish to discuss with you this morning.

First, I think, I should acquaint you with the world refugee situation as we see it today.

All of us here have lived through the refugee problems of recent years—some of us back to the displaced-person tragedies of World War II, a few of us all the way back to the Armenian and other relief programs of the World War I era. We all are aware, I

am sure, of the continuing, large-scale relocations of people, in Europe and elsewhere, over the years. We might assume that in this eighth decade of the enlightened 20th Century, man has been able finally to reduce this age-old by-product of persecution and violence at least to minimum proportions.

Alas, this is not the case. Relief and resettlement programs of the recent past indeed have re-established large numbers of people in new homes. But somewhere in the world, with dismaying frequency, new tragedies continue to occur, creating new refugees as fast as, sometimes faster than, the old ones can be resettled.

There are in the world today—and this is a current count—nearly 8 million men, women and children in refugee status, human beings who have fled from their homes in fear of life or safety because of civil strife, political or other oppression, or actual war.

The largest numbers, as you might expect, are in Asia. Africa has many hundreds of thousands. There are refugees on every continent, including among others in our own country nearly 230,000 Cubans. Had I been talking here only a few months ago, I would have had to more than double the world total—to almost 18 million people—in order to account for the tragic drama in South Asia. Almost 10 million refugees, Bengalis who fled from East Pakistan into India, were involved in that disaster.

South Asia this morning is the domain of another speaker—Miss Noreen Minogue of the Australian Red Cross Society. But I do have a few observations on that subject which I think are pertinent.

First, it was your Government which was the earliest and largest donor of food, supplies and cash in the vast United Nations relief operation to support India's care of the refugees. In coordinating U.S. assistance, I had the guidance and the benefit of the experience of your president, George Elsey, who with five other distinguished Americans was appointed by President Nixon to his Advisory Panel on South Asian Relief.

Tribute must be paid to the Indian Red Cross Society, whose workers performed a principal role in the immediate, on-the-ground refugee care in all the myriad camps. And to ICRC and the League of Red Cross Societies, and the national societies of more than a hundred countries, who supported the sub-continent's Red Cross and Red Crescent relief operations. American National Red Cross aid alone so far amounts to a million dollars. An invaluable contribution was your loan of 17 American disaster-relief experts, some of whom still are there.

Relief and resettlement in the sub-continent, as the result of events of the last year, remain severe problems not only for the countries concerned, but for the international humanitarian community as well. Many millions of human beings are involved—returned refugees in Bangladesh; displaced persons in Bangladesh and Pakistan; Biharis, Pakistanis and other minorities in Bangladesh; Bengalis in Pakistan; prisoners of war in Pakistan and India. Not only relief operations are involved, but also immense responsibilities for ICRC under the Geneva Conventions.

There are other areas of unusual current interest to those concerned with the welfare of refugees. In the Southern Sudan, scene of civil strife for seventeen years, there has been a recent accord between rebel leaders and the government. The United Nations currently is preparing to assess considerations which will be involved should it mount an international effort to assist in repatriation of perhaps 200,000 refugees who have fled into adjoining countries as well as about 500,000 displaced persons within Sudan. A program, if it eventuates, undoubtedly will involve the U.N. High Commissioner for Refugees, Prince Sadruddin Aga Khan, who in our opinion performed incomparably in the South Asia crisis and who has much experience in other African refugee operations. I understand LICROSS already is working with the Sudan Red Crescent Society to help resettle the displaced persons, and develop health and welfare programs on their behalf.

The exodus of refugees from Cuba has slowed to a trickle. Of more than a half-million Cubans who have sought refuge in the United States over the years, about 95,000 have become U.S. citizens and 282,000 have acquired permanent-resident status. The rest remain refugees. About 10,000 Cuban refugees are in other Latin American countries. Later this month I will be visiting Spain, to look into possible assistance for some 21,000 Cubans who are refugees in that country.

Departure of Jews from the Soviet Union continues at an accelerated pace. About 14,000 were permitted to leave during 1971, another 10,000 so far this year—the rate presently is running about 2,000 persons a month. In addition to voluntary agency help, they have government assistance under the U.S. Refugee Program. Almost all are going to Israel. But under an arrangement we concluded last September, some are eligible to come to the United States under the Attorney General's immigration parole authority.

With regard to Eastern Europe, I should record here a word of praise for the quiet work of the American National Red Cross—in cooperation with societies in the Communist countries—in arranging movement to the United States of members of families already in this country. To reunite young children with their parents, aged parents with their children, to my mind is one of the warmest forms of humanitarian good work.

Well, I will not further detail global refugee problems to you. The point I want to make is that these problems still are with us, they are going to continue to be with us, they are worldwide, and they involve at any given time the welfare of very large numbers of human beings. They constitute a present and future challenge to the Red Cross along with all the other national and international organizations, government and otherwise, dedicated to the cause of assisting humanity in trouble. It is a challenge your government—backed by compassionate public opinion and a sympathetic Congress—will strive to meet. But it is a challenge which cannot be faced at all without the mainstays of all relief operations—the Red Cross organizations and the voluntary agencies whose people do the actual work, face to face and person to person, for and among those who need help.

I'll turn now briefly to other, allied matters in which Red Cross organizations and the State Department concern themselves together. I was particularly pleased last year to have a meeting in my office with Marcel Naville, President of the ICRC, when he came to Washington to see President Nixon. Events continue to demonstrate the indispensability of ICRC, the oldest member of the Red Cross family.

ICRC's strict neutrality, its reputation for prompt and dependable action and unswerving devotion to principle—especially the principles laid down by the Geneva Conventions—continue to enable its delegates to operate in situations of upheaval where hostilities or political tensions bar the presence—even that of the League or the U.N.—of any other organization.

This has been demonstrated on many occasions—in Hungary in 1956, in Nigeria, in the Middle East, and, as I expect we will hear during the ICRC discussion this morning, in South Asia. It was to ICRC mediation that the U.N. Secretary General turned at the time of the Cuban missile crisis. It was ICRC delegates who performed invaluable negotiating services which helped free 400 passengers on three airplanes hijacked to Jordan in 1970. It is ICRC which in South Vietnam is providing invaluable assistance in carrying out the provisions of the Geneva Conventions on protection of war victims. And which, we all fervently hope, may yet be permitted to perform the same function in North Vietnam. IRCS's efforts to locate missing persons, in many devastating conflicts, is a primary service in the cause of humanitarianism.

Within your Government, it is my Office of Refugee and Migration Affairs which has a primary responsibility for relations with ICRC. The modest but regular U.S. contribution of $50,000 a year for ICRC comes from our budget, and occasionally, we are able also to make special contributions. Last year, for example, the State Department supplied an additional $1 million to help ICRC make up a deficit resulting from its operations in Nigeria and Vietnam. Another $1 million, for South Asia operations, came from the Agency for International Development.

Our working relationships with ICRC are conducted through your national headquarters in Washington, or directly by my office at Geneva. I know I speak for the entire Government when I say, without equivocation, that the world cannot do without the International Committee of the Red Cross.

A matter of current interest to us is the Conference of Experts on Humanitarian Law, which tomorrow begins a month-long second session in Geneva. The U.S. Government delegation is made up of representatives of the State and Defense Departments. The project, which grew out of the 21st International Conference of the Red Cross in Istanbul three years ago, is to strengthen and bring up to date the Geneva Conventions on prisoners and victims of war. We already are planning our participation in the 22nd International Conference of the Red Cross at Teheran next year.

Our relationships with the League of Red Cross Societies have been fruitful—both in disaster relief and in refugee assistance programs. LICROSS, among non-governmental international organizations, played a leading role in the South Asia refugee operations. Its important programs in Europe, the Congo, Nigeria, the Middle East and elsewhere have made outstanding contributions to the cause of humanity. People in the Department still talk about the late William H. S. Dabney, who progressed from Sam Krakow's office in your Washington headquarters to become Under Secretary General of LICROSS, and who handled major relief programs in Africa. And about Raymond T. Schaeffer of your organization, who was loaned by LICROSS to the Government of Algeria and did a great job running one of the greatest relief and reconstruction programs of modern times.

It needs to be said, I think, that in refugee and disaster relief, the U.S. Government steadily is growing away from the direct operations of the past into increasing support of and reliance on international organizations, ICRC and LICROSS among them. This is the practical approach in view of national sensitivities, and it is the mood of public opinion, of Congress, and of the present Administration. We in government look on refugee-relief and other humanitarian operations as essential support elements in attainment of American foreign policy goals. For the relief of human suffering and protection of the dignity of the individual are basic American objectives.

Furthermore, these operations tend to ease tensions and, in many situations, promote prospects for peace. These are among the many reasons why our Government is deeply involved in relief programs.

And, of course, this is why we regard the work of the Red Cross as so important—not only the programs of your international or-

ganizations abroad, but also the backstopping material assistance and public support provided here in this country by the American National Red Cross.

Thank you.

CHILD NUTRITION LEGISLATION TO INCREASE GOOD NUTRITION FOR OUR NATION'S YOUNG

Mr. HUMPHREY. Mr. President, the importance of good nutrition to the physical and mental development of our Nation's young, especially those in their infant and preschool years, has long been a subject of much discussion and concern. Although more research is needed concerning this subject, I am convinced that enough evidence is in to clearly conclude that lack of good nutrition among our Nation's young does adversely affect their physical and mental development.

Florence P. Foster, director of Early Childhood Education at the New Jersey State Department of Education, authored an article entitled "Nutrition and Educational Experience: Interrelated Variables in Children's Learning," which appeared in the June, 1972, issue of Young Children addresses itself to the subject of good nutrition and the ability to learn. I wish to commend this important article to the attention of my colleagues here in Congress and others interested in improving the development of our Nation's young.

The Birch & Gussow study of these questions in 1970 concluded that the most important factor in determining a child's resistance to disease and his growth and functioning is probably nutrition. Furthermore this study concluded that malnutrition and hunger, if not responsible for permanent impairment to intellectual functioning, do produce certain discernible behaviors which interfere with learning.

The Democratic Congress, over the past several years, has provided the major impetus in combating hunger and malnutrition in this Nation. Our national school lunch and breakfast programs have been greatly expanded as have our summer child feeding programs. Although Congress has clearly gone on record in committing itself to end hunger in this Nation, a continuous struggle has ensued between it and the executive branch of our Federal Government in trying to fulfill that commitment. While Congress has been generous with its appropriations for these purposes, the administration time and time again has subjected these program efforts to budgetary politics. They have often tried to substitute what I call cold promises for hot lunches. They have tried to hold down expenditures for our child feeding programs by manipulating eligibility standards, holding down reimbursement rates to States and deliberately delaying fund disbursements to mention only a few of their bureaucratic tricks in this regard.

Last year, State and local school administrators opened their school year in a state of confusion concerning the funding status of school lunch and breakfast programs. This, of course, was due to the battle that ensued between Congress and the administration over the administration's attempts to penny-pinch these important programs.

Another battle similar to last years may be in the making again this year. The administration is now trying to get Congress to enact the President's child nutrition bill in time for its application beginning with this school year. With school opening the latter part of September there is simply not enough time left for Congress to conduct the kind of overall review of the entire child feeding programs that the President's legislation would require. I and many other Members of Congress have many reservations and questions about the President's proposal that will require time to get resolved. Furthermore, the Senator from South Dakota (Mr. McGOVERN) and I have our own proposals relating to the overhaul of these programs which deserve to be considered along with the President's proposal. Therefore, I have asked that the child feeding programs for this next school year be considered immediately, followed later by a more comprehensive and thorough review of these more comprehensive proposals as they relate to future years.

In line with my request, the Senator from Alabama (Mr. ALLEN) chairman of our Subcommittee on Agriculture, Research, and General Legislation has agreed to proceed immediately with hearings and action on Representative CARL D. PERKINS' bill (H.R. 14896), which has already passed the House, and my bill (S. 3691) relating to this year's program. He plans to consider the more comprehensive bills that have been introduced later this year which will include my proposed Universal Child Nutrition and Nutrition Education Act.

Hearings have been scheduled on H.R. 14896 and S. 3691 for next Friday, July 28, 1972. These hearings will be held in the Senate Committee on Agriculture and Forestry's hearing room 324 of the Old Senate Office Building beginning at 9:00 a.m.

At that time I will be testifying on an amended version of my bill, S. 3691, which will contain several improvements in the Perkins House-passed bill, H.R. 14896. One of the amendments I will be offering will provide for the establishment of a national infant feeding program to attack malnutrition among young children in their infant and preschool years. It is during these early for formative years that adequate nutrition is most critical.

As I indicated earlier, it is during these years when malnutrition causes its most serious damage—both as it relates to a child's ultimate physical and mental development. Several pilot programs have been undertaken in cities such as Baltimore and St. Louis to combat infant malnutrition through supplying manufactured formulated foods, which have proven most successful. What I proposed to do in my amendment is to provide a $20 million program to conduct a similar program nationwide.

Officials operating the Baltimore pilot program tried early this year to get additional funding for their program from the U.S. Department of Agriculture, but were turned down. Other cities may have had similar experiences in this regard.

The importance of combating malnutrition among the very young is not only important to the individual children involved but to the Nation as a whole. If we fail to combat malnutrition at this critical stage of human development, we are encouraging the development of physically and mentally deficit citizens who will not only be denied the opportunity to achieve their rightful potential in life but will be destined to become drains on their families and society generally. Therefore, the program I will be recommending should be viewed as a sound investment in human development, both, as I have said, as it relates to the individual child, and to the society in which he or she lives.

Miss Foster's article speaks well of the point of my proposed program. I urge both the Committee on Agriculture and Forestry and Congress as a whole to adopt the program this session.

Mr. President, I ask unanimous consent that Miss Foster's article be printed in the RECORD.

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

NUTRITION AND EDUCATIONAL EXPERIENCE: INTERRELATED VARIABLES IN CHILDREN'S LEARNING

(By Florence P. Foster)

Over the years there has tended to be an arbitrary and false distinction between day care as a care and protection type of service and other programs of young children which have education as their principal purpose. Advocates of quality day care maintain that all young children have the right to education *and* sound nutrition *and* a safe, healthful environment. Day care priorities are not single-focused but multifaceted and interacting.

Until recently the interrelatedness of program components and the need for day care centers to provide what a child should receive in a good shcool, as well as a good home have been insufficiently acknowledged. However, long-awaited support for comprehensive quality child care is emanating from a variety of sources. "Comprehensive family-oriented child development programs including health services, day care, and early childhood education" topped the list of concerns of the 4,000 delegates to the 1970 White House Conference on Children a year ago last December.

The great proliferation of studies at the early childhood level has made the public and professionals from other disciplines aware of what early childhood educators have always believed; that is, a child's early educational experiences can affect his attitudes toward learning and later school performance. Research regarding the effect of malnutrition and hunger on intellectual development is producing a substantial body of evidence that a direct relationship exists between inadequate diet and reduced learning power. It is in the context of its interrelatedness with other aspects of day care, especially the educational component, that the food program of the child care center is approached.

NUTRITION AND INTELLECTUAL FUNCTIONING

How does nutrition or its converse, malnutrition, affect intellectual functioning? It is suspected that chronically and acutely malnourished children may be retarded in their intellectual development. The degree to which this might occur would depend on the duration, severity and age at which malnourishment was experienced. Because the human brain is almost complete by age four and

after that time seems to have tremendous stability despite malnutrition, permanent effect on brain size and composition would be most likely during the period of greatest growth; that is, the last three months of pragnancy through the first years of life, with the most critical time the period before the first birthday (Birch & Gussow, 1970; Winick, 1969). Simonson and Chow (1969) go so far as to suggest that maternal deprivation of adequate nutrition may contribute to the wide range of differences in human intellect. As might be surmised, definitive research of this nature is very difficult because scientists obviously cannot experiment with human beings, because control populations are difficult to identify, and because malnutrition occurs in combination with other factors.

Among children of some of the underdeveloped countries, severely restricted protein intake during the early years has had particularly adverse effects on intellectual functioning. Early results from the National Nutrition Survey suggest protein-calorie malnutrition is an important form of malnutrition in the United States (Latham, 1970). It is manifested by retarded physical growth and development in mind and moderate cases. Effects on subsequent intellectual development have yet to be determined. Several studies are now underway in Mexico, Guatemala, Colombia, and elsewhere which may make it possible to establish factually which is now surmised about the relationship of malnutrition to intellectual development.

Day care centers in the United States are not likely to enroll children in advanced stages of malnourishment. Why then are we concerned? In the first place, our society is committed to the concept of positive health, which makes possible optimal development and functioning, rather than the negative definition of health as the absence of disease. The most important factor in determining the child's resistance to disease and his growth and functioning is probably nutrition (Birch & Gussow, 1970). Second, malnutrition and hunger, if not responsible for permanent impairment to intellectual functioning, do produce certain discernible behaviors which interfere with learning. For example, apathy and lack of initiative accompanied by irritability are a syndrome of nutritional stress (Birch & Gussow, 1970).

Early childhood educators try hard to foster intellectual curiosity, exploration and experimentation because these are the ways that young children learn, yet unresponsiveness is characteristic in malnourished children, so much so that in clinical settings renewed interest in the environment is used as evidence that the child's nutritional state is improving. After a complete analysis of the research, Birch and Gussow (1970) concluded, "There is no question that the child's ability to respond appropriately to significant stimuli in his envronment is retarded during the period of chronic malnutrition; and that continued malnutrition is accompanied by progressive behavioral regression."

Experiments with animals have shown that physical development of the brain and learning capacity are affected when they are deprived of opportunities to explore a rich and challenging environment. Studies of children seem to indicate that this probably holds true for human beings as well. However, it is also known that undernourished, tired, apathetic children are unable to utilize the environment, no matter how rich and inviting. This suggests that the end effect on learning may be similar for the malnourished child in a stimulating learning environment and for the well-nourished child in an intellectually barren environment.

It is very difficult to identify at which point a person can be labeled as undernourished. All centers probably have some children who arrive without breakfast, whose families have irregular eating habits for a variety of reasons, whose intake of proper nutrients is inadequate, who may suffer from any number of debilitating conditions such as iron-deficiency anemia or vitamin shortage. Day care centers have a great opportunity to correct these situations in the course of the long day.

Of particular interest to day care center sponsors should be findings related to the importance of the breakfast program. In a study conducted by the Tulane University Early Childhood Research Center, one group of children was provided with lunch; the second group was served breakfast as well as lunch. After six months medical tests revealed marked nutritional improvement among those who had both breakfast and lunch as compared with little improvement among those who had received only lunch (Office of Economic Opportunity, 1971).

One of the recommendations of the 1969 White House Conference on Food, Nutrition and Health was provision by day care centers of 80 percent of the child's total nutritional requirement daily. Breakfast, a hot lunch, and nutritious snacks will not only raise the child's resistance to disease, which in turn will prevent loss of learning time, but can help bring about motivational and behavioral changes by increasing his responsiveness to people, materials and ideas, his curiosity, initiative and desire to learn, and his ability to attend and persist with learning tasks. These "learning-to-learn" behaviors form the foundation for academic success during the later school years.

NUTRITION EDUCATION FOR PARENTS

How can the day care center assist parents to provide better diets and establish good eating habits in the home? Studies by Neff and Pontzer (see Birch & Gussow, 1970) have shown that women with limited education, inadequate kitchens and little experience with new foods for following recipes will not utilize unfamiliar foods, regardless of economy or nutritive value, even though their families may be hungry. It is also important to note that, while improved financial conditions in the home seem to result in better diets, income is not the sole determinant of proper diet. That is, more education appears to be associated with a better diet even among families with equal incomes. Therefore, programs of nutrition education for parents can further the goal of the day care center to see that children and their families are provided with nutritionally adequate and balanced diets on a long term basis.

Teachers who have received some help in furthering their own understanding, not only of good nutrition but of the social and economic realities of the families with whom they work, can be of help in indirect ways as they work with the children. For example, in the book *Schools for Young Disadvantaged Children,* it is suggested that they may occasionally utilize powdered milk instead of whole milk as a recipe ingredient during a classroom cooking activity. "It may be a practical way to influence the diet of children from homes without adequate refrigeration, or scanty funds, or lack of time for regular milk purchases. Certainly the common refrain of teachers telling children to drink a certain number of glasses of milk each day has driven more than one wedge between families and school" (Hamlin, Mukerji & Yonemura, 1967).

Nonworking parents and those who visit on their days off can eat with the children or help as volunteers during the lunch hour and learn first hand about the diets of young children and good meal patterns. Posting weekly menus or sending copies home is another way of involving parents in nutrition education.

FOOD IN THE DAY CARE CURRICULUM

In what ways can activities with foods be utilized as learning experiences? The long day makes it possible to integrate food preparation, classroom cooking activities and mealtime into the total day care curriculum from which children can not only incorporate the facts of good nutrition but other learnings associated with math, science, social studies, language and reading readiness. Sensory and perceptual awareness, motor skills and eye-hand coordination are promoted as children measure, sift, stir, knead, peel, slice, cook, bake, taste, touch, smell and observe physical and chemical changes during food preparation. They learn to follow directions as they cook with the teacher and assistant. Social skills and cooperation are encouraged. Children begin to develop sound food habits, positive attitudes toward food, an acceptance of a variety of foods, and some understanding of the relationship of food to growth and health. Language expression, vocabulary, and intellectual understanding are furthered by discussion during and following the cooking process and especially at mealtime. Introducing recipes of different ethnic groups as well as their own can help children understand and appreciate their own individuality and worth and that of others.

It is revealing that in an applied service project in South Side Chicago with eight groups of four-year-olds, the group which made the highest educational gains was the one that was described as "food-oriented," in which there was "a great deal of ritual connected with the warm noonday meal" (Hamlin, Mukerji & Yonemura, 1967). In short, the food service program of a day care center can provide a laboratory for learning if the adults—director, dietitian, cook, teachers, assistants, etc.—understand child development and early childhood education as well as nutrition and use food as a means for providing and extending learning experiences on a day to day basis.

SUMMARY

Quality day care should be the right of every child who needs this service. The best centers provide what is offered in good schools together with what is found in good homes. This paper has focused primarily on the nutrition component and its relationship to learning while noting that priorities in day care as a living-learning environment are multiple and interdependent in terms of meeting the total needs of the developing child and in making the difference between school success and failure.

To the researchers can be left the question of whether permanent intellectual damage will result from severe malnutrition. Day care center personnel need to be concerned with ways in which proper diet can affect the child's health and learning here and now. There is substantial evidence that improved nutrition carries with it many benefits and, combined with appropriate educational experiences, will enable children to become more fully functioning and involved in the learning process.

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WIRETAPPING AND THE ORGANIZED CRIME CONTROL ACT OF 1972

Mr. McCLELLAN. Mr. President, the Subcommittee on Criminal Laws and Procedures, of which I am privileged to be chairman, has received a most informative letter from the Department of Justice on the effectiveness of organized crime prosecutions under recently passed gambling statutes and the role which court-ordered wiretaps have played in such prosecutions.

The subcommittee is presently engaged in a monumental effort to revise the substantive criminal laws of the United States, using the final report of the National Commission on Reform of Federal Criminal Laws as a "work basis." In May, the Association of the Bar of the city of New York testified, submitting to the subcommittee a report, which must be characterized as a major and valuable effort, even where disagreement with the policy conclusions of the association is present.

One controversial assertion made by the Bar Association was that the code's proposed sections on gambling, sections 1831 and 1832, be eliminated. According to the report:

> The Committee feels that state anti-gambling policies are on the way out and are destined for eventual disappearance, but whatever the accuracy of its predictions in this regard, it believes that the question of criminal sanctions against gambling is essentially a matter of state and local, *not* federal, concern. A majority of the Committee recommends that the Code's gambling provisions be dropped.

In oral testimony, the association responded to a question which asked if the antigambling laws might not be a necessary tool in the fight against organized crime by declaring that the Department of Justice has not been successful in using such statutes as a means to strike at organized crime, particularly in its leadership positions.

As a result of the testimony of the bar, the subcommittee decided to ask the Department of Justice for its views in this area and the chief counsel was directed to obtain such a report.

The Assistant Attorney General for the Criminal Division, Mr. Henry E. Petersen, has now reported to the subcommittee that the Government has been increasingly successful and that the "gathering momentum of the Federal assault on syndicated gambling" is bearing fruit. Specifically, he indicated that 1971 and so far in 1972, the Department has convicted 18 known or suspected organized crime figures, including the head of the New Jersey syndicate and high-ranking members of the Genovese and Detroit syndicates. Twenty-eight more such figures have been indicted, including the leaders of the Brooklyn, Kansas City, and Florida syndicates and two high-ranking members of the Cleveland syndicate. In obtaining these convictions and indictments, he indicated that court-authorized wiretaps under the 1966 Crime Act and title VIII of the Organized Crime Control Act of 1970, both legislation that I sponsored in this body, have played important roles in the emerging record of success in the organized crime drive.

Mr. President, I ask unanimous consent that Mr. Petersen's letter and tables be printed in the RECORD.

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

JUNE 29, 1972.

Mr. G. ROBERT BLAKEY,
Chief Counsel, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. BLAKEY: Thank you for your letter of June 7. As you might expect, I disagree strongly with the allegation by the Association of the Bar of the City of New York that Federal anti-gambling policies have been ineffective against organized crime. I also feel that it would be unwise, at least at the present time, to embark on a policy of decriminalization in the gambling field.

It is unclear to me just why the Association believes Federal anti-gambling policy to be ineffective. However, the group appears to have emphasized the alleged failure of the Department to convict "men in leadership positions in the major national syndicates."

The Department has prosecuted several leading organized crime figures under the anti-gambling statutes. (See Table I, attached.) During calendar year 1971 and thus far in 1972 the Criminal Division's Organized Crime and Racketeering Section has convicted at least eighteen known or suspected organized crime figures, including the head of the New Jersey syndicate and high-ranking members of the Genovese and Detroit syndicates. Twenty-eight more such figures, including the heads of the Brooklyn, Kansas City, and Florida syndicates and two high-ranking members of the Cleveland syndicate, have been indicted during this time.

However, the conviction of organized crime leaders is only a secondary aim of Federal anti-gambling policy. The primary aim is to reduce the amount of revenue which flows from illegal gambling enterprises into organized crime. According to a survey made by a member of the Organized Crime and Racketeering Section, during fiscal year 1971 the Section indicted gambling rings doing an estimated annual business of over $867 million. (See Table II, attached.) The figure is likely to be even higher for the current fiscal year since 1,686 defendants have been indicted for gambling violations during the first ten months of this fiscal year as compared with 1,351 defendants during fiscal year 1971. During the first ten months of fiscal year 1972 the Federal Government has convicted operators and key members of at least twelve major gambling rings whose estimated annual business ranged from $1 million to $50 million. (See Table III, attached.)

The Federal assault on syndicated gambling is only now reaching full intensity. The use of court-authorized wiretaps, the enactment of legislation permitting the Federal Government to prosecute large intrastate gambling operations, and the expansion and redeployment of the Organized Crime and Racketeering Section are all comparatively recent developments; yet each has been crucial in the fight against syndicated gambling.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968 permitted the Federal Government to use court-authorized wiretaps where certain gambling violations were suspected. The Department began to authorize the use of the wiretap in early 1969, and since that time it has proved particularly helpful in the enforcement of the anti-gambling laws. During fiscal year 1971 Federal wiretaps played a part in the indictment of gambling rings doing an estimated annual business of over $766 million. During fiscal year 1972 Federal wiretaps aided in the prosecution of eight of the twelve major gambling rings mentioned above. From the beginning of calendar year 1971 to present the wiretap has aided in the indictment or conviction under the anti-gambling laws of thirty-four known or suspected organized crime figures. Perhaps the most convincing testimony as to the wiretap's effectiveness came from Martin Sklaroff, a convicted Miami gambler, who said: "You can't work without a telephone . . . Federal wiretaps are going to put us all out of business."

Title VIII of the Organized Crime Control Act, effective October 15, 1970, empowered the Government to prosecute, among other things, intrastate gambling operations of such size that they could be expected to affect interstate commerce. Title VIII provided for the enactment of Section 1955, Title 18, United States Code, which prohibits the operation of a gambling business which is a specified minimum size and which is illegal under State law. Despite its recent enactment, Section 1955 has already proven to be the most potent weapon in the Federal anti-gambling arsenal. During fiscal year 1971 gambling rings doing an estimated annual business of over $440 million were indicted under the section. Court-authorized wiretaps were used in the vast majority of these cases. During fiscal year 1972 eight of the twelve major gambling rings mentioned above were prosecuted under Section 1955. From the beginning of calendar year 1971 to the present time the section has accounted for the indictment or conviction of eighteen known or suspected organized crime figures.

Since early 1969 the manpower of the Organized Crime and Racketeering Section has increased one hundred percent. The number of the Section's strike forces—units of attorneys and Federal agents working in metropolitan areas through the country—has risen from six to eighteen. This enlargement and redeployment of the Organized Crime and Racketeering Section has insured that all the anti-racketeering laws, including those aimed at gambling, will be vigorously enforced.

The gathering momentum of the Federal assault on syndicated gambling is perhaps best illustrated by the increasing number of persons indicted and convicted under the anti-gambling laws. The number of persons indicted for gambling violations has risen from 174 in fiscal year 1969 to 1,351 in fiscal year 1971; during the same time span the number convicted has risen from 104 to 299. During the first ten months of fiscal year 1972 the Federal Government has indicated 1,686 persons under the anti-gambling laws and has convicted 328. Here, as in other cases, Section 1955 deserves special mention. The Federal Government indicted 591 persons and convicted 106 under the statute during fiscal year 1971. Section 1955 has accounted for the indictment of 1,391 defendants and the conviction of 181 during the first ten months of fiscal year 1972.

The Association has recommended a "general policy of decriminalization in the gambling field." This recommendation has apparently been made without awareness that the Congress, with the Department's support, has already provided for the establishment of a commission to explore the very issues which the Association now purports to resolve. Title VIII of the Organized Crime Control Act establishes a Commission on the Review of National Policy Toward Gambling which is to come into existence two years after the effective date of the Act. The Commission is to "conduct a comprehensive study" of existing Federal, State, and local policy towards gambling and "to formulate and propose such changes" as it deems ap-

propriate. The creation of this Commission is only a few months away.

In summary, the Association's evaluation of the Department's success under the anti-gambling laws is inaccurate. Its recommendation that gambling be legalized seems, at best, premature. Though the Federal assault on syndicated gambling has only begun to reach its full momentum, it has already made serious inroads on the forces of organized crime. To alter Federal anti-gambling policies at this time could prove a most serious mistake.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

TABLE I.—KNOWN OR SUSPECTED ORGANIZED CRIME FIGURES PROSECUTED UNDER FEDERAL ANTI-GAMBLING LAWS, 1971–72 [1]

INDICTMENTS, 1971

Name, district and comments

[4] Michael Astarita [2], [4] Gaetano Musto, D.N.J.

[6] Arthur Belli, [6] Anthony Astore, [6] Raffael Sabbato, D.N.J.

[4] Eugenio Stephano Campo, D.N.J.

(*U.S.* v. *Nicholas Nardone, et al.*) [3]

[3] Frank Joseph Caracci, [3] Vincent J. Marcello, [3] Salvadore J. Marcello; E.D.La.

(*U.S.* v. *Bally Mfg. Co.*)

[4] Nicholas Civella, [4] Anthony Thomas Civella,, [4] Frank Tousa; W. D. Mo.; Boss of the Kansas City Syndicate.

[6] Joseph Colombo, Sr., [6] Thomas Amato; E. D. N.Y.; Boss of the Brooklyn Syndicate; Colombo has been incapacitated by an assassin's bullet.

[6] Albert Di Stephano, S.D.Ohio; Later committed suicide.

[6] Jack Herman, S.D.Fla.

(*U.S.* v. *Sam Winer, et al.*)

[4] John James LaGorga, W.D. Pa.

(*U.S.* v. *Irwin Charles Ager, et al.*)

[6] Joseph Louis Lanza, N.D. Fla.

[4] John Nardi, N.D. Ohio; Nardi and Delsanter are high-ranking members of the Cleveland Syndicate.

(*U.S.* v. *Joseph James Lanese, et al.*)

[6] Frank Thomas Narducci, E.D. Pa.

[4] Louis Ruggirello, [4] Anthony Imbrunone; E.D. Mich.

[6] John Pasquale Tronolone, S.D. Fla.

(*U.S.* v. *David Marder, et al.*)

INDICTMENTS, 1972

[6] Frank Cerone, N.D. Ill.

[6] Alexander "Pope Dee" Dalessio, E.D.N.Y.

[6] Henry Trafficante, M.D. Fla.; Boss of a large Florida syndicate.

[6] Peter Valente, S.D.N.Y.

(*U.S.* v. *Ernest Marro, et al.*)

CONVICTIONS, 1971

[4] Samuel Rizzo De Cavalcante, D.N.J.; Boss of the New Jersey Syndicate.

[4] Charles Majuri, [4] Joseph Ippolito, [4] Anthony De Pasque, [4] Alessio Barrasso, [4] Nick Zarro, [4] Ralph Masciola, and [4] Joseph Anthony Ferrarra, D.N.J.

[4] Pasquale Monzelli, E.D.Pa.

James Michael Pignetti, S.D.N.Y.

Nicholas Ratteni, S.D.N.Y.; high-ranking member of the Genovese Syndicate.

(*U.S.* v. *William Alter, et al.*)

CONVICTIONS, 1972

[6] Nicholas Fino, W.D.N.Y.

(*U.S.* v. *Joseph Fino, et al.*)

Jack Anthony Lucido, Peter Cavataio, E.D. Mich.

(*U.S.* v. *Donald Dawson, et al.*)

Francis Santo, S.D.Fla.

(*U.S.* v. *Al Mones, et al.*)

Anthony Joseph Zerilli; Michael Santo Polizzi; C.D.Calif.; Zerrilli and Polizzi are high-ranking members of the Detroit Syndicate.

Anthony Giardana, C.D.Calif.

FOOTNOTES

[1] This list does not include persons who have been acquitted or persons whose convictions have been reversed on appeal.

[2] Persons named in the same indictment are listed together.

[3] Unless otherwise noted, the defendants listed were also the defendants named in the title of the indictment, e.g., the case in which Michael Astarita was prosecuted was filed as *U.S.* v. *Astarita.*

[4] Case involved utilization of court-ordered electronic surveillance.

[5] Case involved violation of 18 U.S.C. 1955.

[6] Case involved both the utilization of court-ordered electronic surveillance and a violation of 18 U.S.C. 1955.

TABLE II.—GAMBLING OPERATIONS INDICTED BY ORGANIZED CRIME AND RACKETEERING SECTION DURING FISCAL YEAR 1971

INDICTMENTS AND ESTIMATED ANNUAL BUSINESS

Total Gambling—Operations Indicted: 129; [1] and $867,465,000.

Indictments Involving—Use of Court-Ordered Electronic Surveillance; 89; and $766,-871,000.

Gambling Indictments—Involving Violations of 18 U.S.C. 1965; 55; and $440,160,-000.

Gambling Indictments—Involving Both the Use of Court-Ordered Electronic Surveillance and Violations of 18 U.S.C. 1955; 45; and $420,565,000.

FOOTNOTE

[1] This total includes only the indictments of gambling operations doing a significant annual business; the total comprises 76% of the 169 indictments returned by the Section during fiscal year 1971.

TABLE III.—CONVICTIONS OF PERSONS INVOLVED IN MAJOR GAMBLING RINGS, FISCAL YEAR 1972

UNITED STATES VERSUS—

Case, number of defendants convicted, and size of operation

William Alter, et al., S.D.N.Y. (1971); 6; handled over $50 million annually.

[3] David Marder, et al., S.D.Fla. (1971); 2; handled $150 thousand a week.

Sol Titkin, et al., N.D.Ohio (1971); 2; records showed $200,000 business in a five-day period.

Raul Jimenez, et al., S.D.N.Y. (1971); 7; handled $5 million a year.

[3] Joseph Colombo, et al., E.D.N.Y. (1971); 14; annual gross of $10 million.

[3] Peter Tenore, et al., S.D.N.Y. (1972); 5; handled $10 thousand a day.

[3] Vincent Cafaro, et al., S.D.N.Y. (1972); 4; handled $65 thousand a week.

[1] Vincent Peter Pisancano, et al., S.D.N.Y. (1972); 6; handled $2.9 million annually.

[3] Earl Benton, et al., S.D.N.Y. (1972); 7; handled $5 thousand a day.

[3] Norman Simon, et al., C.D.Calif. (1972); 6; grossed $10 thousand a day.

[3] Richard Becker, et al., S.D.N.Y. (1972); 7; grossed approximately $125 thousand a day.

[3] Ronald Sacco, et al., N.D.Calif. (1972); 13; annual gross of over $15 million.

FOOTNOTES

[1] Court-ordered electronic surveillance used in investigating the case.

[2] Case involved violation of 18 U.S.C. 1955.

[3] Prosecution of case involved the utilization of court-ordered electronic surveillance and a violation of 18 U.S.C. 1955.

THE PUBLIC, THE PRESS, AND THE PENTAGON PAPERS

Mr. HARTKE. Mr. President, long after the Indochina war has ended we shall have to live with its consequences. These include, most obviously, the human costs in dead and maimed and the economic costs in veterans' benefits and interest on the national debt.

Less obvious, but no less real, are the profound shifts in public mood and temper in relation to our National Government, epitomized, perhaps, by the alienation of so many of our young people. Less obvious still, but no less consequential, is the altered relationship of Government and the news media—epitomized, though no means comprehended, by the upheaval over publication of the Pentagon papers.

Earlier this year, the University of Chicago magazine published a remarkably insightful two-part article on this theme by Prof. George Anastaplo, of the University of Chicago and Rosary College. Dr. Anastaplo has the rare gift, among commentators on public affairs, of being able to see beyond the immediate event, of being able to place the tempest of the present into the context of past and future.

I ask unanimous consent that his article, "Preliminary Reflections on the Pentagon Papers," be printed in the RECORD. I urge all readers of the RECORD to give it their thoughtful attention.

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

PRELIMINARY REFLECTIONS ON THE PENTAGON PAPERS

(By George Anastaplo)

O, it is excellent
To have a giant's strength; but it is tyrannous
To use it like a giant.—
—*Shakespeare, Measure for Measure*

I gave to the wife of a friend a few years ago, on the occasion of her naturalization, a bronze plaque depicting the stratagem employed by Odysseus to rescue his men from the cave of the blinded but still deadly Cyclops: it shows, of course, a man lashed to the underside of a ram. I explained that my gift illustrated a fundamental principle of constitutionalism which Americans should take to heart, a principle which helps decent citizens avoid despair and curb desperation. The principle is that "there's always a way out": that is, there are legitimate means provided within our constitutional system for dealing with each of the dangers we are likely to face and with the various inequities we should attempt to remedy.

Among the lessons needed to make and keep citizens and their country decent is one taught by still another "Odysseus." Thus, General Ulysses S. Grant instructs us in the second chapter of his *Memoirs:*

. . . Ostensibly (our regiments) were intended to prevent filibustering into Texas, but really as a menace to Mexico in case she appeared to contemplate war. Generally the officers of the army were indifferent whether the annexation was consummated or not; but not so all of them. For myself, I was bitterly opposed to the measure, and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies, in not considering justice in their desire to acquire additional territory.

Texas was originally a state belonging to the republic of Mexico. . . . (Its) occupation, separation and annexation were, from the inception of the movement to its final consummation, a conspiracy to acquire territory out of which slave states might be formed for the American Union.

. . . It is to the credit of the American nation, however, that after conquering Mexico, and while practically holding the country in our possession, so that we could have retained the whole of it, or made any

terms we chose, we paid a round sum for the additional territory taken; more than it was worth, or was likely to be, to Mexico. To us it was an empire and of incalculable value; but it might have been obtained by other means. The Southern rebellion was largely the outgrowth of the Mexican war. Nations, like individuals, are punished for their transgressions. We got our punishment in the most sanguinary and expensive war of modern times.

ARCHIVES AND EDITORS

The publication of excerpts from the "Pentagon Papers" archives began in the *New York Times* on June 13, 1971, continued for 2 more installments before being enjoined in the federal courts until June 30, at which time it resumed again for 7 more installments. In the meantime, publication started in the *Washington Post*, the *Boston Globe*, and the *St. Louis Dispatch*, all of which evidently drew extensively on copies of the Top Secret archives (of some 2½ million words) originally made available to the *Times* and all of which were similarly enjoined as they appeared in print with the story. The Supreme Court decision of June 30 permitted newspapers with access to the archives to publish what they chose. (Perhaps as many as 14 journals printed firsthand revelations from the secret documents.)

These archives, as probably every reader of this magazine knows, dealt with the history of American involvement in the Vietnam War. Subsequent to the lifting of the injunction, the *New York Times* version of the Pentagon Papers was collected (and rearranged) for publication by Bantam Books. There were appended to the 10 articles which had appeared in the *Times* 5 editorials of that newspaper published during and immediately after the litigation as well as the opinions of the Supreme Court in what became the *New York Times* and *Washington Post* case. The articles, as they appeared in the *Times*, included materials drawn from the Top Secret archives as well as commentaries by *Times* reporters on the archives materials (materials which consisted both of government operational documents and of analyses by some 3 dozen anonymous scholars of those documents and of the government's conduct of the war). There appeared in the other newspapers many references to and quotations from documents in the archives which were never used by the *Times*. (Indeed, it seems that the *Times* could use no more than 10% of the archives material made available to it. Even so, the Bantam paperback edition which has been published, and to which citations in this article are made, comes to 677 pages. In addition, the Government Printing Office has published a 12-volume set of the Pentagon Papers and the Beacon Press a 4-volume set. I have not yet examined either of these sets. The complete classified study, of 47 volumes, was officially entitled, *History of U.S. Decision-Making Process in Viet Nam Pol cy.*)

The operational documents are the most important materials in the newspaper collections. But it is difficult for even the informed reader to understand them properly without the aid of the analysts' discussion. The three dozen analysts evidently studied many more documents than they included in their 47-volume archives, with the result that the typical reader needs the additional help provided by the press. The press has culled the documents and analyses and placed them in context. That such culling and interpretation depend on one's experience and presuppositions may be seen upon comparing what has appeared in the different newspaper accounts which has drawn directly upon the archives. (Much of what appeared in various newspapers can be conveniently gotten by combing the *Congressional Record* for June and July of 1971.) Thus, care should be exercised by the citizen lest any particular newspaper's interpretative account be taken as authoritative, especially when the intentions of government officials are reconstructed and assessed.

The care with which all these press accounts should be approached is suggested as well by what one knows to have happened to the opinions of the Supreme Court (which we can check in their entirety in the Supreme Court Reports) in their republication by the *New York Times* and in the Bantam paperback. The footnotes for those opinions, which include not only citations to and quotations from relevant statutes and precedents but also observations and comments by members of the Court, have been omitted. Indeed, the failure of the editors to include the footnotes, which were immediately available upon the release of the opinions, means that certain perhaps significant qualifications by the justices of what they said in the body of their opinions have been neglected.

It should be noticed that it is implied by the *Times* that the opinions are reprinted in their entirety: certainly, there is no indication either that there were more than two dozen footnotes or that they have been omitted. It should also be noticed that editorial decisions about the opinions seem to have been made by someone not familiar with the operations of the Court. Thus, for example, the opinions have been reprinted in what a student of the Court would have known was the wrong order. Is similar editorial judgment, with its consequent adverse effect upon precision and depth of understanding, evident as well in the selection and publication of the Pentagon Papers? Is there, in fact, something about the pressures upon the daily press which distorts what is done by editors? Is there not something about the limitations of public opinion which hobbles even our best newspapers?

We have heard much in recent months about the right of citizens to know. But a corollary to that right is the duty of citizens to think. Indeed, a citizen cannot really begin to *know* what is going on if he does not think about the information made available to him. Among the pitfalls to be avoided by the inquiring citizen is that pitfall into which the men who "brought us Vietnam" fell, that which is concealed by one's failure to assess properly the actions and motives of others. We should, that is, resist the temptation to make mere villains of the men who *were* responsible for the costly mistakes of the United States in Southeast Asia. (Would it not have set things in better perspective, and been fairer in assessing government actions, if there had been reprinted with the *Times* collection some of the early editorials of that newspaper supporting the policy of our government in Vietnam?) We should also resist the temptation, as we perform the citizens' duty of concerning ourselves primarily with American decisions, to forget the shortcomings of the callous men in Hanoi, Peking and Moscow who also contributed (perhaps even more than the American government) to the slaughter of hundreds of thousands of men, women and children in Indochina. Consider, for example, the many lives ruthlessly sacrificed for the dubious victory of the 1968 Tet Offensive. (See General S. L. A. Marshall's review, in *Book World* of October 24, 1971, of Don Oberdorfer, *Tet! The Story of a Battle and Its Historic Aftermath.*)

REVELATIONS AND CONFIRMATIONS

It may be a matter of chance that the appearance of the Pentagon Papers was as dramatic and hence as instructive as it was. The timing was such that nothing else of considerable interest competed in the news with the publication of these papers: campuses had been quiet for a year; Congress was between battles; the opening toward Peking had not yet been announced. The papers appeared at a time when dissatisfaction with the war in Vietnam was mounting, when (it is salutary to believe) more and more respectable Americans were expressing, and looking for opportunities to express, serious reservations about what had been done there in our name. It was evident the war had long lost serious "Establishment" support: after all, an eminently cautious university president had been obliged to say publicly (even though still ambiguously) in November 1968, "The outrage of this war continues." (See Anastaplo, *The Constitutionalist*, p. 817, line 1, p. 822, line 45.)

The institutional source of the Pentagon Papers—there might have been less public interest in them if they had had to have been labelled the "State Department Papers"—probably contributed to the glamour of the journalistic enterprise, as did the considerable effort and space that so prestigious a newspaper as the *Times* was prepared to devote to them. In addititon, there was the promised pleasure of looking at forbidden documents, a pleasure intensified by the efforts of the Attorney General to suppress publication of the series. These efforts of the Attorney General to secure such "prior restraint" seem to have insured that other newspapers would go looking for copies of the archives and that they would publish at considerable length whatever they found. Once the Supreme Court permitted resumption of publication by the *Times* and *Post*, the American press lost much of its interest in the Pentagon Papers. (No doubt, interest would be revived if the Department of Justice should be so imprudent as to insist upon prosecuting Daniel Ellsberg for releasing the papers to the press. Will it not be awkward to prosecute him without indicting and prosecuting as well the *New York Times* reporters and editors who received and retained possession of these papers? But it would be even more awkward in an election year to convict men who seem to be destined to receive a Pulitzer Prize for journalism. See *Congressional Record*, vol. 118, pt. 2, p. 1289.)

(And now the columnist Jack Anderson has published a series of "papers" of his own. His inconclusive series of papers on American policy toward India and Pakistan was only a few weeks old at the time of publication and may be much more "sensitive" than the Pentagon Papers were when they were published. When informed that an assistant attorney general was investigating him, Mr. Anderson replied, "I'm going to investigate him. I have an idea I'll know more about him than he knows about me. He can take his [information] to a grand jury, and I'll take mine to the public." *Chicago Sun-Times*, Jan. 5, 1972. Cf. *Congressional Record*, vol. 118, pt. 1, p. 551. But see *ibid.*, vol. 118, pt. 1, p. 868. Mr. Anderson opened an article on his right and duty to publish classified documents with the question, "Do you feel as an American citizen that you have the right to know about an impending war?" *Parade*, Feb. 13, 1972.)

The Attorney General could have said, as the series began in the *Times*, that there was really very little new in the Pentagon Papers, little which had not been revealed before or which informed citizens had not long suspected. Certainly, anyone who needed these papers to enable him to understand what the United States did in Vietnam should reconsider what he reads or how he thinks about such matters. That which may have been new in the papers fit in so well with what we had previously suspected that it seemed as if we knew it all the time. We did not know, of course, of specific "covert" operations and plans of the government, but we did know *of* such things: learning the specific names and dates is not necessary for us to understand what has been going on.

It has been noticed that the papers, whether or not new, are somewhat fragmentary. We are not given everything we could have, but only materials which happened to be in the files opened to the Pentagon analysts.

But, it should also be noticed, the conformity of successive revelations in recent years to what we already knew suggests that further revelations (no matter what files should be drawn upon hereafter) will not add anything critical to what we already know about the information and arguments relied upon by our government in reaching decisions about Vietnam. When something like this war has been going on as long as it has, with the extended debate we have had in a free press, during political campaigns and in Congress, it is highly unlikely that data and reasoning believed by officials to have been significant would not have become public knowledge by this time. Thus, we should not expect from any future memoirs of former officials much in the way of either information or argument not already familiar to us. What we *can* expect from time to time is an extended self-justification, reflecting the personality of its author and buttressed by excerpts from classified documents. (Thomas B. Ross observed, in his review in the *Chicago Sun-Times* of November 7, 1971 of Lyndon B. Johnson's *The Vantage Point*, "The chapters on Vietnam are a breathtaking exercise in rewriting history."

With no fear of following Daniel Ellsberg into the dock, Mr. Johnson quotes extensively from the same top secret documents that provided the basis of the Pentagon Papers. A few weeks later, Jack Anderson reported in his *Chicago Daily News* column of November 30, 1971, "Lyndon Johnson is $1.2 million richer for selling his presidential memoirs, while Daniel Ellsberg faces a possible jail term for giving away a different version of the same story. LBJ's book . . . contains a detailed account of precisely the facts which government lawyers contended would imperil the national security if published in the Pentagon Papers. . . . Both Lyndon Johnson and Daniel Ellsberg made public secret documents, including some of the same documents about the Vietnam War. Johnson quoted only the selected passages that made him look good. Ellsberg released uncensored documents, which gave an objective, unvarnished account of the war." It should be noticed that Mr. Johnson's book was set in type before the Pentagon Papers appeared.

But to say all this is not to say that publication of the Pentagon Papers has served no useful purpose. It did bring things together, in a not uninteresting way, thereby inducing citizens once again to consider as a whole our Vietnam misadventure and providing them still another occasion to collect their thoughts about that war. Such accounts may also provide means to the community for purging itself of some of the passions stirred up by the war. There is about this story—about how and why the United States did what it did and about the effect of that action on this country—something of a morality play. Even the language and moral tone of our officials (which the Pentagon Papers *do* expose to view in a novel manner) lead the alert reader to dread the calamities which flow from arrogance, imprudence and gross miscalculation.

In addition, it can be argued that these papers are valuable in large part precisely because there is *not* much in them really new. Would it not raise even more serious questions about our regime than are usually raised if vital considerations in the making of public policy should not be, in the normal course of things, available in due time to public inspection? Thus, there should be something reassuring about the oppressive familiarity of the Pentagon Papers.

But there might be about this lack of revelation something disappointing as well: for the patriot might have hoped that his country's leaders did know something, and did think of something, which he was not aware of and which justified what seems to some to have been, in its essentials, a thoughtless campaign to which thousands of lives have been recklessly sacrificed. Thus, we are induced by the publication of this series to reconsider not only the war itself but also our very form of government. Perhaps even more important, reflection upon these papers permits us to notice certain things about the modern world which transcend both the Vietnam War and the United States.

"EXPERTS" AND POLITICIANS

The cast of public officials in the story told in the Pentagon Papers is made up of intelligent, conscientious, hardworking men. There is about them a devotion to duty and to the national interest which is worthy of commendation. They are men who could honestly say, as did the Joint Chiefs of Staff in a memorandum of October 14, 1966, "Certainly, no one—American or foreigner—except those who are determined not to be convinced, can doubt the sincerity, the generosity, the altruism of U.S. actions and objectives [in Vietnam]" (p. 552). The experts who advised the President—civilian and military experts alike—considered their country, to say nothing of freedom and dignity in the modern world, to be threatened by a barbaric, armed and ruthless creed; they were determined to do what they could to protect humanity both from piecemeal enslavement and from the nuclear holocaust which the prospect of eventual complete enslavement might precipitate.

Much has been made by newspaper commentators upon the Pentagon Papers of the deception of the American public practiced by the Executive during the election campaign of 1964. But it is far from clear to me, upon reading carefully through everything which appeared in the *Times* and through much of what appeared elsewhere, that it *was* certain during the summer and fall of 1964 that the President had definitely decided to raise significantly the American stake in the Vietnam War. I get, instead, the impression of a President who was putting off as long as he could the decision being urged upon him by his principal advisors. But there *was* the appearance of deception; thus, it can now be taken for granted, as it was last year in a House of Commons debate, that the American government demonstrated a "shameless" lack of candor at the outset of the Vietnam war. (*Economist*, July 31, 1971, p. 11.)

Not too much, it seems to me, should be made of contingency planning, that sort of thing must go on all the time. Thus, we can read in the Pentagon Papers of many contingency plans which were never used, including plans which forsaw recourse to nuclear weapons. Such plans must often be, in the nature of things, rather fanciful. One might even say that public servants would be derelict in their duty if they did not plan for all kinds of contingencies, some of them highly unlikely and even bizarre. They would also be derelict, of course, if they did not do what they could to make certain that most of the contingencies anticipated never materialized.

The impression of deliberate deception in 1964 is no doubt intensified in this instance because of the character of the President, a man who liked to play his cards close to his chest and, indeed, preferred not to have to play them until the last possible moment, if at all. The serious problem was not precisely that of deception but rather of the failure of the administration to honor the explicit and repeated assurances it gave us during the 1964 campaign: so far as we knew then, and so far as any document revealed since shows, the circumstances at the time of escalation in early 1965 were essentially those anticipated during the period when the reassuring campaign promises were made to the electorate. There is no indication in the documents, however, that anyone stood firmly in presidential councils for what had been promised to and ratified by the American people. It is sad to realize that the officials who made so much of their toughness, in their memoranda to one another, did not have the courage of our conviction and of the President's pledges.

Still another defense can be made against the much publicized charge of deception. However much our officials might have wanted to deceive us, they faced one difficulty which made deception virtually impossible for them to carry off, whether in 1964 or subsequently. Deception, strictly speaking, implies that the deceiver really knows, at least up to a point, what he is doing. But it is far from clear that these officials ever did know what they were really doing. And, even more serious, they did not seem aware that they did not know. (See Plato, *Republic*, 350, 414–415, 516.)

Of course, the official experts believed they knew all kinds of things. They knew, for instance, how the "dominoes" would fall if South Vietnam came under Communist domination. Their accounts of what could be expected to happen were graphic. When they got all wound up, in memoranda to one another, they saw, following upon the loss of Vietnam, the subversion of all of Asia and even Africa, with Europe and North America imperilled as well. At least, that was how their accounts ran in the early years. Later, after repeated setbacks suggested the prospect of their failure in Vietnam, they modified considerably these forebodings, some of them even going so far as to concede that it would have been better for the United States never to have gotten involved at all. (Cf. Harold W. Rood, "Distant Rampart," *U.S. Naval Institute Proceedings*, March 1967.)

Thus, the experts' speculations were both excessive and flexible, tailored somewhat to their prospects and to the mood of their superiors. Their main defect may have been their insistence that they "knew" things they could not have known. Indeed, one is obliged by their performance to wonder what expertise means in these matters. One sees again and again in the operational documents shoddy argument and an inadequate grasp of fact. The officials who liked to believe they ran the war were obliged on various occasions to dismiss the consistently accurate forebodings of those intelligence agencies which had been reformed because of the Bay of Pigs debacle. It was almost as if these officials were determined to have themselves a war to be remembered by. Their self-righteous confidence should warn their critic against similar failings of his own.

One wonders again and again upon reading through the operational documents, what did our public officials and their experts consider "the enemy" to be like? They had some general notions about global communism, perhaps even some notions about the Russians and the Chinese in particular. But their understanding of the Vietnamese, whether north or south, was primitive. The character of the enemy was, for practical purposes, irrelevant. It seems to have been thought that all that was needed for the United States to get its way in Vietnam was more and more military power. In short, were not American planners essentially materialistic? They did not, in considering how to oppose this manifestation of worldly Communism, take sufficient account of things of the spirit. It was only late in the war that we, having been forced to become aware of our miscalculations, began to think seriously about what the Vietnamese were like. The occasional fiery self-immolation of Vietnamese monks should have made us wonder from the beginning whether we understood that people.

Not only did our public officials not know their enemy, neither did they know their own experts. For instance, they should have realized, much earlier than they did, that their military subordinates could never get enough of what they asked for. Failure in campaigns was repeatedly explained away as due to the lack of this or that: something

more could have been, even should have been, done. When much more had been expended in the war than anyone ever had dared at its inception to suggest might be necessary, there did remain the legitimate question whether it had been expended efficiently. (See Stefan T. Possony's critique of how the war was conducted by the United States. *National Review*, Aug. 24, 1971, pp. 916–917.) It would always be conveniently forgotten what expectations had been conjured up for each phase of the escalation, expectations which took adequate account of neither Vietnamese resiliency nor the scruples of the American public. Also forgotten would be the concerns there had had to be about the open intervention of the Chinese if we went too far or too quickly.

But, it should be emphasized, our failings in Vietnam were not military but rather political. Civilian officials misled their military subordinates in the most decisive respect: they deprived the military of the guidance and discipline provided by firm, realistic political principles. (See *Congressional Record*, vol. 117, pt. 16, p. 20709.) That is, the military were working in a political vacuum—and so they were reduced simply to prescribing "more of the same." How else but as a "political vacuum" should one characterize our overriding desire, confirmed again and again in the Pentagon Papers, to preserve American prestige and to avoid humiliation? The national test became primarily whether the United States government could bend others (allies, enemy and its own public) to its will.

By 1966, we were reduced to insisting, in effect, that we would not be driven from a place where we did not really want to be anyway. It was as if Odysseus had insisted upon attempting to fortify himself in the Cyclops' cave.

PRAGMATISM AND MORALITY

Even more striking for the reader of the Penatgon Papers than confirmation of the realization that our public officials did not know what they were doing are the many indications that conventional ethical considerations were, for practical purposes, considered irrelevant.

Officials simply took it for granted that they were the only ones intellectually and emotionally equipped to decide anything, not merely that they were the ones constitutionally empowered and obliged to decide for the community. It was also taken for granted by them that what was really happening, and what was planned, did not need to be shared with the American people and in Congress. Public opinion, whether in the United States or abroad, did have to be reckoned with, but merely as something to be lulled, circumvented or reshaped. Only the men behind the scenes knew what was "really" going on. Even more important, only what went on behind the scenes mattered. Everything out in front was merely for show (for the "audiences" referred to again and again in the memoranda), not to be taken seriously by men who know what power is and how to get and to use it. One need not say that they *wanted* to deceive the American public; rather, they seemed to believe that the public could not be counted upon to understand such matters even enough to be truly deceived. But they did recognize that political power in this country still depends ultimately on public opinion and they conducted themselves accordingly.

Thus, public opinion was "respected"—in the way that weary parents move quietly through a house so as not to wake the troublesome infant who has finally fallen to sleep. World opinion was considered hopeless from the beginning; but even the babied American opinion threatened from time to time to become bothersome. What is wrong with any public opinion, it was evidently assumed by our public officials, is that it is far too likely to be permeated and hence softened by morality than is the opinion of experts. Thus, they could disparage "the breast-beating in Europe or at home" (p. 587); they insisted that, just as other countries acted in their self-interest, so should the United States, instead of "conduct[ing] all its affairs on the basis of a world popularity contest" (pp. 369–370).

I do not recall a single passage in the operational memoranda reprinted in the press from the Pentagon Papers in which officials expressed explicitly any concern about the morality of what they were doing. No doubt some of them *were* troubled, but they evidently did not consider it relevant or manly to show such concern in their day to day exchanges. They could sympathize with the "agony" of their colleagues, but it was agony not at being obliged to kill thousands of innocent people but rather at being kept in suspense as to whether they *could* go ahead and bomb their favorite targets (p. 478). They could tell one another that they wanted the United States "to emerge from [the Vietnam] crisis without unacceptable taint from [the] methods used" (p. 432). But the concern was about the "taint," not about the character of the methods. That is, it is again and again evident that they were far more concerned with the appearance of and reputation for morality than with morality itself. The nearest thing to an explicit statement of moral principle, as something to be directly acted upon, may have been the concern expressed by General Paul D. Harkins in 1963 about the impending betrayal by the United States of President Ngo Dinh Diem, a betrayal capped by the shameless hypocrisy exhibited in the final telephone conversation between our ambassador and the doomed South Vietnamese president (pp. 221, 232).

All this is not to say that there are not in the documents a number of indications of moral concern—*but they almost always appear implicitly as the problem of public opinion.* It seemed to be assumed by officials, when manipulating public opinion, "It is *their* morality, not ours!" Insofar as there was for them any ethical imperative, it was transformed into "loyalty" (and, ultimately, loyalty to the man who happened to be President of the United States). When high government officials became disenchanted, they might surrender their offices, but without any explanation to the public of what had happened to them or of what they had learned, thereby leaving it to lower echelon officials to expose what was going on by running the risk of illegally leaking documents to the press. Indeed, the disenchanted may not have been able to tell even themselves what had happened to them: that is, they may never have realized what was really troubling them, but they could have at least tried to make public their concerns.

Consider, for example, the memorandum opposing a proposed escalation of the bombing of North Vietnam which was prepared by the Secretary of Defense for the President in May 1967 (p. 580):

The primary costs of course are U.S. lives: The air campaign against heavily defended areas costs us one pilot in every 40 sorties. In addition, an important but hard-to-measure cost is domestic and world opinion: There may be a limit beyond which many Americans and much of the world will not permit the United States to go. The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one. It could conceivably produce a costly distortion in the American national consciousness and in the world image of the United States—especially if the damage to North Vietnam is complete enough to be "successful."

The most important risk, however, is the likely Soviet, Chinese and North Vietnamese reaction to intensified US air attacks, harbor-mining, and ground actions against North Vietnam.

It seems that the troubled author of this memorandum or his intended reader, or perhaps both, had become insensitive by this time to straightforward ethical discourse. The emphasis is still upon the "picture" and the "image." The effect on world opinion is a "hard-to-measure cost" (the known, and it would seem real, costs are American lives). Nothing is said explicitly of that which makes the picture "not a pretty one" or of that which might adversely affect world opinion. Nothing is said explicitly, that is, of ethical standards which do not depend, ultimately, on what others can be induced to believe about us. Thus, nothing is said of the problem of using as callously as we have for a decade another people (in both the south and north of Vietnam) to protect ourselves from dangers we anticipate years from now (p. 434). Indeed, it was insisted upon again and again that the Vietnamese should be prevented by their American benefactors from attempting among themselves to resolve their differences by any negotiations or coalitions. (See e.g., pp. 244, 310, 324–25, 584.)

One must wonder whether the fear both of China and Russia and of world opinion saved us from even worse misdeeds than we were guilty of in Vietnam just as the existence of our tremendous power as well as of world opinion kept the Russians from behaving even worse than they did the past quarter century. However that may be, we have become to a distressing extent like the enemies we would "contain"; indeed, "containment" has become literally that, in that we have all too often incorporated into ourselves the worst of them. It is difficult to think of anything Americans disapprove of in the enemy in Vietnam which we have not been guilty of as well, sometimes to a greater, sometimes to a lesser extent. It is ironic, therefore, that our 1965 escalation was heralded by an emphasis upon "the simple fact that at this stage of history we are the greatest power in the world—if we behave like it" (p. 422). What, one might ask, does "behave" mean?

When we notice that world opinion was with respect to Vietnam a more reliable guide to proper action than calculations of our self-interest, we should not do so without noticing as well the limitations of world (or, indeed, any public) opinion. These limitations are particularly acute with respect to the conduct of foreign policy. There *are* legitimate concerns of a community which the generality of mankind cannot be depended upon to appreciate, there are fine points of global politics and of diplomacy which only the disciplined and experienced mind can understand. Thoughtful men have always known that most people are not likely to be equipped to assess properly the foreign and military policy of a community. Serious men have long been aware of the difficulties posed for the conduct of foreign policy by the enthronement in democracies of public opinion.

One can concede such difficulties even as one recognizes that the United States would have been better served during the 1960s if a decent respect had been paid by us to the opinions of mankind. This continues to be true with respect to our callous bombings in Southeast Asia and our curious policy toward India, Pakistan and Bangladesh. (See, also, *Congressional Record*, vol. 117, pt. 36, p. 47905.)

It is evident throughout the Pentagon Papers that influential civilians in the government fancied themselves not only rough-minded but scientific as well. One expects, and even requires, roughness from generals. (Thus, an American general counseled in 1964 against the "danger of reasoning ourselves into inaction" p. 251.) The toughness in generals should be balanced, however, by

the deliberative element in others. But "science" has taken the place of "deliberation," and with it the adoption of new terms which conceal old sins. Not only are deliberation and serious argument neglected; they are disparaged as merely "noise level" (p. 297), "public noise" (p. 424), and "heat" (p. 430).

With the depreciation of the deliberative element in man—the transformation of the rational into the merely calculating—there has come a depreciation of that serious morality which depends upon reason. Morality, as our Vietnam officials saw it, was something which the public was saddled with even crippled by; morality fetters one's ability to understand how things really work; it is something which reveals and insures a naive grasp of the affairs of this world. They themselves were liberated from such old-fashioned restraints. That is, they praised as "pragmatism" what would once have been recognized and hence condemned as "Machiavellianism."

It was Machiavelli himself who observed that the people in their naivete tend to be morality-minded in their concerns: while the nobles can be depended upon to want more and more, not caring how they get it, the people are content to be left with the little which is their own. Educated men recognized long before Machiavelli the limitations of public opinion to which I have referred; they considered it one of their duties to try to shape public opinion in a useful manner. But those men, in refusing to go along fully with the simple pieties and naive moralism of the public, did not consider themselves liberated from the demands of morality. Rather, they recognized themselves as best equipped and thereby obliged to serve and realize the very same ethical standards and aspirations which public opinion vaguely, fitfully (sometimes even erotically) but definitely pursues.

But what happens in an age when the teachings of Machiavelli have prevailed, when they have ensnared the more gifted men? (See, on those teachings, Leo Strauss, *Thoughts on Machiavelli.* Glencoe, Ill.: The Free Press, 1958.) The "educated" continue to recognize the limits, as well as the power, of public opinion (and hence public morality), but they themselves (unlike their predecessors) are not guided by anything really higher or finer. Instead, they become eminently cautious, if not even fearful, as they sacrifice principle and good judgment (to say nothing of the good itself) to the demands of ambition: Plato's Thrasymachus and then his Callicles become their models of sensible men. Thus, the educated modern is not likely to be moved by anything but a morality keyed to success and appearance. Indeed, he is apt to be persuaded that it is expected of him that he should keep even natural compassion well in check. If there is to be, in such circumstances, any significant ethical restraint upon the exercise of power by the more gifted men it has to come from the sentimental, even backward, public, at least until Machiavellian man can be shown what he does and does not know.

It is the success of Machiavellianism (with its persuation of bright men that they *should not* be concerned about conventional morality) which helps legitimate the modern constitutional elevation of freedom of speech and of the press in public life. For it is freedom of speech—which never had to have in ancient (that is, pre-Machiavellian) times the status it enjoys today—which can help the public become as informed as it is capable of becoming. It is freedom of speech (with all its risks and banalities) which makes it possible for the deepest moral sense of the community, however crudely it may be expressed at times, to make itself felt in the conduct of foreign affairs. It is also freedom of speech which permits and even obliges citizens in private life to speak on public affairs, those private citizens who are as informed and intelligent (and sometimes even as experienced) as the men who happen to be in high office. Thus, it is freedom of speech and public opinion which help make it possible for us to live humane lives in an age in which even the most respectable among the sophisticated and ambitious have been so taken by Machiavelli as to permit themselves to do terrible things with "a good conscience." (See Garry Wills, "Are all of us war criminals?", *Chicago Sun-Times,* Jan. 11, 1972.)

LESSONS AND PROSPECTS

When we are obliged to rely upon public opinion to keep the educated modern at least outwardly respectful of common morality, we should do so with the limitations of public opinion clearly in view. For such opinion *is* crude, susceptible to demagoguery and to transient passions and in constant need of informed guidance. Consider, for example, the passionate Mr. Ellsberg's perceptive observation, "One senator told me that the American public doesn't care about Vietnamese dying. I said that's because no President or senators have told them they ought to care." (*Chicago Sun-Times,* Aug 14, 1971.)

Two reform measures should, in our circumstances, be considered, one which would make public opinion as good as it can be (even while its limits are recognized), another which would do something about what passes for education today. That is, both public opinion and the wayward educated are badly in need of reform. (A third measure has to do with institutional checks and balances: thus, for instance, one faction among the educated should be countered by another. But one difficulty with checks and balances is the disturbing tendency we have of requiring partisan politics to "stop at the waterfront.")

The measure which looks to the reform of education is the more fundamental, for it affects not only the quality and character of our leaders but, indirectly, the calibre of public opinion as well. When we reflect upon for instance, that ethical considerations are what the civic education of our future leaders should include. It should be recognized, for instance, that ethical considerations are a vital part of any political judgment, just as sound political judgment is at the core of any serious military strategy. It should also be recognized that the enduring basis of American reputation (and of a proper sense of self-confidence) is not mere power, nor the willingness and ability to use that power efficiently, but rather the use of great power sensibly and hence humanely. That is, we should make an effort to rediscover what the ancients thought they knew about the nature of man and of the universe which kept them from taking the fateful step which Machiavelli took ushering in modernity and its righteous callousness.

The other reform measure I have mentioned addresses itself (in various forms) to making public opinion as good as it can reasonably be expected to be. A healthy community can be depended upon to retain a conventional moral sense—and that sense, when properly informed and guided, is not likely (except in special circumstances) to diverge outrageously or for long from what natural right prescribes or at least permits. (See Anastapio, "Natural Right and the American Lawyer," *Wisconsin Law Review* [Spring, 1965], "Law and Morality," *Wisconsin Law Review* [Winter, 1967].) A somewhat refined public opinion, but not "refined" in such a way as to suppress the moral sense of a people, may still be found in Congress, among the men and women there who have time and information and experience and sanctions which permit them to learn things that the public may not or perhaps should not learn at once. That is, Congress should be encouraged to insist, with its tax powers as the critical sanction, on its constitutional prerogatives with respect to the establishment and informed supervision of national policy. Furthermore, Congress should, in order to preserve its influence, discipline those of its members who so abuse their privileges as to place all congressional prerogatives under a cloud. A responsible Congress is certainly to be preferred to irresponsible journalism. Does not the former make the latter less likely?

The President's Vietnam advisors, it should be noticed, were far less likely than the public, Congress and the press normally are to succumb to demagoguery: that which kept them hardened to moral concerns tended to protect them against obvious demagoguery as well. On the other hand, people can learn, and Congress can confirm, from the Pentagon Papers how the Executive conducts our affairs: most important, perhaps, everyone can learn (both from the Papers and from the war) the limits of experts. (This, by the way, seems to be something that experienced politicians are likely to be aware of. It is not insignificant, I believe, that there was not among the President's immediate advisors on Vietnam anyone who had campaigned for and served in elective office. That is, the political touch was missing—and the political touch is, at its roots, ethical. Nor is it insignificant, I believe, that Lyndon Johnson was never able, on his own, to become a national politician: there was too much of Texas and the frontier in him, something which the Eastern intellectuals who served as his advisors exploited in pushing him to go further than his common sense may have wanted him to go. One may even detect here the inception of the kind of resentment of intellectuals by politicians which the late Senator Joseph McCarthy exploited.)

We have seen in the Vietnam war, and this the Pentagon Papers point up, that various key assumptions of the Cold War have to be reconsidered if the public is not to be led astray again. Thus, we find ourselves again and again relying upon the sense of restraint of the Russians and even of the Chinese. In a way, this practical reassessment, if not repudiation, of the Cold War has been gotten relatively cheaply. That is, things could have been even worse than they were the past decade. Indeed, we can expect our next international involvement to be far more serious than Vietnam has been, if only because the more belligerent among us will be inclined to argue (unless they can be set straight beforehand) that our principal difficulty in Vietnam was that we did not strike at the foreign source of our enemy's power from the outset.

We have also seen as a result of the Vietname war that a people cannot continue to subscribe indefinitely to the errors we have cherished without being seriously hurt from time to time. There is, perhaps, some reassurance and hope in this: it is good to be reminded that there is (as General Grant indicated) a natural order of things which one ignores or transgresses at one's peril. These errors have been partly responsible for the illusions and passions which have been permitted to build up and survive and which move the extremists among us. A concern about such extremists may have interfered with the development by the Johnson administration of a sensible foreign policy: concern was expressed on several occasions about what the effect would be at home if the administration backed down in or even got out of Vietnam. Memories of the domestic debacle which followed upon the "loss" of China twenty years before were still vivid. Thus, the Cold Warriors, even when they personally came to see that the national interest called for withdrawal from Vietnam, were obliged to cater to the continued belief by a significant minority of their constituents in the myths which had been gospel for a generation. And in the process they inadvertently succeeded in misleading other constituents of theirs into believing that various truths upon which American foreign

policy has relied for a generation are in fact outmoded myths. (See *Congressional Record*, vol. 117, pt. 21, p. 28130.)

Perhaps there have been provided, by the experience in Vietnam, an incentive and an opportunity to refurbish the dogmas we have lived with since the Second World War, dogmas which (whatever their usefulness at one time) have come to paralyze rather than to sustain and to guide us. Consider, for example, the significance of John F. Kennedy's supposed intention to withdraw from Vietnam in 1965. That is, we have been given to understand, Mr. Kennedy did not dare withdraw before the election and Mr. Johnson did not dare escalate until after it. Can each be understood to have catered to different impassioned elements in the country? Such a state of affairs conceals deadly perils and requires correction.

Because of our experience in Vietnam, we have been obliged to recognize the limits of even a superpower's power. The irresponsible gamble we seemed to take and win during the Cuban missile crisis, in response to that of the Russians, threatened to mislead us about what we could and should do. Did *that* gamble lead to an accelerated modernization of the Russian navy as well as to the consequent weakening of our ability to provide the gallant Israelis the assurances they are in need of? Perhaps we have come to a better idea of what China is and is not, having been obliged to "rely" upon her close up. (It would be useful to study the many tacit agreements entered into between the Americans and the Chinese during the Vietnam war.) Perhaps, also, the Chinese have come to a better idea of what we are not. That is, perhaps the "confrontation" in Vietnam has made possible something of a rapprochement between the two countries. We should have now a better idea as well of how our own people behave in such circumstances, of what can be expected of them and of what should be guarded against, what we are capable of and what we are not and indeed should not be capable of.

Even more serious a problem than the Cold War and its dogmas is the problem of the language by which we live, a problem which antedated the coming of the Cold War and which is intimately related to the difficulty of engaging in serious discourse today. I have already noticed, in the language employed in the Pentagon Papers, the absence of explicit ethical concern. This deficiency is accentuated, if not even made possible, by the mechanical descriptions and awful jargon that our public officials used day in and day out to explain to (or perhaps to conceal from?) one another what they were trying to do. It is as if everything could be reduced to formulate and slide rules and tables, emptied of tradition and human content, and then simply manipulated. All this contributes, along with simple moral obtuseness, to the depressing effect of reading these memoranda, the same kind of effect the sensitive reader should get from exposure to rank obscenity, a saddening of the spirit at the sight of the corruption and exploitation of something good. (See my essay, "Obscenity and Common Sense: Toward a Definition of 'Community' and 'Individuality'," to be published by Swallow Press in the Spring of 1972 as a part of Robert E. Meagher's collection, *Toothing Stones: Rethinking the Political*.)

Has there ever been a time when men in high office in this country wrote such godforsaken prose as these men put to paper? (The memoirs of General Grant do provide a refreshing antidote.) The very least a President should require of his subordinates are memoranda which employ complete sentences and real words. To be caught up with jargon suggests that one has no mind of one's own, that one likes to be fashionable, that one has no serious respect for language. The debasement of language contributes to the impairment of thought, which contributes in turn to the weakening of moral judgment. (See Richard M. Weaver, *Ideas Have Consequences* [Chicago: University of Chicago Press, 1948].) A cable from Harold Wilson provides a welcome interlude among the Pentagon Paper documents (pp. 448–49). (It is evident, in his carefully worded message to a President desperate for reassurance from allies in Europe, that Mr. Wilson considered our Vietnam involvement quite dubious indeed.) There was, even in so devious a politician as that British prime minister, a sense of grace of language which the toughminded men close to the President were professionally incapable of.

The language of the Pentagon Papers suggests, perhaps more than anything else about them, the facile shallowness of the intelligent men upon whom the President relied. I return, with this observation, to what should be at the root of our concerns, the problem of the education of Americans. The educated man—the man who has some idea about what the world is like and about the limits not only of man's knowledge of the world but even more of man's ability to control it and himself—*is* open to the age-old case for moderation and for self-restraint. That is one reason why the truly educated man tends to be conservative and pacific. (See Joseph Cropsey, "Radicalism and Its Roots," *Public Policy* [Spring 1970].)

There is no substitute for a civic education which fosters understanding of and hence respect for all the virtues, particularly those of prudence and justice. (See Laurence Berns, "Aristotle's *Poetics*," in the collection of essayists, *Ancients and Moderns* [New York: Basic Books, 1964]. See, in the same collection, my essay on Plato's *Apology*.) It is only prudent to insist, not merely because fashions in "villains" change, that the intellectuals who have been high in the councils of a discredited president should not be denied, upon their return to private life, posts in the better universities. Much can be learned if serious students should be exposed to them. In addition, they themselves can learn from having to try to teach to the skeptical young what they believe themselves to know.

PREVIEW OF COMING ATTRACTIONS

To talk of serious reform in education is to talk of "the long run." It is not prudent to consider, along with the possible benefits of the publication of the Pentagon Papers, the immediate adverse effects of such publication upon "the security of the United States"? One should consider, among other things, the purposes, effects and abuses of our system of classifying documents as well as the centuries-old Anglo-American press tradition of "no prior restraint."

Both the risks and the safeguards of a regime such as ours, for which a free press is vital, remain to be considered, as do the implications of "no prior restraint." Thus, I propose to discuss in the second part of this essay the prudent "ways out" available to both citizen and government in circumstances such as those attending the preparation and publication of the Pentagon Papers.

PART II

I discussed in the previous issue of this publication what may be learned from the Pentagon Papers about the way our government conducts our affairs and about how our public servants conceive of our limitations—and hence of their duties. The chairman of the Senate Foreign Relations Committee has recently observed that the preparation, disclosure and publication of the Pentagon Papers "are unprecedented in the history of our country."

"Also unprecedented," he added, in a comment reflecting the passions aroused among us by the war in Vietnam, "is the extent to which the executive branch misled both Congress and the public." (Were not the deceptions of the Woodrow Wilson and Franklin Roosevelt administrations even more extensive and far more serious?)

Now we turn to what may be learned from the unprecedented litigation attending the publication, in June, 1971, of the Pentagon Papers. In doing so, we should keep in mind an editorial observation made in 1851 by the eminently respectable *Times* (of London):

"The first duty of the press is to obtain the earliest and most correct intelligence of the events of the time and instantly, by disclosing them, to make them the common property of the nation. The statesman collects his information secretly and by secret means. He keeps back even the current intelligence of the day with ludicrous precautions. But the press lives by disclosures."

Echoes of the English editor's sentiments may be detected in a statement made on June 19, 1971, by a *Washington Post* editor. He said that a desire to demonstrate to the Justice Department that silencing the *New York Times* would not "kill the story" was one of the reasons why the *Post* decided to publish what *it* could from the Pentagon Papers archives.

The publication of the Pentagon Papers raised, among other constitutional questions, that of whether the government of the United States may impose a "prior restraint" upon the press. That is, should the government (either through the courts or otherwise) be able in the normal course of events to prevent newspapers from publishing materials in their possession, the revelation of which the government sincerely believes to be harmful to the national interest? This question was addressed, and in part dealt with, in the litigation which quickly found its way up to the Supreme Court in June, 1971, when the government attempted to stop first the *New York Times* and then the *Washington Post* from publishing "top secret" materials from the Pentagon Papers.

The strength of the American tradition against "prior restraints" is reflected in the open defiance by even so law-abiding a newspaper as the *Chicago Tribune* of the massive efforts of the government to stop publication of the Pentagon Papers. Thus, the *Tribune* observed in an editorial of June 25, 1971:

"We want to play it square with our readers and explain why we have not printed something exclusive about the background of the war in Vietnam that would get us enjoined by a federal court.

"The primary reason, we must confess, is that no disaffected, ex-government employe has handed us copies of the top secret purloined Pentagon Papers.

"We tried to get copies of the Pentagon Papers last week after the courts shut off the stories in the *New York Times* and the *Washington Post*. We dropped the word in places where we thought it might be picked up by disaffected former Pentagon and State Department officials.

"As indicated, we probably would have accepted the handout ourselves, because we believe that much of the material which has been printed should be made known to the American public. This was the reason why last Sunday we devoted most of our Perspective section to a summary of the material printed in the first three chapters of the *New York Times* story. . . ."

On July 1, 1971, the morning after the Supreme Court announced its decision in the *Times* and *Post* case, a *Chicago Tribune* editorial included these judgments (despite the dissenting opinions of those members of the Court which the *Tribune* is usually most sympathetic with):

"The Supreme Court has probably reached the most sensible conclusion it could reach under the circumstances—namely that the so-called Pentagon Papers do not contain

material which would so jeopardize the national security as to justify prior restraint by the government against their publication.

"If the decision is a rebuke to anyone, it is to the succession of bureaucrats who have undermined the security system by overclassifying documents, often only to protect their reputations, and by failing to declassify them or lower their classification when this should have been done. . . .

"The court ruled for a free press."

In this article I consider the effect upon the United States of the security breaches seen in the Pentagon Papers revelations, and what the government may do (particularly by recourse to the courts) to prevent or to repair such breaches in security. But it is important to emphasize that my inquiry is not primarily into the question of what the government may conceal from the public, but rather of what should happen when the press does get something the government has (perhaps even legitimately) tried to conceal from public view.

It was agreed by most of the judges involved in the Pentagon Papers litigation, and evidently by all the lawyers representing the two newspapers, that the prior restraint sought by the government may be in some circumstances legitimate. It was for them "a question of fact" whether irreparable harm to the United States would be done on "this occasion" if the intended public should be permitted. I analyze the situation, accepting for much of this article their assumption that the constitutional prohibition upon prior restraints is not absolute.

Even so, an examination of the facts of such cases has led me to the unorthodox conclusion that the prohibition on "prior restraints" among us is and should be for all practical purposes absolute. (A useful discussion of the Pentagon Papers opinions of the justices of the Supreme Court, written from the orthodox point of view, may be found in the informed article by Harry Kalven, Jr. in Volume 85 of the *Harvard Law Review*. See, for the jurisprudential, or rather the rhetorical, underpinnings of the orthodox position, the article on "legal reasoning" by Edward H. Levi in Volume 15 of the *University of Chicago Law Review*.)

My principal argument (which is developed below) can be summed up in this manner: The seeming availability to the government of the remedy of prior restraint does not provide (in ordinary constitutional circumstances) serious protection for the United States, but only an illusion of protection, which illusion can have several bad side effects. One bad side effect is that it provides an opening for unscrupulous exercises of government power in more repressive times. Another bad side effect is that it immediately encourages more reckless publication than we should like. Thus, for example, the press is encouraged (under the orthodox view) to try to "beat the government to the punch." If, on the other hand, it should be generally recognized that there is (in ordinary constitutional circumstances) no possibility of prior restraint, a publisher is aware that he cannot be kept from publishing if he should consult the government about the national security consequences of what he intends to publish from secret documents in his possession. (Even the way the *New York Times* released its Pentagon Papers, by recourse to serial publication, did give the government an opportunity to reason with the *Times* while the series was in process of being published.)

A realistic view of the effect of an acknowledged absolute prohibition of prior restraints should promote (although, of course, it cannot guarantee) a responsible approach to the use of sensitive information by properly instructed and conscientious editors.

If a prior restraint *seems* to be available in the courts on any ground, the governments will eventually be tempted to believe it can do better than it did in June, 1971. As the law is presently understood, the government can usually get a temporary restraining order if it makes a serious effort to do so. And—human nature being what it is—governments will from time to time consider doing so, in the expectation that *they* can organize better the required allegations and evidence in *their* effort to make the temporary injunction permanent. Thus, both government officials and newspaper publishers are likely to conduct themselves differently from the way they would if they were not affected respectively by such expectations and fears.

In the event the government happens to learn of an impending publication of catastropic proportions (the extreme case which is sometimes conjured up in discussions of these matters), there are provided in our constitutional system (as we shall see) extraordinary measures which can be employed (independent of judicial injunctions) to forestall such publication. (Various kinds of persuasion, to say nothing of less police measures, may also be available.) In less than catastrophic circumstances, on the other hand, the government has available (as we shall also see) many mundane measures to discourage the misuse of sensitive information.

The fundamental question raised by the entire Pentagon Papers controversy bears upon the character of the constitution under which we live. The underlying and perennial problem about the relation between a concern for a sometimes useful secrecy and a desire for democratic rule may be discerned in what Plutarch reports of an episode in Athens during the lifetime of Aristides the Just:

"Themistocles once declared to the people of Athens that he had devised a certain measure which could not be revealed to them in public, but which was most important for the advantage and security of the city. They ordered that Aristides alone should hear what it was [that Themistocles proposed] and pass judgment on it. So Themistocles told Aristides that his purpose was to burn the naval station of the Greek confederates [of Athens], for in this way the Athenians would be greatest, and lords of all. Then Aristides came before the people and said of the deed which Themistocles purposed to do, that none other could be more advantageous and none more unjust. The Athenians, hearing this, gave Themistocles order to desist; such was the love of justice felt by the people [at that time], and such the credit and confidence they reposed in Aristides."

Can responsible members of Congress and publishers of newspapers be brought to appreciate and respect their Aristidean opportunities and duties? Is not this our most prudent "way out" as a people, to be able to discern and to trust the Aristides among us on those occasions when we should not insist upon knowing all that could be known about whatever is proposed by the government to be done on our behalf and in our name? But to *be* able to defer to an Aristides, do we not need as well a Themistoclean government, one which deals with us in good faith by alerting the public and its Congress when something truly questionable is being considered?

However that may be, it was fortunate for American constitutionalism that the dramatic struggle in 1971 between the government and the press found the contenders obliged to acknowledge and to respect each other's patriotism. It was fortunate, that is, that the issues I discuss below did not first reach the courts in, say, the 1950s, with hypothetically, the Communist *Daily Worker* preparing (on the basis of classified documents in *its* possession) to expose for public examination "the inside story" of General MacArthur's disastrous advance to the Yalu River and his subsequent insubordination. We might then have had really dangerous precedents of repression of the press to reckon with for generations to come.

It is partly to head off such dangerous precedents, as well as to guard against self-defeating reliance upon illusory protection, that it seems to me prudent for us to insist upon the absolute prohibition, "no prior restraints." (Constitutional government and the rule of law mean that there are often good reasons why one can be put in jail *for* doing something which one cannot be legally stopped *from* doing. Of course, the prospect of such jailing should have a restraining effect in ordinary circumstances.)

Whatever may be done to an offending publisher and his informant *after* publication, we as a community at least retain for our consideration the information they run the risk of providing us. We can then consider as well whether they were right or wrong, gallant or foolish, just or unjust in having dared to run for us the risk they did.

NEW ORTHODOXY AND OLD

Had there been more than was truly new than there was in the Pentagon Papers, the adverse effect of publication upon security might have been more of a problem for the courts than it was. But it would be rash to insist that no possible harm has resulted from the massive publication we have seen. The *Times* did insist in its editorials that it would not have made its decision to publish "if there had been any reason to believe that publication would have endangered the life of a single American soldier or in any way threatened the security of our country or the peace of the world." I do not believe that this is a prudent test: any course of action (ranging from rigorous censorship to uninhibited publication) runs risks and endangers lives. What must be determined is which course is most likely, in our circumstances, to serve the common good: a "body count" does not suffice.

It should be noted that the government was obliged to concede during the Pentagon Papers litigation that it is, strictly speaking, irrelevant to consider as a cause of harm, and hence as a basis for suppression by injunction, the fact that the documents in question might have been stolen. Indeed, American newspapers frequently publish, and are even expected to publish, purloined papers.

It should also be noted that the government was also obliged to concede during the litigation that the fact that a document has been designated a state secret does not settle the question of whether publication of it may be enjoined, not even if the designation seems to be both authorized and reasonable. After all, our form of government is such that the press is obviously left free, in ordinary constitutional circumstances, to publish materials which may indeed (and all too often do) harm the national interest. Yet the government's case and the concessions made by the newspapers would tend to permit Congress to provide for suppression by injunction of *any* publication which is likely to cause some serious damage to the country. The orthodox opinion, with respect to these matters, does not seem to me to realize that it permits, *in principle*, press censorship in the national interest, irrespective of whether the materials involved happen to have been classified.

We see here the fundamental questions under the First Amendment touched upon by this litigation, questions which should indicate why the orthodox opinion against "absolutes" (and in favor of selective prior restraint by injunction) conceals genuine dangers to our form of government. (I am reminded, by this orthodox opinion, of the damage done to "freedom of speech [and] of the press" since 1919 by the "clear and present danger" test.)

That is, it seems to me constitutionally improper for the government, in an effort to suppress by injunction the intended pub-

lication of secret documents, to rely upon any standards or reasons which would justify, as well, the suppression of publications based not on secret or classified materials but on what someone may figure out from unclassified material to be happening in the United States or abroad. The latter publications, without reliance on any classified materials, may be in a particular instance much more damaging to the national interest than the former. But would not "everyone" agree that analytical publications, not based on classified materials, should be beyond the reach of the law? Still, if the test is that agreed to by the government and the newspapers in the Pentagon Papers litigation, why should not Congress be able to act against such publications, even though they are not based on classified materials? This is one reason I suggest the orthodox opinion with respect to these matters does not appreciate what it opens the door to.

What, then, one might ask, *is* the purpose of classifying documents if newspapers cannot be prevented by injunction (at the option of the government) from publishing whatever may come into their possession? Classification is justified with a view to how the government tries to control the information it considers important to the national interest to keep secret, not with a view to what the government may do to recapture information it has lost control of. For if the government is permitted to recapture or immobilize by injunction information it has lost control of, it can only do so on the basis of legal principles and standards which would undermine and endanger that freedom of the press upon which our form of government so much depends to keep the sovereign public informed.

Thus, I am obliged to argue on this occasion—despite the insistence of the currently orthodox opinion on this subject—that the government can have no authority, in ordinary constitutional circumstances, to secure even in the national interest a prior restraint upon publication of any materials (classified or unclassified) which happen to be in the possession of the press. This argument seems to me not only to be doctrinally sound (echoling as it does the genuine orthodoxy of Milton's *Aeropagitica*) but also to be in accord with contemporary journalistic practices. (See Anastaplo, "Due Process of Law," *University of Detroit Law Review* [Dec., 1964].)

SECURITY AND WISDOM

We need not assume, in making these preliminary observations about the legal merits of the Pentagon Papers case, that American journalistic practices today are necessarily the best way of ordering things. Any realistic effort to justify suppression must take these practices, as well as the character of our form of government, into account. Lest too much be made of the harm that may be caused by publication of classified material—is it not obvious that harm can result from such publication, as well as from the publication of unclassified material?—it should be kept in mind that leaks of classified documents and of high level military decisions were expected and experienced throughout the Vietnam War. Indeed, such leaks were even promoted and exploited by our government (including high officials in the Pentagon), for political as well as for military (including propaganda) purposes.

There have been, it should be remembered, more important revelations about the conduct of the war published in newspapers in recent years than anything exposed in the Pentagon Papers, revelations which did not have their news value dramatized by massive publication or by the Attorney General's efforts. (Something should be said, in passing, about the usefulness of having potential enemies know a good deal about each others' capabilities, intentions and modes of solving problems. Ours has become a world in which surprise and the erratic should be minimized, lest things get completely—and permanently—out of hand.)

There was probably little in the Pentagon Papers that the Viet Cong and the North Vietnamese did not already know. Indeed, it is evident in these papers that all too often the primary "security" concern of our government was not to keep information (say, about air strikes or about offensives) away from the enemy (for the enemy had already experienced them and may sometimes have known of them in advance) but away from the American public, and even from Congress.

It seems to be common knowledge in Washington that many government documents (some experts have testified to as many as 95 percent of those which are restricted) should not be classified. It seems that the use of the "secret" classification is often exploited either to prevent political embarrassment or to make a document or the official classifying it seem worthy of serious attention. Is it not obvious that the best way to improve security, and to enlist the necessary cooperation of publishers in such an effort (for government employees will, for good as well as for bad motives, supply publishers classified documents from time to time), is to scrupulously reserve the "secret" classification for appropriate documents?

It is also said—to continue this review of arguments about the possible adverse effects on security as a result of the publication of the Pentagon Papers—that the prospect of more such revelations inhibits our private discussions with foreign governments. Once again, one has to examine cases and our circumstances. Curiously enough, it is suggested by the Pentagon Papers that it was secrecy, rather than exposure, which often inhibited negotiations *on this occasion*. One sees again and again that our governments pretended in public during the course of the Vietnam War that it was open to negotiations even while it worked in private to prevent them.

However that may be, there is relatively little in the papers I have seen which reports conversations with any foreign government other than that of South Vietnam. Certainly, there is nothing so dramatic and so troublesome as the recent unilateral disclosures by our President of secret negotiations in Paris, disclosures which some of his critics are so uncharitable as to consider to have been dictated by domestic political concerns.

The lack of conversations with foreign governments in the published documents is, we are told, in part due to the fact that the supplier of the material to the newspapers retained four volumes of the Pentagon Papers archives dealing with negotiations. That is to say, *he* also evidently tried to take the interests of the United States into account, as did the publishers who drew upon the materials they did receive. This should point up the fact that improper publication should not be the primary concern of the government, but rather whether truly sensitive materials come, in the first instance, into the possession of someone inimical to the interests of the country. Such a possessor of sensitive materials is not likely to send them to American newspapers for publication, but rather to foreign governments; and this he is likely to do in secret, not giving our government an opportunity either to intervene before he acts or to apprehend him afterward.

I go one step further concerning our dealings hereafter with foreign governments. Has not the publication of the Pentagon Papers improved rather than damaged our standing abroad? That is, has it not helped the American people begin to repair the damage done by our government (because of Vietnam) to our standing, and hence our interests, among civilized people everywhere? Has there been any serious criticism of publication from communities with a form of government similar to ours? I suspect, instead, that many governments are relieved to learn that a country as powerful as ours has begun to pay greater respect than in recent years to what an informed world opinion thinks about how we use our power.

Critics of the press have said that publication of operational documents inhibits discussions among the President's advisers. One is *tempted* to reply, "Well and good, let's have more such inhibition. Let's have it understood that it *can* become known within a few years what considerations are taken into account in the making of public policy. Perhaps this will make our leaders take old-fashioned morality more seriously and 'realistic' power politics less seriously than they have heretofore." In any event, we simply cannot tolerate a dispensation under which public information about what goes on in government councils is limited (as would be the case with a tame press) to what the government chooses to disclose.

One would be more concerned about inhibiting discussion among presidential advisers if one saw that that discussion with respect to Vietnam had indeed been frank, full and varied rather than narrow-minded and at times even obsequious. The secrecy of the 1960s did not liberate presidential advisers to question the morality of the war, rather, it permitted the reliance by these advisers on arguments which could not bear the light of day.

Even Under Secretary of State George W. Ball, who (according to the Pentagon Papers) tried to argue against our Vietnam effort all along, seems to have moved within strictly defined limits. This unreconstructed Cold Warrior must have thought he could continue to get a hearing with the President only if he spoke primarily in terms of costs, never in terms of moral judgments. If he was a "dove," he was one with clipped wings. Neither he nor the CIA (which is revealed by the Pentagon Papers to have consistently expressed a skeptical view of our Vietnam policy from the Truman to the Nixon administrations) said outright, so far as we know, that the United States did not have the right to do in Vietnam and to the Vietnamese people what it was doing.

What, then, should the press *not* be "legally" entitled to print? Most orthodox students of this subject would agree that tactical information and decisions should be, if the government wishes, kept secret (with the use of injunctions) until the immediate *military* advantage of keeping them secret passes. But such a rule, even these students would say, should not apply to debates on national policy, and certainly not when there is no declared state of war. Should there not be a presumption *against* keeping secret either what the enemy already knows or discussions of the over-all purpose of what our government is doing?

There does remain the problem of morale, but suppression of publications with a view to morale (which recalls the eighteenth century offense of "seditious libel") presupposes there should be no substantial question open to the community about the purpose of what the government is doing and for which the maintenance of morale is needed. (It should be noticed that if the government may suppress with a view of morale, the government's powers would extend far beyond control of secret documents: even, for example, the listing of food or stock market prices in the press can affect morale adversely.)

Thus, our concern for security and for breaches in security always brings us back to the question of the kind of regime ours is and should be. What is the effect on the public, including on the competence and morality of our people and its Congress, if it does not have, and believe itself to have, a

pretty good idea of what is going on? The President observed recently, in ordering new procedures to be used in classifying information, "Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies."

The more complicated our community becomes, the less is the kind of secrecy sought by our government with respect to Vietnam likely to be useful. Such secrecy is more apt to hurt us than is exposure apt to help any potential enemy. Thus even our current economic difficulties can be traced back to the unwillingness of the Johnson administration to tell Congress what it planned to do about the war. The refusal of the administration to face up publicly to what we were doing and what we were likely to do meant that our vast expenditures for Vietnam could not be financed properly. Such secrecy is also apt to hurt us when it raises fundamental doubts for a generation about the good faith of any government of the United States.

Still, it is realistic to recognize explicitly—even as we attempt to confine legitimate government secrecy to the narrowest possible extent—that any regime in which public opinion is critical does have serious limitations. It is no doubt better to be ruled by wise men than it is to be dependent upon what the public may happen to believe from time to time. Wise men can safely determine, for example, what it is salutary to reveal to the public. But, unfortunately, there are far fewer wise men among us than there are experts; and there are far fewer experts than there are men who believe themselves, or are believed by others, to be experts.

It must be recognized as well that it is rare when the genuinely wise man (who must be distinguished from the ideologue) is permitted to rule, even if he should be willing to do so. Indeed, it may be a mark of practical wisdom for us to recognize that we must settle for far less than the best possible regime. And, considering the dreadful alternatives we have been offered this century, constitutional government—especially when tempered by a sense of its own limitations, by a people's sense of natural justice, and by tradition—may be the best kind of government available in our time.

Justice Black, in his concurring opinion in the Pentagon Papers litigation, observed that "paramount among the responsibilities of a free press is the duty to prevent any part of the Government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell." There is about his "foreign fevers and foreign shot and shell" something archaic. It was appropriate, in the course of unprecedented litigation which touched upon questions about the very nature of our regime, that one of the oldest justices ever to sit on the Supreme Court of the United States should have, in his last official pronouncement, instinctively reached back, in language as well as in thought, to the very foundations of this republic.

COURTS AND PRECEDENTS

I believe it salutary that it be generally believed today that both the Supreme Court and the press have begun to redeem American honor and to restore the faith of Americans in their institutions, especially at a time when many have become resigned to mindless violence. It is important for our civic health that the United States diligently expose its own misdeeds and that it be generally understood that it is likely to do so.

Thus, it is important to notice that although the three dozen analysts who prepared the Pentagon Papers were selected by Department of Defense officials, they were nevertheless willing and able to *begin* a serious assessment of the mistakes of our government in Vietnam. It is also important to notice that the district court judge in New York, who ruled for the *New York Times* after hearing the government's case, had just been appointed to his post by the very administration bringing before him its unsuccessful suit for permanent injunctive relief.

One can see both in the press and in the courts, when drawn from and served by a high-minded bar, the institutionalization of a respect for reason and for ethical judgment in public affairs. On this occasion, the Supreme Court ratified, in effect, what the press had done. And it did so at a time when the public was prepared to be assured that its mounting ethical concerns about the war were in fact justified. I suspect that the fact that the Court did not forbid the *Times* and the *Post* to continue publishing may be far more important in this case than what the Court said in acting as it did.

What the Supreme Court did hold depended on two propositions: first, that there has always been a presumption in American constitutional law against any restraint upon a publisher prior to publication, except in the case of immediately impending irreparable harm to the security of the United States; second, that the government did not show on this occasion that there *was* "irreparable harm" threatening the country as a result of the intended publication of the Pentagon Papers.

It should be evident, in the light of the comments I have just made about the security aspects of this matter, why the government could not measure up to the "heavy burden of showing justification for the enforcement of such a restraint" as it had asked for. The sort of evidence which might have been persuasive to the Supreme Court, but which the government could not provide, would have described impending publication, in time of war, of information about troop movements, weapon development and strategic planning and perhaps impending publication of materials which would seriously interfere with negotiations vital to the very survival of the country.

The three justices who dissented in the Pentagon Papers case did *not* claim that the government *had* made the required showing but argued instead that the government should have been given a further opportunity to show what it could in the federal district courts. (In fact, the Supreme Court was, on certain fundamental issues, unanimous.) Complaints were registered in the dissenting opinions about the lack of sufficient time to make the kind of record needed for proper consideration of the issues.

There is something to the complaints of undue haste in June, 1971. Thus, it was pointed out in a dissenting opinion that the Times was pressing for an immediate disposition of the case, in the name of its readers' "right to know," when it itself had held back the documents and its story for months. On the other hand, is it relevant how long a publisher has been contemplating publication? When he moves, he is constitutionally entitled to be able to publish immediately, unless there is a clear legal prohibition.

But it should be said that if the government's argument (to the effect that injunctions may be secured to prevent "irreparable harm" to the country) is accepted to the extent it was accepted by the newspapers, then I do not see why the government should not have been given more time to make its case at the trial court level—even to change if necessary its original allegations and to introduce new evidence as it became more familiar with the voluminous record. In such circumstances, it is unrealistic to expect the everyday rules of civil procedure and of evidence to be scrupulously observed.

Even if there should be (as I have argued) an absolute prohibition upon prior restraints of the kind sought on this occasion in the courts, the government still has "a way out." In fact, it has several ways out, including the power (in the event of certain truly critical emergencies) of recourse to martial law or to the suspension of the writ of habeas corpus. Such emergency measures would permit, for example, effective control for the moment of any publisher regarded as likely to attempt to publish anything (classified or not classified) the government believes should not be published in the immediate circumstances. Thus, extraordinary remedies are available which permit our people and its government to set aside temporarily our traditional constitutional privileges and practices. But such remedies are of so obvious a magnitude that no sensible people will permit them to be invoked except in the most extraordinary circumstances.

Nor does an absolute prohibition upon prior restraints mean that the government cannot take, in circumstances far less than the most critical emergencies, vigorous measures to prevent newspapers from acquiring government documents which, once they have them, they cannot be prevented at law from publishing. Thus, to illustrate, the government can make it evident that it will (pursuant to legislation) discipline all who transmit documents they are not supposed to transmit; the government can from time to time discipline anyone responsible for such unauthorized transmission (without being obliged to show "irreparable harm"); the government can guard carefully the documents it is most concerned about; the government can be careful also about the people to whom it entrusts such documents; and the government can attempt to "persuade" newspapers not to publish certain documents which do happen to come into their possession.

Such persuasion (which can take various forms, some of which it may be better to leave veiled) depends, in part, on the government being able to show publishers that it is serious and know what it is doing; that its classification system is reasonable; and that it is dealing in good faith with both the press and the public. The most important measure available to a besieged government is, of course, to redress the long-standing grievances which (in a healthy community) usually lie at the heart of such open defiance of the government—and such repudiation of the Vietnam War—as we saw in the Pentagon Papers episode.

It should be evident, from what I have said about emergency measures properly available to the government, that the case I make in this article for an absolute prohibition upon prior restraints of the press (in ordinary constitutional circumstances) cannot rest simply upon a sentimental desire to see freedom "maximized." Rather, we are obliged to consider what *among us* promotes and serves human excellence, genuine freedom, and hence the common good.

ILLUSIONS AND ABSOLUTES

It can be argued that the *New York Times* did "freedom of the press" a disservice by not publishing in one issue, as it could have done, all it intended to publish from the Pentagon Papers, thereby preventing the Attorney General from even attempting to secure an injunction and from establishing certain dubious precedents. True, the Supreme Court ruled that the injunctions in this case could not be made permanent—but no majority of the Court said that they should never have been issued even on a temporary basis. I believe it would have been safer, as well as a sounder reading of the Constitution, if the Court had lifted the remaining restraining orders immediately upon reading the lower courts' opinions after each case had been filed on its docket.

Instead, it may seem to have been established by what the Court did (and did not do) that a temporary injunction may be

properly secured merely upon an allegation by the government of grave danger to national security. In a sense, such a remedy can be said to have been always available for the government—for it did secure this remedy the first time it was moved to seek it. But it may have been better for us not to have had such a "first time." It took a massive, even unprecedented, stimulus to prod the government into an attempt this "first time." Far less may suffice next time, now that the wall has been breached. It remains to be seen whether we will remember this litigation primarily for what it confirmed about the extent of freedom of the press or primarily for what it suggested about previously unsuspected powers in the government to abridge (if only temporarily, as on this occasion) that freedom. To suggest that the government has powers which, in practice it cannot really benefit from makes it likely that we will lose sight of the rationale for the powers the government does have and can benefit from. (The powers it does have for ordinary circumstances permit it to rely upon such measures as I have provided a half dozen illustrations of.)

The relevant constitutional doctrine, *concerned as it is primarily with the ability of citizens to discuss freely and fully all matters necessary for making political judgments*, is itself reflected in everyday practice. That practice is quite revealing about the character of our regime. Support, for example, that the government had succeeded in preserving its injunctions, if only until extended hearings had been conducted in the district courts. Precisely what would such hearings, or even the entering of permanent injunctions thereafter, have meant both in these circumstances and as precedents? It appears that nothing would have prevented publication of the Pentagon Papers by *some* newspapers in the United States.

That is, the permanent injunctions sought for by the government against the *New York Times* and the *Washington Post* would not have applied to other newspapers even in this country until the government had moved specifically against them as well (as it had already moved against the *Boston Globe* and the *St. Louis Post-Dispatch*). But the government would have had no basis for thus moving until such other newspapers had published, or had indicated that they were about to publish, articles based on the same or similar top secret archives. A "victory" by the government in the *Times* and *Post* cases would have meant that the enterprising publisher of another newspaper with access to the same material should, if he desired to publish without government interference, have brought out in one edition everything he intended to publish. This he could have done, it should be noticed, without the special liability (psychological as well as legal) which would follow upon deliberate defiance of an injunction.

It should be noticed in this connection that no sensible judge wants to issue an important decree. The Supreme Court obviously realized that it would not do much good to maintain restraints upon the *Times* and the *Post*, in order to give the government time to make whatever case it could, when newspapers all over the country were appearing almost daily with their own gleanings from the secret documents under review. There is something to be said for having court orders conform to what people are going to do anyway.

Thus, one result of all this litigation may be to induce dedicated publishers to print immediately hereafter all that they have which they believe the government might be disposed to challenge in court (unless they decide that they or the community might benefit from the publicity attendant upon an attempted suppression). By printing immediately everything which they intend to publish, and taking their chances on criminal prosecution thereafter (in which the question of their intent to harm the country may become vital; in which a jury is available; and in which the burden of proof remains the government's—assuming there *is* a constitutional statute governing what may be published), publishers can avoid the inconvenience and sometimes considerable expense of even a temporary injunction. These are contingencies which they will be well advised to assess hereafter.

It should now be apparent why it is that everyday practice, as well as our constitutional doctrine (as I understand it), makes prior restraint an illusory remedy for the government to rely upon. When a newspaper has unauthorized possession of any material, the first the government usually knows of it is when it *is* published—and then no injunction is useful. *This does not mean, of course, that the conscientious publisher should not, in certain instances, consult with responsible government officials before he uses the material that may happen to come to hand.* He is not bound *to publish* whatever he cannot be legally prevented *from* publishing.

Will, however, the memory of government efforts with respect to the Pentagon Papers tend to discourage publishers from consulting government officials before publication (as, it seems to me, it would sometimes be patriotic for publishers to do)? Should not the government now say something to counter such a tendency, something disavowing recourse by it to injunctions when consulted voluntarily by publishers?

It also should be now apparent from what I have said that (whatever the illusions and dangers of certain precedents) there cannot be among us an effective system of prior restraints upon publication through the use of specific injunctions. Prior restraint requires, except in those rare circumstances calling for the proper suspension of some constitutional processes, a comprehensive system of censorship which insures that all prospective publication must be reviewed by the government. Since this is highly unlikely to be established in this country in the foreseeable future, what could the Attorney General have hoped to accomplish in June, 1971?

Was the integrity of the classification system for documents somehow to be defended? If that was intended by the Attorney General, it was misconceived, for it has now been made even clearer than it had been that particular classifications can be legitimately examined and reassessed by publishers and by courts. Was it expected that the *Times* and the *Post* might be intimidated into consulting (or encouraged to consult) with the government about what they should publish on this or on a future occasion? Instead, the government action and its seeming failure in court stimulated other newspapers to publish whatever they could get hold of. Or was it expected that it would be "shown" to the country that the government had "tried" but that "the Eastern press" had once again misbehaved?

What *was* shown to the country? The government seems to have misread the discontent that there is among both the press and the public about the war and about how the country was maneuvered into it. The government may have demonstrated that it is still for "law and order." But in doing so this way, the government made law and order look less attractive than it should be. It also imprudently identified the Nixon administration with its predecessors' war, something which the current desperate bombing of North Vietnam is also doing.

Of course, the government may simply have set out to "win" without stopping to consider just what the cost, form and effects of such a victory would be. Surely, one might respond, this cannot be so, since the hollowness, the price and even the danger of victory must have been apparent to the Attorney General from the outset or at least from the moment the Pentagon Papers began showing up elsewhere after the *Times* was silenced. But has not our observation in recent years of how the previous administrations proceeded in Vietnam alerted us to the dearly-bought follies which intelligent men are capable of in conscientious pursuit of what can really be little more than an empty success?

There is in this respect something disturbingly fitting about what the government attempted to do to the *Times* and the *Post*, for it was repeating in miniature what was done on a grand scale in Vietnam. That is, there was here still another mistaken appraisal both of our people's concern and of the powers available to the government to succeed in what it attempted to do. It is significant how little criticism there has been of the Supreme Court's decision in *this* case: this, too, can be said to reflect a deep appreciation among us of the character of our regime and of the role among us of a truly free press.

Unfortunately, there was not available ten years ago "a court of last resort" which could promptly call a halt to our Vietnam "litigation." (One cannot help but wonder whether the government we are finally obliged to leave behind in South Vietnam will be able to make permanent the "injunction" we have insisted upon there against coalitions and neutralization. One cannot help but wonder, that is, whether we have misjudged the nationalistic aspirations of the Vietnamese people.) The only reliable "court of last resort" available in disputes among nations is that which appeals to the natural sense of justice in civilized peoples. Perhaps that Aristidean sense of justice will permit this country to become united, as it never was on the prosecution of the Vietnamese war, in the great work of reconstruction to which our repentance, wealth and talent can contribute in Indochina.

But, to return to our immediate concern in this article, what *should* the press do with the virtually unlimited right it has been shown still to have (at least in everyday practice) to publish what it chooses to publish without prior restraint? The *Post* and the *Times*, government spokesmen have conceded since the Pentagon Papers litigation, acted responsibly in selecting what they did publish from the achieves in their possession. This cannot be the last word, however, for publishers will make serious mistakes—if not this time, then next. Indeed, publishers do publish, almost every day, things which they should not publish, things which need not have anything to do with classified documents to make their publication questionable.

But we should not exaggerate, even as we recognize and provide against, the risks a free community runs in permitting its press to publish freely. Private citizens, whether publishers' informants, have far to go even to begin to match, either in scope or in effect, the deadly misjudgments the past decade with respect to Vietnam by the government of the United States.

EPILOG

I gave, in May, 1966, on the campus of the University of Chicago a talk entitled, "Vietnam and the First Amendment: The Presumption of Citizenship," in which I expressed my longstanding reservations about what we had been doing in Indochina. I recognized on that occasion that it would be good for the United States to get out of Vietnam immediately, adding the observation "that we should *not* do so without offering to take with us anyone who would be thereafter endangered because of his association heretofore with us." I recognized as well the folly of (to use Kipling's

words) "making mock of uniforms that guard you while you sleep." The concluding section of my May, 1966, talk (copies of which are available from me) suggests what can be said (when the fighting is at its height) about a misconceived war:

"The public servant is obliged by circumstances to use his opportunities: he cannot be irresponsible; he must make an effort. Whether we citizens make use of *our* opportunities is another matter. Our attention shifts easily: those interested in civil rights yesterday are interested in Vietnam today and will be interested in poverty tomorrow and perhaps even religion the day after tomorrow.

"One problem we have, as we use our opportunities as citizens with respect to the war in Vietnam, is to do so in such a way as to prevent or at least to restrain the emergence of bitterness. There are citizens defending the war who are as patriotic, as sensitive and as well-intentioned as any critic of the war. One must be reminded of, and thus be moderated by, the broader issues to which the artist, the religious man and even the philosopher [discussed earlier in the talk] would direct our attention. All three aspire for eternal things, as does in his way the citizen as well . . .

". . . We must take care lest the families that have made sacrifices should feel betrayed by whatever we now do in Vietnam. We see here the ultimate test both of the Administration's position and of public criticism of that position: we do not want to disparage sacrifices already made—we *have* learned something important because of the sacrifices made in Vietnam as well as in Korea; we do not want to see additional sacrifices made without purpose and effect; we do not want so to conduct ourselves now that our people will not respond properly hereafter when the country faces genuine dangers which legitimately require great sacrifices.

"Our primary concern as citizens should be with what we do to, with and for ourselves. I was recently told by two Swiss visitors that our public discussion of the war was disturbing the friends of America abroad, that when the President and his experts decided on a policy, the people should simply obey. I have elaborated this evening the response I made on that occasion: 'In America there are no experts in political matters, but only sovereign citizens.' Besides, I asked our visitors in the spirit of the First Amendment, should not foreigners be assured rather than disturbed to see the most powerful country in the history of the earth subject its governmental policies and decisions to public discussion and, it is to be hoped, to rational correction? Indeed, is this not the measure of the superiority of life under this kind of regime to any other available elsewhere today?"

ALTERNATIVES TO PRISON

Mr. BURDICK. Mr. President, I invite the attention of Senators to an article in Time magazine of July 24, 1972, which speaks of efforts which are being made by Federal, State, and local correctional officials to find alternatives to prisons which are less costly to the taxpayer and will provide the public with greater protection from the recidivistic criminal.

The article gets at the basic truth of crime and corrections—that the public is better protected when the offender changes his behavior than it is by only separating him from society, allowing him to return under circumstances that increase the likelihood that he will commit another crime.

Incarceration is obviously the only answer for some offenders, but it is the wrong answer for other offenders, and I am pleased to note that the Subcommittee on National Penitentiaries has, over the years, been active in recognizing this, and in putting these concepts into legislation.

It is from this subcommittee that has come legislation relating to work release, furloughs, and halfway houses. I am pleased to note that the subcommittee now has under consideration legislation to authorize a Federal program of pretrial diversion, which is also discussed in the article. I invite attention to S. 3309 and 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:

ALTERNATIVES TO PRISON

The south block of San Quentin prison, once the largest cell block in the world, now houses only a few dozen sparrows. The prison's clothing factory has shut down, and so has the mattress plant. San Quentin today contains only 1,500 convicts, as compared with 6,000 ten years ago; by 1975 the century-old fortress will be closed forever.

The decay of the antique buildings provides part of the reason, but San Quentin is also the victim of a spreading view that prisons simply do not work. Over the past two years, judges in Arkansas, California and Pennsylvania have ruled that certain local jails are so bad they violate the Constitution's ban on cruel and unusual punishment. One federal judge in Wisconsin, taking a slightly bolder view, recently wrote. "I am persuaded that the institution of prison probably must end." At last month's meeting of the National Association of Attorneys General, California Deputy Attorney General Nelson Kempsky gave a prosecutor's reaction: "Every time a judge starts thinking about due process for prison inmates, we're in trouble.

Aside from the question of "prisoners' rights," a growing number of penologists believe that prisons have proved unable to reform or rehabilitate their inmates. A task force for the Governor of Wisconsin recently recommended that all adult prisons in the state close by 1975. Says Harvard Law Professor James Vorenberg: "You just have to close prisons down, but you've got to develop some real alternatives."

In fact, several imaginative efforts to establish alternatives are under way:

HOMES AND BUDDIES

The treatment of youthful offenders is a particularly fertile field for experiment, and Massachusetts is leading the way. When Jerome Miller became commissioner of the state's department of youth services in 1969, a reformatory official asked him what his position was on "gagging and binding." He answered that he wanted such practices stopped. Says Miller: "Training schools are so bad that the average kid would be better on the street." Accordingly, he began closing prison-like training schools, which housed about 1,000 youngsters up to 17 years old. Next month he is shutting the last major one, in Lancaster, leaving only 20 juveniles locked away.

Some of the former inmates have been moved to group homes, where eight to twelve youths live with an adult couple under supervision by local agencies. Such a home for twelve delinquents costs the state $85,000, compared with $250,000 for the same number under the old system. Other juveniles have been placed in foster homes. Still others live in their own homes under a buddy system, in which a college student spends 20 to 25 hours a week with the delinquent. This year 600 young offenders are participating in a program of cleaning up parklands and going on pack and survival trips.

JOBS AND COUNSELING

Five years ago in Manhattan, the private Vera Institute of Justice got official permission to help a certain number of offenders before they came to trial. Now known as the Court Employment Project Inc., and funded by New York City, the program gives counseling to accused criminals (and usually their families) and finds them jobs (some 400 employers are cooperating). If all goes well for 90 days, the agency recommends that criminal charges be dropped. "The question of guilt is not relevant," says Director Ennis ("Joe") Olgiati, 42. "Only behavioral change matters." The program excludes heavy drug users and those accused of major crimes (a separate program for 300 addicts will be tried experimentally next month), but Vera representatives in city courtrooms pick any other offender they think might respond.

"The guts of the program is group counseling," says Olgiati. Each arrested person has two counselors—all ex-addicts or ex-cons, at least one of whom is available all week round, "in the first year, we really didn't know what the hell we were doing," admits Olgiati. Now, three-fifths of those in the program succeed in having the charges against them dropped, only 6.6% of the "graduates" during one ten-month period have been rearrested. The project has prompted imitation in "around 20 other states," says Olgiati, and a Senate subcommitte will start hearings this week on a bill to establish a federal version of the program.

COMMUNAL CENTERS

The converted Southern mansion near downtown Atlanta looks like a good boardinghouse, but the 61 residents are all convicts involved in the most controversial of the proposed alternatives to prison. On the theory that the isolation of prisons is one of their biggest weaknesses, many critics have proposed putting groups of convicts into relatively small quarters in ordinary residential area. Florida now has 28 such community corrections centers—and has had a predictable difficulty in adding others. "Everybody likes the program," says Community Services Administrator Don Hassfurder. "They think there should be community corrections centers—some place else." Washington, D.C. now has 15 such such centers, but the program nearly foundered initially because of local resistance. A center is scheduled to open in September near Bethlehem, Pa., and the summer is being spent in persuading neighbors that it presents no threat.

The community centers have a relatively relaxed atmosphere, and officials help the inmates get full-time jobs. In the Atlanta experiment, the men average $3.49 an hour at jobs ranging from heavy-equipment operator to gas-station manager, and they each pay $4 a day for their room and board. Every man participates in group-therapy sessions, shares the clean-up chores and lives in a double room, most of which have air conditioners and TV sets. Visitors of either sex are allowed every evening until 10 p.m., and all day on weekends. The idea may seem to some like "coddling criminals," but the centers can point to a long-term success: North Carolina pioneered in such centers 15 years ago, now has 63, and they boast a recidivism rate of less than 2%.

There are other, less radical alternatives. Furloughs, for example, are becoming common. Pennsylvania has granted 6,200 of them in the past 18 months. Last year California sent only 549 of 11,688 first-conviction felons to state prisons or juvenile facilities; the remainder were fined, sent for a time to local jails, or put on probation.

Total abolition of prison still remains somewhat fanciful. As Illinois Psychiatrist Marvin Ziporyn observes. We have some wolves

among the human population. The prison system still contains 50% aggressive criminals." Some would quarrel with his percentage, but no expert argues that all the walls should come down. The point, says Harvard's Vorenberg, is that the emphasis should shift: every prison administrator ought to be saying: "How many of them need to be here?"

THE DECLINING TREND IN EXPLORATION FOR OIL AND GAS

Mr. JACKSON. Mr. President, the declining trend in exploration for oil and gas, and its causes, effects, and implications, will be the subject of hearings, by the Committee on Interior and Insular Affairs on August 8 and 9. These hearings are a part of the national fuels and energy study authorized by Senate Resolution 45 and conducted by the Committee on Interior and Insular Affairs with ex-officio participation from the Commerce, Public Works, and Joint Atomic Energy Committee. Representatives of Government agencies, the academic community, industry, and other groups will be asked to appear in response to the questions and issues set forth in the accompanying lists. Time will not permit the appearance of all members of the public who might wish to testify, but the committee will accept for the hearing record, statements addressed to these questions.

Attachment A provides a background to the topics to be covered at the hearings and sets out the general questions and issues of fact, analysis, and policy to be investigated. Witnesses and persons submitting statements for the record are requested to address their statements to some or all of these nine questions and policy issues. The more detailed list of 50 questions and policy issues—attachment B—is included as a guide to preparation of supporting materials by witnesses and others. It will be noted that some of the questions in attachment B refer to problems of coal and uranium development, as well as oil and gas. The supporting materials and specific answers to the detailed questions requested in attachment B will be due on September 15, 1972, and will be printed as an appendix to the hearing record.

I ask unanimous consent that the two attachments be printed in the RECORD.

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

BACKGROUND PAPER AND QUESTIONS AND POLICY ISSUES DECLINING EXPLORATION FOR OIL AND GAS

U.S. consumption of petroleum and petroleum products has increased in recent years (1966–71) at an annual rate of about 4.5 percent, and natural gas consumption has grown at about 6.5 percent per year. Domestic production of oil and gas, however, has not kept pace with the growth of consumption, and the deficiency is now being filled by imports. As a result, imports may account for about half of the total supply of petroleum products (including gas) by 1985.

Some indicators of the decline in domestic oil and gas exploration and development activity are the following:

1. Proved reserves of crude oil and natural gas liquids have been declining since 1967:

2. Domestic production of crude oil and natural gas liquids increased at only about 3.1 percent per year between 1966 and 1971 (1.4 percent less than consumption), and has actually declined since 1970;

3. Proved reserves of natural gas have been declining since 1967;

4. Domestic production of natural gas increased at only 5.4 percent per year between 1966 and 1971 (1.1 percent less than consumption), and is expected to decline after 1972.

The major factors contributing to this situation appear, on the basis of the Committee's hearing record, to be the following:

1. Resources of fossil fuel are finite, and many of the most easily discovered and most cheaply developed reserves have already been produced. Geologists agree that the volume of recoverable oil and gas still in the ground may be several times the amount that has already been removed, but the concern is how fast and at what price these reserves can be discovered and made available as energy resource supplies. Much of the remaining stock can be discovered and produced only at substantially higher cost than that of past supplies.

2. Increasing pressure upon the finite and non-renewable resource base has been offset by improvements in exploration and production technology. As a result of these improvements, the constant dollar costs of finding and producing oil and gas have actually tended to fall. But this trend of falling costs clearly has come to an end with respect to onshore natural gas, and there is little confidence that it can be sustained for crude oil.

3. Some of the most promising acreage for oil and gas (particularly offshore) remains unexplored by industry, because it has not been made available for leasing. Other acreage remains out of production because of the lack of transport facilities (as on Alaska's North Slope).

4. A number of economic factors have combined to reduce the expectations of profit from domestic oil and gas exploration:

a. Crude oil price rises have been restrained by federal action, particularly by increases in import quotas and by federal assumption of control over rates of OCS oil and gas production.

b. Price increases for natural gas sold in interstate commerce have been restrained by the Federal Power Commission (FPC). It is relevant here that low prices for both oil and gas not only discourage exploration but also encourage increased consumption. Moreover, uncertainty about future FPC gas price policy may have led to a postponing of the development of known or inferred gas resources under lease or private ownership.

c. High interest and capital costs generally have tilted investment incentives away from ventures, such as exploration for new oil and gas fields, that offer potential payoffs only in the distant future.

d. The Tax Reform Act of 1969 reduced the tax preferences applicable to oil and gas production.

There is little, if any, dispute that each of the foregoing factors is in some part responsible for the reduction in domestic exploration and development activity for oil and gas. However, the relative importance of each of these factors in contributing to current supply constraints, and their policy implications, are not obvious or beyond debate. (For example, there is little dispute that the higher depletion allowance was an incentive to oil and gas exploration, but there is disagreement as to whether the allowance is a cost-effective or socially desirable form of incentive.

Additional factors which have been advanced by some parties as explanations of declining oil and gas exploration are disputed by others. These propositions include the following:

5. Large cash bonuses paid to the government in competitive oil and gas leasing are claimed to absorb investment funds that might otherwise be devoted to exploration.

6. Rapid increases in crude oil demand and in prices outside the United States are said to have combined with lower operating costs outside the United States and more favorable Federal tax treatment of foreign ventures, to encourage industry to shift its exploration emphasis abroad.

7. Natural gas producers may be delaying development of known resources, or delaying the sale and production of proved reserves, in anticipation that a growing gas shortage will result in much higher prices for gas in the future.

At the hearing the Committee will examine each of these accepted for argued factors contributing to the decline in domestic discovery and development, and explore their implications for formation of a national energy policy. The questions and issues to be explored fall into the following general categories.

QUESTIONS AND POLICY ISSUES

A. National oil and gas resource base

1. What are the best estimates of the total volume of liquid and gaseous hydrocarbons in place in the United States? (Separate estimates should be provided for the "lower 48" onshore, Alaska, and the Outer Continental Shelf. *Where this information has been furnished to the Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.*)

2. What are the best estimates of the total volume of liquid and gaseous hydrocarbons that can be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production, and maximum rates of growth of production that could be sustained until 1980? . . . until 1990?

4. To what extent does an acceleration of domestic oil and gas discovery and production today imply a greater shortage in the future? In how many years in the future will production inevitably peak out under various assumptions about current rates of increase?

B. Economics of exploration and development

5. To what extent, if at all, has the recent decline in oil and gas exploration activity and in reserve additions reflected each of the following factors: (Wherever possible, quantitative relationships should be specified.)

a. Restraints on domestic crude oil prices?

b. FPC regulation of interstate gas prices?

c. Increases (or decreases) in the real cost of discovery and development per barrel or per daily barrel of producing capacity? (To what extent are these cost changes the effect of a declining resource base, to what extent are they offset by new technology, and to what extent are they a matter of changed labor and material costs?)

d. Unavailability of lease acreage (particularly on the OCS)?

e. Increases in interest rates and other capital costs?

f. Reduction of tax preferences for oil and gas production?

g. Elements of the mineral leasing system (such as cash bonus bidding)?

h. Incentives in favor of foreign investment in oil and gas exploration?

i. Withholding of gas development or sales in anticipation of higher prices?

j. Other significant factors?

6. How responsive are future domestic oil exploration activity, reserve additions, and productive capacity expected to be, to:

a. The amount of new acreage available for leasing and exploration (particularly on the OCS)?

b. The domestic price of crude oil (in 1972 constant dollars)?

c. The domestic price of natural gas (in 1972 constant dollars)?

d. The domestic prices of petroleum products (in 1972 constant dollars)?

e. The real cost of capital?
f. The rate of percentage depletion?
g. Overseas exploration expenditures?

(The foregoing relationships should be specified in quantitative terms to the extent possible. Also, the time period over which the relationships are expected to prevail should be specified.)

C. Policy options

8. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980 . . . until 1990.

c. Maintain current (1972) rates of domestic natural gas production until 1980 . . . until 1990.

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980 . . . until 1990.

9. What would be the consequences of each of the policy packages set out in response to question 8, for:

a. consumer costs of energy?
b. oil and gas import requirements?
c. capital requirements for exploration and development? And,
d. other significant aspects of the energy economy and the public interest (general efficiency of the economy, equity of the tax system, etc.)?

It is requested that witnesses at the hearings and persons submitting statements for the hearing record (100 copies are required) center their testimony on the questions and issues listed here. A more detailed list of questions and policy issues (Attachment B) follows, to be used as a basis for preparation of supporting materials and documentation which may be submitted by September 15, 1972, for inclusion in the Appendix to the Committee's hearing record of August 8 and 9. (Ten copies are required.)

DETAILED LIST OF QUESTIONS AND POLICY ISSUES—DECLINING DOMESTIC EXPLORATION FOR OIL AND GAS, AND OTHER PROBLEMS IN DEVELOPMENT OF PRIMARY ENERGY RESOURCES

The following questions are prepared as a guide to witnesses and persons submitting statements for the record at the hearings of August 8 and 9, in preparing supporting materials to be included in the Appendix to the hearing record. Witnesses should, however, direct their actual testimony to the questions in Attachment A.

I. THE RESOURCE BASE

A. Size of the resource base

Questions 1 through 4 should be answered for crude oil and natural gas liquids; natural gas; coal, oil shale; tar sands, heavy oils and other hydrocarbons; and uranium.

Answers may be grouped by resource or by questions as convenient. *Where this information has been furnished to this Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.*

1. What are the estimated volumes of proved domestic reserves and ultimate resources in place (Reserve and resource concepts used here and in subsequent questions should be defined and explained.)?

2. What are the estimated volumes that could ultimately be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production and maximum rates of growth of production that could be sustained until 1980? . . . until 1985 or 1990? What are the factors limiting production or growth over these periods (e.g., the physical resource, demand, technology, government regulatory policy)?

4. To what extent will an acceleration of production in the short run reduce supplies in the foreseeable future? In how many years must production inevitably peak out under various assumptions about current rates of increase?

5. What is the approximate volume of sediments in the United States (including the OCS) as yet untested by exploratory drilling?

B. Technological problems

6. What relationship, if any, exists between the technological efficiency of the recovery of the resource and the rate of exploration and development?

7. In what areas will improvement in the technology of resource recovery improve the incentive to increase domestic exploration and development, and what, if any, obstacles are there to developing and using such new technology?

II. DOMESTIC EXPLORATION FOR OIL AND GAS

A. Indicators of oil supply and demand trends

8. What has been the trend in rates of U.S. oil consumption over the past fifteen years (bbl. per day) and what is the estimated future consumption of oil through the year 1985 or 1990?

9. What part of the demand for oil has been satisfied by domestic sources and what part of the estimated future demand through 1985 is expected to be satisfied by domestic sources?

a. From what sources, by country, has foreign oil been imported?

b. From what sources and in what quantities will foreign oil be imported in the future?

B. Gas supply and demand

10. What has been the trend in rates of U.S. gas consumption over the past fifteen years (MCF per year) and what is the estimated future demand for gas, through the year 1985 or 1990?

11. What part of the demand for gas has been satisfied by domestic sources and what part of the estimated future demand through 1985 or 1990 is expected to be satisfied by domestic sources?

a. What part of the estimated future supply of domestic gas will be in the form of conventional sources and what part will be synthetically derived?

b. What part of the gas and in what form, and what part of the synthetic gas feedstocks, are expected to be obtained from which foreign sources?

C. Indicators of exploration trends

What have been the trends over the past fifteen years in:

12. Days of geophysical crew time?

13. Acreage under lease (private, state, federal onshore and offshore)?

14. Number of wells drilled?
a. New field wildcats.
b. Exploration in known fields.
c. Development wells.

(In each of the foregoing cases, indicate the number of oil well completions, gas well completions, and dry holes.)

15. Footage of wells drilled?
a. New field wildcats.
b. Exploration in known fields.
c. Development wells.

16. Number of rigs operating in the U.S.?

17. U.S. owned rigs operating abroad?

18. Additions to reserves of oil and natural gas liquids:
a. New field discoveries.
b. Extensions.
c. Revisions.

19. Additions to reserves of natural gas:
a. New field discoveries.
b. Extensions.
c. Revisions.

20. Additions to reserves of oil and natural gas liquids (barrels) and to producing capacity (daily barrels) per foot drilled?

21. Additions to reserves of natural gas (MCF) and to producing capacity (MCF/day) per foot drilled?

22. Cost in current and constant dollars (inclusive and exclusive of lease acquisition costs) per barrel of oil and natural gas liquids reserves and per new daily barrel of producing capacity?

23. Cost in current and constant dollars (inclusive nad exclusive of lease acquisition costs) per new MCF of natural gas reserves and per new MCF per day producing capacity?

24. Number of persons employed in domestic exploration and development?

25. Proved reserves in relation to production and consumption?

26. Producing capacity?
a. Reserve producing capacity?
b. Excess reserve producing capacity?

IV. ECONOMIC FACTORS

A. Historical statistics

35. What has been the annual level of investment in exploration and in development for each of the primary energy fuels over the past fifteen years?

36. What have been the price trends in current and constant dollars of oil and gas (wellhead prices), coal, and uranium concentrate during each of the past fifteen years?

37. a. What have been the average rates of return before and after taxes on investment in exploration and development for each primary energy fuel over the past fifteen years?

b. How does this trend compare with the rates of return in all manufacturing and with that of market rates of interest?

38. a. What has been the trend of cash flow, gross and net profits against sales and investment for each primary energy industry during each of the past fifteen years and what future trends are expected?

b. How do these profitability trends compare with all manufacturing and with market rates of interest?

39. What has been the relationships of costs for exploration, development and production of oil and gas, as shown by indicators (like those of questions 20 and 21), to their prices during the past fifteen years?

40. What has been the trend during the past fifteen years regarding the relationship between the amount of investment in domestic exploration and development in each primary energy fuel and the size of enterprise involved?

B. Analysis

Questions 41–44 are a restatement of the issues raised in section 8 (questions 5–7) of Attachment A. Respondents may choose to respond here in detail to those questions in lieu of the following. In either case, however, the response here should be in quantitative terms, and should be accompanied with at least an abstract of the analyses, together with references to primary sources.

41. What is known about the relationships of investment in oil and gas exploration, development, additions to reserves (new field discoveries, revisions and extensions), increased producing capacity, and production, to:

a. the price of crude oil;
b. the price of natural gas;
c. new acreage available for lease (particularly on the OCS);
d. the cost of capital; and
e. the rate of percentage depletion?

(If possible, the foregoing relationships should be expressed in terms of elasticities or incremental rates of change.)

42. What are currently the relationships of domestic crude oil prices, to:

a. domestic crude oil supply and demand;
b. the price of competing fuels;
c. policies of the Price Commission;
d. the world market price of crude oil;
e. U.S. oil import policies; and
f. other factors?

43. What are currently the relationships of domestic natural gas prices in intrastate and interstate markets, to:

a. interstate and intrastate demand for natural gas;

b. the price of competing fuels;

c. policies of the Price Commission;

d. wellhead price regulation by the Federal Power Commission;

e. other policies of the FPC?

44. (This is an elaboration of 41e above.) What was the incidence in 1970 and/or 1971 of the Tax Reform Act of 1969 upon

a. oil and gas industry tax liabilities and government revenues (i.e., how much did it increase the industry's taxes);

b. investment in exploration, development, and secondary and tertiary recovery; and

c. additions to oil and gas reserves and to producing capacity (in daily barrels or MCF) attributable to investment in that year?

45. To what extent and how has Federal public land (including the OCS) leasing or mining policy affected investments in domestic exploration and development of primary energy fuels?

46. To what extent and how have health, safety and environmental laws and regulations affected investment in domestic exploration and development of primary energy fuels?

47. To what extent and how has Federal expenditures for energy related research and development affected investments in domestic exploration and development of primary energy fuels?

48. What evidence or analysis is there to indicate that funds that would otherwise be devoted to exploration and development of primary energy resources have been—

a. absorbed by high land acquisition costs;

b. diverted to investment in overseas energy ventures as a result of U.S. tax, trade, or monetary policies, or

c. diverted to other domestic investment?

V. POLICY OPTIONS

Questions 49 and 50 are identical with the issues raised in section C (questions 8 and 9) of Attachment A. Responses to these questions here should be accompanied by at least an abstract of the supporting evidence and analyses, and by references to primary sources.

49. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980? . . . until 1990?

c. Maintain current (1972) rates of domestic natural gas production until 1980? . . . until 1990?

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980? . . . until 1990?

(Responses to this question should be as specific and quantitative as possible.)

50. What would be the consequences of each of the policy packages set out in response to question 50 for:

a. consumer costs of energy;

b. oil and gas import requirements;

c. capital requirements for exploration and development; and

d. other significant aspects of the energy economy and the public interest?

AGENDA FOR THE NATION IN THE 1970'S

Mr. MANSFIELD. Mr. President, at the Democratic Convention in Miami earlier this month the convention analyzed, amended, and finally approved a document entitled "For the People—Platform of the 1972 Democratic National Convention." The document in its final form represents a year of work and significant input from every segment of our society from every part of the country. It represents more than the usual platitudes that are associated with party platforms. It represents an agenda for the Nation in the 1970's.

I ask unanimous consent that the platform, in its final form, with the amendments as adopted at the convention, be printed in the RECORD.

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

FOR THE PEOPLE—PLATFORM OF THE 1972 DEMOCRATIC NATIONAL CONVENTION

NEW DIRECTIONS: 1972–76

Skepticism and cynicism are widespread in America. The people are *skeptical* of platforms filled with political platitudes—of promises made by opportunistic politicians.

The people are *cynical* about the idea that a rosy future is just around the corner.

And is it any wonder that the people are skeptical and cynical of the whole political process?

Our traditions, our history, our Constitution, our laws, all say that America belongs to its people.

But the people no longer believe it.

They feel that the government is run for the privileged few rather than for the many—and they are right.

No political party, no President, no government can by itself restore a lost sense of faith. No Administration can provide solutions to all our problems. What we can do is to recognize the doubts of Americans, to speak to those doubts, and to act to begin turning those doubts into hopes.

As Democrats, we know that we share responsibility for that loss of confidence. But we also know, as Democrats, that at decisive moments of choice in our past, our party has offered leadership that has tapped the best within our country.

Our party—standing by its ideals of domestic progress and enlightened internationalism—has served America well. We have nominated or elected men of the high calibre of Woodrow Wilson, Franklin Delano Roosevelt, Harry S Truman, Adlai E. Stevenson, John Fitzgerald Kennedy, Lyndon Baines Johnson—and in the last election Hubert Humphrey and Edmund S. Muskie. In that proud tradition we are now prepared to move forward.

We know that our nation cannot tolerate any longer a government that shows no regard for the people's basic needs and no respect for our right to the truth from those who lead us.

What do the people want?

They want three things:

They want a personal life that makes us all feel that life is worth living;

They want a social environment whose institutions promote the good of all; and

They want a physical environment whose resources are used for the good of all.

They want an opportunity to achieve their aspirations and their dreams for themselves and their children.

We believe in the rights of citizens to achieve to the limit of their talents and energies. We are determined to remove barriers that limit citizens because they are black, brown, young or women; because they never had the chance to gain an education; because there was no possibility of being anything but what they were.

We believe in hard work as a fair measure of our own willingness to achieve. We are determined that millions should not stand idle while work demands to be done. We are determined that the dole should not become a permanent way of life for any. And we are determined that government no longer tax the product of hard work more rigorously than if taxes inherited wealth, or money that is gained simply by having money in the first place.

We believe that the law must apply equally to all, and that it must be an instrument of justice. We are determined that the citizen must be protected in his home and on his streets. We are determined also that the ordinary citizen should not be imprisoned for a crime before we know whether he is guilty or not while those with the right friends and the right connections can break the law without ever facing the consequences of their actions.

We believe that war is a waste of human life. We are determined to end forthwith a war which has cost 50,000 American lives, $150 billion of our resources, that has divided us from each other, drained our national will and inflicted incalculable damage to countless people. We will end that war by a simple plan that need not be kept secret: The immediate total withdrawal of all Americans from Southeast Asia.

We believe in the right of an individual to speak, think, read, write, worship, and live free of official intrusion. We are determined that our government must no longer tap the phones of law-abiding citizens nor spy on those who have broken no law. We are determined that never again shall government seek to censor the newspapers and television. We are determined that the government shall no longer mock the supreme law of the land, while it stands helpless in the face of crime which makes our neighborhoods and communities less and less safe.

Perhaps most fundamentally, we believe that government is the servant, not the master, of the people. We are determined that government should not mean a force so huge, so impersonal, that the complaint of an ordinary citizen goes unheard.

That is not the kind of government America was created to build. Our ancestors did not fight a revolution and sacrifice their lives against tyrants from abroad to leave us a government that does not know how to listen to its own people.

The Democratic Party is proud of its past; but we are honest enough to admit that we are part of the past and share in its mistakes. We want in 1972 to begin the long and difficult task of reviewing existing programs, revising them to make them work and finding new techniques to serve the public need. We want to speak for, and with, the citizens of our country. Our pledge is to be truthful to the people and to ourselves, to tell you when we succeed, but also when we fail or when we are not sure. In 1976, when this nation celebrates its 200th anniversary, we want to tell you simply that we have done our best to give the government to those who formed it—the people of America.

Every election is a choice: In 1972, Americans must decide whether they want their country back again.

II. JOBS, PRICES AND TAXES

"I went to school here and I had some training for truck driver school and I go to different places and put in applications for truck driving but they say, 'We can't hire you without the experience.' Now, I don't have the experience. I don't get the experience without the job first. I have four kids, you know, and I'm on unemployment. And when my employment runs out, I'll probably be on relief, like a lot of other people. But, being that I have so many kids, relief is just not going to be enough money. I'm looking for maybe the next year or two, if I don't get a job, they'll probably find me down at the county jail, because I have to do something."—Robert Coleman, Pittsburgh Hearing, June 2, 1972.

The Nixon Administration has deliberately driven people out of work in a heartless and ineffective effort to deal with inflation. Ending the Nixon policy of creating unemploy-

ment is the first task of the Democratic Party.

The Nixon "game plan" called for *more* unemployment. Tens of millions of families have suffered joblessness or work cutbacks in the last four years in the name of fighting inflation . . . and for nothing.

Prices rose faster in early 1972 than at any time from 1960 to 1968.

Today there are 5.5 million unemployed. The nation will have suffered $175 billion in lost production during the Nixon Administration by election day. Twenty percent of our people have suffered a period without a job each year in the last three.

Business has lost more in profits than it has gained from this Administration's business-oriented tax cuts.

In pockets of cities, up to 40 percent of our young people are jobless.

Farmers have seen the lowest parity ratios since the Great Depression.

For the first time in 30 years, there is substantial unemployment among aerospace technicians, teachers and other white-collar workers.

The economic projections have been manipulated for public relations purposes.

The current Nixon game plan includes a control structure which keeps workers' wages down while executive salaries soar, discourages productivity and distributes income away from those who need it and has produced no significant dent in inflation, as prices for food, clothes, rent and basic necessities soar.

These losses were unnecessary. They are the price of a Republican Administration which has not consistent economic philosophy, no adequate regard for the human costs of its economic decisions and no vision of what a full employment economy could mean for all Americans.

Jobs, income, and dignity

Full employment—a guaranteed job for all—is the primary economic objective of the Democratic Party. The Democratic Party is committed to a job for every American who seeks work. Only through full employment can we reduce the burden on working people. We are determined to make economic security a matter of right. This means a job with decent pay and good working conditions for everyone willing and able to work and an adequate income for those unable to work. It means abolition of the present welfare system.

To assure jobs and economic security for all, the next Democratic Administration should support:

A full employment economy, making full use of fiscal and monetary policy to stimulate employment;

Tax reform directed toward equitable distribution of income and wealth and fair sharing of the cost of government;

Full enforcement of all equal employment opportunity laws, including federal contract compliance and federally-regulated industries and giving the Equal Employment Opportunity Commission adequate staff and resources and power to issue cease and desist orders promptly;

Vastly increased efforts to open education at all levels and in all fields to minorities, women and other under-represented groups;

An effective nation-wide job placement system to enhance worker mobility;

Opposition to arbitrarily high standards for entry to jobs;

Overhaul of current manpower programs to assure training—without sex, race or language discrimination—for jobs that really exist with continuous skill improvement and the chance for advancement;

Economic development programs to ensure the growth of communities and industry in lagging parts of the nation and the economy;

Use of federal depository funds to reward banks and other financial institutions which invest in socially productive endeavors;

Improved adjustment assistance and job creation for workers and employers hurt by foreign competition, reconversion of defense-oriented companies, rapid technological change and environmental protection activities;

Closing tax loopholes that encourage the export of American jobs by American-controlled multinational corporations;

Assurance that the needs of society are considered when a decision to close or move an industrial plant is to be made and that income loss to workers and revenue loss to communities does not occur when plants are closed;

Assurance that, whatever else is done in the income security area, the social security system provides a decent income for the elderly, the blind and the disabled and their dependents, with escalators so that benefits keep pace with rising prices and living standards;

Reform of social security and government employment security programs to remove all forms of discrimination by sex; and

Adequate federal income assistance for those who do not benefit sufficiently from the above measures.

The last is not least, but it is last for good reason. The present welfare system has failed because it has been required to make up for too many other failures. Millions of Americans are forced into public assistance because public policy too often creates no other choice.

The heart of a program of economic security based on earned income must be creating jobs and training people to fill them. Millions of jobs—real jobs, not make-work—need to be provided. Public service employment must be greatly expanded in order to make the government the employer of last resort and guarantee a job for all. Large sections of our cities resemble bombed-out Europe after World War II. Children in Appalachia cannot go to school when the dirt road is a sea of mud. Homes, schools and clinics, roads and mass transit systems need to be built.

Cleaning up our air and water will take skills and people in large numbers. In the school, the police department, the welfare agency or the recreation program, there are new careers to be developed to help ensure that social services reach the people for whom they are intended.

It may cost more, at least initially, to create decent jobs than to perpetuate the hand-out system of present welfare. But the return—in new public facilities and services, in the dignity of bringing a paycheck home and in the taxes that will come back in—far outweigh the cost of the investment.

The next Democratic Administration must end the present welfare system and replace it with an income security program which places cash assistance in an appropriate context with all of the measures outlined above, adding up to an earned income approach to ensure each family an income substantially more than the poverty level ensuring standards of decency and health, as officially defined in the area. Federal income assistance will supplement the income of working poor people and assure an adequate income for those unable to work. With full employment and simpler, fair administration, total costs will go down, and with federal financing the burden on local and state budgets will be eased. The program will protect current benefit goals during the transitional period.

The system of income protection which replaces welfare must be a part of the full employment policy which assures every American a job at a fair wage under conditions which make use of his ability and provide an opportunity for advancement.

H.R. 1, and its various amendments, is not humane and does not meet the social and economic objectives that we believe in, and it should be defeated. It perpetuates the coercion of forced work requirements.

Economic management

Every American family knows how its grocery bill has gone up under Nixon. Every American family has felt the bite of higher and higher prices for food and housing and clothing. The Administration attempts to stop price rises have been dismal failures—for which the working people have paid in lost jobs, missed raises and higher prices.

This nation achieved its economic greatness under a system of free enterprise, coupled with human effort and ingenuity, and thus it must remain. This will be the attitude and objective of the Party.

There must be an end to inflation and the ever-increasing cost of living. This is of vital concern to the laborer, the housewife, the farmer and the small businessman, as well as the millions of Americans dependent upon their weekly or monthly income for sustenance. It wrecks the retirement plans and lives of our elderly who must survive on pensions or savings gauged by the standards of another day.

Through greater efficiency in the operation of the machinery of government, so badly plagued with duplication, overlapping and excesses in programs, we will ensure that bureaucracy will cease to exist solely for bureaucracy's own sake. The institutions and functions of government will be judged by their efficiency of operation and their contribution to the lives and welfare of our citizens.

A first priority of a Democratic Administration must be eliminating the unfair, bureaucratic Nixon wage and price controls.

When price rises threaten to or do get out of control—as they are now—strong, fair action must be taken to protect family income and savings. The theme of that action should be swift, tough measures to break the wage-price spiral and restore the economy. In that kind of economic emergency, America's working people will support a truly fair stabilization program which affects profits, investment earnings, executive salaries and prices, as well as wages. The Nixon controls do not meet that standard. They have forced the American worker, who suffers most from inflation, to pay the price of trying to end it.

In addition to stabilizing the economy, we propose:

To develop automatic instruments protecting the livelihood of Americans who depend on fixed incomes, such as savings bonds with purchasing power guarantees and cost-of-living escalators in government social security and income support payments;

To create a system of "recession insurance" for states and localities to replace lost local revenues with federal funds in economic downturns, thereby avoiding reduction in public employment or public services;

To establish longer-term budget and fiscal planning; and

To create new mechanisms to stop unwarranted price increases in concentrated industries.

Toward economic justice

The Democratic Party deplores the increasing concentration of economic power in fewer and fewer hands. Five percent of the American people control 90 percent of our productive national wealth. Less than one percent of all manufacturers have 88 percent of the profits. Less than two percent of the population now owns approximately 80 percent of the nation's personally-held corporate stock, 90 percent of the personally-held corporate bonds and nearly 100 percent of the personally-held municipal bonds. The rest of the population—including all working men and women—pay too much for essential products and services because of national policy and market distortions.

The Democratic Administration should pledge itself to combat factors which tend to concentrate wealth and stimulate higher prices.

To this end, the federal government should:

Develop programs to spread economic growth among the workers, farmers and businessmen;

Help makes parts of the economy more efficient—such as medical care—where wasteful and inefficient practices now increase prices;

Step up anti-trust action to help competition, with particular regard to laws and enforcement curbing conglomerate mergers which swallow up efficient small business and feed the power of corporate giants;

Strengthen the anti-trust laws so that the divestiture remedy will be used vigorously to break up large conglomerates found to violate the anti-trust laws;

Abolish the oil import quota that raises prices for consumers;

Deconcentrate shared monopolies such as auto, steel and tire industries which administer prices, create unemployment through restricted output and stifle technological innovation;

Assure the right of the citizen to recover costs and attorneys fees in all successful suits including class actions involving Constitutionally-guaranteed rights, or rights secured by federal statutes;

Adjust rate-making and regulatory activities, with particular attention to regulations which increase prices for food, transportation and other necessities;

Remove artificial constraints in the job market by better job manpower training and strictly enforcing equal employment opportunity;

Stiffen the civil and criminal statutes to make corporate officers responsible for their actions; and

Establish a temporary national economic commission to study federal chartering of large multinational and international corporations, concentrated ownership and control in the nation's economy.

Tax reform

The last ten years have seen a massive shift in the tax burden from the rich to the working people of America. This is due to cuts in federal income taxes simultaneous with big increases in taxes which bear heavily on lower incomes—state and local sales and property taxes and the payroll tax. The federal tax system is also still grossly unfair and over-complicated. The wealthy and corporations get special tax favors; major reform of the nation's tax structure is required to achieve a more equitable distribution of income and to raise the funds needed by government. The American people neither should nor will accept anything less from the next Administration.

The Nixon Administration, which fought serious reform in 1969, has no program, only promises, for tax reform. Its clumsy administrative favoring of the well-off has meant quick action on corporate tax giveaways like accelerated depreciation, while over-withholding from workers' paychecks goes on and on while the Administration tries to decide what to do.

In recent years, the federal tax system has moved precipitously in the wrong direction. Corporate taxes have dropped from 30 percent of federal revenues in 1954 to 16 percent in 1973, but payroll taxes for Social Security—regressive because the burden falls more heavily on the worker than on the wealthy—have gone from ten percent to 29 percent over the same period. If legislation now pending in Congress passes, payroll taxes will have increased over 500 percent between 1960 and 1970—from $144 to $755—for the average wage earner. Most people earning under $10,000 now pay more in regressive payroll tax than in income tax.

Now the Nixon Administration—which gave corporations the largest tax cut in American history—is considering a hidden national sales tax (Value Added Tax) which would further shift the burden to the average wage earner and raise prices of virtually everything ordinary people buy. It is cruel and unnecessary to pretend to relieve one bad tax, the property tax, by a new tax which is just as bad. We oppose this price-raising unfair tax in any form.

Federal income tax. The Democratic Party believes that all unfair corporate and individual tax preferences should be removed. The tax law is clogged with complicated provisions and special interests, such as percentage oil depletion and other favors for the oil industry, special rates and rules for capital gains, fast depreciation unrelated to useful life, easy-to-abuse "expense-account" deductions and the ineffective minimum tax. These hidden expenditures in the federal budget are nothing more than billions of "tax welfare" aid for the wealthy, the privileged and the corporations.

We, therefore, endorse as a minimum step the Mills-Mansfield Tax Policy Review Act of 1972, which would repeal virtually all tax preferences in the existing law over the period 1974–1976, as a means of compelling a systematic review of their value to the nation. We acknowledge that the original reasons for some of these tax preferences may remain valid, but believe that none should escape close scrutiny and full public exposure. The most unjustified of the tax loopholes should, however, be closed immediately, without waiting for a review of the whole system.

After the implementation of the minimum provisions of the Mills-Mansfield Act, the Democratic Party, to combat the economically-depressing effect of a regressive income tax scheme, proposes further revision of the tax law to ensure economic equality of opportunity to ordinary Americans.

We hold that the federal tax structure should reflect the following principles:

The cost of government must be distributed more fairly among income classes. We reaffirm the long-established principle of progressive taxation—allocating the burden according to ability to pay—which is all but a dead letter in the present tax code.

The cost of government must be distributed fairly among citizens in similar economic circumstances.

Direct expenditures by the federal government which can be budgeted are better than tax preferences as the means for achieving public objectives. The lost income of those tax preferences which are deemed desirable should be stated in the annual budget.

When relief for hardship is provided through federal tax policy, as for blindness, old age or poverty, benefits should be provided equally by credit rather than deductions which favor recipients with more income, with special provisions for those whose credits would exceed the tax they owe.

Provisions which discriminate against working women and single people should be corrected. In addition to greater fairness and efficiency, these principles would mean a major redistribution of personal tax burdens and permit considerable simplification of the tax code and tax forms.

Social security tax. The Democratic Party commits itself to make the Social Security tax progressive by raising substantially the ceiling on earned income. To permit needed increases in Social Security benefits, we will use general revenues as necessary to supplement payroll tax receipts. In this way, we will support continued movement toward general revenue financing for social security.

Property Tax. Greater fairness in taxation at the federal level will have little meaning for the vast majority of American households if the burden of inequitable local taxation is not reduced. To reduce the local property tax for all American families, we support equalization of school spending and substantial increases in the federal share of education costs and general revenue sharing.

New forms of federal financial assistance to states and localities should be made contingent upon property tax reforms, including equal treatment and full publication of assessment ratios.

Tax policy should not provide incentives that encourage overinvestment in developed countries by American business, and mechanisms should be instituted to limit undesirable capital exports that exploit labor abroad and damage the American worker at home.

Labor-management relations

Free private collective bargaining between management and independent labor unions has been, and must remain, the cornerstone of our free enterprise system. America achieved its greatness through the combined energy and efforts of the working men and women of this country. Retention of its greatness rests in their hands. Through their great trade union organizations, these men and women have exerted tremendous influence on the economic and social life of the nation and have attained a standard of living known to no other nation. The concern of the Party is that the gains which labor struggled so long to obtain not be lost to them, whether through inaction or subservience to illogical Republican domestic policies.

We pledge continued support for our system of free collective bargaining and denounce any attempt to substitute compulsory arbitration for it. We, therefore, oppose the Nixon Administration's effort to impose arbitration in transportation disputes through its last-offer-selection bill.

The National Labor Relations Act should be updated to ensure:

Extension of protection to employees of non-profit institutions;

Remedies which adequately reflect the losses caused by violations of the Act;

Repeal of section 14(b), which allows states to legislate the open shop and remove the ban on common-sites picketing; and

Effective opportunities for unions, as well as employers, to communicate with employees, without coercion by either side or by anyone acting on their behalf.

The Railway Labor Act should be updated to ensure:

That strikes on a single carrier or group of carriers cannot be transformed into nationwide strikes or lockouts;

Incentives for bargaining which would enable both management and labor to resolve their differences without referring to government intervention; and

Partial operation of struck railroads to ensure continued movement of essential commodities.

New legislation is needed to ensure:

Collective bargaining rights for government employees;

Universal coverage and longer duration of the Unemployment Insurance and Workmen's Compensation programs and to establish minimum federal standards, including the establishment of equitable wage-loss ratios in those programs, including a built-in escalator clause that fairly reflects increases in average wage rates; and

That workers covered under private pension plans actually receive the personal and other fringe benefits to which their services for their employer entitle them. This requires that the fixed right to benefits starts early in employment, that reserves move with the worker from job to job and that re-insurance protection be given pension plans.

Labor standards

American workers are entitled to job safety at a living wage. Most of the basic protections needed have been recognized in legislation already enacted by Congress.

The Fair Labor Standards Act should be updated, however, to:

Move to a minimum wage of $2.50 per hour, which allows a wage earner to earn more than a poverty level income for 40 hours a week, with no subminimums for special groups or age differentials;

Expand coverage to include the 16 million workers not presently covered, including domestic workers, service workers, agricultural employees and employees of governmental and nonprofit agencies; and

Set overtime premiums which give an incentive to hire new employees rather than to use regular employees for extended periods of overtime.

The Longshoremen and Harbor Workers' Compensation Act should be updated to provide adequate protection for injured workers and federal standards for workmen's compensation should be set by Congress.

The Equal Pay Act of 1963 should be extended to be fully effective, and to cover professional, executive and administrative workers.

Maternity benefits should be made available to all working women. Temporary disability benefits should cover pregnancy, childbirth, miscarriage and recovery.

Occupational health and safety

Each year over 14,000 American workers are killed on their jobs, and nine million injured. Unknown millions more are exposed to long-term danger and disease from exposure to dangerous substances. Federal and state laws are supposed to protect workers; but these laws are not being enforced. This Administration has hired only a handful of inspectors and proposes to turn enforcement over to the same state bureaucracies that have proven inadequate in the past. Where violations are detected, only token penalties have been assessed.

We pledge to fully and rigorously enforce the laws which protect the safety and health of workers on their jobs and to extend those laws to all jobs, regardless of number of employees. This must include standards that truly protect against all health hazards, adequate federal enforcement machinery backed up by rigorous penalties and an opportunity for workers themselves to participate in the laws' enforcement by sharing responsibility for plant inspection.

We endorse federal research and development of effective approaches to combat the dehumanizing and debilitating effects of monotonous work.

Farm labor

The Sixties and Seventies have seen the struggle for unionization by the poorest of the poor in our country—America's migrant farm workers.

Under the leadership of Cesar Chavez, the United Farm Workers have accomplished in the non-violent tradition what was thought impossible only a short time ago. Through hard work and much sacrifice, they are the one group that is successfully organizing farm workers.

Their movement has caught the imagination of millions of Americans who have not eaten grapes so that agribusiness employers will recognize their workers as equals and sit down with them in meaningful collective bargaining.

We now call upon all friends and supporters of this movement to refrain from buying or eating non-union lettuce.

Furthermore, we support the farm workers' movement and the use of boycotts as a non-violent and potent weapon for gaining collective bargaining recognition and contracts for agricultural workers. We oppose the Nixon Administration's effort to enjoin the use of the boycott.

We also affirm the right of farm workers to organize free of repressive anti-labor legislation, both state and federal.

III. RIGHTS, POWER AND SOCIAL JUSTICE

"We're just asking, and we don't ask for much. Just to give us opportunity to live as human beings as other people have lived."—Dorothy Bolden, Atlanta Hearing, June 9, 1972.

"All your platform has to say is that the rights, opportunities and political power of citizenship will be extended to the lowest level, to neighborhoods and individuals. If your party can live up to that simple pledge, my faith will be restored."—Bobby Westbrooks, St. Louis Hearing, June 17, 1972.

"We therefore urge the Democratic Party to adopt the principle that America has a responsibility to offer every American family the best in health care, whenever they need it, regardless of income or any other factor. We must devise a system which will assure that . . . every American receives comprehensive health services from the day he is born to the day he dies, with an emphasis on preventive care to keep him healthy."—Joint Statement of Senator Edward M. Kennedy and Representative Wilbur Mills, St. Louis Hearing, June 17, 1972.

The Democratic Party commits itself to be responsive to the millions of hard working, lower- and middle-income Americans who are traditionally courted by politicians at election time, get bilked at tax-paying time, and are too often forgotten the balance of the time.

This is an era of great change. The world is fast moving into a future for which the past has not prepared us well; a future where to survive, to find answers to the problems which threaten us as a people, we must create qualitatively new solutions. We can no longer rely on old systems of thought, the results of which were partially successful programs that were heralded as important social reforms in the past. It is time *now* to rethink and reorder the institutions of this country so that everyone—women, blacks, Spanish-speaking, Puerto Ricans, Indians, the young and the old—can participate in the decision-making process inherent in the democratic heritage to which we aspire. We must restructure the social, political and economic relationships throughout the entire society in order to ensure the equitable distribution of wealth and power.

The Democratic Party in 1972 is committed to resuming the march toward equality; to enforcing the laws supporting court decisions and enacting new legal rights as necessary, to assuring every American true opportunity, to bringing about a more equal distribution of power, income and wealth and equal and uniform enforcement in all states and territories of civil rights statutes and acts.

In the 1970's, this commitment requires the fulfillment—through laws and policies, through appropriations and directives; through leadership and exhortation—of a wide variety of rights:

The right to full participation in government and the political process;

The rights of free speech and free political expression, of freedom from official intimidation, harassment and invasion of privacy, as guaranteed by the letter and the spirit of the Constitution;

The right to a decent job and an adequate income, with dignity;

The right to quality, accessibility and sufficient quantity in tax-supported services and amenities—including educational opportunity, health care, housing and transportation;

The right to quality, safety and the lowest possible cost on goods and services purchased in the market place;

The right to be different, to maintain a cultural or ethnic heritage or lifestyle, without being forced into a compelled homogeneity;

The rights of people who lack rights: Children, the mentally retarded, mentally ill and prisoners, to name some; and

The right to legal services, both civil and criminal, necessary to enforce secured rights.

Free expression and privacy

The new Democratic Administration should bring an end to the pattern of political persecution and investigation, the use of high office as a pulpit for unfair attack and intimidation and the blatant efforts to control the poor and to keep them from acquiring additional economic security or political power.

The epidemic of wiretapping and electronic surveillance engaged in by the Nixon Administration and the use of grand juries for purposes of political intimidation must be ended. The rule of law and the supremacy of the Constitution, as these concepts have traditionally been understood, must be restored.

We strongly object to secret computer data banks on individuals. Citizens should have access to their own files that are maintained by private commercial firms and the right to insert corrective material. Except in limited cases, the same should apply to government files. Collection and maintenance by federal agencies of dossiers on law-abiding citizens, because of their political views and statements, must be stopped, and files which never should have been opened should be destroyed. We firmly reject the idea of a National Computer Data Bank.

The Nixon policy of intimidation of the media and Administration efforts to use government power to block access to media by dissenters must end, if free speech is to be preserved. A Democratic Administration must be an open one, with the fullest possible disclosure of information, with an end to abuses of security classifications and executive privilege, and with regular top-level press conferences.

The right to be different

The new Democratic Administration can help lead America to celebrate the magnificence of the diversity within its population, the racial, national, linguistic and religious groups which have contributed so much to the vitality and richness of our national life. As things are, official policy too often forces people into a mold of artificial homogeneity.

Recognition and support of the cultural identity and pride of black people are generations overdue. The American Indians, the Spanish-speaking, the Asian Americans—the cultural and linguistic heritage of these groups is too often ignored in schools and communities. So, too, are the backgrounds, traditions and contributions of white national, ethnic, religious and regional communities ignored. All official discrimination on the basis of sex, age, race, language, political belief, religion, region or national origin must end. No American should be subject to discrimination in employment or restriction in business because of ethnic background or religious practice. Americans should be free to make their own choice of lifestyles and private habits without being subject to discrimination or prosecution. We believe official policy can encourage diversity while continuing to place full emphasis on equal opportunity and integration.

We urge full funding of the Ethnic Studies bill to provide funds for development of curriculum to preserve America's ethnic mosaic.

Rights of children

One measure of a nation's greatness is the care it manifests for all of its children. The Nixon Administration has demonstrated a callous attitude toward children repeatedly through veto and administrative decisions. We, therefore, call for a reordering of priorities at all levels of American society so that children, our most precious resource, and families come first.

To that end, we call for:

The federal government to fund comprehensive developmental child care programs that will be family centered, locally controlled and universally available. These programs should provide for active participation of all family members in the development and implementation of the program. Health, social service and early childhood education should be part of these programs, as well as a variety of options most appropriate to their needs. Child care is a supplement, not a substitute, for the family;

The establishment of a strong child advocacy program, financed by the federal government and other sources, with full ethnic, cultural, racial and sexual representation;

First priority for the needs of children, as we move toward a National Health Insurance Program;

The first step should be immediate implementation of the federal law passed in the 1967 Social Security Amendments providing for "early and periodic screening, diagnosis and treatment" of children's health problems;

Legislation and administrative decisions to drastically reduce childhood injuries—prenatal, traffic, poisoning, burns, malnutrition, rat bites and to provide health and safety education.

Full funding of legislation designed to meet the needs of children with special needs: The retarded, the physically and mentally handicapped, and those whose environment produces abuse and neglect and directs the child to anti-social conduct;

Reaffirmation of the rights of bilingual, handicapped or slow-learning children to education in the public schools, instead of being wrongly classified as retarded or uneducable and dismissed;

Revision of the juvenile court system; dependency and neglect cases must be removed from the corrections system, and clear distinctions must be drawn between petty childhood offenses and the more serious crimes;

Allocation of funds to the states to provide counsel to children in juvenile proceedings, legal or administrative; and

Creation by Congress of permanent standing committees on Children and Youth.

Rights of women

Women historically have been denied a full voice in the evolution of the political and social institutions of this country and are therefore allied with all under-represented groups in a common desire to form a more humane and compassionate society. The Democratic Party pledges the following:

A priority effort to ratify the Equal Rights Amendment;

Elimination of discrimination against women in public accommodations and public facilities, public education and in all federally-assisted programs and federally-contracted employment;

Extension of the jurisdiction of the Civil Rights Commission to include denial of civil rights on the basis of sex;

Full enforcement of all federal statutes and executive laws barring job discrimination on the basis of sex, giving the Equal Employment Opportunities Commission adequate staff and resources and power to issue cease-and-desist orders promptly;

Elimination of discriminatory features of criminal laws and administration;

Increased efforts to open educational opportunities at all levels, eliminating discrimination against women in access to education, tenure, promotion and salary;

Guarantee that all training programs are made more equitable, both in terms of the numbers of women involved and the job opportunities provided; jobs must be available on the basis of skill, not sex;

Availability of maternity benefits to all working women; temporary disability benefits should cover pregnancy, childbirth, miscarriage and recovery;

Elimination of all tax inequities that affect women and children, such as higher taxes for single women;

Amendment of the Social Security Act to provide equitable retirement benefits for families with working wives, widows, women heads of households and their children;

Amendment of the Internal Revenue Code to permit working families to deduct from gross income as a business expense, housekeeping and child care costs;

Equality for women on credit, mortgage, insurance, property, rental and finance contracts;

Extension of the Equal Pay Act to all workers, with amendment to read "equal pay for comparable work;"

Appointment of women to positions of top responsibility in all branches of the federal government to achieve an equitable ratio of women and men. Such positions include Cabinet members, agency and division heads and Supreme Court Justices; inclusion of women advisors in equitable ratios on all government studies, commissions and hearings; and

Laws authorizing federal grants on a matching basis for financing State Commissions of the Status of Women.

Rights of youth

In order to ensure, maintain and secure the proper role and functions of youth in American government, politics and society, the Democratic Party will endeavor to:

Lower the age of legal majority and consent to 18;

Actively encourage and assist in the election of youth to federal, state and local offices;

Develop special programs for employment of youth, utilizing governmental resources to guarantee development, training and job placement; and

Secure the electoral reforms called for under "People and the Government."

Rights of poor people

Poor people, like all Americans, should be represented at all levels of the Democratic Party in reasonable proportion to their numbers in the general population. Affirmative action must be taken to ensure their representation at every level. The Democratic Party guidelines guaranteeing proportional representation to "previously discriminated against groups" (enumerated as "women, young people and minorities") must be extended to specifically include poor people.

Political parties, candidates and government institutions at all levels must be committed to working with and supporting poor people's organizations and ending the tokenism and co-optation that has characterized past dealings.

Welfare rights organizations must be recognized as representative of welfare recipients and be given access to regulations, policies and decision-making processes, as well as being allowed to represent clients at all governmental levels.

The federal government must protect the right of tenants to organize tenant organizations and negotiate collective bargaining agreements with private landlords and encourage the participation of the tenants in the management and control of all subsidized housing.

Rights of American Indians

We support rights of American Indians to full rights of citizenship. The federal government should commit all necessary funds to improve the lives of Indians, with no division between reservation and non-reservation Indians. We strongly oppose the policy of termination, and we urge the government to provide unequivocal advocacy for the protection of the remaining Indian land and water resources. All land rights due American Indians, and Americans of Spanish and Mexican descent, on the basis of treaties with the federal government will be protected by the federal government. In addition we support allocation of Federal surplus lands to American Indians on a first priority basis.

American Indians should be given the right to receive bilingual medical services from hospitals and physicians of their choice.

Rights of the physically disabled

The physically disabled have the right to pursue meaningful employment and education, outside a hospital environment, free from unnecessary discrimination, living in adequate housing, with access to public mass transportation and regular medical care. Equal opportunity employment practices should be used by the government in considering their application for federal jobs and equal access to education from pre-school to the college level guaranteed. The physically disabled like all disadvantaged peoples, should be represented in any group making decisions affecting their lives.

Rights of the mentally retarded

The mentally retarded must be given employment and educational opportunities that promote their dignity as individuals and ensure their civil rights. Educational treatment facilities must guarantee that these rights always will be recognized and protected. In addition, to assure these citizens a more meaningful life, emphasis must be placed on programs of treatment that respect their right to life in a non-institutional environment.

Rights of the elderly

Growing old in America for too many means neglect, sickness, despair and, all too often, poverty. We have failed to discharge the basic obligation of a civilized people—to respect and assure the security of our senior citizens. The Democratic Party pledges, as a final step to economic security for all, to end poverty—as measured by official standards—among the retired, the blind and the disabled. Our general program of economic and social justice will benefit the elderly directly. In addition, a Democratic Administration should:

Increaase social security to bring benefits in line with changes on the national standard of living;

Provide automatic adjustments to assure that benefits keep pace with inflation;

Support legislation which allows beneficiaries to earn more income, without reduction of social security payments;

Protect individual's pension rights by pension re-insurance and early vesting;

Lower retirement eligibility age to 60 in all government pension programs;

Expand housing assistance for the elderly;

Encourage development of local programs by which senior citizens can serve their community in providing education, recreation, counseling and other services to the rest of the population;

Establish federal standards and inspection of nursing homes and full federal support for qualified nursing homes;

Take the needs of the elderly and the handicapped into account in all federal programs, including construction of federal buildings, housing and transportation planning;

Pending a full national health security system, expand Medicare by supplementing trust funds with general revenues in order to provide a complete range of care and services; eliminate the Nixon Administration cutbacks in Medicare and Medicaid; eliminate the part B premium under Medicare and include under Medicare and Medicaid the costs of eyeglasses, dentures, hearing aids, and all prescription drugs and establish uniform national standards for Medicaid to bring to an end the present situation which makes it worse to be poor in one state than in another.

The Democratic Party pledges itself to adopt rules to give those over 60 years old representation on all Party committees and agencies as nearly as possible in proportion to their percentage in the total population.

Rights of veterans

It is time that the nation did far more to recognize the service of our 28 million living veterans and to serve them in return. The veterans of Vietnam must get special attention, for no end of the war is truly honorable which does not provide these men the opportunities to meet their needs.

The Democratic Party is committed to ex-

tending and improving the benefits available to American veterans and society, to ending the neglect shown by the Nixon Administration to these problems and to the human needs of our ex-servicemen.

Medical care.—The federal government must guarantee quality medical care to ex-servicemen, and to all disabled veterans, expanding and improving Veterans Administration facilities and manpower and preserving the independence and integrity of the VA hospital program. Staff-patient ratios in these hospitals should be made comparable to ratios in community hospitals. Meanwhile, there should be an increase in the VA's ability to deliver out-patient care and home health services, wherever possible treating veterans as part of a family unit.

We support future coordination of health care for veterans with the national health care insurance program, with no reduction in scale or quality of existing veterans care and with recognition of the special health needs of veterans.

The VA separate personnel system should be expanded to take in all types of health personnel, and especially physician's assistants; and VA hospitals should be used to develop medical schools and area health education centers.

The VA should also assume responsibility for the care of wives and children of veterans who are either permanently disabled or who have died from service-connected causes. Distinction should no longer be made between veterans who have seen "wartime," as opposed to "peacetime," service.

Education.—Educational benefits should be provided for Vietnam-era veterans under the GI Bill at levels comparable to those of the original Bill after World War II, supplemented by special veteran's education loans. The VA should greatly expand and improve programs for poor or educationally disadvantaged veterans. In addition, there should be a program under which servicemen and women can receive high school, college or job training while on active duty. GI Bill trainees should be used more extensively to reach out to other veterans who would otherwise miss these educational opportunities.

Drug Addiction.—The Veterans Administration should provide either directly or through community facilities, a comprehensive, individually tailored treatment and rehabilitation program for all drug- and alcohol-addicted veterans, on a voluntary and confidential basis, and regardless of the nature of their discharge or the way in which they acquired their condition.

Unemployment.—There should be an increase in unemployment compensation provided to veterans, and much greater emphasis on the Veterans Employment Service of the Department of Labor, expanding its activities in every state. There should be a greatly enlarged effort by the federal government to employ Vietnam-era veterans and other veterans with service-connected disabilities. In addition, veterans' preferences in hiring should be written into every federal contract or subcontract and for public service employment.

Rights of servicemen and servicewomen

Military discipline must be maintained, but unjustifiable restriction on the Constitutional rights of members of the armed services must cease.

We support means to ensure the protection of GI rights to express political opinion and engage in off-base political activity.

We should explore new procedures for providing review of discharges other than honorable, in cases involving political activity.

We oppose deferential advancement, punishment assignment or any other treatment on the basis of race, and support affirmative action to end discrimination.

We support rights of women in the armed forces to be free from unfair discrimination.

We support an amendment of the Uniform Code of Military Justice to provide for fair and uniform sentencing procedures.

Rights of consumers

Consumers need to be assured of a renewed commitment to basic rights and freedoms. They must have the mechanisms available to allow self-protection against the abuses that the Kennedy and Johnson programs were designed to eliminate. We propose a new consumer program:

In the Executive Branch.—The executive branch must use its power to expand consumer information and protection:

Ensure that every policy-making level of government concerned with economic or procurement decisions should have a consumer input either through a consumer advisory committee or through consumer members on policy advisory committees;

Support the development of an independent consumer agency providing a focal point on consumer matters with the right to intervene on behalf of the consumer before all agencies and regulatory bodies; and

Expand all economic policy-making mechanisms to include an assessment of social as well as economic indicators of human well-being.

In the Legislative Branch.—We support legislation which will expand the ability of consumers to defend themselves:

Ensure an extensive campaign to get food, drugs and all other consumer products to carry complete informative labeling about safety, quality and cost. Such labeling is the first step in ensuring the economic and physical health of the consumer. In the food area, it should include nutritional unit pricing, full ingredients by percentage, grade, quality and drained weight information. For drugs, it should include safety, quality, price and operation data, either on the label or in an enclosed manual;

Support a national program to encourage the development of consumer cooperatives, patterned after the rural electric cooperatives in areas where they might help eliminate inflation and restore consumer rights; and

Support federal initiatives and federal standards to reform automobile insurance and assure coverage on a first-party, no-fault basis.

In the Judicial Branch.—The Courts should become an effective forum to hear well-founded consumer grievances.

Consumer class action: Consumers should be given access to the federal courts in a way that allows them to initiate group action against fraudulent, deceitful, or misleading or dangerous business practices.

Small Claims Court: A national program should be undertaken to improve the workings of small claims courts and spread their use so that consumers injured in economically small, though individually significant amounts (e.g. $500), can bring their complaints to the attention of a court and collect their damages without self-defeating legal fees.

The quality and quantity of social service

The new Democratic Administration can begin a fundamental re-examination of all federal domestic social programs and the patterns of service delivery they support. Simply advocating the expenditure of more funds is not enough, although funds are needed, for billions already have been poured into federal government programs—programs like urban renewal, current welfare and aid to education, with meager results. The control, structure and effectiveness of every institution and government grant system must be fully examined and these institutions must be made accountable to those they are supposed to serve.

We will, therefore, pursue the development of new rights of two kinds: Rights to the service itself and rights to participate in the delivery process.

Health care

Good health is the least this society should promise its citizens. The state of health services in this country indicates the failure of government to respond to this fundamental need. Costs skyrocket while the availability of services for all but the rich steadily decline.

We endorse the principle that good health is a right of all Americans.

America has a responsibility to offer to every American family the best in health care wherever they need it, regardless of income or where they live or any other factor.

To achieve this goal the next Democratic Administration should:

Establish a system of universal National Health Insurance which covers all Americans with a comprehensive set of benefits including preventive medicine, mental and emotional disorders, and complete protection against catastrophic costs, and in which the rule of free choice for both provider and consumer is protected. The program should be federally-financed and federally-administered. Every American must know he can afford the cost of health care whether given in a hospital or a doctor's office;

Incorporate in the National Health Insurance System incentives and controls to curb inflation in health care costs and to assure efficient delivery of all services;

Continue and evaluate Health Maintenance Organizations;

Set up incentives to bring health service personnel back to inner-cities and rural areas;

Continue to expand community health centers and availability of early screening diagnosis and treatment;

Provide federal funds to train added health manpower including doctors, nurses, technicians and para-medical workers;

Secure greater consumer participation and control over health care institutions;

Expand federal support for medical research including research in heart disease, hypertension, stroke, cancer, sickle cell anemia, occupational and childhood diseases which threaten millions and in preventive health care;

Eventual replacement of all federal programs of health care by a comprehensive National Health Insurance System;

Take legal and other action to curb soaring prices for vital drugs using anti-trust laws as applicable and amending patent laws to end price-raising abuses, and require generic-name labeling of equal-effective drugs; and

Expand federal research and support for drug abuse treatment and education, especially development of non-addictive treatment methods.

Family planning

Family planning services, including the education, comprehensive medical and social services necessary to permit individuals freely to determine and achieve the number and spacing of their children, should be available to all, regardless of sex, age, marital status, economic group or ethnic origin, and should be administered in a non-coercive and non-discriminatory manner.

Puerto Rico

The Democratic Party respects and supports the frequently-expressed desire of the people of Puerto Rico to freely associate in permanent union with the United States, as an autonomous commonwealth. We are committed to Puerto Rico's right to enjoy full self-determination and a relationship that can evolve in ways that will most benefit both parties.

To this end, we support equal treatment for Puerto Rico in the distribution of all federal grants-in-aid, amendment of federal laws that restrict aid to Puerto Rico; and we pledge no further restrictions in future laws. Only in this way can the people

of Puerto Rico come to participate more fully in the many areas of social progress made possible by Democratic efforts, on behalf of all the people.

Finally, the Democratic Party pledges to end all Naval shelling and bombardment of the tiny, inhabited island of Culebra and its neighboring keys, not later than June 1, 1975. With this action, and others, we will demonstrate the concern of the Democratic Party to develop and maintain a productive relationship between the Commonwealth and the United States..

Virgin Islands, Guam, American Samoa and the Trust Territories of the Pacific

We pledge to include all of these areas in federal grant-in-aid programs on a full and equitable basis.

We praise the Democratic Congress for providing a non-voting delegate to the House of Representatives from Guam and the Virgin Islands and urge that these elected delegates be accorded the full vote in the committees to which they are assigned.

We support the right of American Samoans to elect their Governor, and will consider methods by which American citizens residing in American territories can participate in Presidential elections.

IV. CITIES, COMMUNITIES, COUNTIES AND THE ENVIRONMENT

"When the Democratic Platform is written and acted on in Miami, let it be a blueprint for the life and survival of our cities and our people."

—Mayor Kenneth A. Gibson
U.S. Conference of Mayors
New Orleans
June 19, 1972

Introduction

Always the vital center of our civilization, the American city since World War II has been suffering growing pains, caused partly by the change of the core city into a metropolitan city and partly by the movement of people from towns and rural areas into the cities.

The burgeoning of the suburbs—thrust outward with too little concern for social, economic and environmental consequences—has both broadened the city's limits and deepened human and neighborhood needs.

The Nixon Administration has failed to meet most of these needs. It has met the problem of urban decay with tired, decaying "solutions" that are unworthy of the name. It could act to revitalize our urban areas; instead, we see only rising crime, fear and flight, racial and economic polarization, loss of confidence and depletion of community resources.

This Administration has ignored the cities and suburbs, permitting taxes to rise and services to decline; housing to deteriorate faster than it can be replaced, and morale to suffer. It actually has impounded funds appropriated by a Democratic Congress to help cities in crisis.

The Administration has ignored the needs of city and suburban residents for public services, for property tax relief and for the planning and coordination that alone can assure that housing, jobs, schools and transportation are built and maintained in suitable locations and in needed numbers and quality.

Meanwhile, the Nixon Administration has forgotten small-town America, too, refusing to provide facilities that would make it an attractive alternative to city living.

This has become the American crisis of the 1970's. Today, our highest national priority is clear and precise: To deal effectively—and *now*—with the massive, complex and urgent needs of our cities, suburbs and towns.

The federal government cannot solve all the problems of these communities. Too often, federal bureaucracy has failed to deliver the services and keep the promises that are made. But only the federal government can be the catalyst to focus attention and resources on the needs of every neighborhood in America.

Under the Nixon Administration, piecemeal measures, poorly funded and haphazardly applied, have proved almost totally inadequate. Words have not halted the decline of neighborhoods. Words have not relieved the plight of tenants in poorly managed, shoddy housing. Our scarce urban dollars have been wasted, and even the Republican Secretary of Housing and Urban Development has admitted it.

The Democratic Party pledges to stop the rot in our cities, suburbs and towns, and stop it now. We pledge commitment, coordination, planning and funds:

Commitment to make our communities places where we are proud to raise our children;

Coordination and planning to help all levels of government achieve the same goals, to ensure that physical facilities meet human needs and to ensure that land—a scarce resource—is used in ways that meet the needs of the entire nation; and

Funds to reduce the burden of the inequitable property tax and to help local government meet legitimate and growing demands for public facilities and services.

The nation's urban areas must and can be habitable. They are not only centers of commerce and trade, but also repositories of history and culture, expressing the richness and variety of their region and of the larger society. They are worthy of the best America can offer. They are America.

Partnership among governments

The federal government must assist local communities to plan for their orderly growth and development, to improve conditions and opportunities for all their citizens and to build the public facilities they need.

Effective planning must be done on a regional basis. New means of planning are needed that are practical and realistic, but that go beyond the limits of jurisdictional lines. If local government is to be responsive to citizen needs, public services and programs must efficiently be coordinated and evolved through comprehensive regional planning and decision-making. Government activities should take account of the future as well as the present.

In aiding the reform of state and local governments, federal authority must insist that local decisions take into account the views and needs of all citizens, white and black, haves and have-nots, young and old, Spanish and other non-English-speaking, urban, suburban and rural.

Americans ask more and more of their local governments, but the regressive property tax structure makes it impossible for cities and counties to deliver. The Democratic Party is committed to ensure that state and local governments have the funds and the capacity to achieve community service and development goals—goals that are nationally recognized. To this end:

We fully support general revenue sharing and the principle that the federal income tax should be used to raise more revenues for local use;

We pledge adequate federal funds to halt property tax increases and to begin to roll them back. Turning over federal funds to local governments will permit salaries of underpaid state and local government employees to climb to acceptable levels; and it will reduce tax pressures on the aged, the poor, Spanish and other non-English-speaking Americans and young couples starting out in life;

We further commit ourselves to reorganize categorical grant programs. They should be consolidated, expanded and simplified. Funding should be adequate, dependable, sustained, long-term and related to state and local fiscal timetables and priorities. There should be full funding of all programs, without the impounding of funds by the Executive Branch to thwart the will of Congress. And there should be performance standards governing the distribution of all federal funds to state and local governments; and

We support efforts to eliminate gaps and costly overlaps in services delivered by different levels of government.

Urban growth policy

The Nixon Administration has neither developed an effective urban growth policy designed to meet critical problems, nor concerned itself with the needed re-creation of the quality of life in our cities, large and small. Instead, it has severely over-administered and underfunded existing federal aid programs. Through word and deed, the Administration has widened the gulf between city and suburb, between core and fringe, between haves and have-nots.

The nation's urban growth policies are seen most clearly in the legitimate complaints of suburban householders over rising taxes and center-city families over houses that are falling apart and services that are often non-existent. And it is here, in the center city, that the failure of Nixon Administration policies is most clear to all who live there.

The Democratic Party pledges:

A national urban growth policy to promote a balance of population among cities, suburbs, small towns and rural areas, while providing social and economic opportunities for everyone. America needs a logical urban growth policy, instead of today's inadvertent, chaotic and haphazard one that doesn't work. An urban growth policy that truly deals with our tax and mortgage insurance and highway policies will require the use of federal policies as leverage on private investment;

A policy on housing—including low- and middle-income housing—that will concentrate effort in areas where there are jobs, transportation, schools, health care and commercial facilities. Problems of over-growth are not caused so much by land scarcity, as by the wrong distribution of people and the inadequate servicing of their needs; and

A policy to experiment with alternative strategies to reserve land for future development—land banks—and a policy to recoup publicly created land values for public benefit.

The cities

Many of the worst problems in America are centered in our cities. Countless problems contribute to their plight: decay in housing, the drain of welfare, crime and violence, racism, failing schools, joblessness and poor mass transit, lack of planning for land use and services.

The Democratic Party pledges itself to change the disastrous policies of the Nixon Administration toward the cities and to reverse the steady process of decay and dissolution. We will renew the battle begun under the Kennedy and Johnson Administrations to improve the quality of life in our cities. In addition to pledging the resources critically needed, we commit ourselves to these actions:

Help localities to develop their own solutions to their most pressing problems—the federal government should not stifle or usurp local initiative;

Carry out programs developed elsewhere in this Platform to assure every American decent shelter, freedom from hunger, good health care, the opportunity to work, adequate income and a decent education;

Provide sufficient management and planning funds for cities, to let them increase staff capacity and improve means of allocating resources;

Distribute funds according to standards that will provide center cities with enough resources to revitalize old neighborhoods and

build new ones, to expand and improve community services and to help local governments better to plan and deliver these services; and

Create and fund a housing strategy that will recognize that housing is neighborhood and community as well as shelter—a strategy that will serve all the nation's urban areas and all the American people.

Housing and community development

The 1949 Housing Act pledged "a decent home and suitable living environment for every American family." Twenty-three years later, this goal is still far away. Under this Administration, there simply has been no progress in meeting our housing needs, despite the Democratic Housing Act of 1968. We must build 2.6 million homes a year, including two-thirds of a million units of federally-subsidized low- and middle-income housing. These targets are not being met. And the lack of housing is particularly critical for people with low and middle incomes.

In the cities, widespread deterioration and abandonment are destroying once sound homes and apartments, and often entire neighborhoods, faster than new homes are built.

Federal housing policy creates walled compounds of poor, elderly and ethnic minorities, isolating them in the center city.

These harmful policies include the Administration's approach to urban renewal, discrimination against the center city by the Federal Housing Administration, highway policies that destroy neighborhoods and create ghettoes and other practices that work against housing for low- and middle-income families.

Millions of lower—and middle-class Americans—each year the income level is higher—are priced out of housing because of sharply rising costs.

Under Republican leadership, the Federal Housing Administration (FHA) has become the biggest slumlord in the country. Some unsophisticated home buyers have purchased homes with FHA mortgage insurance or subsidies. These consumers, relying on FHA appraisals to protect them, often have been exploited by dishonest real estate speculators. Unable to repair or maintain these houses, the buyers often have no choice but to abandon them. As a result, the FHA will acquire a quarter million of these abandoned houses at a cost to the taxpayers of billions of dollars.

Under the Republican Administration, the emphasis has been on housing subsidies for the people who build and sell houses rather than for those people who need and live in them. In many cases, the only decent shelter provided is a tax shelter.

To correct this inequity the Democratic Party pledges:

To overhaul completely the FHA to make it a consumer-oriented agency;

To use the full faith and credit of the Treasury to provide direct, low-interest loans to finance the construction and purchase of decent housing for the American people; and

To insist on building practices, inspection standards and management that will assure quality housing.

The next Administration must build and conserve housing that not only meets the basic need for shelter, but also provides a wider choice of quality housing and living environments. To meet this challenge, the Democratic Party commits itself to a housing approach that:

Prevents the decay and abandonment of homes and neighborhoods. Major rehabilitation programs to conserve and rehabilitate housing are needed. Consumers should be aided in purchasing homes, and low-income housing foreclosed by the FHA should be provided to poor families at minimal cost as an urban land grant. These houses should be rehabilitated and lived in, not left to rot;

Provides federal funds for preservation of existing neighborhoods. Local communities should decide whether they want renewal or preservation. Choosing preservation should not mean steady deterioration and inadequate facilities;

Provides for improved housing quality for all families through strict enforcement of housing quality standards and full compliance with state and local health and safety laws;

Provides effective incentives to reduce housing costs—to the benefit of poor and middle-income families alike—through effective use of unused, undeveloped land, reform of building practices and the use of new building techniques, including factory-made and modular construction;

Assures that residents have a strong voice in determining the destiny of their own neighborhoods;

Promotes free choice in housing—the right of all families, regardless of race, color, religion or income, to choose among a wide range of homes and neighborhoods in urban suburban and rural areas—through the greater use of grants to individuals for housing, the development of new communities offering diversified housing and neighborhood options and the enforcement of fair housing laws; and

Assures fair and equitable relationships between landlords and tenants.

New towns

New towns meet the direct housing and community needs of only a small part of our populations. To do more, new towns must be developed in concert with massive efforts to revitalize central cities and enhance the quality of life in still growing suburban areas.

The Democratic Party pledges:

To strengthen the administration of the New Towns program; to reduce onerous review requirements that delay the start of New Towns and thus thwart Congressional mandates; to release already appropriated monies and provide new planning and development funds needed to assure the quality of life in New Towns; and

To assure coordination between development of New Towns and renewed efforts to improve the quality of life in established urban and suburban areas. We also promise to use effectively the development of New Towns to increase housing choices for people now living in central and suburban areas.

Transportation

Urban problems cannot be separated from transportation problems. Whether tying communities together, connecting one community to another or linking our cities and towns to rural areas, good transportation is essential to the social and economic life of any community. It joins workers to jobs; makes commercial activity both possible and profitable and provides the means for expanding personal horizons and promoting community cultural life.

Today, however, the automobile is the principal form of transportation in urban areas. The private automobile has made a major contribution to economic growth and prosperity in this century. But now we must have better balanced transportation—more of it public. Today, 15 times as much federal aid goes to highways as to mass transit; tomorrow this must change. At the same time, it is important to preserve and improve transportation in America's rural areas, to end the crisis in rural mobility.

The Democratic Party pledges:

To create a single Transportation Trust Fund, to replace the Highway Trust Fund, with such additional funds as necessary to meet our transportation crisis substantially from federal resources. This fund will allocate monies for capital projects on a regional basis, permitting each region to determine its own needs under guidelines that will ensure a balanced transportation system and adequate funding of mass transit facilities.

Moreover, we will:

Assist local transit systems to meet their capital operating needs;

End the deterioration of rail and rural transportation and promote a flexible rural transportation system based on local, state and regional needs;

Take steps to meet the particular transportation problems of the elderly, the handicapped and others with special needs; and

Assist development of airport terminals, facilities and access to them, with due regard to impact on environment and community.

Environment, technology and resources

Every American has the right to live, work and play in a clean, safe and healthy environment. We have the obligation to ourselves and to our children. It is not enough simply to prevent further environmental deterioration and the despoilation of our natural endowment. Rather, we must improve the quality of the world in which we and they will live.

The Nixon Administration's record on the environment is one of big promises and small actions.

Inadequate enforcement, uncertain requirements, reduced funding and a lack of manpower have undercut the effort commenced by a Democratic Administration to clean up the environment.

We must recognize the costs all Americans pay for the environmental destruction with which we all live: Poorer health, lessened recreational opportunities, higher maintenance costs, lower land productivity and diminished beauty in our surroundings. Only then can we proceed wisely, yet vigorously, with a program of environmental protection which recognizes that, although environmental protection will not be cheap, it is worth a far greater price, in effort and money, than we have spent thus far.

Such a program must include adequate federal funding for waste management, recycling and disposal and for purification and conservation of air and water resources.

The next Administration must reconcile any conflicts among the goals of cleaner air and water, inexpensive power and industrial development and jobs in specific places. These difficulties do exist—to deny them would be deceptive and irresponsible. At the same time, we know they can be resolved by an Administration with energy, intelligence and commitment—qualities notably absent from the current Administration's handling of the problem.

We urge additional financial support to the United States Forest Service for planning and management consistent with the environmental ideal stated in this Platform.

Choosing the right methods of environmental protection

The problem we face is to choose the most efficient, effective and equitable techniques for solving each new environmental problem. We cannot afford to waste resources while doing the job, any more than we can afford to leave the job undone.

We must enforce the strict emission requirements on all pollution sources set under the 1970 Clean Air Act.

We must support the establishment of a policy of no harmful discharge into our waters by 1985.

We have have adequate staffing and funding of all regulatory and enforcement agencies and departments to implement laws, programs and regulations protecting the environment, vigorous prosecution of violators and a Justice Department committed to enforcment of environmental law.

We must fully support laws to assure citizens' standing in federal environmental court suits.

Strict interstate environmental standards must be formulated and enforced to prevent pollution from high-density population areas being dumped into low-density population

areas for the purpose of evasion of strict pollution enforcement.

The National Environmental Policy Act should be broadened to include major private as well as public projects, and a genuine commitment must be made to making the Act work.

Our environment is most threatened when the natural balance of an area's ecology is drastically altered for the sole purpose of profits. Such practices as "clear cut" logging, strip mining, the indiscriminate destruction of whole species, creation of select ocean crops at the expense of other species and the unregulated use of persistent pesticides cannot be justified when they threaten our ability to maintain a stable environment.

Where appropriate, taxes need to be levied on pollution, to provide industry with an incentive to clean up.

We also need to develop new public agencies that can act to abate pollution—act on a scale commensurate with the size of the problem and the technology of pollution control.

Expanded federal funding is required to assist local governments with both the capital and operating expenses of water pollution control and solid waste management.

Jobs and the environment

The United States should not be condemned to the choice between the development of resources and economic security or preservation of those resources.

A decent job for every American is a goal that need not, and must not, be sacrificed to our commitment to a clean environment. Far from slowing economic growth, spending for environmental protection can create new job opportunities for many Americans. Nevertheless, some older and less efficient plants might find themselves in a worse competitive position due to environmental protection requirements. Closely monitored adjustment assistance should be made available to those plants willing to modernize and institute environmental protection measures.

Science and technology

For years, the United States was the world's undisputed leader in science and technology. Now that leadership is being challenged, in part because of the success of efforts in other countries, and in part because of the Nixon Administration's neglect of our basic human and material resources in this field.

As Democrats, we understand the enormous investment made by the nation in educating and training hundreds of thousands of highly skilled Americans in science and technology. Many of these people are now unemployed, as aerospace and defense programs are slowly cut back and as the Administration's economic policies deprive these Americans, as well as others, of their livelihood.

So far, however, the Nixon Administration has paid scant attention to these problems. By contrast, the Democratic Party seeks both to increase efforts by the federal government and to stimulate research in private industry.

In addition, the Democratic Party is committed to increasing the overall level of scientific research in the United States, which has been allowed to fall under the Nixon Administration. And we are eager to take management methods and techniques devised for the space and defense programs, as well as our technical resources, and apply them to the city, the environment, education, energy, transportation, health care and other urgent domestic needs. We propose also to work out a more effective relationship between government and industry in this area, to stimulate the latter to a greater research and development effort, thus helping buoy up the economy and create more jobs.

Finally, we will promote the search for new approaches in science and technology, so that the benefits of progress may be had without further endangering the environment—indeed, so that the environment may be better preserved. We must create a systematic way to decide which new technologies will contribute to the nation's development, and which will cause more problems than they solve. We are committed to a role for government in helping to bring the growth of technology into a harmonious relationship with our lives.

Energy resources

The earth's natural resources, once in abundant and seemingly unlimited supply, can no longer be taken for granted. In particular, the United States is facing major changes in the pattern of energy supply that will force us to reassess traditional policies. By 1980, we may well have to depend on imports from the Eastern Hemisphere for as much as 30 to 50 percent of our oil supplies. At the same time, new forms of energy supply—such as nuclear, solar or geothermal power—lag far behind in research and development.

In view of these concerns, it is shocking that the Nixon Administration still steadfastly refuses to develop a national energy policy.

The Democratic Party would remedy that glaring oversight. To begin with, we should:

Promote greater research and development, both by government and by private industry, of unconventional energy sources, such as solar power, geothermal power, energy from water and a variety of nuclear power possibilities to design clean breeder fission and fusion techniques. Public funding in this area needs to be expanded, while retaining the principle of public administration of public funds;

Re-examine our traditional view of national security requirements in energy to reconcile them with our need for long-term abundant supplies of clean energy at reasonable cost;

Expand research on coal technology to minimize pollution, while making it possible to expand the efficiency of coal in meeting our energy needs;

Establish a national power plant siting procedure to examine and protect environmental values;

Reconcile the demand for energy with the demand to protect the environment;

Redistribute the cost of power among consumers, so that all, especially the poor, may be guaranteed adequate power at reasonable costs;

Develop a national power grid to improve the reliability and efficiency of our electricity system;

End the practice of allowing promotional utility advertising as an expense when rates are set; and

Find new techniques to encourage the conservation of energy. We must also require full disclosure of the energy needs of consumer products and home heating to enable consumers to make informed decisions on their use of energy.

The oceans

As with the supply of energy, no longer can we take for granted the precious resources we derive from the oceans. Here, too, we need comprehensive national and international policies to use and protect the vast potential contained in the sea. In particular we must:

Agree with other nations on stopping pollution of the seas, if they are not one day to become one large sewer, or be filled with dangerous poisons that will deprive us of vital food resources;

Agree with other nations on the conservation of food resources in the seas and promote the use of management techniques that will end the decline of the world's fish catch on the continental shelf through international cooperation for fishing gear regulations and species quota and preserve endangered species;

Agree on an international accord for the seas, so resources can be shared equitably among the world's nations. We must be prepared to act constructively at next year's Conference on the Law of the Seas;

Begin to reconcile competing interests in the future of the seas, including our national security objectives, to protect ocean resources in cooperation with other nations; and

Support strongly the protection of ocean mammals (seal, whale, walrus) from indiscriminate destruction by both foreign and tuna fishing industries, but specifically exempting those native Americans whose subsistence depends completely on their total use of the ocean's resources.

Ninety percent of all salt water fish species live on our continental shelves, where plant life is plentiful. For this reason, we support monitoring and strict enforcement of all safety regulations on all off-shore drilling equipment and on environmentally-safe construction of all tankers transporting oil.

Public lands

For generations, Americans have been concerned with preserving the natural treasures of our country: Our lakes and rivers, our forests and mountains. Enlightened Americans of the past decided that the federal government should take a major role in protecting these treasures, on behalf of everyone. Today, however, neglect on the part of the Nixon Administration is threatening this most valued heritage—and that of our children. Never before in modern history have our public lands been so neglected and the responsible agencies so starved of funds.

The Democratic Party is concerned about preserving our public lands, and promoting policies of land management in keeping with the broad public interest. In particular, it is imperative to restore lost funds for land, park and forest management. It is imperative that decisions about the future use of our public lands be opened up to all the people for widespread public debate and discussion. Only through such an open process can we set ground rules that appropriately limit the influence of special interests and allow for cohesive guidelines for national land-use planning.

We are particularly aware of the potential conflicts among the use of land, rivers, lakes and the seashore for economic development, large-scale recreation and for preservation as unspoiled wilderness. We recognize that there are competing goals, and shall develop means for resolving these conflicts in a way that reflects the federal government's particular responsibilities as custodian for the public. We need more National Seashores and expansion of the National Park system. Major steps must be taken to follow up on Congressional commitment to scenic riverways. Recreation areas must be made available to people where they live. This includes the extension of our national wilderness preserves to include de facto wilderness areas and their preservation free of commercialization. In this way, we will help to preserve and improve the quality of life for millions of our people.

With regard to the development of the vast natural resources on our public lands, we pledge a renewed commitment to proceed in the interests of all our citizens.

V. EDUCATION

"The American people want overwhelmingly to give to our children and adults equitable educational opportunities of the highest possible quality, *not* predicated on race, *not* predicated on past social accomplishment or wealth, except in a compensatory way to those who have been deprived in the past."—Governor Jimmy Carter, Atlanta Hearing, June 9, 1972.

Our schools are failing our children. Never,

more than now, have we needed the schools to play their traditional role—to create a sense of national unity and to reconcile ethnic, religious and racial conflicts. Yet the Nixon Administration—by ignoring the plight of the nation's schools, by twice vetoing funds for education—has contributed to this failure.

America in the 1970's requires something the world has never seen: Masses of educated people—educated to feel and to act, as well as to think. The children who enter school next fall still will be in the labor force in the year 2030; we cannot even imagine what American society will be like then, let alone what specific jobs they may hold. For them, education must be done by teaching them how to learn, how to apply man's wisdom to new problems as they arise and how to recognize new problems as they arise. Education must prepare students not just to earn a living but to live a life—a creative, humane and sensitive life.

SCHOOL FINANCE

Achieving educational excellence requires adequate financial support. But today local property taxes—which do not keep pace with inflation—can no longer support educational needs. Continued reliance on this revenue source imposes needless hardship on the American family without supplying the means for good schools. At the same time, the Nixon recession has sapped the resources of state government, and the Administration's insensitivity to school children has meant inadequate federal expenditures in education.

The next Democratic Administration should:

Support equalization in spending among school districts. We support Court decisions holding unconstitutional the disparities in school expenditures produced by dependence on local property taxes. We pledge equality of spending as a way to improve schools and to assure equality of access to good education for all children;

Increase federal financial aid for elementary and secondary education to enhance achievement of quality education anywhere, and by fully funding the programs passed by the Congress and by fully funding ESEA Title I;

Step up efforts to meet the special needs and costs of educationally disadvantaged children handicapped by poverty, disability or non-English-speaking family background;

Channel financial aid by a Constitutional formula to children in non-public schools;

Support suburban-urban cooperation in education to share resources and expenses;

Develop and implement the retraining of displaced black and other minority teachers affected by desegregation; and

Continue with full federal funding the breakfast and lunch programs for all children and the development of other programs to combat hunger.

Early childhood education

Our youngest children are most ignored by national policy and most harshly treated by the Nixon Administration. President Nixon's cruel, irresponsible veto of the Comprehensive Child Development Act of 1971 indicates dramatically the real values of the present Administration.

That legislation struck down by President Nixon remains the best program to bring support to family units threatened by economic and social pressures; to eliminate educational handicaps which leave disadvantaged children unable to compete in school; to prevent early childhood disease before it results in adult disability; to interrupt the painful, destructive cycle of welfare dependence, and, most important, to allow all children happy lives as children and the opportunity to develop their full potential.

We support legislation for positive and preventive approaches to early childhood education. These approaches should be designed to help eliminate educational handicaps before they require remedial treatment. A Democratic President will support and sign a program for universal comprehensive child development.

We should give reality to the right of mentally retarded children to adequate health care and educational opportunities through such measures as including necessary care under national health insurance and federal aid to assure an opportunity for education for all retarded persons.

Equal access to quality education

The Supreme Court of the United States in Brown v Board of Education established the Constitutional principle that states may not discriminate between school children on the basis of their race and that separate but equal has no place in our public education system. Eighteen years later the provision of integration is not a reality.

We support the goal of desegregation as a means to achieve equal access to quality education for all our children. There are many ways to desegregate schools: School attendance lines may be redrawn; schools may be paired; larger physical facilities may be built to serve larger, more diverse enrollments; magnet schools or educational parks may be used. Transportation of students is another tool to accomplish desegregation. It must continue to be available according to Supreme Court decisions to eliminate legally imposed segregation and improve the quality of education for all children.

Bilingual education

Ten percent of school children in the United States speak a language other than English in their homes and communities. The largest of the linguistic and cultural groups—Spanish-speaking and American Indians—are also among the poorest people in the United States. Increasing evidence indicates an almost total failure of public education to educate these children.

The drop-out rates of Spanish-speaking and Indian children are the worst of any children in the country. The injury is compounded when such children are placed in special "compensatory" programs or programs for the "dumb" or the "retarded" on the basis of tests and evaluations conducted in English.

The passage of the Bilingual Education Act of 1967 began a commitment by the nation to do something about the injustices committed against the bilingual child. But for 1972–73, Congress appropriated $35 million—enough to serve only two percent of the children who need help.

The next Democratic Administration should:

Increase federal support for bilingual, bicultural educational programs, pre-school through secondary school, including funding of bilingual Adult Basic Education;

Ensure sufficient teacher training and curriculum development for such schools;

Implement an affirmative action program to train and to hire bilingual-bicultural Spanish-speaking persons at all levels in the educational system;

Provide inventories for state and local districts to initiate bilingual-bicultural education programs;

Require testing of bilingual-bicultural children in their own languages; and

Prohibit discrimination against bilingual-bicultural children in school.

Career education

Academic accomplishment is not the only way to financial success, job satisfaction or rewarding life in America. Many young Americans think that college is the only viable route when for some a vocational-technical career offers as much promise of a full life. Moreover, the country desperately needs skilled workers, technicians, men and women who understand and can handle the tools and equipment that mean growth and jobs. By 1975 the need for skilled craftsmen will increase 18 percent while the need for college-trained persons will remain stable.

Young people should be permitted to make a career choice consistent with their interests, aptitudes and aspirations. We must create an atmosphere where the dignity of work is respected, where diversity of talent and taste is encouraged and where continuing opportunity exists to keep pace with change and gives a saleable skill.

To aid this, the next Democratic Administration can:

Give vocational-technical education the same priority in funds and emphasis previously given academic education;

Support full appropriations for the recently-passed Occupational Education Act;

Strengthen the career counseling programs in elementary, secondary and post-secondary education so that young people are made aware of all of the opportunities open to them and provide special kinds of vocational-technical education and experience to meet specific area needs;

Develop and promote a climate conducive to free, rational choice by young people, dispelling the current prejudices that influence career decisions for most young people almost from birth;

Establish a lifetime system of continuing education to enhance career mobility, both vertically and laterally, so that the career choice made at 18 or 20 years of age does not have to be the only or the final choice; and

Grant equal representation to minorities and women in vocational-technical education.

Higher education

We support universal access to opportunities to post-secondary education. The American education system has always been an important path toward social and economic advancement. Federal education policy should ensure that our colleges and universities continue as an open system. It must also stimulate the creative development and expansion of higher education to meet the new social, economic and environmental problems confronting society. To achieve the goals of equal opportunity in education, to meet the growing financial crisis in higher education and to stimulate reform of educational techniques, the next Democratic Administration should:

Support guaranteed access for all students to loan funds with long-term repayment based on future earnings. Not only the poor, but families with moderate incomes must be provided relief from the cost of a college and professional education;

Grant supplements and contingent loans to institutions, based on enrollment of federally-aided students;

Provide research funds to stimulate a partnership between post-secondary, secondary and primary education, in an effort to find new patterns for learning and to provide training and retraining of teachers, especially in urban areas;

Develop broad opportunities for lifelong learning including encouragement for post-secondary education throughout adult years and permit "stopping-off" during higher education;

Develop affirmative programs in universities and colleges for recruitment of minorities and women for administrative and teaching positions and as students; and

Create incentives for non-traditional education which recognize the contribution of experience to an individual's educational status.

Acts and humanities

Support for the arts and humanities is one of the benchmarks of a civilized society. Yet, the continued existence of many of

America's great symphonies, theatres and museums, our film institutes, dance companies and other art forms, is now threatened by rising costs, and the public contribution, far less than in most advanced industrial societies, is a fraction of the need.

We should expand support of the arts and humanities by direct grants through the National Foundation for the Arts and Humanities, whose policy should be to stimulate the widest variety of artistic and scholarly expression.

We should support long-range financing for public broadcasting, insulated from political pressures. We deplore the Nixon Administration's crude efforts to starve and muzzle public broadcasting, which has become a vital supplement to commercial television.

VI. CRIME, LAW AND JUSTICE

"I think we can reduce crime. Society has no more important challenge because crime is human conduct and more than any other activity of people it reflects the moral character of a nation."—Ramsey Clark, Washington Hearing, June 23, 1972.

We advocate and seek a society and a government in which there is an attitude of respect for the law and for those who seek its enforcement and an insistence on the part of our citizens that the judiciary be ever mindful of their primary duty and function of punishing the guilty and protecting the innocent. We will insist on prompt, fair and equal treatment for all persons before the bar of justice.

The problem of crime in America is real, immediate and fundamental; its costs to the nation are staggering; nearly three-quarters of a million victims of violent crime in one year alone; more than 15,000 murders, billions of dollars of property loss.

The indirect, intangible costs are even more ominous. A frightened nation is not a free nation. Its citizens are prisoners, suspicious of the people they meet, restricted in when they go out and when they return, threatened even in their own homes. Unless government at all levels can restore a sense of confidence and security to its people, there is the ever-present danger that alarm will turn to panic, triggering short-cut remedies that jeopardize hard-won liberties.

When law enforcement breaks down, not only the victims of street violence suffer; the worker's health and safety is imperiled by unsafe, illegal conditions on the job; the society is defenseless against fraud and pollution; most tragically of all, parents and communities are ravaged by traffic in dangerous drugs.

The Nixon Administration campaigned on a pledge to reduce crime—to strengthen the "peace forces" against the "criminal forces." Despite claims to the contrary, that pledge has been broken:

Violent crime has increased by one-third, to the highest levels in our history;

Fueled by the immense profits of narcotics traffic, organized crime has thrust its corruption farther and farther, into law enforcement agencies and the halls of justice;

The Depatment of Justice has become the handmaiden of the White House political apparatus, offering favors to those special interests which buy their "law" in Washington.

The Justice Department has failed to enforce laws protecting key legal rights, such as the Voting Rights Act of 1965;

Nixon and Mitchell use federal crime control funds for political purposes, squandering $1.5 billion;

To reverse this course, through equal enforcement of the law, and to rebuild justice the Democratic Party believes:

The impact of crime in America cuts across racial, geographic and economic lines;

Hard-line rhetoric, pandering to emotion, is both futile and destructive;

We can protect all people without undermining fundamental liberties by ceasing to use "law and order" as justification for repression and political persecution, and by ceasing to use stop-gap measures as preventive detention, "no-knock" entry, surveillance, promiscuous and unauthorized use of wire taps, harrassment, and secret dosiers; and

The problems of crime and drug abuse cannot be isolated from the social and economic conditions that give rise to them.

Preventing crime

Effective law enforcement requires tough planning and action. This Administration has given us nothing but tough words. Together with unequal law enforcement by police, prosecutors and judges, the result is a "turnstile" system of injustice, where most of those who commit crime are not arrested, most of those arrested are not prosecuted, and many of those prosecuted are not convicted. Under this Administration, the conviction rate for federal prosecutions has declined to one-half its former level. Tens of thousands of offenders simply never appear in court and are heard from again only when they commit another crime. This system does not deter crime. It invites it. It will be changed only when all levels of government act to return firmness and fairness to every part of the criminal justice system.

Fear of crime, and firm action against it, is not racism. Indeed the greatest victims of crime today—whether of business fraud or of the narcotics plague—are the people of the ghetto, black and brown. Fear now stalks their streets far more than it does the suburbs.

So that Americans can again live without fear of each other the Democratic Party believes:

There must be equally stringent law enforcement for rich and poor, corporate and individual offenders;

Citizens must be actively involved with the police in a joint effort;

Police forces must be upgraded, and recruiting of highly qualified and motivated policemen must be made easier through federally-assisted pay commensurate with the difficulty and importance of their job, and improved training with comprehensive scholarship and financial support for anyone who is serving or will contract to serve for an appropriate period of police service;

The complex job of policing requires a sensitivity to the changing social demands of the communities in which police operate;

We must provide the police with increased technological facilities and support more efficient use of police resources, both human and material;

When a person is arrested, both justice and effective deterrence of crime require that he be speedily tried, convicted or acquitted, and if convicted, promptly sentenced. To this end we support financial assistance to local courts, prosecutors, and independent defense counsel for expansion, streamlining, and upgrading, with trial in 60 days as the goal;

To train local and state police officers, a Police Academy on a par with the other service academies should be established as well as an Academy of Judicial Administration;

We will provide every assistance to our law enforcement agencies at federal and local levels in the training of personnel and the improvement of techniques and will encourage mutual cooperation between each in its own sphere of responsibility;

We will support needed legislation and action to seek out and bring to justice the criminal organization of national scope operating in our country;

We will provide leadership and action in a national effort against the usage of drugs and drug addiction, attacking this problem at every level and every source in a full scale campaign to drive this evil from our society. We recognize drug addiction as a health problem and pledge that emphasis will be put on rehabilitation of addicts;

We will provide increased emphasis in the area of juvenile delinquency and juvenile offenses in order to deter and rehabilitate young offenders;

There must be laws to control the improper use of hand guns. Four years ago a candidate for the presidency was slain by a handgun. Two months ago, another candidate for that office was gravely wounded. Three out of four police officers killed in the line of duty are slain with hand guns. Effective legislation must include a ban on sale of hand guns known as Saturday night specials which are unsuitable for sporting purposes;

A comprehensive fully-funded program is needed to improve juvenile justice, to ensure minimum standards, to expand research into rehabilitation techniques, including alternatives to reform schools and coordinate existing programs for treating juvenile delinquency; and

The block-grant system of the Law Enforcement Assistance Administration which has produced ineffectiveness, waste and corruption should be eliminated. Funds should go directly to operating agencies that are committed to change and improvement in local law enforcement, including agencies concerned with research, rehabilitation, training and treatment.

Narcotic drugs

Drug addiction and alcoholism are health problems. Drugs prey on children, destroy lives and communities, force crimes to satisfy addicts, corrupt police and government and finance the expansion of organized crime. A massive national effort, equal to the scale and complexity of the problem, is essential.

The next Democratic Administration should support:

A massive law enforcement effort, supported by increased funds and personnel, against the suppliers and distributors of heroin and other dangerous drugs, with increased penalties for major narcotics traffickers;

Full use of all existing resources to halt the illegal entry of narcotics into the United States, including suspension of economic and military assistance to any country that fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States illegally, and increases in customs personnel fighting smuggling of hard drugs;

An all-out investigative and prosecutory effort against corruption in government and law enforcement. Where corruption exists it is a major factor in permitting criminal activity, especially large-scale narcotic distribution, to flourish. It also destroys respect for the law in all who are conscious of its operation. We are determined that our children—whether in the ghetto or in a suburban high school—shall no longer be able to see a pusher protected from prosecution, openly plying his trade;

Strict regulation and vigorous enforcement of existing quotas regulating production and distribution of dangerous drugs, including amphetamines and barbiturates, to prevent diversion into illegal markets, with legislation for strong *criminal* penalties against drug manufacturers engaging in illegal overproduction, distribution and importation;

Expanded research into dangerous drugs and their abuse, focusing especially on heroin addiction among the young and development of effective, non-addictive heroin treatment methods;

Concentration of law enforcement efforts on major suppliers and distributors, with most individual users diverted into treatment before prosecution;

Immediate placement in medical or psychiatric treatment, available to any individual drug abuser without fear of disclosure or harrassment. Work opportunities should be provided for addicts in treatment by supported work and other programs; and

Drug education in schools based on fact, not scare tactics to teach young people the dangers of different drugs, and full treatment opportunities for youthful drug abusers. Hard drug trafficking in schools must be met with the strongest possible law enforcement.

Organized and professional crime

We are determined to exert the maximum power and authority of the federal government to protect the many victims who cannot help themselves against great criminal combinations.

Against the organized criminal syndicates, we pledge an expanded federal enforcement effort; one not restricted to criminals of any particular ethnic group, but which recognizes that organized crime in the United States cuts across all boundaries of race, national origin and class.

Against white-collar crime, we pledge to enforce the maximum penalties provided by law. Justice cannot survive when, as too often is the case, a boy who steals a television set is sentenced to a long jail term, while a stock manipulator who steals millions is only commanded to sin no more.

At least where life or personal injury are at stake, we pledge to seek expanded criminal penalties for the violation of federal laws. Employers who violate the worker safety and health laws, or manufacturers who knowingly sell unsafe products or drugs profit from death and injury as knowingly as the common mugger. They deserve equally severe punishment.

Rehabilitation of offenders

Few institutions in America are as uniformly condemned and as consistently ignored as our existing prison system. Many prisons that are supposed to rehabilitate and separate, in fact train their inmates for nothing but brutality and a life of further crime. Only when public understanding recognizes that our existing "corrections" system *contributes* to escalating crime, will we get the massive effort necessary for fundamental restructuring.

Therefore, the Democratic Party commits itself to:

Restoration, after release, of rights to obobtain drivers licenses and to public and private employment, and, after completion of sentence and conditions of parole, restoration of civil rights to vote and hold public office;

Revision of sentencing procedures and greater use of community-based rehabilitation facilities, especially for juveniles;

Recognition of the constitutional and human rights of prisoners; realistic therapeutic, vocational, wage-earning, education, alcoholism and drug treatment programs;

Making correctional personnel an integral part of the rehabilitative process;

Emergency, educational and work-release furlough programs as an available technique, support for "self-help" programs; and

Restoration of civil rights to ex-convicts after completion of their sentences, including the right to vote, to hold public office, to obtain drivers' licenses and to public and private employment.

The quality of justice

Justice is not merely effective law enforcement—though that is an essential part of it. Justice, rather, expresses the moral character of a nation and its commitment to the rule of law, to equality of all people before the law.

The Democratic Party believes that nothing must abridge the faith of the American citizens in their system of law and justice.

We believe that the quality of justice will be enhanced by:

Equal treatment for all citizens in the court without fear or favor—corporations as well as individual offenders;

Swift trials for accused persons;

Equitable pre-trial release systems and the elimination of plea bargaining abuses;

Ending subversion of the legal system for political gain in court appointments, in antitrust cases and in administration of law enforcement programs;

Administering the laws and funding enacted by the Congress;

Respecting and abiding by Constitutional protections of due process; and

Abolishing capital punishment, recognized as an ineffective deterrent to crime, unequally applied and cruel and excessive punishment.

VII. FARMING AND RURAL LIFE

"A blight hangs over the land caused by misguided farm policies."—Tony Dechant, Sioux City hearing, June 16, 1972.

For many decades, American agriculture has been the envy of the world; and American farmers and American ranchers have made possible a level of nutrition and abundance for our people that is unrivaled in history, while feeding millions of people abroad.

The basis for this success—and its promise for the future—lies with the family-type farm. It can and must be preserved, in the best interests of all Americans and the nation's welfare.

Today, as dwindling income forces thousands of family farmers into bankruptcy each year, the family-type farm is threatened with extinction. American farming is passing to corporate control.

These trends will benefit few of our people, while hurting many. The dominance of American food production by the large corporation would destroy individual enterprise and links that millions of our people have with the land; and it would lead to higher prices and higher food costs for everyone.

Major efforts must be made to prevent this disaster for the fabric of rural life, for the American farmer, rancher, farm worker and for the consumer and other rural people throughout our nation:

Farm income must be improved to enable farmers, ranchers and farm workers to produce a steady and dependable supply of food and fiber products in return for full parity; and

We must recognize and fulfill the social contract that exists between the family-farm producers of food and the non-farm consumer.

The Democratic Party understands these urgent needs; the Nixon Administration does not and has failed the American farmer. Its record today is consistent with the Republican record of the past: Low prices, farm surpluses that depress the market and callous disregard for the people in rural America.

This Administration has sold out agriculture to interests bent on eliminating family-type farmers and bent on delivering agriculture to conglomerates, agribusiness giants and rich investors seeking to avoid taxes.

Its policies have driven farm income as low as 67 percent of parity, unequalled since the Depression. Between 50,000 and 75,000 farm families are driven off the land each year. Hundreds of thousands of demoralized people are being forced into overcrowded cities, emptying the countryside and bankrupting small business in rural towns and cities.

The Nixon Administration tries to hide its failures by misleading the people, juggling the parity formula to make prices look higher, distorting reports to make corporate farming look insignificant and trying to break up the U.S. Department of Agriculture and still the farmer's voice.

The Democratic Party will reverse these disastrous policies, and begin to recreate a rural society of widespread family farming, individual opportunity and private and cooperative enterprises, where honest work will bring a decent income.

We repudiate the Administrator's set-aside program, which pushes up the cost of farm programs while building huge surpluses that depress prices.

We repudiate the Report of the USDA Young Executives Committee which would eliminate the family-type farm by ending price support, loan and purchasing programs on all farm commodities and which would put farm people on the welfare rolls.

We repudiate a Presidential commission report recommending that future federal investment in many small towns and cities should make their decline merely more bearable rather than reverse it.

In place of these negative and harmful policies, the Democratic Party pledges itself to take positive and decisive action:

We will replace the 1970 Farm Act, when it expires next year, with a permanent law to provide fair prices to family-type farm and ranch operators. This law will include loans and payments to farmers and effective supply management to raise family farm income to 100 percent of parity, based on the 1910–14 ratios:

We will resist a price ceiling on agriculture products until farm prices reach 110 percent of parity, based on the 1910–14 ratios, and we will conduct a consumer education program to inform all Americans of the relationship between the prices of raw commodities and retail prices;

We will end farm program benefits to farm units larger than family-size; and

We will work for production adjustment that will assure adequate food and fiber for all our people, including low-income families and individuals whose purchasing power is supplemented with food stamps and that can provide enough commodities for export and for the Food for Peace Program.

Exporting our abundance

For many years, farm exports have made a major contribution to our balances of trade and payments. But this benefit for the entire nation must not be purchased with depressed prices for the producer.

The Democratic Party will ensure that:

Prices for commodities sent abroad as exports or aid return the cost of production plus a profit for the American farmer;

We will negotiate international commodity agreements to include prices that guarantee prices to producers based on cost of production plus a reasonable profit;

We will require U.S. corporations producing commodities outside the country for consumption here to pay duties high enough to prevent unfair competition for domestic producers;

We will assure that the same rigid standards for inspection of domestic dairy products and meat will be applied to imports; and

We will create a strategic reserve of storable commodities, insulated from the market, rotated regularly to maintain quality and stored to the extent possible on farms.

Strengthening the family farm

These policies and actions will not be enough on their own to strengthen the family farm. The Democratic Party also recognizes that farmers and ranchers must be able to gain economic strength in the marketplace by organizing and bargaining collectively for the sale of their products. And they need to be free of unfair competition from monoply and other restrictive corporate practices. We therefore pledge:

To remove all obstacles to farm bargaining for the sale of products;

To extend authority for marketing orders to all farm commodities including those used for processing;

To prohibit farming, or the gaining of monopolistic control of production, on the part of corporations whose resources and income derive primarily from non-farm sources;

To investigate violations and enforce anti-

trust laws in corporation-agriculture-agribusiness interlocks;

To prohibit corporations and individuals from setting up tax shelters or otherwise engaging in agriculture primarily for the purpose of tax avoidance or tax loss;

To encourage and support the use of cooperatives and membership associations in all areas of the country, which we pledge to protect from interference, punitive taxation or other hindrances; and

To assist small rural cooperatives to promote projects in housing, health, social services, marketing, farming, employment and transportation for rural areas with such things as technical assistance and credit.

Guaranteeing farm people a voice

None of these policies can begin to work unless farmers, ranchers, farm workers and other rural people have full rights of participation in our democratic institutions of government. The Democratic Party is committed to seeing that family-type farmers and ranchers will be heard and that they will have ample opportunity to help shape policies affecting agriculture and rural America. To this end:

We support the appointment of a farmer or rancher as Secretary of Agriculture;

We oppose all efforts to abolish or dismantle the U.S. Department of Agriculture;

We will require that decisions relating to dams and other public land-use projects in rural areas involving federal funds be considered at well-publicized public hearings. Government is not now giving adequate protection to individual rights in condemnation procedures. It must set new and better procedures and requirements to assure individual rights;

We supported the United Farm Workers in their non-violent efforts to gain collective bargaining recognition and contracts. We also support unemployment insurance compensation benefits, workman's compensation benefits and delivery of health services for farm workers; and

We support the removal of sugar workers from the custody of the U.S. Department of Agriculture.

Revitalizing rural America

Sound rural development must start with improved farm income, which also promotes the prosperity of the small businesses that serve all rural people. But there must be other efforts, as well, to ensure equity for farm and rural people in the American economy. The Democratic Party pledges:

To support the rural cooperative electrification and telephone programs and to implement rural transportation programs as explained in the section Cities, Communities, Counties and the Environment of this Platform. We will extend the agricultural exemption in the Motor Carriers Act to products and supplies and ensure rural areas an equitable share of Highway Trust Funds;

To apply general revenue sharing in ways that will permit state and local taxation of family farm lands on the basis of value for farm use rather than value for land speculation;

To guarantee equal treatment of rural and urban areas in the provision of federal funds for schools, poverty programs, health facilities, housing, highways, air services, pollution control, senior citizen programs and employment opportunities and manpower and training programs;

To provide loans to aid young farm families and small businesses to get established in rural areas; and

To ensure agricultural research toward an examination of the social and economic consequences of technology.

The prime goal of land grant colleges and research should be to help family farms and rural people.

VIII. FOREIGN POLICY

"The Administration is continuing a war—continuing the killing of Americans and Vietnamese—when our national security is not at stake.

"It is our duty as the opposition party to point out the Administration's errors and to offer a responsible alternative."—W. Averell Harriman, New York Hearing, June 22, 1972.

Strength in defense and wisdom in foreign affairs are essential to prosperity and tranquility. In the modern world, there can be no isolationism in reality or policy. But the measure of our nation's rank in the world must be our success in achieving a just and peaceful society at home.

For the Nixon Administration, foreign policy results have fallen short of the attention and the slogans:

After four years of "Vietnamization," the war in Southeast Asia continues and Nixon's plan is still a secret;

Vital foreign policy decisions are made without consultation with Congress or our allies; and

Executive secrecy runs wild with unparalleled efforts to intimidate the media and suppress those who seek to put a different view before the American people.

The next Democratic Administration should:

End American participation in the war in Southeast Asia;

Re-establish control over military activities and reduce military spending, where consistent with national security;

Defend America's real interests and maintain our alliances, neither playing world policeman nor abandoning old and good friends;

Not neglect America's relations with small third-world nations in placing reliance in great power relationships;

Return to Congress, and to the people, a meaningful role in decisions on peace and war; and

Make information public, except where real national defense interests are involved.

Vietnam

Nothing better describes the need for a new American foreign policy than the fact that now, as for the past seven years, it begins with the war in Vietnam.

The task now is still to end the war, not to decide who is to blame for it. The Democratic Party must share the responsibility for this tragic war. But, elected with a secret plan to end this war, Nixon's plan is still secret, and we—and the Vietnamese—have had four more years of fighting and death.

It is true that our involvement on the ground has been reduced. Troops are coming home. But the war has been extended in Laos and Cambodia; the bombing of North Vietnam has been expanded to levels of destruction undreamed of four years ago; North Vietnam has been blockaded; the number of refugees increases each day, and the Secretary of Defense warns us of still further escalation.

All this has accomplished nothing except to prolong the war.

The hollowness of "Vietnamization"—a delusive slogan seeming to offer cheap victory—has been exposed by the recent offensive. The Saigon Government, despite massive U.S. support, is still not viable. It is militarily ineffective, politically corrupt and economically near collapse. Yet it is for this regime that Americans still die, and American prisoners still rot in Indo-China camps.

The plight of these American prisoners justly arouses the concern of all Americans. We must insist that any resolution of the war include the return of all prisoners held by North Vietnam and other adversary forces and the fullest possible accounting for the missing. With increasing lack of credibility, the Nixon Administration has sought to use the prisoners of war as an excuse for its policies. It has refused to make the simple offer of a definite and final end to U.S. participation in the war, in conjunction with return of all U.S. prisoners.

The majority of the Democratic Senators have called for full U.S. withdrawal by October 1, 1972. We support that position. If the war is not ended before the next Democratic Administration takes office, we pledge, as the first order of business, an immediate and complete withdrawal of all U.S. forces in Indo-China. All U.S. military action in Southeast Asia will cease. After the end of U.S. direct combat participation, military aid to the Saigon Government, and elsewhere in Indo-China, will be terminated.

The U.S. will no longer seek to determine the political future of the nations of Indo-China. The issue is not whether we will depose the present South Vietnamese Government, rather when we will cease insisting that it must be the core of any political settlement. We will do what we can to foster an agreement on an acceptable political solution—but we recognize that there are sharp limits to our ability to influence this process, and to the importance of the outcome to our interest.

Disengagement from this terrible war will not be a "defeat" for America. It will not imply any weakness in America's will or ability to protect its vital interests from attack. On the contrary, disengagement will enable us to heal domestic diversions and to end the distortion of our international priorities which the war has caused.

A Democratic Administration will act to ease the hard transitions which will come with the end of this war. We pledge to offer to the people of Vietnam humanitarian assistance to help them repair the ravages of 30 years of war to the economy and to the people of that devastated land.

To our own people, we pledge a true effort to extend the hand of reconciliation and assistance to those most affected by the war.

To those who have served in this war, we pledge a full G.I Bill of Rights, with benefits sufficient to pay for an education of the veteran's choice, job training programs and the guarantee of employment and the best medical care this country can provide, including a full program of rehabilitation for those who have returned addicted to dangerous drugs. To those who for reasons of conscience refused to serve in this war and were prosecuted or sought refuge abroad, we state our firm intention to declare an amnesty, on an appropriate basis, when the fighting has ceased and our troops and prisoners of war have returned.

Military policy

We propose a program of national defense which is both prudent and responsible, which will retain the confidence of our allies and which will be a deterrent to potential aggressors.

Military strength remains an essential element of a responsible international policy. America must have the strength required for effective deterrence.

But military defense cannot be treated in isolation from other vital national concerns. Spending for military purposes is greater by far than federal spending for education, housing, environmental protection, unemployment insurance or welfare. Unneeded dollars for the military at once add to the tax burden and pre-empt funds from programs of direct and immediate benefit to our people. Moreover, too much that is now spent on defense not only adds nothing to our strength but makes us less secure by stimulating other countries to respond.

Under the Nixon stewardship of our defense policy, lack of sound management controls over defense projects threatens to price us out of an adequate defense. The reaction of the Defense Department to exposure of

cost overruns has been to strike back at the critics instead of acting to stop the waste.

Needless projects continue and grow, despite evidence of waste, military ineffectiveness and even affirmative danger to real security. The "development" budget starts pressures for larger procurement budgets in a few years. Morale and military effectiveness deteriorate as drugs, desertion and racial hatreds plague the armed forces, especially in Vietnam.

The Democratic Party pledges itself to maintain adequate military forces for deterrence and effective support of our international position. But we will also insist on the firm control of specific costs and projects that are essential to ensure that each defense dollar makes a real contribution to national security. Specifically, a Democratic Administration should:

Plan military budgets on the basis of our present needs and commitments, not past practices or force levels;

Stress simplicity and effectiveness in new weapons and stop goldplating and duplication which threatens to spawn a new succession of costly military white elephants; avoid commitment to new weapons unless and until it becomes clear that they are needed;

Reject calls to use the SALT agreement as an excuse for wasteful and dangerous acceleration of our military spending;

Reduce overseas bases and forces; and

Rebuild the morale and military tradition of our armed forces through creative programs to combat drug abuse, racial tensions and eroded pride in service. We will support reforms of the conditions of military life to restore military service as an attractive career for men and women from all segments of our society.

By these reforms and this new approach to budgeting, coupled with a prompt end to U.S. involvement in the war in Indo-China, the military budget can be reduced substantially with no weakening of our national security. Indeed a leaner, better-run system will mean added strength, efficiency and morale for our military forces.

Workers and industries now dependent on defense spending should not be made to pay the price of altering our priorities. Therefore, we pledge reconversion policies and government resources to assure jobs and new industrial opportunities for all those adversely affected by curtailed defense spending.

Draft

We urge abolition of the draft.

Disarmament and arms control

The Democratic Party stands for keeping America strong; we reject the concept of unilateral reductions below levels needed for adequate military defense. But effective international arms control and disarmament do not threaten American security; they enhance it.

The last Democratic Administration took the lead in pressing for U.S.-Soviet agreement on strategic arms limitation. The recent SALT agreement is an important and useful first step.

The SALT agreement should be quickly ratified and taken as a starting point for new agreements. It must not be used as an excuse for new "bargaining chip" military programs or the new round of the arms race.

The next Democratic Administration should:

Carry on negotiations to expand the initial SALT agreement to other areas, especially to seek limits to the qualitative arms race and to begin reducing force levels on each side;

Seek a comprehensive ban on all nuclear testing, verified, as SALT will be, by national means;

Press for wide adherence to the Non-Proliferation Treaty, signed in 1968, and for extension of the concept of nuclear-free regions;

Seek ratification of the Protocol on Chemical Warfare without reservations;

In concert with our allies, pursue with the U.S.S.R. mutual force reductions in Europe; and

Widen the range of arms control discussions to include new subjects, such as mutual budget cuts, control of arms transfer to developing countries, restrictions on naval force deployments and other measures to limit conventional forces.

U.S. and the world community

A new foreign policy must be adequate for a rapidly changing world. We welcome the opportunity this brings for improved relations with the U.S.S.R. and China. But we value even more America's relations with our friends and allies in the Hemisphere, in Western Europe, Japan and other industrialized countries, Israel and the Middle East, and in the developing nations of Asia and Africa. With them, our relations must be conducted on a basis of mutual trust and consultation, seeking to strengthen our ties and to resolve differences on a basis of mutual advantage. Throughout the world, the focus of our policy should be a commitment to peace, self-determination, development, liberty and international cooperation, without distortion in favor of military points of view.

Europe.—Europe's increasing economic and political strength and the growing cooperation and self-confidence of its people have made the Atlantic Alliance a partnership of equals. If we face the challenge of this new relationship, our historic partnership can endure.

The next Democratic Administration should:

Reduce U.S. troop levels in Europe in close consultation with our allies, as part of a program to adjust NATO to changed conditions. What is essential in our relations with the other NATO nations is not a particular troop level, but our continued commitment to collective defense;

Pledge to work in greater cooperation with the European economic communities to ensure that integration in Europe does not serve as a formula for discrimination against American goods and enterprises;

Cease American support for the repressive Greek military government; and

Make the voice of the United States heard in Northern Ireland against violence and terror and against the discrimination, repression and deprivation which brought about that awful civil strife.

We welcome every improvement in relations between the United States and the Soviet Union and every step taken toward reaching vital agreements on trade and other subjects. However, in our pursuit of improved relations, America cannot afford to be blind to the continued existence of serious differences between us. In particular, the United States should, by diplomatic contacts, seek to mobilize world opinion to express concern at the denial to the oppressed peoples of Eastern Europe and the minorities of the Soviet Union, including the Soviet Jews, of the right to practice their religion and culture and to leave their respective countries.

Middle East.—The United States must be unequivocally committed to support of Israel's right to exist within secure and defensible boundaries. Progress toward a negotiated political settlement in the Middle East will permit Israel and her Arab neighbors to live at peace with each other, and to turn their energies to internal development. It will also free the world from the threat of the explosion of Mid-East tensions into world war. In working toward a settlement, our continuing pledge to the security and freedom of Israel must be both clear and consistent.

The next Democratic Administration should:

Make and carry out a firm, long-term public commitment to provide Israel with aircraft and other military equipment in the quantity and sophistication she needs to preserve her deterrent strength in the face of Soviet arsenaling of Arab threats of renewed war;

Seek to bring the parties into direct negotiations toward a permanent political solution based on the necessity of agreement on secure and defensible national boundaries:

Maintain a political commitment and a military force in Europe and at sea in the Mediterranean ample to deter the Soviet Union from putting unbearable pressure on Israel.

Recognize and support the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem; and

Recognize the responsibility of the world community for a just solution to the problems of the Arab and Jewish refugees.

Africa.—The central feature of African politics today is the struggle against racism and colonialism in Southern Africa. There should be no mistake about which side we are on. We stand for full political, civil and economic rights for black and other nonwhite peoples in Southern Africa. We are against white-minority rule. We should not underwrite a return to the interventionism of the past. But we can end United States complicity with such governments.

The focus of America's concern with Africa must be on economic and social development. Economic aid to Africa, without political conditions, should be expanded, and African states assured an adequate share of the aid dollar. Military aid and aid given for military purposes should be sharply reduced.

All military aid to Portugal should be stopped and the Nixon $435 million deal for unneeded Azores bases should be canceled.

U.N. sanctions against the illegal racist regime in Southern Rhodesia should be supported vigorously, especially as they apply to chrome imports.

The U.S. should give full support to U.N. assertion of its control over Namibia (South West Africa), in accordance with the World Court's ruling.

The U.S. should make clear its opposition to the racial totalitarianism of South Africa. The U.S. government should act firmly to press U.S. businesses in South Africa to take measures for the fullest possible justice for their black employees. Blacks should be assigned at all levels to U.S. offices in South Africa, and throughout Africa. The South African sugar quota should be withdrawn.

No U.S. company or its subsidiary should be given U.S. tax credit for taxes paid to white-minority-ruled countries of Africa.

Asia

Japan.—Our relations with Japan have been severely strained by a series of "Nixon shocks." We must restore our friendship with Japan, the leading industrial nation of Asia and a growing world power. There are genuine issues between us and Japan in the economic area, but accommodation of trade problems will be greatly eased by an end to the Nixon Administration's calculated insensitivity to Japan and her interests, marked by repeated failures to afford advance warnings, much consultation over sudden shifts in U.S. diplomatic and economic policy that affect Japan.

India, Pakistan and Bangla Desh.—A Democratic Administration should work to restore the damage done to America's friendship with India as a result of the Administration's folly in "tilting" in favor of Pakistan and against Bangla Desh. The alienation by the Nixon Administration of India, the world's

largest democracy, and the continued suspension of economic aid to India have seriously damaged the status of the United States in Asia. We pledge generous support for the essential work of reconstruction and reconciliation in Bangla Desh. At the same time, we will maintain friendship and developmental assistance to the "new" Pakistan which has emerged from these sad events.

China.—The beginnings of a new U.S.-China relationship are welcome and important. However, so far, little of substance has changed, and the exaggerated secrecy and rhetoric of the Nixon Administration have produced unnecessary complications in our relationship with our allies and friends in Asia and with the U.S.S.R.

What is needed now is serious negotiation on trade, travel exchanges and progress on more basic issues. The U.S. should take the steps necessary to establish regular diplomatic relations with China.

Other Asian Countries.—The future of Asia will be determined by its people, not by the United States. We should support accommodation and cooperation among all Asian countries and continue to assist in economic development.

Canada.—A Democratic Administration should restore close U.S.-Canadian cooperation and communication, respecting Canada's nationhood and pride. In settling economic issues, we should not compromise our interests; but seek mutually advantageous and equitable solutions. In areas such as environmental protection and social policies, the Americans and Canadians share common problems and we must act together.

Latin America.—The Good Neighbor policy of Franklin Roosevelt and the Alliance for Progress of John Kennedy set still-living goals—insulation from external political conflicts, mutual non-interference in internal affairs, and support for political liberty, social justice and economic progress. The Nixon Administration has lost sight of these goals, and the result is hostility and suspicion of the U.S. unmatched in generations.

The next Democratic Administration should:

Re-establish an inter-American alliance of equal sovereign nations working cooperatively for development;

Sharply reduce military assistance throughout the area;

Strive to deepen the exchange of people and ideas within the Hemisphere;

Take account of the special claims of democratically-elected governments on our resources and sympathy;

Pursue a policy of non-intervention by military means in domestic affairs of Latin American nations;

Recognize that, while Cuba must not be permitted to become a foreign military base, after 13 years of boycott, crisis and hostility, the time has come to re-examine our relations with Cuba and to seek a way to resolve this cold war confrontation on mutually acceptable terms; and

Re-establish a U.S.-Mexico border commission, with Mexican-American representatives, to develop a comprehensive program to desalinate and eradicate pollution of the Colorado River and other waterways flowing into Mexico, and conduct substantial programs to raise the economic level on both sides of the border. This should remove the economic reasons which contribute to illegal immigration and discourage run-away industries. In addition, language requirements for citizenship should be removed.

The United Nations. The U.N. cannot solve all the great political problems of our time. but in an increasingly interdependent world, a world body is essential and its potential must be increasingly relied upon.

The next Democratic Administration should:

Re-establish the U.N. as a key forum for international activity, and assign representatives with the highest qualification for diplomacy;

Give strong executive branch leadership for U.S. acceptance of its obligations for U.N. financing, while renegotiating arrangement for sharing U.N. costs;

Abide by the binding U.N. Security Council decision on Rhodesia sanctions, and support U.N. peace-keeping efforts;

Work for development of enforceable world law as a basis for peace, and endorse repeal of the Connally Reservation on U.S. acceptance of World Court jurisdiction; and

Work to involve the U.N. increasingly on the complex technical and social problems such as pollution, health, communication, technology and population policy, which are worldwide in scope and demand a worldwide approach, and help provide the means for these U.N. efforts and for U.N. economic development functions.

International economic policy

In a prosperous economy, foreign trade has benefits for virtually everyone. For the consumer, it means lower prices and a wider choice of goods. For the worker and the businessman, it means new jobs and new markets. For nations, it means greater efficiency and growth.

But in a weak economy—with over five million men and women out of work—foreign imports bring hardships to many Americans. The automobile or electrical worker, the electronics technician, the small businessman—for them, and millions of others, foreign competition coinciding with a slack economy has spelled financial distress. Our national commitment to liberal trade policies takes its toll when times are bad, but yields its benefits when the economy is fully employed.

The Democratic Party proposes no retreat from this commitment. Our international economic policy should have these goals: To expand jobs and business opportunities in this country and to establish two-way trade relations with other nations. To do this, we support the following policies:

End the high-unemployment policy of the Nixon Administration. When a job is available for everyone who wants to work, imports will no longer be a threat. Full employment is a realistic goal, it is a goal which has been attained under Democratic Administrations, and it is a goal we intend to achieve again;

Adopt broad programs to ease dislocations and relieve the hardship of workers injured by foreign competition;

Seek higher labor standards in the advanced nations where productivity far outstrips wage rates, thus providing unfair competition to American workers and seek to limit harmful flows of American capital which exploit both foreign and American workers;

Adhere to liberal trade policies, but we should oppose actions and policies which harm American workers through unfair exploitation of labor abroad and the encouragement of American capital to run after very low wage opportunities for quick profits that will damage the economy of the United States and further weaken the dollar;

Negotiate orderly and reciprocal reductions of trade barriers to American products. Foreign nations with access to our markets should no longer be permitted to fence us out of theirs;

Support reform of the international monetary system. Increased international reserves, provision for large margins in foreign exchange fluctuations and strengthened institutions for the coordination of national economic policies can free our government and others to achieve full employment;

Support efforts to promote exports of American farm products; and

Develop ground rules for pollution controls with our industrialized trading partners so that no country gains competitive advantage at the expense of the environment.

Developing nations

Poverty at home or abroad is part of a common problem. Great and growing income gaps among nations are no more tenable than such gaps among groups in our own country. We should remain committed to U.S. support for economic and social development of countries in need. Old ways of providing aid must be revised—to reduce U.S. involvement in administration; to encourage other nations to contribute jointly with us. But funding must be adequate to help poor countries achieve accelerated rates of growth.

Specifically, the next Democratic Administration should support:

Provision of more assistance through international organizations, along with measures to strengthen the development agencies of the U.N.;

A curtailment of military aid;

Improved access to the markets of industrial nations for the products of the developing countries;

A greater role in international monetary affairs for poor countries; in particular distributing the new Special Drawing Rights in support of the poor countries; and

A fair share for poor countries in the resources of the seabeds.

The methods and structures of U.S. foreign and military policy

The needed fundamental reordering of U.S. foreign and military policy calls for changes in the structure of decision-making, as well as in particular policies. This means:

Greater sharing with Congress of real decisions on issues of war and peace, and providing Congress with the information and resources needed for a more responsible role;

More honest information policies, beginning with a fundamental reform of the document classification system and including regular press conferences by the President, his cabinet and senior advisors;

Ending the present drastic overbalance in favor of military opinion by redefining the range of agencies and points of view with a proper claim to be heard on foreign and military policies;

Subjecting the military budget to effective civilian control and supervision;

Establishing effective executive control and legislative oversight of the intelligence agencies;

Ending political domination of USIA's reporting and Peace Corps dedication and, in general, making it clear that the White House understands the crucial distinction between dissent and disloyalty; and

Urging the appointment of minority Americans to top positions of ambassadors and diplomats, to let the world know that America is a multi-racial nation and proud of it.

IX. THE PEOPLE AND THE GOVERNMENT

"Our people are disspirited because there seems to be no way by which they can call to office a government which will cut the ties to the past, meeting the challenge of leadership and begin a new era of bold action.

"Bold action by innovative government—responsive to the people's needs and desires—is essential to the achievement of our national hopes."—Leonard Woodcock, President, United Auto Workers New York Hearing June 22, 1972.

Representative democracy fails when citizens cannot know:

When public officials ignore or work against the principles of due process;

How their public officials conduct the public's business;

Whether public officials have personal financial stakes in the very matters they are legislating, administering or enforcing; and

What special interest pressures are being exerted on public officials by lobbyists.

Today, it is imperative that the Democratic Party again take the lead in reforming those practices that limit the responsiveness of government and remove it from the control of the people.

Seniority

The seniority system is one of the principal reasons that party platforms—and parties themselves—have lost meaning and importance in our political life. Seniority has weakened Congress as an effective and responsive institution in a changing society. It has crippled effective Congressional leadership and made it impossible to present and enact a coherent legislative program. It has permitted the power of the Democratic majority to be misused and abused. It has stifled initiative and wasted the talents of many members by making length of service the *only* criterion for selection to the vital positions of Congressional power and leadership.

We, therefore, call on the Democratic Members of the Congress to use the powers inherent in their House and Senate caucuses to implement the policies and programs of the National Democratic Party. It is specifically not intended that Democratic members be directed how to vote on issues on the floor. But, in order that they be responsive to broad party policies and programs, we nonetheless call upon Members of Congress to:

Choose committee chairmen as provided in existing caucus rules and procedures, but by separate open ballot; chair-people should be chosen who will carry out party polices and programs which come within the jurisdiction of their committees;

Assure that Democratic programs and policies receive full and fair consideration and are brought to a vote in each house;

Discipline committee members, including chairpeople, who refuse to comply with caucus instructions regarding the reporting of legislation from their committees; and

Withhold any seniority benefits from a Member of Congress who fails to overtly identify with the Democratic organization in his state which is recognized by the National Democratic Party.

Secrecy

Public business should be transacted publicly, except when national security might be jeopardized.

To combat secrecy in government, we call on the Democratic Members of Congress and state legislatures to:

Enact "open meetings" legislation, barring the practice of conducting the public business behind closed doors. This should include so-called mark-up sessions by legislative committees, but should allow for exceptions involving national security and invasions of privacy. To the extent possible, the same principle should apply to the Executive Branch;

Assure that all committee and floor votes are taken in open session, recorded individually for each legislator; record caucus votes, and make all of these votes available to the public;

Urge reservation of executive privilege for the President alone;

Urge that the judgment in the U.S. Senate in a contested election case be rendered in open Senate session;

Immediately strengthen the Federal Freedom of Information Act. Congress should improve its oversight of Executive secrecy by requiring federal agencies to report annually on every refusal to grant information requested under the Act. Citizens should have full recourse to the courts to deal with violation or circumvention of the Act. It should be amended to allow courts to review the reasonableness of a claim of executive privilege; and

Administer the security system so as to limit the number of officials who can make a document secret, and provide for frequent declassification of documents. Congress should be given the means to obtain documents necessary to fulfill its responsibilities.

We also call on the Democratic Members of the House of Representatives to take action through their caucus to end the "closed rule," which is used to prevent amendments and votes on vital tax matters and other important issues, and we call on the Democratic Members of the Senate to liberalize the cloture rule, which is used to prevent votes in that body, so that after full and extensive debate majority rule can prevail.

Administrative agencies

There is, among more and more citizens, a growing revolt against large, remote and impersonal governmental agencies that are not responsive to human needs. We pledge to build a representative process into the Executive Branch, so that individuals affected by agency programs can be involved in formulating, implementing and revising them. This requires a basic restructuring of procedures—public hearings before guidelines and regulations are handed down, the processing of citizen complaints, the granting of citizen standing and the recovery of litigation fees for those who win suits against the government.

We recommend these specific changes in the rule making and adjudication process of the federal government:

There should be no non-written communication between an agency and outside parties about pending decisions. All written communications should promptly be made a part of the public record;

All communications between government employees and outside parties about possible future action should be made a part of the public record;

All government employees involved in rulemaking and adjudication should be subject to conflict of interest laws;

The Justice Department should make available to the public any consent decree 90 days prior to its submission to court, to allow any interested party to comment on it to the Court; and

The Justice Department should report to Congress each year, to explain its action on major suits.

In addition, we must more effectively protect consumer rights before the government. The consumer must be made an integral part of any relationship between government and institutions (public or private) at every level of proceedings whether formal or informal.

A Democratic Administration would instruct all federal agencies to identify American Indians, Asian Americans and Spanish-speaking Americans in separate categories in all statistical data that note racial or ethnic heritage. Only in this way can these Americans be assured their rights under federal programs.

Finally, in appropriate geographical areas, agencies of the federal government should be equipped to conduct business in such a fashion that Spanish-speaking citizens should not be hampered by language difficulties.

Conflict of interest

The public interest must not be sacrificed to personal gain. Therefore, we call for legislation requiring full disclosure of the financial interests of Members of Congress and their staffs and high officials of the Executive Branch and independent agencies. Disclosure should include business directorships held and associations with individuals or firms lobbying or doing business with the government.

Further, Congress should forbid its members to engage in the practice of law or to retain association with a law firm while in office. Legislators serving on a committee whose jurisdiction includes matters in which they have a financial interest should divest themselves of the interest or resign from the committee.

Campaign finance

A total overhaul of the present system of financing elections is a national necessity. Candidates should not be dependent on large contributors who seek preferential treatment. We call for Congressional action to provide for public financing of more election costs by 1974. We recommend a statutory ceiling on political gifts at a reasonable limit. Publicly owned communications facilities such as television, radio and the postal service should be made available, but on a limited basis, to candidates for federal office.

Regulation of lobbyists

We also call upon Congress to enact rigorous lobbying disclosure legislation, to replace the present shockingly ineffective law. There should be full disclosure of all organized lobbying—including names of lobbyists, identity of the source of funds, total receipts and expenditures, the nature of the lobbying operation and specific target issues or bills. Reports should be filed at least quarterly, with criminal penalties for late filing. Lobbying regulations should cover attempts to influence both legislative and Executive Branch decisions. The legislation should specifically cover lobbying appeals in subscription publications.

As a safeguard, we urge the availability of subpoena and cease-and-desist powers to enforce these conflict of interest, campaign financing and lobby disclosure laws. We also affirm the citizens' right to seek enforcement through the courts, should public officials fail in enforcement.

Taking part in the political process

The Presidential primary system today is an unacceptable patchwork. The Democratic Party supports federal laws that will embody the following principles:

Protect the opportunity for less-known candidates to build support;

Establish uniform ground rules;

Reduce the cost of primary campaigns;

Promote maximum voter turnout;

Ensure that issues are clarified;

Foster the selection of nominees with broad popular support to assure the continued viability of the two party system;

Ensure every citizen the ability to take part in the Presidential nomination process; and

Equalize the ability of people from all income levels to participate in the political decision-making processes of the Democratic Party, by providing financial assistance through party funds for delegates, alternates and standing committee members to state and national conventions.

We also call for full and uniform enforcement of the Voting Rights Act of 1965. But further steps are needed to end all barriers to participation in the political process:

Universal voter registration by post card;

Bilingual means of registration and voting;

Bilingual voter education programs;

Liberalized absentee voting;

Lower minimum age requirements for service in the Senate and House of Representatives;

Minimum residency requirements of 30 days for all elections, including primaries;

Student voting where they attend school;

Study and review of the Hatch Act, to see what can be done to encourage good citizenship and reasonable participation by government employees;

Full home rule for the District of Columbia, including an elected mayor-city council government, broad legislative power, control over appointments, automatic federal payment and voting representation in both Houses of Congress;

No discriminatory districting;

We favor a Constitutional change to abolish the Electoral College and to give every voter a direct and equal voice in Presidential elections. The amendment should provide for a run-off election, if no candidate

received more than 40 percent of the popular vote;

Early ratification of the equal rights amendment to the Constitution;

Appointment of women to positions of top responsibilities in all branches of the federal government, to achieve an equitable ratio of women and men;

Inclusion of women advisors in equitable ratios on all government studies, commissions and hearings; and

Laws authorizing federal grants on a matching basis for financing state commissions of the status of women.

These changes in themselves will not solve the problems of government for all time. As our society changes, so must the ways we use to make government more responsive to the people. Our challenge, today, as always, is to ensure that politics and institutions belong in spirit and in practice to all the people of our nation. In 1972, Americans are deciding that they want their country back again.

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Virgin Islands, Sidney Lee.

[1] Member, Drafting Subcommittee

[2] Chairperson, Task Force

REGIONAL HEARINGS OF THE 1972 PLATFORM COMMITTEE

Washington, D.C.—May 15—"The Economy".

Boston—May 31, 31—"Rights, Power, Social Justice"; "Education".

Pittsburgh—June 2—"Jobs, Prices, Taxes".

Houston—June 7—National Governors Conference

Atlanta June 9—"Cities, Suburbs, Towns".

San Francisco—June 12—"Corporate Responsibility and Consumers".

Albuquerque—June 14—"Rights, Power and Social Justice".

Sioux City—June 16—"Farming and Rural Life".

St. Louis—June 17—"Health and Welfare"; "Rights, Power, Social Justice".

New Orleans—June 19—U.S. Conference of Mayors.

Denver—June 20—"Resources, Technology and Environment".

New York—June 22—"Peace and War".

Washington, D.C.—June 23—"Crime, Law and Justice"; June 24—The Presidential Candidates; June 25—"Government and the People"; "Counties".

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MAKING DULL JOBS INTERESTING INCREASES PRODUCTIVITY

Mr. PERCY. Mr. President, an article in the July 17 U.S. News & World Report on "The Drive To Make Dull Jobs Interesting" in American industry is of special importance. Describing the successful efforts now being made by many companies to enrich jobs through a number of techniques, the article makes clear that job enrichment is one of the best ways to solve the problem of lagging American productivity, and create more satisfying and rewarding jobs for millions of American working men and women.

The companies reported by U.S. News have all realized that they must find creative answers to costly problems of high rates of absenteeism and turnover.

The idea, in simplest form, is to inject interest and incentives into daily chores that have become monotonous and frustrating.

At Corning Glass Works' Medfield, Mass., plant, the institution of a job enrichment program had the effect that:

In the six months following the change, controllable rejects dropped from 23 percent to 1 percent; absenteeism from 8 percent to 1 percent.

Corning's manager of organization research and development said:

In the past, we have vastly underestimated what a person was capable of . . . This concept . . . may be an answer to the whole question of productivity.

At Donnelly Mirrors, Inc., in Holland, Mich., the team concept has been fully employed.

All 460 employees are assigned to task oriented teams serving under a foreman who, in turn, is one of a team of foremen.

At Donnelly, workers decide their own pay increases, then plan how to pay for the increase through higher production, reduction of costs, elimination of needless jobs. * * *

Mr. J. F. Donnelly, president of the company, said:

American business is in a hell of a crunch. We've got to come to grips with the problems of productivity.

His successful answer is job enrichment through productivity teams.

Chrysler and Monsanto are both experimenting with job enrichment. GE is constructing a massive facility to employ a total of 10,000 people at Columbia, Md., where it is "setting out to try and prove that there is gold in the idea that employees are 'a very precious resource.'" Incoming employees are "assigned to work crews of 25, headed by a supervisor whose job it is to give meaning to the employee's role in the operation of the entire plan, not just to his job."

At a General Foods Corp., plant in Topeka, the work force is divided into three teams—processing, shipping, and office duties. According to the plant manager:

Production costs are down 10 percent to 48 percent below normal, with productivity up 10 percent to 40 percent a man-day.

In the service industries, where productivity gains are notoriously difficult to achieve, the team concept based on job enrichment principles has been embraced wholeheartedly by the Marriott Corp., and by MacDonald's Corp. The results have been higher quality of work, more enthusiasm and work satisfaction, and better profits.

Mr. President, I also call attention to the joint labor-management productivity committees now being formed in the steel industry. The steel industry's use of this technique was prompted by the urgent need to generate much faster productivity growth in order to beat foreign competition. In other companies, such as those reported by U.S. News, the motivation has been mainly one of trying to cope with the new attitudes toward jobs and work of a younger, less disciplined work force. The point is that the underlying technique of engaging the interest and talent of the people who actually do the jobs has been used with very substantial success. I suggest that these examples be very carefully studied by all American companies and by unions, and I strongly commend these companies and unions which have been willing to pioneer in applying these new concepts.

I would also call the attention of labor and management to a provision now being implemented by the Pay Board providing that pay increases that result from the operation of productivity plans are exempted from pay controls under the so-called Percy amendment to the 1971 Economic Stabilization Act amendments. This exception means that companies that want to reward increased productivity that results from a productivity incentive plan can obtain exemption for such payments from wage controls.

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 DRIVE TO MAKE DULL JOBS INTERESTING

Picking up momentum is a drive to make jobs in offices and factories less monotonous and more appealing for millions of workers.

Signs of this trend toward "job enrichment," still experimental in many areas, show up in a survey by staff members of "U.S. News & World Report."

Among the innovations—

An auto-parts plant in Holland, Mich., lets workers decide how fast to run the production line, and when to shut it down for a rest period. Employes also determine the size of their own pay increases.

Textile-machine operators in a Pensacola, Fla., mill can move from one job to another from day to day.

Each worker at an instrument plant in Medfield, Mass., used to install a separate part in products on the assembly line. Now, to make jobs more challenging, the individual worker assembles complete instruments.

Employes in a huge new appliance factory near Columbia, Md., participate in give-and-take sessions with management on job-related questions and problems.

At a food-processing plant in Topeka, Kans., workers on production, office and shipping teams shift jobs on a rotating schedule—a system that has boosted output and cut production costs sharply.

THE ENEMY: MONOTONY

All these developments and others that turned up in the survey suggest that a time of change has arrived in many lines of business, with far-reaching implications for both workers and their bosses.

The idea, in simplest form, is to inject interest and incentives into daily chores that have become monotonous and frustrating.

By-products of this "humanizing" process, it's hoped, will be happier employes and a reduction in the high rate of turnover that has plagued many industries in recent years.

Things are happening at many companies to take account of a changing life style, and distaste for the "treadmill," particularly among younger people. For example:

Production lines are being redesigned, with fewer layers of supervisory employes.

Authority and responsibility are being distributed downward from the management level.

Factory and office environments are being made more attractive.

In some instances, opportunities are being opened up for faster promotions.

Behind the evolution taking shape, says Jerome M. Rosow, former Assistant Secretary of Labor, now a management planner for Standard Oil Company (New Jersey), lies "a change in expectations of younger workers, because of rising education levels and changing values in the society. . . ."

Secretary of Commerce Peter G. Peterson told the Business Council at its recent spring meeting that business must concentrate more of its attention on the young worker.

"He has different expectations and attitudes than workers in the present generation," Mr. Peterson said. "Business must take account of that, look into the work environment it is providing. It must consider sharing profits, joining with workers in a mutual commitment to boost production instead of squaring off and fighting."

Case histories that follow are drawn from this magazine's nationwide survey.

ASSEMBLY LINE BLUES

"I stuck gears in a clock. That's all I did, all day long. I felt like a robot. My number on the assembly line was five. That number seemed to come up every two seconds. I got to hate the sight of that number coming by. I just couldn't make myself go to work. Sometimes, I would lay off for several days."

That is how Mrs. Frances Richards, an electrode assembler at Corning Glass Works in Medfield, Mass., remembers her job as it used to be. Now, she does a complete assembly job on the electrodes—even the testing—and says:

"I feel like a human being. I am definitely treated as an individual. There is no unusual stress or strain. You know what you have to do and you push to get it done."

What is involved at the Corning plant is a "job enrichment" program. In essence, that gives the worker a clearly defined area of responsibility, rather than a simple but repetitive task. It is called the "whole-job concept."

All of the Medfield plant's workers have specific responsibilities to live up to. They are rewarded for success, and held accountable for failure. They have been compared to small businessmen.

Corning Glass Works has about 50 operations, most of them in the Northeastern part of the United States. Some are restricted to glass manufacturing. Others concentrate on electronic equipment with little or no use of glass.

The Medfield unit makes instruments for the biomedical trade. It has 90 production workers and only 2 supervisors. The employes are not unionized.

The first success story at Corning-Medfield was on the hot-plate assembly line. There, a half dozen women had put together hot plates for laboratory use. In 1965–66, the assembly-line technique was abandoned. Each worker was given the job of putting an entire hot-plate together, taking about 30 minutes for the task. Then she plugged it in and checked it out. There was no further inspection.

The employees were given freedom to schedule their work as a group to meet weekly objectives, and were urged to suggest refinements and improvements and to devise individual techniques. Their initials of the final product made them accountable for quality.

In the six months following the change, controllable rejects dropped from 23 per cent to 1 per cent; absenteeism from 8 per cent to 1 per cent. Productivity increased, despite some turnover of personnel judged by management as incompatible.

Now, the entire plant is guided by these principles, except for assembly of some of the more complicated instruments. In the latter case, a team approach is used, with members switching about on assembly tasks.

"I prefer the whole-job concept," says Mrs. Rita Kopeski, an instrument assembler at Corning for seven years. "It is a challenge to plug in the meter and have it work and know you have done it all yourself."

Donnelly Mirrors, Inc., of Holland, Mich., has been experimenting with variations of an incentive plan for years. It assumes that if responsibilities and trust are shared with employes, production and profits will show gains.

At Donnelly, all 460 employes are assigned to task-oriented teams serving under a foreman who, in turn, is one of a team of foremen. All workers are paid a salary, with bonuses related to production. A foreman can grant a worker a day off with pay for any reason that he deems suitable. He does not have to justify it to the front office.

The workers decide each year how much of a salary increase they will receive. This year, it was 5.5 per cent. In the two prior years, it was 10 per cent annually. After deciding on the increase, the employes must find ways to pay for it—through higher production, reduction of costs, elimination of needless jobs, or any other reasonable means. Company officials say it has worked each year since the plan went into effect in 1970.

Donnelly work teams decide how fast the assembly lines should run, and they have the authority to stop the line for a break when they feel like it—not when a bell rings. Some workers say the line runs faster than competitors'.

Salary scales average about $4 an hour. Bonuses, paid according to gains in productivity, have reached as high as 25 per cent of base pay but average about 12 per cent a year, the company says. Quality is a factor in the bonus.

"If they don't produce good stuff here, we're out of work," notes Ron Kolean, 27, an assembly-line worker. "They trust us. The foreman used to come through once an hour to check up. The game then was to outwit the guy. I kept a tray of good mirrors in reserve, just in case."

PRESSURE FROM BELOW

Now, Mr. Kolean and his co-workers are their own inspectors. They are described as demanding bosses. Homer McFarland, Mr. Kolean's foreman, says that the greatest amount of job pressure on him originates from below, explaining:

"If I'm in a meeting somewhere for an hour, they want to know where I've been. At first, there was a temptation to tell them it's none of their business—the old method—but they've got a point."

The system admittedly is not perfect. A complaint made by some foremen is that top management tends to be too idealistic—"they get to thinking the guys in the shop are capable of more than is reasonable." But others say policy "is not chiseled in stone." A technique that is successful in one department or with one team is not forced upon another.

John F. Donnelly, company president, says his firm is not in the business of operating a philanthropy.

"We get value received for all these benefits," he says. "It is the big car companies and the giants of steel that are the philanthropists. They give escalator clauses, guaranteed annual pay . . . and get nothing in return."

Mr. Donnelly sees more and more companies bringing the workers into management.

American business is in a hell of a crunch," he says. "We've got to come to grips with the problems of productivity. We're not going to do it by putting in a bigger machine."

Donnelly Mirrors "must be doing something right," many management experts say. It now supplies upward of 70 per cent of all mirrors for U.S. cars and has opened a plant in Ireland to make mirrors for European cars. Wages, costs and profits all have increased during the past few years, even as the company has lowered its prices.

CHRYSLER'S EXPERIMENTS

Eyeing Donnelly, Chysler Corporation inaugurated its own "job-enrichment program" in January, 1971. Shepherded by Eugene Cafiero, a vice president and No. 3 man in the company, its progress has been kept under wraps for the most part.

Chrysler had seen its productivity and profits erode year after year. Many methods were tried to reverse the trend—intense inspection, greater supervision, discipline, even trading stamps at one plant beset by absenteeism and turnover. Nothing seemed to work.

Mr. Cafiero says it's too soon to say whether the new plan is working, but concedes he is "pleased."

DRAWING EMPLOYES OUT

Monsanto Textiles Company, near Pensacola, Fla., described as this country's largest nylon-manufacturing operation, is traveling another road seeking job enrichment for its production employes.

The basic idea, again, is to get the hourly worker to realize that he is not an extension of a machine, and to draw on his abilities to think, plan and innovate for the good of all. But Monsanto starts with a "classroom" approach toward this goal.

The Pensacola plant covers 18 acres and produces 150 million pounds of nylon yarn annually. With 6,000 employees in its plants and technical center, Monsanto ranks second among employers in Florida.

In recent months, Monsanto has inaugurated what it calls an "analytic trouble-shooting" program for its production workers in the nylon plant. A four-day classroom course attempts to involve them in solving problems and contributing their know-how, instead of performing their duties routinely.

Frank Robertson, plant personnel supervisor, says Monsanto Textiles has made measurable progress in involving workers more deeply in their jobs, in thinking as well as doing, in setting goals and seeing their jobs as meaningful and important, thus gaining new pride—and increasing efficiency. But he disclaims any "overwhelming success."

Tom Wood, 29, a yarn operator, feels that the classroom instruction has helped him to put to new use the knowledge he had gained in eight years on the job.

"Before this," he says, "a lot of times when something went wrong, I'd say, 'Let the engineer fix it.' Now, I look for the cause."

Another yarn operator, John Worley, 27, recalls what happened after he got into the job-enrichment program:

"It made me think. We had about six machine positions that wouldn't run. And we'd had men down from St. Louis to check. Then we found that air flow from air-conditioning ducts was causing the trouble. All I had to do was move the louvers of the duct and it worked like a charm."

Plant manager C. E. Hieserman comments: "We're drawing on the wealth of information employers have—we make them feel they're having part in policy and how we're doing things."

"It has to be something real. If it's puffery, an employe can see through it."

For the company, the cost of the program more than pays for itself in higher productivity through fewer idle machines, and lower repair costs. It could mean a gain of more than 100,000 pounds of tire yarn a year, a company official says.

For the employees, Mr. Hieserman says, the program means "humanized" working conditions through a free-flowing rotation of jobs from one day to another, and company benefits that include reimbursement of all their costs of education if they earn a college degree while employed.

So far, there has been no incentive pay linked to productivity, but company officials say that pay rates "compare very favorably" with other industries in the area. Typical scales, after one year, include $3.32 an hour for drawtwist operators and $4.72 an hour for maintenance mechanics.

"WORKERS' LIB" AT GE

About halfway between Washington, D.C., and Baltimore, near the new town of Columbia, Md., General Electric Company is setting out to try and prove that there is gold in the idea that employes are "a very precious resource."

The company is building eight major plants, a huge warehouse and support facilities on a 1,100-acre site called Appliance Park East. When completed, it will employ more than 10,000 people.

If present plans jell, GE management hopes innovations at Appliance Park East will put an end to the apathy, frustration and absenteeism among blue-collar workers that cut production and hurt profits.

The new program in labor-management relationship already is being tested in two plants making air-conditioning units and electric ranges. Employment has reached 2,100. Key elements in the GE plan: recognition and participation.

Incoming employes are given a 3½-day orientation course, wear name tags during the first few months on the job. They are assigned to work crews of 25, headed by a supervisor whose job it is to give meaning to the employe's role in the operation of the entire plant, not just to his job.

"Each employe is the supervisor's responsibility," says David J. Dillon, manager of GE's Relations and Utilities Operation. "He gives them recognition; he rewards them, counsels them and coaches them."

Assembly-line workers meet with their foreman once a month to talk over problems, complaints and suggestions. No decisions are made, but it "gives employees a way to sound off, and plant managers the chance to pick up fresh ideas," says a company official.

At Appliance Park East, plant workers can dress just about as they please—long sideburns and hair, Afro haircuts, bell-bottom jeans, T-shirts—even sandals when it's safe to do so. For women, hot pants and the braless look are permitted—as long as supervisors feel the mode of dress is not distracting.

Women work as truck and fork-lift drivers and heavy-machine operators, making the same scale as men—as high as $3.82 an hour for a stack-crane operator. Opportunities for advancement are good in an expanding work force, especially for women and blacks.

"I spent eight years at my previous job but there was no planned advancement," says Mrs. Maxine Gardner, a black woman from Baltimore. "It pays well here, and the work is interesting."

Employes voted in April not to have three unions represent them. Top GE officials believe they are on the right track, but admit the system could fall to pieces if the workers on the assembly lines and operating the machines do not function at peak efficiency.

JOB ROTATION

There's a whole new look about the way things are done at Gaines pet-food plant in Topeka, Kans.

Gaines, a division of General Foods Corporation, divided its work force into three teams—processing, shipping and office duties. Members of each team rotate jobs, with each getting a share of the "soft" and "hard" chores.

First-year results, according to Ed Dulworth, plant-operations manager, include:

Production costs are down 10 per cent to 48 per cent below normal, with productivity up 10 per cent to 40 per cent a man-day.

Absentee rate has been cut to one half of 1 per cent, compared with an industry average of 10 per cent.

Theft and property misuse have dropped almost to zero.

Product quality is uniformly high.

Physically, the plant has been redesigned to make everything more open. There is one set of doors for all to enter and leave, a common lunchroom—no executive dining room—and a parking lot with no reserved spaces.

The plant manager's office is described as a "goldfish bowl" his every action open for observance by passers-by.

Fran Boruff, leader of the packaging team, notes one employe response that he says is quite untypical of industrial plants: Most of the team members now are on the job and ready to go 20 minutes before shift time.

THE SERVICE INDUSTRIES

The Marriott Corporation has grown from one root-beer stand in Washington, D.C., to a 419-unit international operation—restaurants, hotels and airline-catering kitchens.

Marriott officials say their experience leads to this conclusion:

If you want "a team of turned-on employes" allow them to share in the decision-making process as much as possible. Also, expand responsibilities.

With 27,000 employes and a wide range of pay scales in its far-ranging network, Marriott, headquartered in Bethesda, Md., has had a full share of turnover problems in an industry where tempers flare quickly and steady patronage can be a fickle thing.

Now, the company believes it has found remedies for some of its biggest headaches. Briefly, the answers break down this way:

Work teams headed by a supervisor hold regular "rap" sessions to express their complaints.

Housekeepers, assigned to clean 15 rooms a day, are allowed to set their own pace. If one finishes in six hours, she can take it easy—or earn extra pay by tackling additional rooms.

In hotel restaurants, a committee of waitresses, hostesses and cooks decides on the theme for decorations that dress up the weekly buffets.

In some departments, uniforms are chosen by vote of those who have to wear them.

When a new Marriott hotel opens, personnel from other facilities of the firm move in to get it started—a procedure sometimes relished as a "holiday" in another city at the company's expense.

"Dirty" work is abolished as quickly as new equipment comes on the market.

Formal education takes a back seat to ability to handle a job. This gives black applicants a better break, say company officials. Salaries on all levels are based on performance, not seniority.

Marriott programs have their boosters and detractors.

"I really enjoy a job where I'm my own boss," says Priscilla Walkschleger, manager of a pool-side snack bar at one of the firm's Washington hotels. "It's really tough, because I do it all—wait on tables, clear them off, even do the paper work. Nobody gives me a hard time—not the management, not the other workers. I've never enjoyed work so much, and I've had part-time jobs since I was 13."

Joe Corbett, a 21-year-old bellman at the same hotel for four years, is not so sure he has a future with Marriott.

"People are easy to get along with, all right. They listen to your opinion, but every decision has to go through so many levels that it takes forever to get anything done."

As a career hedge, Mr. Corbett is studying photography in night school.

GOOD OLD SUMMERTIME

Every Friday during daylight-saving time, most employes at the headquarters of McDonald's Corporation in Oak Brook, Ill., show up for work dressed in casual clothes—slacks, hot pants, sport shirts, sandals. At noontime they take off for a two-and-a-half-day week-end.

Breakdown of standards? Not at all, says Fred L. Turner, president of the quick-food hamburger chain.

It's all part of an effort to make working enjoyable, according to Mr. Turner. The idea seems to work. Company officials say labor turnover has dropped sharply since the firm moved from downtown Chicago to the suburb.

The physical design of the new offices is monolithic. There are no private offices for executives, with engraved nameplates, no impersonal rows of desks for secretaries, no cubbyholes for attorneys or draftsmen. The only segregated areas with doors are the rest rooms.

Each desk is set off by a semicircular partition, shoulder high, covered with brightly colored padding, that mutes noise. Employes may decorate the inner side of the partition with paintings from the McDonald collection or art work of their choice. Beside each desk is an arrangement of plants and, often, a piece of sculpture.

McDonald's material offerings include "highly competitive pay," says a company official, plus insurance, medical benefits, stock options, profit sharing and cash-award fringe inducements.

About that four-and-a-half-day week: Employes report for work half an hour early each day to earn their long weekends.

CONCEPT ABOUT TO SNOWBALL?

All these developments indicate that radical changes are in the offing in labor-management relations. Many businessmen are taking hard looks at the old policy of breaking down a job into its smallest possible components and hiring alienated people at low pay, ignoring the eagerness of many workers for recognition and challenge. The swing now is toward making day-to-day chores interesting and rewarding.

Dr. Michael Beer, manager of organizational research and development at Corning Glass Works, sums up the trend:

"This is an effort to deal with the changing needs of the work force. We have to manage to fit those needs, adapt to change in fast-changing industries. In the past, we have vastly underestimated what a person was capable of. Now we give them an opportunity to grow into the job. Not all employees can do it, but I think a large percentage probably can. I think this concept will snowball. It may be an answer to the whole question of productivity."

TERMINATION OF HARTKE-ROUDEBUSH SENATORIAL RECOUNT PROCEEDINGS IN INDIANA

Mr. CANNON. Mr. President, the recount in the State of Indiana of the votes cast in 1970 for candidates for election to the office of U.S. Senator has ended.

According to available reports and a letter from the attorneys for Senator VANCE HARTKE, the result of the recount in 11 counties is a net change in Senator HARTKE's plurality of 48 votes.

Thus the plurality is reduced from 4,532 to 4,484.

On June 13, 1972, the Circuit Court of Pike County, the last of the 11 counties selected for recount, granted a motion to dismiss the recount petition in Pike County on the grounds that—

Regardless of the recount requested in said petition, the outcome of said election will not be changed.

Mr. President, since the legal proceedings pursuant to the opinion of the U.S. Supreme Court dated February 23, 1972, and before the circuit courts in the relevant 11 Indiana counties have now been terminated, it is proper to announce to the Senate that VANCE HARTKE is the duly elected Senator from the State of Indiana and is entitled without reservation or qualification to his seat in the Senate.

I ask unanimous consent to have printed in the RECORD a letter from John J. Dillon, attorney for Senator HARTKE, and the motion to dismiss the last recount petition.

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

JUNE 30, 1972.

Re Roudebush vs. Hartke, et al., Supreme Court of the United States.

Hon. HOWARD CANNON,
Chairman of the Subcommittee on Privileges and Elections, Senate Office Building, Washington, D.C.

DEAR SENATOR CANNON: Pursuant to the mandate of the United States Supreme Court, the recounts petitioned for by Congressman Richard Roudebush have been completed in 10 of the 11 counties in which a recount was sought. As far as we can ascertain, the results of these recounts have indicated a net change of 48 votes subtracted from Senator Hartke's plurality of 4,532. In the 11th country in which a recount was sought, Pike County, Indiana, Congressman Roudebush's attorneys have petitioned the court to dismiss the recount petition stating that "regardless of the result of the recount re-

quested in said petition the outcome of said election will not be changed." On June 13, 1972, the Pike Circuit Court sustained this motion thereby dismissing the last of the recount petitions sought by Congressman Roudebush. A copy of this motion is provided with this letter.

In view of the action of Congressman Roudebush in the Pike Circuit Court, it is obvious to the undersigned attorneys for Senator Hartke that any question of a change in the results of the senatorial election held in Indiana in 1970 is now moot. We felt nevertheless it was necessary to advise you of the posture of this matter for two reasons. First, your committee provided watchers at the recount, and secondly, at the time of Senator Vance Hartke's swearing in and seating in the United States Senate on January 21, 1971, by unanimous consent of the Senate, the oath was administered to Senator Hartke without prejudice to the outcome of an appeal pending in the Supreme Court of the United States, and without prejudice to the outcome of any recount which the Supreme Court might order. In conjunction with this unanimous consent motion, a statement on the status of the Roudebush vs Hartke recount case in the form of a letter signed by Gordon K. Durnil was placed in the Congressional Record of that date.

In view of the facts which we have stated in this letter I ask that a similar entry on the status of this case be made in the Congressional Record through the channel of your subcommittee showing that this matter is effectively concluded thereby indicating to the citizens of Indiana that the recount had in 10 counties and the dismissal of the recount petition in the 11th county brings this matter to a conclusion and Senator R. Vance Hartke is the duly elected, qualified and seated senator from Indiana.

Very truly yours,

JOHN J. DILLON,
DAVID W. MERNITZ,
JAMES L. TUOHY,
JOHN J. DILLON,
Attorneys for Senator Hartke.

MOTION OF PETITIONER TO DISCUSS PETITION FOR RECOUNT

[In the Pike Circuit Court, 1972 Term]

State of Indiana, County of Pike, ss:

Richard L. Roudebush, Petitioner, vs. R. Vance Hartke, Defendant, Cause No. C-70-118.

Comes now the petitioner, Richard L. Roudebush, in the above action, by counsel, and moves and requests the Court to dismiss his petition for recount of votes and for contest of election for recount of votes heretofore filed by petitioner on November 18, 1970 and for grounds for said motion and request respectfully says: That regardless of the result of the recount requested in said petition, the outcome of said election will not be changed.

Wherefore, petitioner requests that the Court dismiss his said petition for recount of votes and for all other proper relief.

Dated this 12th day of June, 1972.

EDWARD L. WADDLE,
Attorney for Petitioner, Richard L. Roudebush.

CERTIFICATION

The undersigned hereby certifies that he mailed a true and complete copy of the foregoing motion and request of petitioner via ordinary United States Mail with sufficient postage prepaid at the United States Post Office at Petersburg, Indiana, prior to the filing of the same and to each of the following parties and addresses to-wit:

(1) Mr. R. Vance Hartke, 850 Dexter Street, Evansville, Indiana;

(2) Mr. Donald A. Schabel, % Buschmann, Carr, and Schabel, 111 Monument Circle, Indianapolis, Indiana 46204; and

(3) Mr. David W. Mernitz, Attorney at law, 710 Guaranty Building, Indianapolis, Indiana.

Dated this 12th day of June, 1972.

EDWARD L. WADDLE,
Attorney for Petitioner.

THE ILLINOIS AGRICULTURAL ASSOCIATION IS HELPING MEET THE RURAL DOCTOR SHORTAGE

Mr. PERCY. Mr. President, at a time when Congress has been so deeply involved in a discussion of national health insurance and the medical care crisis, I invite the attention of Senators to a program in Illinois that is helping to solve our health manpower need in rural areas.

In 1948, the Illinois Agricultural Association and the Illinois State Medical Society joined together in a very innovative and farsighted program to increase the supply of doctors to rural Illinois. The IAA established a medical student loan program with the understanding that a student who receives a loan must agree to practice medicine in an Illinois town for 5 years after the conclusion of his formal training. Such loans can amount to as much as $7,500 over a 5-year period and are repaid at an interest rate of 2 percent. In addition to loan assistance, the program recommends students for admission to the University of Illinois College of Medicine in Chicago.

In the life of the program, more than $300,000 has been made available in student loans. Approximately 70 doctors are now practicing in Illinois as a result of this assistance. For 1972, 24 students have been accepted by the University of Illinois for medical training through the IAA program.

Mr. President, I wish to commend the Illinois Agricultural Association for its strong leadership in the health care field. We know that several towns in central and southern Illinois today have been unable to obtain a doctor. Many others simply do not have enough doctors, nurses, and allied health personnel to meet the needs of an expanding population. The IAA student loan program will continue to make it possible for well-qualified, dedicated young men and women to enter medical school and later spend a period of time in service to the areas of our State where they are clearly and desperately needed.

I ask unanimous consent that an article entitled, "Farm Bureau's Concern About Rural Doctor Shortage Led to Successful Student Loan Program," published in the July, 1972, volume of the IAA Record, be printed in the RECORD.

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

FARM BUREAU'S CONCERN ABOUT RURAL DOCTOR SHORTAGE LED TO SUCCESSFUL STUDENT LOAN PROGRAM

(By Roy E. Will)

The medical student loan fund program was launched a number of years ago as a result of Farm Bureau's concern about the growing shortage of physicians in rural Illinois.

In November of 1947 the voting delegates of the Illinois Agricultural Association adopted a resolution which authorized the IAA board to use funds for a trial period for loans to medical students who would agree to practice in rural areas in the state. Both the Illinois State Medical Society and the Illinois Agricultural Association agreed that they would match funds and name personnel to form a Medical Student Loan Fund Board.

In 1948, the First National Bank of Chicago was authorized to establish a trust fund account to handle the financial matters of the loan fund program. Each of the sponsoring organizations began depositing money in this trust fund account for the purpose of medical student loans.

During a loan fund board meeting in 1948, Dr. Harlan English of Danville proposed the idea of urging the University of Illinois Medical School to accept medical students with an intent to serve as rural doctors. These students may or may not have the same high academic records of students that the university would normally admit.

Members of the medical loan fund board later presented their plan to the Illinois General Assembly. As a result, a House Joint Resolution was adopted in 1949 which authorized the recommendation privilege of the Medical Student Loan Fund Board to seek placement of certain students in each freshman class at the University of Illinois Medical School.

As the program developed during the years, each sponsoring organization continued to make financial contributions. Student interviews were held annually. Approximately ten students per year were recommended for admission to the University of Illinois Medical School.

The Medical Student Loan Fund Program was originally formed with the idea of producing doctors to establish a general practice. During the years of operation, the trend in medical education changed and a greater stress was placed on research and specialization. The loan fund board studied these changes and in 1965 agreed that students may specialize before establishing a family practice in a rural area.

The total loan amount per student has varied from $625 per semester to the present amount of $750 per semester. These loans are issued at 2 per cent interest. At present students are asked to begin repayment of the principal amount on January 1 of the fifth year following graduation from medical school. During the life of the program, only two students have defaulted on their loan contracts.

In 1969 an effort was made to increase the number of students on the program by contacting out-of-state premedical schools. With a reduction in federal funds available to medical students, there was a greater demand for loans from the Medical Student Loan Fund Program. Since the program had funds available for loans, financial assistance was granted to 14 students entering medical school in 1969 and to 11 students entering medical school in 1970. By accepting these students and providing loans for those already on the program, the loan fund was completely utilized in April of 1971 and the two sponsoring organizations agreed to contribute $20,000 each to the loan fund in order to finance eight freshman students who were entering medical school in 1971. Consideration was also given by the sponsoring organizations to seek additional financial aid to continue the loan program in future years.

The loan fund now totals $282,000. Loan commitments are more than $300,000, if all students take what they are authorized to borrow.

To date, 266 students have been participants in the program.

The Medical Student Loan Board recently met with University of Illinois Medical School officials to review preliminary results

of an in-depth study of the effectiveness of the program. The university personnel felt that the program was effective and indicated their desire to continue their cooperation.

In 1969 the State Legislature approved a Joint Resolution which urged the Board of Trustees of the University of Illinois to continue their efforts to place doctors in rural areas in Illinois by doubling the allocation of places in medical school for Medical Student Loan Fund applicants. Eleven students were accepted in the class entering in 1971 and 24 students have been accepted for the class entering in 1972.

FIGHTING CRIME IN BLACK COMMUNITIES

Mr. FANNIN. Mr. President, one of the great problems we face today is that of fighting crime in our black communities. Statistics show us that the victims of such crime most usually are the blacks themselves.

No community or city can grow when crime is rampant. Constant fear of being robbed or beaten, or worse, is not conducive to the building of a strong economic base which is necessary for social progress.

Government programs which seek either to enforce or encourage law and order within a community will fail unless the people within that community take it upon themselves to fight crime and reject violence.

In the July 6, 1972, edition of the Arizona Tribune, this problem is discussed briefly but forcefully by Joe Black, a vice president of the Greyhound Corp. The Arizona Tribune, which is published by a very fine lady, Mrs. Eloise Banks, is an outstanding weekly which serves the black population of my State.

Mr. Black, incidentally, recently produced a booklet which shows how many other black Americans have achieved success in many fields of endeavor.

Mr. President, I ask unanimous consent that Mr. Black's column from the Arizona Tribune be printed in the RECORD.

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

BY THE WAY
(By Joe Black)

If our Black communities have realistic plans to improve living conditions, one thing is perhaps more important than anything else.

Our Black communities need to grow.

By growing, I don't mean in population. Or in area. Or in new building starts. Our communities must begin to grow, economically.

The reason for economic growth is simple. We must establish and attract business to our communities.

But, to attract new business, we are faced with some nasty, old business we have to take care of first.

The business of curbing crime in our communities.

We must all begin to give greater respect to law and order, and stop remaining silent when we see it being broken. We must stop excusing Black crime, and turning our eyes away from it when we see it happening.

Black robbing, and extorting from Black business is not beautiful. We need to weed out that insidious element from our neighborhoods, soon. We have to stand together and stamp out the parasites who call us brother to our faces, then rob us blind when our backs are turned.

I simply can't believe that Black crime is the result of years of deprivation and oppression. If so, why aren't we all stealing and killing?

Let us stand strong against crime. All of us. When we do, we will make our neighborhoods far more attractive to business. Which, in turn, will create more jobs. And reduce insurance rates. And add millions of dollars to our spendable income.

Consider for a moment: Can crime do as much for all of us?

STEEL PRODUCTIVITY DRIVE: THE EXPERIENCE AT INLAND STEEL

Mr. PERCY. Mr. President, on August 1, 1971, steel labor and management made what was heralded as a groundbreaking agreement to create labor-management productivity councils to increase the productivity, and the world competitiveness, of the steel industry.

The agreement was based on the shared belief that the future of the industry—"will rest heavily upon the ability of the parties to work cooperatively to achieve significantly higher productivity trends than have occurred in the recent past." Thus the agreement called for joint advisory committees on productivity to be established at each steel plant, to be composed of equal numbers of union and company members, and to meet no less than once a month. The purposes of the joint committees were—

To advise with plant management concerning ways and means of improving productivity and developing recommendations for stimulating its growth . . . but also to promote orderly and peaceful relations with employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel and to achieve the desired prosperity and progress of the Company and its employees.

The steel labor-management agreement was greeted both with enthusiasm and skepticism. Enthusiastic observers called it a major break with the tradition of hostile, adversarial labor-management relationships which had precluded any real cooperative effort to meet the objectives of both sides by making the industry more competitive. Skeptics said the agreement was window dressing created in order to make a substantial wage settlement more palatable to those, including Government officials, who were concerned about the effect of the settlement on the effort to stop inflation. Other skeptics said the joint committees could never work because the tradition of labor-management hostility would be too strong to overcome.

What has been the result of these councils to date? Within the past several months a productivity committee has been set up in virtually every plant in the basic steel industry. It is thus too early to have any clear account of the actual usefulness of such committees in increasing productivity. But the fact that they have been created is itself important.

An account by Mr. Michael Tenenbaum, president of Inland Steel Co., at its annual stockholders meeting on April 26 this year throws light on one steel company's response to the creation of such committees. Mr. Tenenbaum said:

With mutual trust and confidence, it is entirely realistic to expect novel and important concepts to emerge from the joint productivity committee deliberations. With both parties involved in the design of new productivity approaches, the likelihood of useful implementation of such program is greatly enhanced. These committees have met at our plants and have already undertaken useful studies. In the course of their deliberations, a wide variety of items were brought up which conceivably could be considered as areas of significant productivity improvement.

I regard this statement as exceptionally encouraging. I have strongly advocated the creation of department by department, plant by plant productivity councils as one of the major steps American labor and management can take to increase the Nation's international competitiveness, dampen inflation, and end economic controls. I have cited our experience with war-time productivity councils as proof that such a technique can actually work to produce greater output. The steel industry, I thought, would prove to be a good test, and the first tentative signs now are that the committees in the steel industry may be very valuable in making the industry more productive and thus more competitive.

The kinds of results that Mr. Tenenbaum expects from the effective operation of joint productivity committees are: quicker installation and full operation of new processes; increased product yield by reducing the amount of defective material; improved quality and customer service; better equipment maintenance; and perhaps most important of all, "redesign of assignments to increase understanding of work functions and objectives—to lead to greater employee morale, motivation, efficiency, and improved attendance."

It is a tribute to the leaders and members of the United Steelworkers of America under the outstanding leadership of Mr. I. W. Abel that they are willing to work jointly with management and have recognized that their own best interest will be served by accelerating the efficiency of American steel production. Labor's wholehearted participation in the joint productivity committees is, of course, absolutely indispensable if they function as intended. I would hope that this joint cooperative effort would bring substantial rewards both in terms of greater job satisfaction for the men themselves, and higher rates of pay reflecting their units increased productivity. Certainly labor's willingness to help make the joint productivity effort work is appreciated by all of us who want to see the industry become strongly competitive in world markets.

Joint productivity committees hold substantial potential both for the steel industry and other industries. If steel companies can look forward to the realization of substanial gains in productivity and worker satisfaction, only good can come from adoption of the same technique in other industries.

I ask unanimous consent that the labor-management memorandum of agreement on productivity committees, and the text of Mr. Tenenbaum's remarks on April 26, be printed in the RECORD.

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

MEMORANDUM OF UNDERSTANDING ON COMMITTEE ON PRODUCTIVITY

The parties recognize that for their joint benefit, increases in wages and benefits should be consistent with the long term prosperity and efficiency of the steel industry.

The parties are concerned that the future for the industry in terms of employment and return on substantial capital expenditures will rest heavily upon the ability of the parties to work cooperatively to achieve significantly higher productivity trends then have occurred in the recent past. The parties are acutely aware of the impact upon the industry and its employees of the sizable penetration of the domestic steel market by foreign producers. The parties have joined their efforts in seeking relief from the problem of massive importation of foreign steel manufactured in low-wage countries. Thus, it is incumbent upon the parties to work cooperatively to meet the challenge posed by principal foreign competitors in recent years. It is also important that the parties cooperate in promoting the use of American made steel.

In order to implement this expression of purpose, a joint advisory Committee on Productivity shall be established at each plant. The Union representation on this Committee shall be two members of the Union in addition to the Local Union President and the Chairman of the Grievance Committee. The Union members shall be certified to plant management by the Union and a corresponding number of Company members shall be certified to the Union. The Company and Union members of the Committee shall meet at mutually agreeable times, but no less than once each month. The function of the Committee shall be to advise with plant management concerning ways of improving productivity and developing recommendations for stimulating its growth so as to promote the purpose of the parties as set forth above and also promote orderly and peaceful relations with the employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel and to achieve the desired prosperity and progress of the Company and its employees.

The Works Manager or the Local Union President may from time to time suggest to the Committee areas of special concern consistent with the purposes of this Committee and the provisions of this Agreement. The functioning of this Committee shall not affect the existing rights of either party under any other provision of this Agreement.

REMARKS ON PRODUCTIVITY BY MICHAEL TENENBAUM, ANNUAL MEETING OF STOCKHOLDERS, APRIL 26, 1972

INTRODUCTION

The subject of productivity received recognition by the federal government with the publication of a Department of Labor study of causes of unemployment in the 1890's. Since then, this concern has reappeared intermittently, sometimes seeking causes of unemployment, other times because of concern about utilization of scarce labor, and, more recently, in search of effective means of combatting inflation and meeting foreign competition.

In the early sixties, President Kennedy's Council of Economic Advisers emphasized the need to consider the rate of productivity growth in developing guidelines for wage and price increases. This emphasis has been highlighted again in the aspects of President Nixon's economic program which led to the creation of the National Commission on Productivity and which established productivity as a factor to be considered in determining the allowable level of wage and price increases. In this brief report, I would like to enlarge on the concept of "productivity" as it applies to the steel industry, to give some examples of opportunities for improving productivity, and to report briefly on the Labor-Management productivity councils currently active in Inland Steel Company.

Recent Bureau of Labor Statistics show that while the overall productivity in the domestic steel industry is still slightly higher than that of the closest foreign competitors, Japan and West Germany, the rate of productivity improvement in the United States during the past decade has lagged behind that of the major foreign steel producers.

The manhour-per-ton-of-mill-products-shipments advantage over other major steel producing countries that the domestic industry enjoyed ten years ago has been almost eliminated. This unfavorable trend reflects the fact that large plants all over the world have become equipped with similar modern facilities and are being operated from the same technical base. This situation has been particularly pronounced in Japan where massive new plants have been built on totally new sites—thus affording maximum opportunity for productivity improvement through capital investment.

Since the foreign mills are favored with lower labor rates, it is important that productivity in the domestic steel industry be increased substantially so as to compete in the international marketplace. The greatest international marketplace for steel is in the United States, and it is in this market that the combined effect of high wage rates and retarded productivity growth is felt most seriously.

The inability to offset rising employment costs with proportionate productivity improvements contributes to rising labor costs per ton of product. With this situation in the American steel industry, prices have risen, profits have fallen, and the rate of expansion and modernization has been retarded.

Productivity

Steel industry productivity is most often expressed as product output per manhour-of-work input. In this context, productivity may be measured as tons shipped from a mill, tons refined in a steel furnace, number of chemical analyses made, amount of electrical energy generated, gallons of water pumped, volume of gas produced, and in numerous other ways. Because of the broad range of steelplant activities, "productivity" is sometimes difficult to measure and quite often misunderstood. Even more serious, there is often misunderstanding about the long-range objectives of productivity improvement programs. In the absence of a rigorous definition, it should be useful to state three things that productivity improvement programs do not encompass.

1. They are not directed at worker speed-up.

2. They do not seek greater individual physical effort.

3. They are not aimed at manpower reduction.

Productivity, in the broadest sense, refers to the efficient use of all corporate resources to manufacture high-quality products in an economic and responsible manner, to promote growth, and to usefully serve customers, employees, stockholders and general public.

Opportunities for change

Within this broad definition, it can be recognized that productivity improvement can come from many sources, such as:

1. Improved steelmaking technology

2. Effective use of capital to provide improved tools and equipment

3. Development of greater management skill

4. Intelligent procurement of raw materials

5. Adoption of marketing strategies which generate order patterns conducive to the most efficient use of steel manufacturing equipment.

Despite the general trend described earlier, there have been some striking recent examples where opportunities for productivity improvements have been exploited at Inland. I would like to summarize several of these, since they provide insight into the resources that can contribute to such improvement. They also demonstrate how such changes serve to expand operations, create jobs, and improve our competitive position.

1. The Indiana Harbor Works has eight blast furnaces. By today's standards, even the largest of these units is regarded as small. The largest of these furnaces which was originally designed to make about 1,000 tons of molten iron per day now can produce between 2,500 and 3,000 tons per day. This improvement was accomplished through better understanding of process fundamentals, intelligent application of this knowledge, substantial capital expenditures, and impressive improvement in the raw materials quality. Of equal importance is the fact that operating costs on these units are competitive with those of the largest of the most modern units. As a result, new mines have been opened, new pellet plants have been built, the iron supply to the Harbor works has grown, steel refining operations have increased, finishing mills have operated additional turns, and more people have been hired to fill the added jobs created in all these areas.

2. Our two oxygen steelmaking furnaces were originally designed to produce around 300 tons per hour. The productivity of these furnaces now approaches 500 tons per hour. This striking increase has resulted from improved maintenance of the furnace proper, improvements in gas cleaning facilities, the development of better refractories, the introduction of rapid systems for conveying process control information to the operators, and the use of novel measuring devices. The added productivity has provided more raw steel for further processing, supported more operating turns in the finishing mills, improved service to our customers, and created additional jobs for our people.

3. Our high-speed 80" Hot Strip Mill was designed originally to roll about 300 tons per hour. Over a six-year period, productivity from this mill has been increased to about 450 tons per hour. The improvement resulted from the intelligent use of computer process control systems, the rapid processing of orders to allow preparation of efficient rolling schedules, the improved understanding of factors affecting product quality, the development of improved techniques for guiding steel through successive high-speed rolling mills, and the provision of additional slab heating capacity. The additional hot-rolled coils so produced have allowed other mills to schedule additional turns, providing important market opportunities and creating additional jobs.

In varying degrees and in diverse ways, many other significant productivity improvements have been achieved throughout the company. A number of common features can be identified with such improvements:

1. They often emerge as a result of capital expenditures for new equipment.

2. They represent effective use of resources available to the people operating the process concerned.

3. The improvements usually are the product of innovative contributions by individuals who understand the process and are stimulated by the opportunity to improve its performance.

There will always be programs aimed at improving technology through capital expenditures for new equipment. On the other hand, the structuring of work assignments so as to stimulate innovative contributions that lead to improved productivity represents a serious challenge to both management and

labor. This challenge received special recognition in the 1971 agreement with the United Steelworkers which provided that Union-Management committees would be formed, "to work cooperatively to achieve significantly higher productivity trends to meet the challenge of foreign competition."

Productivity must be the joint concern of both Management and Labor. With mutual trust and confidence, it is entirely realistic to expect novel and important concepts to emerge from the joint productivity committee deliberations. With both parties involved in the design of new productivity approaches, the likelihood of useful implementation of such programs is greatly enhanced. These committees have met at our plants and have already undertaken useful studies. In the course of their deliberations, a wide variety of items were brought up which conceivably could be considered as areas of significant productivity improvement. It is of interest to comment on some of these.

1. There is a need for techniques to accelerate the rate at which new processes and new equipment are brought to their potential operating levels. The aim would be to reduce the delay that has characterized the introduction of much new equipment in the past. The rapid attainment of full productivity capacity on new equipment would encourage authorization of additional capital programs for modern production equipment, and this succession would multiply opportunities for productivity growth.

2. Increases in product yields are always possible when organized, intelligent programs are directed toward this objective. Reductions in the amount of defective material are immediately transformed into productivity gains, since more prime product is manufactured with the same overall input. Yield improvement has the added advantage of avoiding the waste of time and effort in reclaiming and reprocessing questionable material.

3. Improved quality and customer service in itself generates a continuous flow of orders for our products. The inevitable result is the higher utilization of available capacity on which productivity is so dependent.

4. It is likely that concepts that lead to more flexibility and improved efficiency in equipment maintenance will be suggested in the council meetings. Such improved maintenance would avoid breakdowns, operating delays, material damage, and physically demanding repair efforts. The net effect would be to reduce time lost in unscheduled repair work and to gain time for productive output.

5. A troublesome area affecting productivity has been the loss of efficiency because of excessive absenteeism. Redesign of assignments to increase understanding of work functions and objectives could well lead to greater employee moral, motivation, efficiency, and improved attendance.

6. Inevitably, there will be increased ingenuity introduced into new capital programs and increased creativity in recognizing solutions to the operating problems that continuously challenge all of our workers.

In the long run, the creativity of our people represents our most effective tool in the campaign to increase productivity. Programs that enrich the jobs of our people will unquestionably lead to significant productivity improvement.

As progress is made and productivity improves, higher wages can be justified, and we will be in a more favorable position to compete against foreign steel. Moreover, additional resources will be generated which can be used to support new capital programs, a greater effort can be made to improve the environment inside and outside our plants, the industry can expand, more jobs will be created, employee task assignments will become increasingly stimulating, and within the framework of socially responsible operating programs, profit margins will increase.

THE SECRETARY OF AGRICULTURE AND FOOD PRICES

Mr. ALLOTT. Mr. President, I do not suppose there are many of our citizens who do not recognize that we now have a Secretary of Agriculture in this country who is unequivocal in his stand on the side of farmers and rural America. Recent developments have proven this fact again and again, ranging from the Russian grain sale of $750 million to his actions in blunting the effect of restrictions by various other governmental departments on producers of livestock.

Few persons outside the agricultural leadership of this country seem to realize the misguided pressures that have mounted to impose price controls on all food and fiber at the farm level.

Leaders of the cattle industry have been particularly apprehensive over the continuing movements designed to cut back the price of beef. They did not protest too much the first decision of the administration to import an additional 120 million pounds of beef this year, because they understand that plans of our domestic producers to provide consumers with more beef has created a temporary shortage. The only means of increasing the beef herd is to hold back heifers. This starts the nearly 3-year cycle required before more beef can begin coming on the market. They are holding back heifers, thus bringing about the eventual desired additional production of beef. Meanwhile, the domestic slaughter level is slowed down, at the same time that many countries of the world are demanding more of the foreign beef which formerly found a ready market only in the United States.

Secretary Butz was in Fort Collins, Colo., last week talking to the producers at the American Cattlemen's Conference—an annual national event held in my State. He met with a group of leaders, talked at length to the entire assemblage, and then was confronted by the news media of the major farm publications of the Nation, in addition to local newspaper and TV reporters.

It was his first opportunity to fully explain what has been happening in his fight to bring commonsense to the emotional atmosphere surrounding the current beef controversy.

As usual, the other side of the news story was not carried to the general public beyond the borders of Colorado and a neighboring State or two. I want to call attention of my colleagues to the factors involved in worldwide beef demands and the Secretary's analysis of the situation which he has faced as revealed at his press conference at Fort Collins.

Secretary Butz told the news media that the holdback of heifers has created a temporary beef shortage that resulted in prices rising as much as 4 or 5 cents a pound per carcass. However, even these U.S. prices are less than two-thirds the price of beef carcasses in Europe. At this time, he said, there are 11 percent more cattle on feed in this country than a year ago and these will begin coming on the market in late August to temper the price situation somewhat, coupled with a bit more imports.

The Secretary pointed out that because of the increasing worldwide demand for beef there is little additional supplies available at this time—Australia being virtually the only source to draw upon. I might add that this would probably be at the expense of Australian people's diets, who even with plentiful supplies in the past have eaten considerably less pounds of beef per capita than Americans due to the export-dollar needs of that country.

In discussing each phase of recent developments affecting the beef industry of this country, the Secretary admitted to the news media:

I partially lost the battle, but even on hide exports we won a high enough quota that its not going to have very much impact.

The Secretary said:

They were moving toward using the base of 1970–71 on hide export quotas but we got that changed to 1971—the highest period of exports in the last six years.

I interject a comparison here between the hide export embargo so precipitously imposed under the Johnson administration in 1966. That complete embargo resulted in chaos that depressed cattle prices disastrously. Hides immediately backed up at the packing plants, in the warehouse and at the wharfs. Under the current restraints, orderly exports and marketing will continue without interruption—and at the high level mentioned by the Secretary. For this reason, as he stated, there should be minimal impact on cattle prices, while still providing additional hide supplies to our domestic industries.

Relative to the State Department's efforts to encourage beef exporting countries to ship larger supplies this year, the Secretary said that ministers from the embassy of 12 countries that normally export beef to this country presented the facts of life to the Department on the world situation. Secretary Butz said this meeting proved what he had predicted earlier that—

We can anticipate an increase of perhaps 10 percent, which will bring us to about the quota we had set initially. In the absence of the original quota action indications were that we were going to have a shortage of about 60 million pounds.

Returning to the hide situation, the Secretary answered an inquiry in which he said:

I think that in the case of hides it does guarantee a minimum level of hides for the domestic shoe manufacturing and leather industry in this country; it really preserves for them the increase we're going to have in the months ahead in the number of hides . . . due to the heavier feedlot numbers.

The Secretary defended the price of cattle, which he said were just a few cents above 20 years ago while cattlemen's costs had increased by more than 60 percent during the 1960's. He said that under the American system it is necessary to make a profit or production of any product will decline—including beef. He said that this profit inducement is mandatory, and that "cattle prices right now are at an inducement level."

When the Consumer Price Index comes

out later this month, Secretary Butz predicited that—

It's going to show an increase in food prices over last month. We know that because a month ago the wholesale price index showed an increase and it takes about six weeks for that to move through the channels.

This statement was made as an explanation of why anticipatory measures were taken to hold beef prices in line with current fair levels. He added:

I don't want to see cattle prices go back to where they were 2 or 3 years ago. They were too low then. We're increasing production now by about 2 percent a year which is a healthy rate of increase—one we can absorb. If, say we get to a 4 percent increase that's too rapid an increase. I think we'd be in trouble pricewise.

In response to a final question concerning the source of attacks on farm prices, the Secretary said:

They're coming from people who think there's something sinful about paying for their food; and from politicians who play on that.

He then reminded the news media that—

This Administration has mounted a massive effort to fight hunger among people at the lower end of the income spectrum. The President has said he doesn't want any American or American child to go to bed hungry . . . and I subscribe to that. But, having said that I'm just as adamant that under the American system, Americans who can afford to do so should pay for their food in the market place just like they pay for their automobiles or their TV sets. We want that food for them as economically as possible, and we are taking steps to control margins in the processing and distribution phases. We're taking steps to keep every marketing phase as efficient as possible, but having done that, cheap subsidized food priced below cost of production is not the birthright of citizens who can afford to pay for it any more than cheap automobiles is their birthright.

I believe the Secretary of Agriculture has summed up the existing food situation clearly, nonemotionally and succinctly. I commend this commonsense approach to my colleagues and to the American people during this period when we are attempting desperately to control inflation for the benefit of every citizen.

THE OMBUDSMAN EXPERIMENTATION ACT

Mr. JAVITS. Mr. President, as the principal sponsor of S. 2200, the Administrative Ombudsmen Experimentation Act of 1971, I wish to call Members' attention to a very excellent article by Bernard Frank, Esquire, chairman of the Ombudsman Committee of the American Bar Association, who has been a leader in this field.

The article, which appeared in the May 1972 issue of the National Civic Review, published by the National Municipal League, is entitled "The Ombudsman Concept Is Expanding in the United States."

The article describes in some detail the growing interest and action by governments at all levels throughout the world in respect to the creation of machinery to handle complaints against administrative abuse.

Mr. Frank notes that ombudsmen have been established at the State level in four jurisdictions and that in 1971 proposals were pending in no less than 26 States, as well as Guam and Puerto Rico.

At the local level, complaint-handling mechanism of various types exist in at least 44 cities, school districts, and counties of the Nation.

A project funded by OEO in Buffalo, N.Y., in my own State during the period August 1967 to August 1969 was the model for many of these ombudsmen offices.

Mr. President, the American Bar Association has passed recently a resolution recommending the establishment of State and local ombudsmen, with experimentation on the Federal level.

S. 2200, which I have proposed, with Senators KENNEDY, BAYH, TAFT, and TUNNEY, is currently the only bill before the Senate which would provide such experimentation.

It would establish in the legislative branch an Office of Administrative Ombudsman to conduct demonstration ombudsman programs on a regional basis to deal with individual complaints against Federal administrative action, particularly affecting the poor.

The bill would also establish an Ombudsman Foundation to fund programs at the State and local level.

It is my hope that the bill will be considered later this session by the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare, of which latter I am the ranking Republican member, and that consideration will result in an advance in implementation of the concept on the Federal level, to an extent comparable to the significant progress made upon the State and local level.

I ask unanimous consent that there be printed at this point in the RECORD the article by Mr. Frank, together with a section-by-section analysis of S. 2200 and the recent report of the American Bar Association section of the Administrative Law Ombudsman Committee.

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

THE OMBUDSMAN CONCEPT IS EXPANDING IN THE UNITED STATES

(By Bernard Frank) *

Throughout the world governmental and nongovernmental organizations are giving serious thought to the creation of machinery to handle complaints against government. A few of these are the International Commission of Jurists, the World Peace Through Law Center, the United Nations division of human rights, the American Bar Association, the legal division of the British Commonwealth Secretariat, the Administrative Conference of the United States, the Office of Economic Opportunity and the University of California.

Three presidential commissions have dealt with the subject in the past four years. The President's Commission on Law Enforcement and Administration of Justice, in its report *The Challenge of Crime in a Free Society*, recommended that "Every jurisdiction should provide adequate procedures for full and fair processing of all citizen grievances and complaints about the conduct of any public officer or employee." The National Advisory Commission on Civil Disorders recommended establishment of formal mechanisms for processing grievances, many of which will relate to the performance of city government, independent of the local administration. The National Commission on the Causes and Prevention of Violence recommended that the federal government allocate seed money to a limited number of state and local institutions to establish citizens' grievance agencies.

The question as to how grievances may best be redressed has come about because government has become "big government," almost everywhere assuming a multitude of functions in education, medical care, housing, welfare and social security. Income tax and draft laws affect all segments of the population; extensive powers are given to all types of boards, agencies and departments; lives and property are directly affected by government in a manner and on a scale not previously experienced.

A citizen affected by mistakes and abuses of executive or administrative power began to believe there was no way to deal with big government. All too often he accepted injustices when he found existing mechanisms inadequate. If he turned to the legislator he found a public servant willing to help but limited by insufficient funds, lack of staff and inability to obtain direct access to files. The legislator had to rely on an explanation from the agency against which complaint was made. In the case of the executive, on any level, he was being asked to investigate his own administration. Politics also may be a factor.

If the citizen turned to the courts he found a system that plays a major role in correcting abuses, but he also found that litigation is an adversary process which is costly, moves slowly, creates tension and is ringed about with complex rules and procedures.

A gap remained in the machinery for the redress of grievances. This is the gap filled by the ombudsman. He is an independent official who receives complaints against government agencies, investigates, and, if the complaints are justified, makes remedial recommendations. The ombudsman concept originated in Sweden in 1809. It came to Finland in 1919 and Denmark in 1955 and since then has spread rapidly.

The classic Scandinavian ombudsman office is an external instrument created by the legislature as a safeguard against the abuse of power by governmental officials. Independence from the executive and even from the legislature is fundamental to the concept. The ombudsman receives complaints from the public or acts on his own initiative. There is no expense in filing a complaint and once filed the ombudsman takes over. He generally conducts an impartial investigation, calls on all persons for information, requires production of documents and has access to government records. He generally has no power to punish, or order, reverse or impose sanctions, but can only make recommendations and issue reports.

The system has been easily transplanted and been changed to suit particular characteristics and needs. On a national level there are government ombudsmen in Sweden (three), Finland, Denmark, Norway (two: civil and military), New Zealand, Guyana, Tanzania (board of three), Great Britain (where complaints come only through members of the House of Commons), Mauritius, Northern Ireland (two: for central government and local government) and Israel. West Germany and Switzerland have military ombudsmen. The Fiji and Ghana constitutions provide for the creation of the office. Legis-

* Bernard Frank is chairman of the Ombudsman Committee of the American Bar Association and Federal Bar Association. This is his address, November 15, 1971, at the National Municipal League's 77th National Conference on Government in Atlanta.

lation is pending in the Netherlands. In Canada five of the 10 provinces have ombudsmen: New Brunswick, Quebec, Alberta, Manitoba and Nova Scotia. In Newfoundland legislation passed by the Parliament is awaiting proclamation. Two cities outside of the United States—Jerusalem and Zurich—also have ombudsmen.

The concept is expanding in the United States. Two bills are pending in Congress: one provides for an office of constituent assistance which will receive only complaints sent through members or committees of Congress; the other is an amendment to the economic opportunity act of 1964 which would establish an office of administrative ombudsman and set up three demonstration projects. Complaints would be received from any person, or member or committee of Congress, but are limited to the health, education, anti-poverty, and employment and manpower training programs of the departments of Labor, Health, Education and Welfare, and Housing and Urban Development, and the Office of Economic Opportunity. The experiment is to continue until 1974 when final recommendations are to be made for adoption of the ombudsman concept by the federal government. The bill also provides for an American Ombudsman Foundation to initiate and support research and demonstration projects and make grants to states and municipalities.

On the state level there are ombudsmen in Hawaii and Nebraska (created and appointed by the legislature) and in Iowa and Oregon (created and appointed by the executive). In 1971 bills were introduced or were pending in 26 states, Guam and Puerto Rico.

In Hawaii the ombudsman, Herman S. Doi, took office on July 1, 1969 (see the Review, February 1970, page 81). During the first fiscal year, ending June 30, 1970, the office received 983 inquiries and during the year ending June 30, 1971, 1,758 inquiries. During this second year it was found that 19 percent of the complaints were unjustified and 16 percent were justified. This conforms to the pattern in all of the systems throughout the world in that most complaints are unjustified.

The range of complaints was wide. The major categories were public housing, environment, pollution, highways and highway safety, public education, personnel or public employment, taxation, workmen's and unemployment compensation, payments to vendors and employees, and regulatory boards and commissions.

The Hawaiian ombudsman has jurisdiction over local government, unlike Nebraska, and most state proposals. He is appointed by the legislature and serves a six-year term but may be reelected for two more terms. He receives complaints by visit, letter and telephone, or may investigate on his own initiative. As a service to the outer islands, he or a member of his staff travels a circuit once a month. No fees or charges can be made. He may obtain information as he sees fit, inspect the premises of an agency and hold private hearings. He has the right to compel the attendance of witnesses and the production of papers and documents. After investigation he may make a recommendation to an agency and may request a reply as to action taken. After a reasonable period of time he may present his recommendation to the governor, the legislature and the public. Letters to him from any person in custody must be forwarded immediately, unopened. The ombudsman inspects prisons, jails and other institutions.

On the local scene complaint-handling mechanisms of various types exit in at least 44 cities, school districts and counties. Most of them operate as part of the executive office, with a variety of titles, handling information as well as complaints. Only two local governments have offices which can be considered as in line with the ombudsman concept. The city of Dayton-Montgomery County-Dayton school board, and King County-Seattle.

King County provided in its home rule charter for the office of citizen complaints which came into being on January 1, 1970. Subsequently the county and Seattle established in 1971 a joint office of citizen complaints funded by the OEO. Lee Walton was appointed last May.

By agreement among the Dayton school board, the city and Montgomery County, the joint office of citizen complaints was created, funded by the OEO and a foundation with some community funds. Theodore C. Bingham took office as director on March 1, 1971. His report for the first six months shows 1,029 inquiries.

Mention should be made of the citizen's administrative service project in Buffalo sponsored by the State University of New York and financed by the OEO (see the Review, July 1969, page 297). In operation for 71 weeks, in 1967 to 1969, it received 1,224 complaints. Also the American Bar Association has passed a resolution recommending the establishment of state and local ombudsmen, with experimentation on the federal level.

The name ombudsman has been applied to a great variety of governmental and nongovernmental institutions and persons in the United States. We have prison ombudsmen, hospital, newspaper, radio, TV, Department of Commerce, Navy, Navy Wives, business, college and school, environmental ombudsmen, etc., etc., etc. Obviously the ombudsman has arrived. The uniqueness of the office in a world where government has become big and distant may tend to overglamorize it.

The ombudsman does not provide the magic cure-all for society's problems. His role is to supplement existing mechanisms for redress—the courts, the legislature, the administrative court, the administrative agency. These institutions must be strengthened and made more responsive to the grievances of the citizens. The ombudsman functions as an expert, impartial, independent and easily accessible servant who can move faster and informally, without cost to the citizen, without the tension of litigation, without the necessity of counsel or influence.

Many legislators, councilmen, commissioners, mayors and governors are not overwhelmed with enthusiasm for the concept. This is due to a combination of lack of understanding and distaste for a possible competitor.

But the ombudsman must of necessity be on the agenda of federal, state and local governments for serious consideration. Its adoption will be slow. It is one of the remedies which will guarantee those rights which are essential to a society in which fundamental rights and human dignity are respected.

AMERICAN ASSOCIATION OF RETIRED PEOPLE

Mr. ALLOTT. Mr. President, I was pleased, just prior to our recent recess for the Democratic Convention, to be invited to attend a portion of the biennial convention of the American Retired Persons Association, and the National Retired Teachers Association, being held in the District of Columbia.

I was especially pleased that the invitation was extended to me by members of the association from my State of Colorado and that it was possible for a number of those members and their families to be here for that convention.

I ask unanimous consent that a summary of the "14 Years of Achievement" of the American Association of Retired Persons be included in the RECORD at the conclusion of my remarks.

An article by Hubert Pryor, the editor, in the June–July publication of this organization, Modern Maturity, says:

> Those who join AARP are brought together by the compelling need in today's culture for an identity and purpose that others would deny them or only pay lip service to. They know that working together, they can develop the activities and interests they could not develop alone.

The article concludes with a quotation from Robert Louis Stevenson which Mr. Pryor denominates as one signifying, in its deepest connotations, the aspirations of the American Association of Retired People:

> So long as we love, we serve; so long as we are loved by others I should say we are almost indispensable and no man is useless while he has a friend.

With this philosophy, I am sure the accomplishments of the AARP, and the NRTA, will continue to grow during its 15th year and those which follow.

The organization's publication also contains an article about the centennial of the national park system being celebrated this year and it includes a description of how our senior citizens can enjoy the camping facilities in our national parks. Particularly, in view of this, it gave me pleasure to convey the report to the Colorado people present at the Dr. Ethel Percy Andrus memorial dinner on June 14 that on the day before, the conference on the Golden Eagle passport program bill, out of the Senate Interior and Insular Affairs Committee, of which I am the ranking minority member, had finally agreed on a provision in the Senate-passed bill, introduced by Senator ALLAN BIBLE, which is of great benefit to persons 62 years of age or over. Under the terms of that provision, such persons are entitled to free admission to all units of our national parks as well as recreation areas administered by the Forest Service. They also are granted a 50-percent reduction of charges for the use of camping and similar facilities.

I was happy to cosponsor Senator BIBLE's bill and commend him not only for the bill but also for his leadership as chairman of the Parks and Recreation Subcommittee, acting chairman of the full Senate Interior Committee, and chairman of the conference, in all of which capacities he guided the bill to enactment.

For their contribution, I thank the AARP and all of its members in Colorado including those who were here from Colorado for the convention, Miss Olga Hellbeck, Pueblo; Mrs. M. Z. Joiner, Denver; Mrs. Ida Crockett, Clark; Mrs. Myrtle Jones, Grand Junction; Noralf Nessett, Colorado Springs; Arnold Johanson, Colorado Springs; and Julian Ebersold, Park.

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

FOURTEEN YEARS OF ACHIEVEMENT

1958

AARP is founded and incorporated under the laws of the District of Columbia as a

voluntary, nongovernmental, nonprofit and nonpartisan organization, with a membership of mature men and women, proudly self-reliant who see in their retirement years a great opportunity for self-expression and self-fulfillment.

Modern Maturity, a bimonthly magazine, is published with full colored illustrations. It is dedicated to satisfying the social and cultural needs of mature individuals by providing a picture window on the world about. It also portrays to that world the true story of older folk as men and women of action: artists, writers, sportsmen, travelers, civic servants and welfare volunteers—first issue October-November.

AARP Health Insurance Plan, a special group policy underwritten by one of the leading insurance companies of the United States, makes its appearance as the first nationwide health insurance for all persons 65 and over. The U.S. Department of Health, Education and Welfare named this accomplishment a significant social achievement.

AARP Travel Service offers the Grand Circle Tour of Europe geared to the interests of the mature, personally conducted with cost all-inclusive.

1959

AARP Services are inaugurated, among which are the following:

AARP Drug Service with its first unit in Washington, D.C., offers drugs, prescriptions, vitamins, medical appliances, and other health aids at substantial savings to members.

Veterans Administration Volunteer Service welcomes AARP participation.

AARP News Bulletin makes its appearance.

AARP Geriatric Nursing Home, the Acacias, is established and opens in September.

AARP Hospitality House opens in St. Petersburg, Florida.

Executive Headquarters are located in Washington early in the year and staff increased.

AARP testifies at the House Ways and Means Committee and Senate Subcommittee Hearings.

1960

AARP Health Insurance offices and programs expand, due to membership demand.

AARP President named to National Advisory Committee for White House Conference on Aging.

AARP conducts, in St. Petersburg, an Open Forum called the "Little White House Conference on Aging" at which 2,000 persons in attendance discuss "Aging with a future," with national leaders as speakers.

AARP opens the second drug service, the Florida Retired Persons Pharmacy in St. Petersburg.

AARP testifies at the Congressional investigation of the Drug industry and its rate of profit.

AARP explores housing problems of older persons.

AARP presents, "Ever Since April," a play written for the Association to depict the tragedy of chronologically enforced retirement and the hero-victim's restoring his self-respect through concern for others.

The Social Security Information Officer, begins a page report for each issue of *Modern Maturity*.

AARP's Executive Staff conducts a week of lectures and discussions at Chautauqua on "Modern Maturity for a Brighter Tomorrow—A Positive Approach for Enriching the Later Years."

AARP's First Chapter is organized.

AARP Drug Service, in Washington, D.C., expands, necessitating removal to more commodious quarters.

AARP absorbs the membership and obligations of the Journal of Lifetime Living.

1961

AARP participates in White House Conference on Aging, a national forum called to consider fact-finding from all the States, recommending: the development of plans for action to assure older persons equal opportunity to engage in gainful employment; to provide housing suited to their needs at a price they can afford to pay; assistance in developing studies and interests to make aging a period of reward and satisfaction.

AARP co-sponsors Freedom House with Douglas Fir Plywood Association.

AARP cooperates with the U.S. Treasury Department in developing a pre-retirement program for its employees.

AARP and NRTA members express interest in the goals of the newly organized Retirement Research and Welfare Association, a philanthropic association whose report on Retirement Conditions was presented at the White House Conference on Aging.

AARP Travel Service adds Southern, Mediterranean and Scandinavian Tours to its popular Grand Circle Tour.

AARP announces the founding of its 100th Chapter.

AARP expands its Health Insurance Program with a new history-making Out-of-Hospital Major Medical Plan.

AARP and NRTA appoint a Legislative Council of twenty-one persons.

1962

AARP, in conjunction with NRTA, holds its first series of Area Conferences.

AARP's and NRTA's Denver Convention is remarkable for the inspirational message of Estes Kefauver, the crusader for purity of drugs, consumer protection and freedom of economic choice, and for the adoption of the AARP Blue Print on Aging, advocating the establishment of National, State and Local Commissions on Aging and a Senior Service Corps.

AARP makes available for its members a low-cost Testamentary Life Insurance.

AARP plans and conducts a week-long Chautauqua Institute on "The Changing Image of Aging."

AARP Travel Service adds British Isles Tour to its European Tours.

AARP dedicates a Hospitality House in Long Beach, California.

AARP's growing family of chapters continues to expand.

AARP Members respond to questionnaire regarding "Employment After Retirement." The Report by Retirement Research and Welfare Association is published in *Modern Maturity*.

AARP initiates pilot demonstration projects in counseling, training and placing older workers, in cooperation with the Department of Labor and State Employment Offices.

AARP Drug Service has expanded, requiring additional office space in Washington, D.C.

AARP continues to keep vigil on National Legislation and Social Security developments; continues to offer Congressional Committees considered testimony and statements on matters affecting older people; and keeps the membership currently informed through the columns of AARP publications.

1963

AARP Travel Service inaugurates its first Around-the-World by air tours and offers its first European Air-Tour and Caribbean Cruise.

AARP begins its hearing aid service for members at reduced prices (discontinued in 1965).

AARP with NRTA announces it will participate at the New York World's Fair 1961–65 and their officers and Fair officials break ground for the Association's Dynamic Maturity Pavilion.

AARP International is organized in Copenhagen and expansion to other lands begins.

AARP Hospitality House in Washington, D.C., is officially opened in August.

AARP establishes its Institute of Lifetime Learning and Every Wednesday Morning Lecture Series in the Dupont Circle Building in Washington, D.C., in September.

AARP in conjunction with NRTA holds nine Area Conferences thus establishing the plan of Area Conferences to be held during the odd numbered years and alternating with National Biennial Conventions on the even numbered years.

AARP's third drug outlet, the California Retired Persons Pharmacy, opens in Long Beach.

AARP and NRTA receive Freedom Foundation Awards for their publications *Modern Maturity* and the NRTA *Journal* with a third award to their Editor.

1961

The Dynamic Maturity Pavilion is opened at the New York World's Fair on April 22, 1964, with its Hall of Fame, picturing AARP's and NRTA's officers nationwide and illustrating the accomplishments of the Associations.

Hospitality Centers are busily welcoming members in St. Petersburg, Long Beach and Washington, D.C.

AARP Chapters now number 300.

Institute of Lifetime Learning program has growing popularity and adds new courses.

Drug Service in Washington, D.C. moves to a new and larger location, and expands its Drug Service in Long Beach, California, into new and more adequate quarters.

Grand Circle Part II Tour, Swiss Holiday and Tour, American Heritage Tour, are all added to the expanding Travel program.

AARP holds its first independent Biennial Convention in Rochester, New York, June 14–18.

AARP Membership Division moves into its larger and more functional building, newly constructed in Ojai, California.

AARP story in *Reader's Digest* on "Dynamic Retirement is Their Goal" results in 100,000 inquiries.

1965

AARP membership participation in Retirement Research and Welfare Association enables it to conduct its own projects related to the health and welfare of the aging and also contribute financially to outside philanthropic projects.

Travel Service offers its first World Cruise and Tour.

Drug Service extends mail order service in the states of California and Florida from its Long Beach and St. Petersburg locations.

AARP and the American Medical Association cooperate in health information program and AARP introduces its emergency Medical Alert and identification card.

AARP highlights its Church and Industry Programs.

New Hospitality Lounge and Institute of Lifetime Learning quarters are opened in Long Beach, California. The Every Wednesday Morning Lecture Series is inaugurated.

AARP enters the pre-retirement field with the publication of *Dynamic Maturity*, a bimonthly magazine focused on the needs of persons approaching retirement and needing help to build a satisfying rewarding maturity.

AARP Travel Service adds a Western Division and tours to its expanding program.

AARP nation-wide organization plan is established through the appointment of nine Area Vice Presidents, nine Area Associate Vice Presidents and State Directors for the majority of the states.

Dynamic Maturity Pavilion closes October 17, having had a total attendance of 450,000 persons for 1964–65.

AARP with NRTA holds a third series of nine Area Conferences, the theme being "For What Do We Strive in '65?"

1966

AARP introduces its new "Coordinated-Care" ® Group Health Insurance program to supplement Medicare, underwritten by one of the leading insurance companies of the United States.

AARP requires Chapters to adopt standard bylaws and assists them to become incorporated under the laws of their own states.

AARP opens three centers for Consumer Information: Washington, D.C.; Long Beach, California; St. Petersburg, Florida.

AARP's Presidential, Editorial and Chapter Offices are now located in Long Beach, California.

AARP maintains in Washington, D.C., the offices of the Executive Vice President, the Executive Director, the Federal and Legislative Relationships, the Church, Industrial and Community Divisions and the Institute of Lifetime Learning with Hospitality Lounge and Every Wednesday Morning Lecture Series.

AARP breaks ground for the building expansion of the geriatric nursing home, Acacias, in Ojai, California.

AARP completes months of earnest study exploring the problems of hearing aids. Conclusions indicate that it is not possible to obtain an adequate price-saving hearing aid for members.

AARP Travel Service expands travel get-together program and offers increased number of tours.

AARP legislative staff prepares an informative pamphlet, "Tax Facts for Older Americans," available at cost of printing and mailing.

AARP International officials participate in the 7th International Congress of Geronotology in Vienna, Austria, and present awards for significant contributions to retirement living.

AARP holds its Biennial Convention in Salt Lake City, Utah, September 7–9, with an exciting and stimulating program of inspiration, business, tours and entertainment.

AARP offers radio 13-week courses entitled "Let's Listen to Lifetime Learning," recorded on tape by the Long Beach Institute of Lifetime Learning and made available upon request to radio stations on a loan basis.

AARP's *Modern Maturity* begins presentation of a Home Study Course, "The World's Great Religions."

AARP's Public Relations Department inaugurates a Speaker's Bureau to coordinate speakers from national headquarters, elected and appointive officers and representatives of the services.

1967

AARP's Western Headquarters moves to a new location, Times Building, Long Beach, California, where the California Retired Persons Pharmacy, Travel Service, Western Division, Insurance Plan offices, Institute of Lifetime Learning and Hospitality Lounge can have more adequate space and be located in the same building.

AARP Insurnace Plan Headquarters transfers to Philadelphia, to expanded facilities and program, but still maintains offices in Washington, D.C.

AARP Travel Service, Western Division, offers greatly expanded program and increases its staff to service tours and cruises from the West Coast.

AARP with NRTA conducts its fourth series of nine Area Conferences with "Pride in Participation" being the theme of each conference.

AARP aids in the development of an automobile insurance program, Driver-plan 55 Plus®, introduced by states and underwritten by American Maturity Insurance Company of Philadelphia, Pennsylvania.

AARP co-sponsors with the National Safety Council a Defensive Driver Improvement Course to be offered to members in states where Driverplan 55 Plus insurance is available.

AARP's Board of Directors adopts necessary revisions in the Bylaws to strengthen management affairs of the Association and officer progression. The post of Executive Director is divided into five areas of responsibility with an Executive Director assigned to each: National and International Relations; Services; Membership and Publications; Field Operations and Development; Business Management.

AARP expands its Standing Committees to include Public Affairs Committees with greater emphasis on local and national community involvement.

AARP's Drug Service adds a line of convalescent supplies to its service to members.

AARP and NRTA complete the construction of addition to Acacias Nursing Home which increases the capacity to 50 patients. A new approach to nursing care is inaugurated in the Andrus Apartments—eight semi-care units.

AARP's philanthropic interest, Retirement Research and Welfare Association, moves from the Washington, D.C., Eastern Headquarters to the Western Headquarters in Long Beach, California.

AARP with NRTA establishes Regional Offices in Atlanta, Georgia; Kansas City, Missouri; New York City; Toledo, Ohio; and Long Beach, California. The responsibilities of these offices are assigned to Regional Representatives.

AARP's Founder and President, Dr. Ethel Percy Andrus, suffers a heart attack and expires July 13, 1967. Mr. George W. Schluderberg succeeds her as President.

AARP with NRTA holds a National Memorial Service in memory of Dr. Andrus in Washington, D.C., on August 23 and a Western Memorial Service at Lincoln High School in Los Angeles, California, on September 17.

1968

AARP's Modern Maturity presents a Memorial Edition in commemoration of its Founding Editor, Dr. Ethel Percy Andrus.

AARP's publications' editorial responsibilities are assumed by a new editor and additional members are added to the editorial staff.

AARP with NRTA appoints the Dr. Andrus National Memorial Committee for the purpose of research and recommending an appropriate memorial to their Founder.

AARP's Group Insurance Program now has offices in St. Petersburg, Florida; Washington, D.C.; Chicago, Illinois; Denver, Colorado; Los Angeles, Long Beach and San Francisco, California; in addition to the home office in Philadelphia, Pennsylvania.

AARP's Travel Service now offers group tours everywhere in the world from its two locations, New York City and Long Beach, California.

AARP's Institute of Lifetime Learning offers consultant service to AARP Chapters interested in founding an Institute as a service to their members. The radio series is expanded with two additional series, "Let's Listen to Our Executive Directors" and "Let's Listen to Our Instructors." These tapes are available on a loan basis from the Institute of Lifetime Learning in Long Beach, California.

AARP continues to keep members informed of legislation affecting older Americans and frequently testifies at hearings of both Senate and House committees.

AARP Chapters now number 500.

AARP's Executive Committee of the Board of Directors holds quarterly meetings during the year. The Board of Directors meets twice, in January and in September.

AARP arranges with the Sheraton Hotel Corporation of America for special reduced rates for members on presentation of a valid membership card for week-end reservations.

AARP is awarded a National Safety Council citation in recognition of its nationwide Defensive Driving Program.

AARP holds its third Biennial Convention in Pittsburgh, Pennsylvania, September 4–5–6 with a delegate assembly of 250 members conducting business sessions and programs of inspiration and entertainment and tours of the city. Attendance exceeds 1,000.

AARP Biennial Convention reports include one by the Dr. Andrus Memorial Committee on its research and evaluation of more than 200 suggestions of an appropriate memorial to its founder. The recommendation to establish the Ethel Percy Andrus Gerontology Center at the University of Southern California in Los Angeles as a memorial in keeping with Dr. Andrus' humanitarian philosophy is approved by the Board of Directors and delegates.

AARP and *Modern Maturity* receive Freedom Foundation awards.

AARP establishes a Regional Office in Salt Lake City, Utah, to serve Area VIII.

AARP and NRTA approve changing the name of the Western Headquarters from the Times Building to the Andrus Building.

AARP and NRTA publish a collection of Dr. Andrus' selected editorials in a book entitled "The Wisdom of Ethel Percy Andrus."

AARP members, chapters and business friends send contributions to Retirement Research and Welfare Association in memory of the late Dr. Andrus, Founder of AARP and RRWA. The sum of these contributions constitutes the first donation to the Dr. Ethel Percy Andrus Memorial Fund, established for the purpose of receiving tax exempt contributions toward the total pledge of $2,000,000 made by AARP and NRTA for the construction of the Ethel Percy Andrus Gerontology Center.

AARP membership is over 1,250,000.

1969

AARP Chapters, planning to conduct an institute of Lifetime Learning, are offered a guidebook, "Formula for Success" by the Institute of Lifetime Learning, Washington, D.C. The Institute introduces its "Home Study" program making available the first three courses.

AARP Board of Directors approves changes in titles to establish one Executive Director and three Directors: Services, National Affairs, Membership Processing and Publications.

AARP's Legislative Staff prepares the 1969 edition of "Tax Facts for Older Americans" and the Legislative Council holds its annual meeting to plan legislative objectives to benefit older Americans.

AARP Insurance Service offers a Nursing Home and Nursing Care Plan to members.

AARP with NRTA holds the fifth series of nine Area Conferences, the theme being "Our Proud Heritage and You." The Associations' film, "Dynamic Maturity," is shown at each Conference. Total attendance at the nine Conferences reached 10,000.

AARP's fourth drug outlet, Missouri Retired Persons Pharmacy, opens in Kansas City, Missouri to serve all states.

AARP Travel Service adds four U.S. tours to its ever increasing world-wide program providing tours for every month of the year.

AARP members contribute to the purchase of more than 10,000 copies of the book, "The Wisdom of Ethel Percy Andrus" thus placing it on the best-seller list.

AARP booklets on topics of interest to members are published during the year.

AARP and NRTA serve as the delegate agency to administer Project Work (Wanted: Older Residents with Know-how) for the Office of Economic Opportunity in Long Beach, California, through a matching grant from O.E.O.

A second O.E.O. program, "Project Late Start," is also administered from Washington, D.C. by the two Associations. AARP and NRTA are awarded a grant by the U.S. De-

partment of Labor to administer the "Community Aides Project" in six cities.

AARP establishes Regional Offices for Area VII in Dallas, Texas; for Area III in Washington, D.C., for Area I in Boston, Massachusets. It now has a Regional Office in each of the nine areas.

AARP announces the availability of temporary employment for members through the services of Mature Temps, Inc. in two major cities with plans for extending the service nationwide to 20 other cities.

AARP Book Buying Service arranges with book publishers to offer titles at a reduced price to members through its introductory catalog.

AARP membership totals 1,800,000.

1970

AARP Membership Division expands to larger quarters by moving from Ojai to the Andrus Building, Long Beach, California.

AARP announces the generousity of contributions made to the Dr. Ethel Percy Andrus Memorial Fund as it passes the half-way mark toward the pledged goal of $2,000,000.

AARP's Legislative Counsel and staff conduct the annual meeting of the Legislative Council to outline the legislative objectives and priorities for the year and hosts members of Congress and leaders of allied organizations.

AARP co-sponsors a pilot project "Income Tax Help for the Elderly by the Elderly" under the auspices of the Institute of Lifetime Learning with volunteer personnel trained by the Internal Revenue Service to assist members in 18 cities with their Income Tax Returns.

AARP with WPIX, New York City, coproduces a color television series "The Golden Years" for nationwide distribution.

AARP's pre-retirement program makes available to business and industry a series of publications as well as subscriptions to *Dynamic Maturity* and membership in AARP.

AARP chapters over 700 in number necessitate the appointment of additional volunteer directors in many states.

AARP members in Washington, D.C., may now attend Institute of Lifetime Learning Classes, without cost of travel, under the newly inaugurated decentralized plan of holding classes in several locations in the area.

AARP members are offered a life insurance policy, "Coordinated Life" in addition to health and automobile insurance plans.

AARP holds its fourth Biennial Convention in Oklahoma City, Oklahoma, at the Skirvin Hotel, May 19–20–21, with "Action in the 70s" as the theme. The delegate assembly elects national officers for the two-year term, 1970–1972, and members of the Board of Directors for the class of 1976. Mr. Fred Faassen becomes the Association's third president.

AARP News Bulletin becomes a monthly publication beginning with the June issue.

AARP officials attend the site dedication ceremony, June 2, for the Ethel Percy Andrus Gerontology Center on the Campus of the University of Southern California.

AARP contributes to the planning for the 1971 White House Conference on Aging through a financial donation and the assignment of the services of one of the Washington, D.C., full-time staff members.

AARP–NRTA Pharmacy, Washington, D.C., adds a "walk-in" department to its nationwide mail order service.

AARP Travel Services include off-season tours for members who prefer to travel in the fall and winter months.

AARP's two-millionth member visits the nation's Capital where he and his wife are welcomed to the White House by President Richard M. Nixon and to the Washington Headquarters by AARP's president and staff.

AARP's first chapter, Youngtown, Arizona, celebrates its tenth anniversary on the first day of October.

AARP-recommended Individual Scheduled Benefit Accident Policy is made available to all members.

AARP membership exceeds 2,211,000.

1971

AARP elected and appointed officers and staff members attend the groundbreaking ceremonies for the Ethel Percy Andrus Gerontology Center at the University of Southern California, Los Angeles, on January 20.

AARP Legislative Council's annual meeting to outline the legislative objectives for the year is highlighted by a visit to the White House to meet President Richard M. Nixon.

AARP with NRTA plans to hold nine area conferences during the year. The theme for this sixth series is "Developing Strategy for Aging in the 70s".

AARP with NRTA launches the expansion of their "Consumer Information Desk" program designed to help older Americans avoid frauds and stretch the shopping dollar.

AARP–NRTA Regional Office is established in St. Petersburg, Florida, with an Assistant Regional Representative assigned to the State of Florida.

AARP and NRTA members attending the Area VII Conference in Dallas, Texas, witness the presentation of the first Institute of Lifetime Learning Charter to the sponsoring groups, San Antonio AARP Chapter #95 and San Antonio RTA.

AARP News Bulletin is enlarged to tabloid size beginning with the June issue and will continue to be published monthly, with the exception of a combined issue for July-August, and will be edited by a Washington, D.C., staff, independent of the editorial staff of *Modern Maturity*.

AARP with NRTA inaugurates a new Vacation-Holiday program to be held in five different locations.

AARP and NRTA members attending the Area V Conference in Chicago at the Pick Congress Hotel are honored by the personal appearance of President Richard M. Nixon to deliver a major address to more than 3,000 members.

AARP's pre-retirement planning program now has more than 760 business and government employers providing gift subscriptions to Dynamics Maturity magazine for employees near retirement age.

AARP Travel Service now offers nine motorcoach tours for those members who prefer to travel in the United States. Six new 14-day tours to Europe are added to its ever expanding travel program.

AARP Insurance Plan Headquarters in Philadelphia move to new and expanded offices.

AARP and NRTA officials, four in number, appear on a nationally televised show to discuss the activities and services of the Association.

AARP-NRTA Pharmacy Service establishes a fifth location in Hartford, Connecticut.

AARP establishes a new division known as Action for Independent Maturity (AIM) structured for persons 50 to 64 years of age and still employed. Dynamic Maturity, enlarged in size and edited by an independent editorial staff, becomes the official bimonthly membership publication for AIM with its November issue.

AARP-recommended Lifetime Income Plan, designed for members with sufficient financial means to consider annuities, is offered to members.

AARP members and staff, numbering 26, are official delegates attending the White House Conference on Aging, November 28-December 3. Deeply involved since its inception the Association prepared and published four booklets for distribution to the more than 3,500 delegates.

AARP-NRTA Area IX Conference in December, brings the total attendance during 1971 to over 18,000 Area Conferences have been held in 47 different cities since the first series in 1962.

AARP membership totals 3,137,293.

1972

AARP announces the successful achievement by the Dr. Ethel Percy Andrus Memorial Fund of its pledged goal of $2,000,000.

AARP-NRTA Legislative Council holds its annual meeting to determine the priorities and legislative objectives for the year.

AARP members in 43 states may have free assistance from the more than 1,000 volunteer tax counselors, trained by the Internal Revenue Service, through the Tax Aid program administered by the Institute of Lifetime Learning.

AARP with NRTA inaugurates a health education program. Vigor in Maturity (VIM), to be made available to local groups.

AARP members may participate in Vacation-Holiday programs in 10 different locations this year.

AARP honors its three-millionth member at a ceremony in Boston, Massachusetts.

AARP arranges special rate privileges for Association members with Marriott Hotels, Inc. and Rodeway Inns of America in addition to the Sheraton Hotels and Inns.

AARP's 1,000 chapter, Media, Pennsylvania, receives its Chapter Charter.

AARP secures special rate privileges for members through arrangements with Avis Rent-A-Car System, Inc. and Hertz Rent-A-Car.

AARP holds its fifth Biennial Convention in Washington, D.C., at the Sheraton Park Hotel, June 12–15. The delegate assembly elects national officers for the two-year term, 1972–74, and members of the Board of Directors for the class of 1978. Mr. Foster J. Pratt becomes the Association's fourth president.

FLOOD DAMAGE IN PENNSYLVANIA

Mr. SCOTT. Mr. President, the magnitude of recent flood damage often is not appreciated until it is viewed on a more personal level. Farmers in the northeast area of the Commonwealth of Pennsylvania were particularly hard hit and are having an extremely difficult time planning their 1973 crop.

The Berwick Vegetable Cooperative sustained enormous flood damage, losing nearly 2,000 acres of vegetables and potatoes valued at a half million dollars. In addition, more than 1,000 additional acres of land were damaged, at a value of almost $60,000. For the 35 farmers who deeply felt this loss, the Congress ought to respond by passing quickly the Agnes Recovery Act which I introduced last week. Among other things, the bill will enable the Farmers Home Administration to get farmers back into a position to earn their livelihoods as soon as possible.

Mr. President, I ask unanimous consent to place in the RECORD an accounting of the damage sustained by the Berwick Vegetable Cooperative's farmers.

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

	Acres lost, vegetables and potatoes	Dollar value	Acres lost, other crops	Dollar value	Land damaged	Dollar value of buildings lost
1	40	18,000			25	760
2	5	2,000	4	3,000	2	
3	1½	175	3½	300	1½	400
4	3	800	1	4,000	2	600
5	4					
6	5	1,500	10	2,000		
7	45	9,000			16	10,000
8	5	5,000	2	500	15	
9	4	2,000	2	400	5	
10	10	1,200			3	
11	4		7	198	1	
12			30	3,000		4,000
13	167	20,000	37	1,850	19	
14	6	300				
15	69	8,500	15	2,000	15	
16					2	
17	23	4,000	½	500	14	400
18	8	5,000			25	
19	17	6,800	35	2,450	55	
20	1½	300	5	250	2	
21	20	10,620			7	25,000
22	30	15,000			100	
23	100	8,000	40	2,000	175	
24	65	13,000	5	20,000	20	5,000
25	22	2,000	10	5,000	3	
26	100	24,000	20	1,000	3	500
27	3	550			3	
28	112	60,000			48	500
29	28	8,000	12	1,200	30	
30	40	22,000			40	4,000
31	145	87,000	350	65,625	425	7,500
32	69	17,250	150	12,600		
33			50	3,000		
34	35	21,500	60	3,000		
35			3	500	10	
Total	1,187	373,495	852	136,773	1,055½	58,660

PRESERVATION OF FAMILY FARMS

Mr. MILLER. Mr. President, the Saturday Review of July 29 contains an article entitled "The Family Farm Is Not Dead," written by Seth King, Chicago correspondent for the New York Times.

Written in Dallas County, Iowa, much of the article centers around two of Iowa's best family farmers, Richard Ellis, who farms 400 acres with his brother, Robert.

It notes that in my State of Iowa only 8 percent of the State's total agricultural output is produced by nonfamily farms. Although I wish the article had underscored the fact that there can be diminishing efficiency with the enlargement of farms, it makes interesting reading—particularly for those who wish to see the family farm preserved as both a way of life and a way of business.

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 FAMILY FARM IS NOT DEAD

(By Seth S. King)

DALLAS COUNTY, Iowa.—Between now and election day Richard Ellis of Dallas County, Iowa, and the rest of the nation's voters are going to hear both presidential candidates solemnly dedicate themselves to saving the family farm from the grasping clutches of Big Agribusiness. While such assurances may sound comforting, Mr. Ellis will no doubt be amused, in his own cautious way, at the assumption that the family farm is on its way out. But, like the great political scramble in the 1950s over what share of parity a farmer should have, the death of the family farm is a nonissue that the candidates will puff into prominence because it's about the only purely agricultural matter they can find.

Mr. Ellis is a family farmer. So, too, are 91 per cent of the other farmers in Iowa, which is still the nation's largest producer of meat and corn. True, there are fewer family farms in any state than there were last year, or five years ago, or a decade ago. But that's because each year family farms in the great meat, corn, and wheat areas of Middle America have grown larger, while many small family farms, no longer viable, have been broken up, their land sold or rented to the larger family farmers.

Mr. Ellis—a stocky, deliberate man who has spent his forty-five years down on the family farm—can lead you out onto his well-trimmed front yard and, in any direction, point to the rooftops of half a dozen farmsteads that no longer house active farmers. The neighbors he grew up with, and who once worked the land, still live in these farmhouses. Now, however, they are commuters to Des Moines or its suburbs, where they hold jobs in small factories. Their land is still being intensively farmed—but by Mr. Ellis or some other family farmer who rents it from them.

"We really become small factories," Mr. Ellis explained to me. "Some are more efficient than others. It's true a lot of people have been forced off the farms, just like small businesses have gone under. But it's not been any doing of what they call 'agribusiness.' It's simply that small acreages sure won't work any more. They're economically dead."

Mr. Ellis and his brother, who inherited their land from their father, are at the moment farming 400 acres of lush, 120-bushel-to-the-acre corn land and forty-bushel soybean land. Until recently Mr. Ellis rented and farmed an additional 500 acres of corn and soybean land near neighboring Nevada, Iowa. How much does running such an operation cost? Mr. Ellis figures that the average midwestern grain farmer has more than $50,000 invested in farm machinery. To debug, deweed, and fertilize his crops costs him at least $25 an acre. Seed comes to about $7 an acre, and this year taxes in Dallas County will top $10 an acre.

"Figuring the man-hours you put in," Mr. Ellis said, "as almost all of us do, then you've got a cost, by the time the crop's in the ground, of at least $60 an acre. So a farmer with 500 acres has got $30,000 tied up before the crop even starts growing, not counting machinery or land."

To be eligible for price supports and set-aside payments, which will total more than $4 billion this year, a 500-acre farmer would have to "idle" part of this corn acreage. But with corn supports already set at $1.05 a bushel, if his yield reaches the Dallas County average of 100 bushels to the acre he's assured of grossing $105 on each acre of corn. With soybean prices hovering around a record $3.50 a bushel, he can expect a gross of $140 an acre on this crop. In addition, the government will pay him $80 an acre to set aside corn land, and the only expense involved is in keeping the land free of weeds.

With income prospects like these, land in Dallas County is going today for more than $700 an acre to buy, or $55 an acre to rent, and very little is available—as Mr. Ellis, who needs acreage to replace the 500 he had to give up, can attest.

These salubrious conditions, of course, do not safeguard a family farmer from the hazards of the weather or sudden outbreaks of animal diseases. A bad hailstorm at the wrong time or prolonged drought can be just as devastating as they were in the dust-bowl days. But the time when a diversified farmer would look at rising hog or beef prices and cheap corn and run out to put more animals on feed, causing another downward swing in the market, appear to have ended. Today's large family farms are having a profitable, stabilizing effect on corn-belt agriculture. This year the grain farmers stayed in grain, and the hog and cattle raisers were wise enough to keep the size of their herds in line with demand.

This profitable balance between supply and demand can, however, in unusual circumstances, be thrown off with a frightening jolt. When this occurs, the politicians quickly revive the mythology of family farming. Last fall, when Richard M. Nixon's political radar detected clear signs of spreading discontent among traditionally dependable Republican farmers, the President responded by dumping Secretary of Agriculture Clifford Hardin and bringing forth Earl L. Butz to replace him. Hardin's career had been quite literally blighted. In the spring of 1971, a year after the southern cornleaf blight had devastated part of the country's corn crop, Mr. Hardin wanted to offset this reduction, which was forcing corn prices out of sight. So he increased the number of acres a farmer could plant in corn and still be eligible for the insurance of government price supports. The big corn farmers joyfully responded by planting the largest crop in recent memory. Last fall, after a near-perfect growing season, there was no blight, and they were harvesting a 5.5-billion-bushel crop. Corn prices plummeted. This, in turn, raised the traditional fear that cheap corn meant a rush to raise more hogs and beef cattle, which would soon have sent prices downward again.

The farmers knew Mr. Hardin had done what he had to do. But they were looking for a scapegoat, and Mr. Hardin—a diffident college professor who had been an undistinguished secretary—was a natural. When he was discarded in favor of Mr. Butz, however, the felony appeared compounded. Also a professor (at Purdue University), but aggressive and politically ambitious, Butz was known to the farmers as chief assistant to the unlamented Ezra Taft Benson, the Mormon elder who, in the Eisenhower years, had fought unimaginatively to reduce the great crop surpluses then threatening to destroy the farm market. Worse, Butz was a director of several large farm products companies—the big agribusiness firms that buy so much of what farmers produce. Would he not favor agribusiness, allowing it to take over more of the farming itself, thus giving it sufficient control over the markets to force family farmers off the land?

Senator George S. McGovern deemed the

Butz appointment a "catastrophe" for American agriculture, another Republican nail in the family farm's coffin. Senator Hubert H. Humphrey, who considers himself a champion of the small farmer, warned that Butz was clearly in league "with the forces within agriculture that are pushing it toward big, integrated agribusiness." Mr. Butz, for his part, gravely assured the Senate Agriculture Committee that he would be a "vigorous spokesman" for those who would preserve the family farm and solve the economic and social problems besetting rural America.

Both Butz and the senators who questioned him in the committee hearing room knew that the days when the Midwest was won with eighty acres and a mule were as dead as free silver and the Townsend Plan. In today's age of enormous farm machinery it is nothing for one corn and soybean farmer to work a thousand acres or more, almost entirely by himself. For wheat farmers a thousand acres is only a starter. Even in the wondrously rich black earth of Mr. Ellis's Dallas County, a grain farm of less than 200 acres simply cannot yield enough to finance the capital investment in it.

The great debate over the health of the family farm and the threat of an agriculture dominated by huge corporations has induced extensive study by the Department of Agriculture. Its findings unequivocally refute the assertion that the family farm is moribund. The department defines a family farm as one in which the operator is a risk-taking manager, who, with his family, does most of the farm work and performs virtually all of the complicated management tasks. On that basis, family farms still make up 95 per cent of the nation's 2,831,000 farms and produce 62 per cent of all the farm products sold. These percentages have remained remarkably stable over the past twenty years.

Only in California, Florida, and Arizona—where colonial traditions of vast, almost baronial, land holdings have prevailed from the time these states entered the Union—is the larger-than-family-sized farm the rule. Eighty-nine per cent of Arizona's farm products come from these larger farms, as do more than 80 per cent of Florida's products and 79 per cent of California's. The large-scale farming operations in these states are concentrated in certain crops, such as fruits, vegetables, poultry, or cotton. But in the states that produce most of the country's feed grains, hogs, and fattened beef, the production of non-family farms is minute: In Iowa it accounts for only 8 per cent of the state's total agricultural output, in Illinois 13 per cent, and in Wisconsin's highly organized dairy belt, again, only 13 per cent. Even the raising and fattening of livestock is still largely the business of family farms. When one thinks of livestock, one tends to think of huge corporately owned ranches and feed lots in Texas and the Far West. Yet roughly half of the fattened cattle are still on family farms, as are nearly 90 per cent of the nation's hogs.

Politicians who want to express their anguish over the supposed disappearance of the family farm generally resort to two clichés: the spector of big agri-business controlling production and setting market prices at whatever level it chooses, and the blow to the nation's morality when so many hard-working, God-fearing sons of the soil are forced off the land and into the wicked cities.

But today the market is as free as ever—and family farmers are as much its creatures as their fathers were. As for morality, all you need do is to talk with a few rural sheriffs to discover that they, like their big city colleagues, are having increasing troubles with break-ins, thefts, and drag-racing, pot-smoking youngsters. What the enlargement of the family farm has meant is more efficiency, a much better balanced market, and whopping capital investments.

The alarm that spread through the corn belt last fall—and that toppled Hardin—was ended with surprising speed by the new secretary. Mr. Butz was prescient enough to buy just enough corn for the government last winter to hold the market above $1 a bushel. This move convinced many previously wary farmers that they finally had a Secretary of Agriculture who dared to favor them over the more numerous consumers, who might have benefited slightly from the lower corn prices.

Mr. Butz knows that today's family farmers need only one thing to continue their well-being: a healthy national economy in which the housewife has enough income to buy the farmers' products and in which their costs and taxes aren't inflated out of sight. The only bona fide farm issue left to the politicians, then, is that of rural development—the new term for the promotion of small industries in farm towns that will employ farmers and their children who have stopped tilling the land. The hitch here, for campaigners if not for rural Americans, is that both parties agree on the need for such development.

But the politically astute Mr. Butz also knows that the family farm remains an agrarian shibboleth not likely to be laid to rest this fall.

"We've demagogued the family-farm issue in this country," he recently conceded to Julius Duscha, a Washington, D.C., journalist. The politicians, Butz said, had a nostalgic penchant for viewing the family farm in terms of a small unit "out there" with a family on it. His own concept, he said, was a farm unit that could be operated by a farmer and his family but would be big enough to survive and provide a decent income.

"There are a lot of people who think there's something inherently good about a nation with a lot of small land owners out there," Secretary Butz said. "That's not true if they don't have enough land to made a decent living."

Mr. Butz would agree.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is closed.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on tomorrow, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

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

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate H.R. 15495.

The Clerk will report the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strengtn for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, what is the pending order of business?

The ACTING PRESIDENT pro tempore. The pending order of business is H.R. 15495, which has been placed before the Senate.

Mr. STENNIS. Mr. President, I ask unanimous consent, with regard to H.R. 15495, that the committee amendment in the nature of a substitute be agreed to, and as agreed to, be considered original text for the purpose of further amendments.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears no objection, and the committee amendment is agreed to.

The committee amendment, in the nature of a substitute, is as follows:

Strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $121,800,000; for the Navy and the Marine Corps, $2,930,400,000, of which not to exceed $570,100,000 shall be available for an F–14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F–14 contract between the Navy and the primary contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; (2) the Navy exercising the option for lot V on or before October 1, 1972; (3) meeting the delivery schedule in accordance with the terms of such contract: *Provided*, That in the event the Secretary of the Navy determines that any condition prescribed in clause (1), (2), or (3) is not met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F–14 program; for the Air Force, $2,141,100,000.

MISSILES

For missiles; for the Army, $700,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,745,300,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,165,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $186,500,000; for the Marine Corps $54,500,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $194,200,000.

OTHER WEAPONS

For other weapons: for the Army, $57,800,000 for the Navy, $2,500,000; for the Marine Corps, $900,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,885,786,000;

For the Navy (including the Marine Corps), $2,708,817,000;

For the Air Force, $3,272,777,000, of which $48,100,000 is authorized only for the A–X program; and

For the Defense Agencies, $505,987,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1973 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, each component of the Armed Forces is authorized an average active duty personnel strength as follows:

(1) The Army, 843,932;

(2) The Navy, 591,684;

(3) The Marine Corps, 198,391;

(4) The Air Force, 706,510;

except that the ceiling for any armed force shall not include members of the Ready Reserve of such armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10. United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 402,333;

(2) The Army Reserve, 261,300;

(3) The Naval Reserve, 129,000;

(4) The Marine Corps Reserve, 45,016;

(5) The Air National Guard of the United States, 87,614;

(6) The Air Force Reserve, 51,296;

(7) The Coast Guard Reserve, 11,800.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION—LIMITATIONS ON DEPLOYMENT

SEC. 501. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Military family housing, two hundred and eighteen units, $6,004,000:

Grand Forks Safeguard site, North Dakota, two hundred and eighteen units.

(b) There are authorized to be appropriated for the purposes of this section not to exceed $6,004,000.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1973, in the same manner as if such authorizations had been included in that Act.

SEC. 502. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile system sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Malmstrom Air Force Base, Great Falls, Montana.

(b) Section 403(a) of Public Law 92–156 (85 Stat. 423, 426) is hereby repealed.

TITLE VI—GENERAL PROVISIONS

SEC. 601. (a) Effective April 1, 1972, (1) subsection (a)(1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended by section 501 of Public Law 92–156 (85 Stat. 427), is hereby amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof, and (2) section 738(a) of Public Law 92–204 (85 Stat. 716, 734) is amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof.

(b) Effective as of July 1, 1972, subsection (a)(1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $2,100,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 602. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be expended in any amount in excess of $360,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1973.

(b) In computing the $360,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1973, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No additional expenditures in excess of the limitation prescribed in subsection (a) of this section may be made for any of the purposes described in such subsection in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1973, unless such expenditures have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall expenditures in any amount in excess of the amount authorized by law for any fiscal year be made for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations in or over Laos by United States military forces.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purposes for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, a written report showing the total amount of expenditures in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purposes.

SEC. 603. The amount of $107,600,000 authorized to be appropriated by this Act for the development and procurement of the

C–5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $107,600,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $107,600,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $107,600,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 604. In order that all appropriate means may be available to the Department of Defense in furthering its efforts to achieve an all volunteer military force at the earliest practicable date, nothing in this or any other Act shall be construed as prohibiting any branch of the Armed Forces of the United States from expending funds for the purpose of advertising in any type of news media, if the purpose of such advertising is to attract eligible persons to enlist or accept commissions in such Armed Forces and the funds used to pay for such advertising were appropriated for recruiting or advertising purposes.

Mr. STENNIS. I thank the Chair. As it is always understood, this request in no way limits further amendments to the committee substitute. Let me state that for the record.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. STENNIS. Mr. President, my remarks relate to H.R. 15495, which is the military procurement authorization bill for the fiscal year 1973. The bill has been passed by the House. It has been considered by the Senate Armed Services Committee after hearings, and is before the Senate now in the form agreed to and recommended by the committee.

AMOUNTS AUTHORIZED AND PERCENTAGE REDUCTION

Mr. President, the annual military authorization bill now before the Senate represents the minimum program essential for our national defense for fiscal year 1973, and I say here with emphasis, which I will do many times, that this bill is largely cast into the future and concerns what we may need 7, 8, or 10 years from now. A great part of the larger items in the bill are weapons that take from 4 to 5 to 6 to 7 years to have in operation.

The committee is recommending a total authorization of $20,521,671,000. This is a reduction of $2,751,300,000, or 11.8 percent below the amended request by the administration of $23,272,971,000.

EXCLUSION OF THE SOUTHEAST ASIA AMENDMENT FROM PERCENTAGE

I should also like to set forth two other percentages. Among the elements eliminated from the bill was a procurement funding request of $973,400,000 which is referred to as the Southeast Asia amendment. If this $973,400,000 is excluded from the computation, the percentage of reduction from the request would be 8 percent rather than 11.8 percent. This request was received in the committee only June 27, which was too late for committee consideration prior to our voting out the bill on June 28. Even though these items were deleted, this amount should be considered as deferred without prejudice.

In other words, they were not voted out of the bill on the merits; they were just taken out of the bill without prejudice because of the time element.

EXCLUSION OF BOTH SOUTHEAST ASIA AMENDMENT AND R. & D. SALT ADD-ONS

Mr. President, the committee also received an amendment to the bill totaling $110,000,000 which is known as the SALT R. & D. add-ons. This amount covered four separate items which the Secretary of Defense has urged the Congress to fund as a means of maintaining our qualitative strategic sufficiency within the concept of the SALT agreement. As in the case of the Southeast Asia add-ons, this amendment did not arrive in time for committee consideration. Hearings are now being conducted on the $110,000,000 request and it may be that a committee amendment will be offered on the floor with respect to all or part of these items.

I say with emphasis that there was no voting down of that amount, or voting not to allow it; there just was not time to give it the consideration that it deserved. Two or three items concerned far-reaching weaponry, the development of which will reach into future years and involve a great sum of money. So, we were not satisfied to make a recommendation to the Senate until we had had indepth hearings. Those hearings are being conducted now by the Senator from New Hampshire in his very fine Subcommittee on Research and Development.

If both the Southeast Asia amendment and the $110,000,000 R. & D. request are excluded from the computation, the committee reduction would be 7.5 percent.

I would observe, Mr. President, that the committee's overall reduction last year was 5.3 percent.

SCOPE OF BILL

At the risk of repetition, I will set forth the scope of this legislation.

First. Military hardware procurement. This item relates to a few items which I shall specifically name, but it also includes all items that are in the nature of hardware. About 65 to 70 percent of all weapons procurement is authorized in each year's authorization bill. In the pending bill there are thousands of items ranging from one nuclear aircraft carrier to 33,396 grenade launchers from the M–16 rifle; so it goes from the largest item to the smallest. The total procurement authorization being recommended is the amount of $12,092,000,000.

Second. Research, development, test, and evaluation effort within the Department of Defense constitutes the next major item in the bill. The total for this purpose is $8,423,000,000 which is the figure in the pending bill.

Third. Authority for active duty military strength for each of the military departments for fiscal year 1973. Totals are 2,340,517 persons, which is a reduction of 56,000.

Fourth. Authority for each of the Selected Reserve strengths for fiscal year 1973.

All these manpower items have been authorized in this bill only for this year, and the same was true last year, I believe. In other words, that is the new policy, to require authorizations for manpower each year. It has to be passed on annually by Congress. That proviso was written into the bill as a result of a Senate floor amendment approved 2 years ago.

Fifth. The next item is the separate funding authority for free world forces in Southeast Asia, which recommends a ceiling of $2,100,000,000, although as a part of the Southeast Asia amendment which has not been heard, a new ceiling of $3,200,000,000 has been requested.

As to that item, the request came in so late that it could not be fully considered before we felt that we had to report the bill. The proposed increase is based on the stepped-up quality of the war within the last few months. It will be considered by the committee, and something will have to be done about it later by Congress.

Sixth. The next item consists of various other legislative limitations including those relating to the Safeguard, F–14, spending on Laos, and others.

COMMITTEE VOTE

Mr. President, as one might reasonably expect when a bill of this magnitude is as thoroughly analyzed and considered as this one was, there were differences of opinion within the committee on some of the major issues in the bill. I want to emphasize, however, that the committee vote on reporting this bill was unanimous—that is 16 in favor and none opposed.

I think this vote speaks for itself in terms of endorsing this basic legislation which I hope will be acted on speedily by the Senate.

Mr. President, I think that some difference of opinion that way—freely expressed—is a wholesome thing. I think it really strengthens the bill in this way: It shows that the committee has gone into these items and has considered them, and that each member felt that he had enough information to pass an intel-

ligent judgment on the item. If there is going to be unanimity about everything in a bill of this kind, there would not be much in the bill. So I think it adds great strength to the bill for it to come here after having been as thoroughly considered as this one has, following extensive hearings by the full committee and also very extensive hearings by the Tactical Airpower Subcommittee and the Research and Development Subcommittee.

SUBCOMMITTEE CONTRIBUTIONS

Mr. President, I would like to recognize the vital assistance rendered to the full committee by both the Tactical Air Power Subcommittee, of which Senator CANNON is chairman, and the Research and Development Subcommittee, of which Senator MCINTYRE is chairman. The in-depth hearings of both of these subcommittees were crucial to the determination of the full committee with respect to the subject matter within their purview.

Both Senator CANNON and Senator MCINTYRE will discuss in some detail the work of their subcommittees as we proceed with the consideration of the bill. All members of each subcommittee deserve credit for their work.

I want especially to warmly thank the Senator from Maine Senator SMITH, the ranking member, for the consistent attention to work that she has devoted to this legislation. She has not only been diligent in her day-to-day attention to this matter, but I must say that she attends to it with a high sense of responsibility and a high sense of obligation to the Senate. She is a Member who is devoted to her job and her responsibilities. Without her assistance throughout, my task as chairman would have been much more difficult, and the task of the members of the committee would have been more difficult, also.

PRELIMINARY OBSERVATIONS ON BILL
RELATION TO HOUSE BILL

Mr. President, as a procedural matter, the Senate is now considering the House bill. I point out, however, for the purpose of clarity and for the Record, that the House did not pass its version of the Procurement bill until June 27, which was too late for the Senate committee to consider all provisions of the House bill on their merits. What the Armed Services Committee did after reaching its judgment on the Senate bill was to strike out all after the enacting clause in the House bill and substitute the Senate version. Therefore, as our committee report indicates, the various differences with the House bill are for informational purposes only. All differences, of course, will be in conference and resolved in the customary way. It will be noted that the large items we have before us which came in at the last moment were of such magnitude that they were left out, but with a special obligation by the committee and a special promise to the Senate that we would continue to consider most of the major items and perhaps would have a recommendation as to some of them some time later.

RELATION OF BILL TO SALT

Mr. President, just a word as to relation of this bill to what is ordinarily called the SALT treaty or the SALT agreements. That includes, of course, the treaty and the 5-year offensive agreement that was negotiated for several years and was consumated in Moscow recently. These proposed arrangements mean many things to many people insofar as their possible effect on our national defense. The question at hand is what direct relationship these agreements have on the pending procurement bill.

There are only two major elements in this bill, Mr. President, which are directly affected by these proposed agreements.

The first is the Safeguard ABM system which, as we know, has been limited under the treaty to two sites—one at Grand Forks and the other at or near the National Capital. The authorization request was reduced by the SALT amendments from $1,492,900,000 to $800,500,000. Furthermore, as I shall discuss later, the committee has deleted, but at the same time deferred without prejudice, the national command authority site, for a further saving, for the time being, of $239 million. When the official request came over for that item, it was very near the time we had set to mark up the bill finally, and it was too late to get enough information—that is, what we thought was essential information—to really pass on it and make a recommendation. We did defer that item, however, without prejudice.

The only other element of this bill affected is the so-called R. & D. add-ons totaling $110 million, which have been requested as a means of maintaining a sufficient qualitative position in strategic arms. These items are not in the committee bill at the present time, and should they be recommended as a committee floor amendment, we will, of course, be prepared to discuss them at the appropriate time. I should point out that the bill, as passed by the House, does include the full $110 million for the R. & D. items.

All other items in this bill, Mr. President, were recommended in the original budget request before there was any SALT agreement, and they should be considered as essential to our national defense, regardless of SALT. There may be some argument about that, but I am pointing out now that what is in this bill was already recommended before there was any SALT agreement, except the items I have noted.

There may be some, Mr. President, who will contend that the acceleration of the Trident program has a direct relationship to the SALT agreements. This program was recommended in the original budget of this year as a part of the long range program for replacing a portion of our Polaris fleet. I will discuss the Trident program in some detail later on. I would emphasize, however, that the Trident program was recommended in the original budget this year. Furthermore, in the numbers now discussed, the program would not exceed the number of submarines which we are permitted under the offensive agreement. I do not think it is accurate, therefore, to say that the accelerated Trident program derives from the SALT agreement.

Certainly, it did not originate from it—it did not derive from it—even though I think that, in some logic, the rate of development is made more important by the SALT agreement. The SALT agreement makes a stronger case, as I see it, for the Trident program than existed before the SALT agreement, so far as the time acceleration is concerned. I will say more about that later.

COMMITTEE REPORT

Mr. President, there is before each Member of the Senate, Committee Report No. 962, totaling 177 pages, which discusses in detail all aspects of the pending legislation. I urge each Senator and his staff to refer to this report with regard to the detailed aspects of the bill. In the meantime, I will cover some of the major systems that are recommended.

Mr. President, I think the document to which I have just referred is an outstanding and remarkable Senate committee report. A great deal of work has gone into it, work that was started by our staff a year ago—that is, started before the debates were over on the comparable bill of last year. It represents a great deal of hearings of competent witnesses in their fields, pro and con, and a great deal of work not only by the staff but also by the individual members of our committee. I believe it will be a repository of factual information with respect to weapons, to problems of the Department of Defense, and to policy questions that will be worthy of consideration by the membership and the public at large who are interested.

MAJOR WEAPON SYSTEMS IN BILL SAFEGUARD
ANTI-BALLISTIC-MISSILE SYSTEM

With regard to the Safeguard ABM system, the committee bill limits by specific language the deployment of this system to one site—Grand Forks, N. Dak. Funding for this site would be authorized in the amount of $561,500,000, consisting of $255,500,000 for research and development, $300 million for procurement, and $6 million for family housing for this location. I point out that the committee bill also permits the dismantling and cancellation of work at other ABM sites. This additional work is required by the SALT treaty that this body will be considering as a separate matter. The figure being recommended should be compared to the initial authorization request for fiscal 1973 of $1,492,900,000. This amount which was requested would provide for deployment at four sites, justified in past years for protection of the Minuteman deterrent. In addition, this provided for advance site preparation at the NCA—the National Command Authority—site in the vicinity of Washington, D.C.

The administration, in connection with the agreement on the limitation of ABM, amended the budget on June 27 of this year to provide for the reduced amount of $800,500,000 for Safeguard authorization. The reduced amount was for two sites: Deployment at Grand Forks, N. Dak., to protect a part of the Minuteman deterrent and advance site preparation for the NCA site there in Washington, D.C. This is consistent with the treaty which would limit each nation to two ABM sites.

I should point out at this time that neither the amended request nor the

initial request contained statutory limitations on the number and location of sites. The descriptions that I have just given were provided in explanation to the committee upon request.

The committee decided in its consideration to eliminate, without prejudice, the National Command Authority. It was the opinion of the committee that planning for this site was in the very earliest stages and there was simply not enough definitive information at this time on which to base a decision for approval. When additional information is available, the committee may have a further recommendation to make to this body.

Mr. President, as I stated earlier, the bill contains $561,500,000 for continuation of the ABM deployment at Grand Forks. Construction at this site is about 90 percent completed and equipment will be installed starting this year. The site will be finished and operational in late 1974 as presently estimated. So, Mr. President, I relate here that we made those reductions since the request did not get full consideration. It is a lot easier to reduce—strike out funds—than it is to add them and adjust later. We left the matter wide open concerning the other requests.

TRIDENT

The committee bill recommends an authorization of $906,400,000 for the Trident submarine and missile program. This amount is only $20,000,000 less than the authorization request which amount was subsequently found unnecessary for the fiscal year 1973 program. Of this total, some $545,400,000 will be used for R. & D. purposes on this program, $361,000,000 will be utilized for Navy shipbuilding procurement to provide the long lead components for four of the submarines plus $10,000,000 for long lead effort on the missile.

The earliest that this submarine with its new missile system can be available is 1979—7 years away. At that time the oldest of the existing Polaris submarines will be 20 years of age. While it is probable that these submarines will provide safe and economic operation for 25–30 years, there is no way of being positive that this will happen. We must assure a vigorous Trident program now to guard against all eventualities.

Mr. President, there is no estimate at this time of the total number of Trident submarines that will be required. However, in order to provide some indication of costs, the Navy currently estimates that it will cost $13,500 million to develop and build a fleet of 10 Trident submarines each equipped with 24 Trident I missiles, not including AEC warhead cost.

There are absolute limits beyond which the Polaris submarine cannot be improved. The current conversion of 31 submarines to the Poseidon missile has provided for increased capability in the fleet. However, for practical and economic reasons, only modest improvements can be made in submarine quieting, improved sonar, and other electronic equipment. Introduction of the Trident I missile in the Poseidon submarines will use all of the missile growth potential. I should emphasize that 10 of the Polaris submarines will not be converted to the Poseidon type of submarine. That is exactly the same number that this bill contemplates of the Trident type.

We can expect our potential enemies to continue their effort and improve their ability to detect and destroy our submarines. To assure the survivability of the sea-based strategic forces in the face of these antisubmarine warfare improvements, requires the Trident program. The longer range Trident missile will greatly increase the operating area of the submarine and greatly enhance its survivability. Added to this will be qualitative improvements in submarine quietness.

In summary, this Trident program is imperative to assure a modern and survivable sea-based strategic deterrent force. To me, it is clear that we should move with all reasonable dispatch to complete this Trident program. It is, I believe, our most defendable deterrent.

Mr. President, before I leave this subject, I should identify the Trident program as I have referred to it here. It is the old ULMS program renamed. That is certainly some improvement because the name is more descriptive, in a way, and easier to identify. The Trident program could also be described as being our sea-based missile of the third family. Polaris was first, Poseidon second, and Trident third.

B–1

The committee bill contains $444,500,000 for continued development of the B–1 program. This program is still in the research and development stage and the fiscal year 1973 authorization does not constitute a commitment to production.

Mr. President, Congress has repeatedly recognized the need to develop a new and advanced strategic bomber to replace the aging B–52 fleet. The committee believes that the B–1 bomber program is still required. The development of the B–1 is proceeding according to schedule; there are no major technical problems; and the development costs are still within the estimates given in the past.

It is worthy of note that the SALT agreement imposes no restriction on the manned strategic bomber, the third element of the strategic triad. The B–1 bomber will provide a capability for flexible response that is not matched in other strategic systems.

CVN–70 NUCLEAR-POWERED AIRCRAFT CARRIER

The committee strongly supports the authorization request of $299,000,000 for the funding of long leadtime components for the CVN–70. This carrier will be the fourth nuclear-powered carrier in the Navy fleet. The total cost of CVN–70 is estimated now to be $951,000,000.

Mr. President, the basic issue posed by the CVN–70 is whether we will be assured modernity for the U.S. carrier fleet by 1980—8 years from now—when this vessel joins the fleet. By 1980, only five of the carriers will be less than 15 years of age, and only three carriers, including the CVN–70—this carrier—will be less than 10 years of age. In 1980 when the CVN–70 is added to the fleet, the carrier force will consist of eight conventionally powered *Forrestals* and four nuclear-powered carriers. This number of 12 modern and capable carriers will be only three-fourths of the number in service today.

Mr. President, I think that is an important point in justifying this particular kind of carrier. We have 16 carriers in service today. In a projection into the years in the future, the best estimates that can be made by the responsible authorities show that if we have a modern fleet of carriers, the number can be reduced to 12, which would be a tremendous saving in itself. And if we are going to reduce the number to 12, it seems clear to me that we ought to have a modern fleet having all the capabilities of science and technology, including avionics, power, and all the things that go to make up this remarkable instrument as a deterrent in the world today. We ought to make certain that we have the best in 1980. And, as I say, the only way to have it with reference to those 12 carriers is to start now. This is a large sum of money. However, it is spread out over this 8-year period for expenditures. The only way to have it in 1980 is to start now.

There are few who would disagree that the carrier forms the backbone of a powerful Navy force.

Control of the seas is mandatory if the United States is to engage in world commerce, uphold our treaty obligations, and aid our allies when necessary.

Mr. President, I say that with emphasis. I think that everything considered, of all kinds of deterrents needed in the world today and at all places, the modern idea of a carrier force has more influence as a deterrent and is as capable as any instrument should an emergency arise. No weapon is perfect. There is no place where all conditions are favorable. However, the idea of a floating airfield with effective power, ready to move at a moment's notice, with power in the air that can sweep from one side of the world to another or from one sea to another in a little more than overnight is a powerful argument in itself. It is a continued deterrent throughout a troubled and uncertain world. And it has been so largely since World War II.

In substance, without a modern and broadly capable, carrier force, the Navy would not have a chance to assure supremacy of the seas.

The CVN–70 is required in order to maintain this modern force and the resulting supremacy of the seas. It was recently submitted. It had to be first authorized in calendar 1970. At any rate, we have deferred this matter for 2 or 3 years now because of priorities. However, to reach the point of a need for a completely modern fleet of carriers in 1980, we have to start now.

F–14

The committee approved the administration's request for $732,700,000. This includes $570,100,000 in procurement funds for 48 aircraft and $162,600,000 for F–14 research and development.

The committee bill also contains language which requires that the 48 aircraft in lot V—which is the lot in question—be procured within the existing contract.

Mr. President, in view of the importance of this program, the committee conducted a thorough review of the en-

tire F–14 program. The Senator from Nevada (Mr. CANNON), chairman of the Tactical Air Power Subcommittee, will speak in more detail, as doubtless other members of that subcommittee will, on the findings of the subcommittee.

I would like to emphasize that the Navy is in urgent need of this aircraft in order to modernize its present carrier aircraft inventories and gradually replace the F–4, which even though a fine aircraft, is of the technology of the sixties.

In addition to authorizing the funds for the 48 aircraft, the committee has added specific language which will guarantee that the validity of the existing contract will be upheld as a matter of law. The funds cannot be obligated except in accordance with the terms in the existing contract with respect to the prices, delivery schedules, and other provisions. The addition of the proposed language should remove any fear that there could be a price increase outside the present contract for this fighter, which is well on in procurement.

ADVANCED AIRBORNE NATIONAL COMMAND POST

Mr. President, the committee bill is recommending a total of $120,000,000 for four aircraft and associated research and development costs for what has been termed the Advanced Airborne National Command Post—$100,000,000 for aircraft and $20,000,000 for R. & D. The original authorization request was for six aircraft with additional R. & D. costs for a total of $256,800,000. The request included, in addition to the basic cost of the aircraft which is approximately $25,000,000 each, substantial amounts of advance electronic equipment to be located in the aircraft.

The committee determined that four aircraft were sufficient for the fiscal year 1973 program and that most of the electronic equipment should be deferred until development effort has been completed. The House approved the entire authorization as requested.

The purpose of the Airborne Command Post is to provide the President with an alternate and survivable means of command and control when an attack appears imminent or is committed against this continental United States. This is not to assure the survival of someone overseas or of some of our allies. This is directed toward our own survival. It provides this command post for the Commander in Chief who, under the terms of our Constitution, is the President of the United States. The essentiality of survivability of Presidential authority is self-evident.

The command and control system now available to the President was sufficient through the 1960's but is now insufficient. The present EC–135 aircraft are insufficient in size and will not accommodate either the equipment or the number of personnel required to adequately support the command and control function. The aircraft which will be procured for this mission will be sufficient to accommodate the growth in the sophisticated electronics gear for at least the next 10 years.

There has been nothing hasty in committee on this matter. This is a considerable sum of money and we declined to put a super rush order on this in January in the form of a supplemental bill. We declined until we could get all the proof and go into the matter thoroughly, and that is what has been done.

As I have said, and I say again for emphasis, this involves the survivability of the President of the United States, not as an individual, not as just a person alone, but it involves the survivability of the whole command structure of our Government, including the military, and of course, the President's close advisers, without which he cannot function; and it provides the most modern equipment that can be had by science and technology in its field.

The new airplane can remain in the air for much greater periods of time than the current EC–135. This is an extremely important consideration with respect to the ability of the airplane to survive and remain in operation.

Because of the shorter takeoff and landing distances required for the new aircraft, about twice as many airfields can be utilized. That means airfields in this area. This provides much greater flexibility in operation and contributes to survivability.

Mr. President, this is a matter for which we can allow no margin of error. Without a President who can exercise command and control, the weapon systems for which we have spent billions will be without effective direction. Of course, to be effective, a President must have with him sufficient competent administrators and the best possible equipment.

CLOSE AIR SUPPORT PROGRAM (A–X, CHEYENNE AND HARRIER AIRCRAFT)

With respect to the close air support program, Senator CANNON, chairman of the Tactical Air Power Subcommittee, will speak in some detail. In summary, the committee approved $48,100,000 for continuing the competitive prototype effort for the A–X aircraft, deleted $53,600,000 in R. & D. funds for the Cheyenne, and denied the authorization request of $133,100,000 for procurement of 30 VTOL Harrier aircraft and related spares.

SUMMARY OF PROCUREMENT RECOMMENDATIONS

Mr. President, the report discusses in detail all of the procurement actions being recommended.

By way of summary, however, I will set forth the total procurement funding being recommended by category.

Aircraft for all services $5,193,300,000, involving 489 aircraft plus the usual support, modification, and spares, and so forth, for the total aircraft inventory.

Missiles for all services—$3,237,400,000.

Naval vessels, $3,165,000,000, which includes six new ships, nine ship conversions, and six new attack submarines.

Naval torpedoes—$194,200,000.

Combat track vehicles—$241,000,000.

Other weapons, mainly small types—$61,200,000.

Mr. President, this totals $12,092,300,000.

RESEARCH AND DEVELOPMENT

Mr. President, the committee is recommending the authorization of $8,423,400,000 for research and development for fiscal year 1973, which results in a reduction of $348,400,000 or 4 percent of the amount requested.

Senator MCINTYRE, chairman of the Research and Development Subcommittee, will discuss the R. & D. program in detail. I would, however, make several observations on this element of the bill. First, the amount being recommended is the largest amount ever provided for R. & D. for the Department of Defense.

I emphasize that this portion of the bill has been gone through and curried with a fine-tooth comb. This has been done for several years by this subcommittee, which is something new in the history of Congress. These sums have grown to such enormous proportions that I consider this review one of the most important things the committee does.

The committee reduction falls largely into two categories. First, there were adjustments in some 15 major programs which total $319,400,000. There is a further category of reductions which might be termed excess requests for funding; that is, beyond the needs required for fiscal year 1973 which approximates $91,700,000. The program being recommended by the committee is a sound one and is essential in order that we maintain a sufficient technological base.

ACTIVE DUTY MANPOWER AUTHORIZATION

Mr. President, turning to active duty military manpower—this is the second year that we are authorizing active strengths. In the past 2 years we have found that manpower, in many respects, is more difficult to deal with than weaponry. Last year the Congress legislated a manpower reduction of 56,000 based primarily on an accelerated Vietnam withdrawal of Army personnel. We also expressed our concern with the rapidly rising costs of manpower and weapons on the one hand and the growing Federal deficit on the other.

Even in the light of these trends, further Vietnam withdrawals, and the probable difficulty of meeting an all-volunteer service at current strength levels, the administration's military manpower request for fiscal year 1973 showed an end strength reduction from fiscal year 1972 of only 33,000 personnel—a little over 1 percent of the total.

With manpower costs continuing their rapid rise—primarily as a result of the pay legislation last year—the committee took an especially hard look at the military manpower picture. With 56 cents of every defense dollar going to manpower costs, our aim this year was to make sure that the services were provided adequate numbers for national security but, at the same time, make our forces more efficient. For this reason we concentrated on what is called general support manpower. This was particularly appropriate in view of the fact that the Army took the entire 50,000 reduction that we legislated last year, out of its combat and combat support forces—and none out of general support.

This was an unsound approach and not in keeping with the spirit of the ordered reduction. We expect better planning for fiscal year 1973. We focused primarily on identifying possible reductions in headquarters, base operating

personnel, and people in a travel status. Although we did not attempt to designate, by law, specifically where the reductions were to be made, we suggested areas that we think will provide a potential for greater efficiency—all of which are set forth in the report. The committee is convinced that the 56,000 average strength reduction can be met without risk to our national security.

Mr. President, the committee also feels that additional emphasis needs to be placed on having our NATO allies share more of the defense burden. Further, it would appear that additional offset agreements to cover the cost of our maintaining forces overseas could be negotiated.

I know NATO is a foreign relations matter in addition to being a military consideration. It is not to be treated cavalierly or lightly in any way but we think more emphasis should be placed on these burdens where we have been carrying too much of the load.

The foregoing are a few of the examples where the services should seek to reduce manpower costs.

This reduction of 56,000 in average strength should yield savings of about $500,000,000 in the fiscal year 1973 defense budget, less certain one-time costs associated with making the manpower reductions.

The committee has been very moderate and modest with reference to these manpower reductions, but if the facts of life remain substantially as they are now and the services do not do a better job in distributing the reductions that the law may order, and in making reasonable ones wherever they can, on their own, I think they may just as well prepare for a sweeping investigation that will go into the question in great depth throughout all of their units as to whether or not they are acting prudently in the use of their manpower and, after all, just how much of this manpower is actually necessary.

AUTHORIZATION OF SELECTED RESERVE STRENGTHS

Mr. President, as the Senate knows, existing law requires that there be an annual authorization of the strengths of each of the Selected Reserves as a prior condition to the appropriation for these components.

This year the committee is recommending the strengths as contained in the budget. These are as follows:

First, Army National Guard, 402,333; second, Army Reserve, 261,300; third, Naval Reserve, 129,000; fourth, Marine Corps Reserve, 45,016; fifth, Air National Guard, 87,614; sixth, Air Force Reserve, 51,296; and seventh, Coast Guard Reserve, 11,800.

Mr. President, the Reserves are an increasingly essential element of our national defense. As I have stated on previous occasions, one means of reducing our active duty manpower costs should be in a greater reliance on our reserve forces.

I do want to emphasize, however, that the Reserves, like all other elements that make up our defense budget, must be able to justify their mission in view of the increasing budget dollars they require.

The President's budget for fiscal year 1973 contains a grand total of $4,050,100,000 in support of the Regular Reserve components and the Federal part for the National Guard.

I note that for fiscal year 1972 the comparable cost was $3,090,000,000.

The Reserves are an essential element of our national defense. I have said on previous occasions one means of reducing our active duty manpower costs should be a greater reliance on our reserve forces.

FUNDING AUTHORITY FOR FREE WORLD FORCES IN SOUTH VIETNAM AND LAOS

Mr. President, for a number of years the military authorization bill has authorized the merged funding of U.S. military functions and U.S. military assistance in South Vietnam and Laos. Until last year this arrangement was also permitted with respect to local forces in Thailand.

The pending bill in section 601 continues this authority. The specific provisions are as follows:

$2,100,000,000 LIMITATION

First the bill, in authorizing the support of Vietnam and other free world forces and in the support of local forces in Laos, imposes a limitation of $2,100,000,000 on the funds that may be used for this purpose. In addition, the same language limitations that were finally enacted in the defense appropriations bill for fiscal year 1972 are also proposed. These related to the use of these funds with regard to the pay of free world forces and the limitation on the use of these funds with respect to providing assistance for the Governments of Cambodia and Laos.

That is one item that I believe we have covered this time in such a way as will satisfy the body generally and eliminate a great deal of the long and tedious debate we have had here for the last few years. I am not critical of that debate, but I believe there has been worked out a limitation here that will be found to be generally satisfactory.

THE PENDING REQUEST FOR INCREASE OF LIMITATION TO $3,200,000,000

As a part of the Southeast Asia budget amendment received by the committee on June 27, 1972, there was included a request to increase the limitation on free world forces in Southeast Asia from $2,500,000,000 as contained in the budget request to $3,200,000,000. This request was received too late to be considered by the committee prior to reporting the bill on June 28. The basis for this request was the spring invasion by North Vietnamese forces which disrupted the original fiscal year 1973 planning. The figure of $2,100,000,000 contained in the pending bill represents estimates based on anticipated activity prior to the offensive. After the offensive, however, the Department of Defense indicated an increase in spending which will necessitate an increase in the estimated ceiling to $3,200,000,000.

I wish to observe to the Senate that the increased level of activity in that area of the world is a fact of war and, in all probability, the committee will attempt to hold some hearings even during the course of this debate on this bill and possibly report a floor amendment on this matter.

It is just something that is going to have to be met at some time. I think we ought to face the facts. Our committee would have on that occasion except for this time limitation.

INCREASE IN THE FISCAL YEAR 1972 CEILING FROM $2,500,000,000 TO $2,700,000,000

Mr. President, the committee adopted a provision identical to that in the House bill which increases the fiscal 1972 ceiling for free world forces in Southeast Asia from $2,500,000,000 to $2,700,000,000. That is for fiscal year 1972, which has just closed.

This increase was necessary due to the spring offensive by North Vietnam which, of course, resulted in an increased level of activity during the final 3 months of fiscal 1972.

A $360,000,000 CEILING ON ACTIVITY IN LAOS

Mr. President, the committee is recommending for fiscal year 1973 a provision similar to that adopted in fiscal year 1972 with respect to a statutory ceiling for all activity in Laos except for U.S. combat air operations. A ceiling has been imposed in the amount of $360 million, which is slightly above the level authorized last year at $350 million. There are also provisions similar to those contained in last year's bill relating to the evaluation of excess and surplus supplies and to certain reporting requirements with respect to expenditures.

This is an item that has been of concern. We have had extended debate on the floor, and we have dealt with amendments. This time we were able to wrap up an amendment which I believe was satisfactory to, or at least was agreed to by, every member of our committee. I hope and believe it is entirely satisfactory to the membership of this body.

SPECIAL PROVISION ON ADVERTISING MEDIA

Mr. President, I would also like to observe that the bill contains specific language which is intended to insure that the Armed Forces will not be prohibited from expending funds for the purpose of advertising in any type of media, where this advertising is intended to attract volunteers to the Armed Forces. If all available methods are to be utilized to achieve an all-volunteer force, the committee sees no reason to prohibit the Armed Services from using TV for the purpose of attracting volunteers. The Senator from Pennsylvania (Mr. SCHWEIKER), who sponsored this provision, will speak in some detail on the provision.

REPORT ON SPECIALTY STEELS

Mr. President, I would also observe that the committee incorporated, as a part of its report, a position urging the executive branch to consider the role of the specialty steel industry with regard to its essentiality for national defense.

The committee's views on this matter have already been printed as a separate Senate Report No. 962 on this matter.

AMENDMENTS CONSIDERED BY COMMITTEE

Mr. President, there were several amendments introduced some weeks so that they could be offered when the bill became pending business.

The record should reflect that the committee did not recommend these amendments. One by Senator HATFIELD would terminate the induction authority for selective services on July 1, 1972.

The other three amendments, introduced by Senator BUCKLEY, relating to providing additional R. & D. funds either for the Minuteman or for the Poseidon program. The committee did not recommend them in view of the Department of Defense's position that technology improvements were in process and additional funds would not be needed for these programs at this time.

All of these amendments were considered by the committee, and each was tabled. The amendments are, nevertheless, eligible to be offered on the floor, but will be opposed by the committee.

CONCLUDING STATEMENT

Mr. President, as I have indicated, this bill was reported by the committee by a vote of 16 to 0. It represents the largest cut recommended by the committee at least in the last few years. At the same time, it provides the minimum needs for our national defense.

I urge the Senate to act favorably on this measure.

I want to say this now about the debate: The Senator from Mississippi has never complained about every Senator getting all the chance he may wish to debate matters that he thinks are of importance. At the same time, the rule of reason has to be applied. The committee is going to be prepared now to enter into consent agreements freely and willingly with reference to reasonable time for debate upon any amendments that may be offered. We will be open for such consideration early, and I want to assure the leaders and all Senators, including those who will offer amendments, that we will do what we can to expedite these matters and will make agreements freely and willingly on a time limit for debate. Of course, it always has to be said that we must have Senators here. We have to have knowledge of the prospects of their being here which is fairly accurate when we go to agreeing to important votes.

That is a matter beyond the control of the leaders and the floor manager, and those who are supporting the floor manager on the bill. We are ready to start early entering into these agreements, provided there is evidence that the membership will be present.

I renew my special thanks to the Senator from Maine for her usual splendid cooperation, counsel, and work on this bill, and I hope that she will see fit to seek the floor and give the Senate the benefit of her views, if she wishes to at this time, or if not now sometime soon.

Mrs. SMITH. Mr. President, I thank the distinguished chairman of the Armed Services Committee for his most kind remarks with respect to me and my participation in the Senate activities on this bill. I deeply appreciate all that he has said.

I rise in support of H.R. 15495, which is the House-passed bill and companion to S. 3108 which, as ranking minority member of the Armed Services Committee, I cosponsored by request.

First I wish to commend the distinguished chairman of the Armed Services Committee for his diligent efforts and hard work and for his comprehensive presentation. He has stated clearly the actions of our committee which has devoted long hours over the past several months to the consideration of this essential legislation.

This bill which authorizes the procurement of major weaponry and defense research and development is one of the most important legislative items on the Senate Calendar and I urge its passage.

My support of the bill is based entirely on what I consider to be our national security needs in the 1970's and beyond. During the debate we will hear much about the rising cost of weapons and the high cost of military manpower. I will agree that it takes a great deal of money to equip and maintain our Armed Forces. Mr. President, I, too, am apprehensive about the soaring costs associated with defense procurement. I, too, am apprehensive about the viability of our economy. I, too, condemn waste and poor management whether it be in the Pentagon or any agency of Government. But, Mr. President, I am also a realist.

We have pending in the Senate the treaty and the agreements coming out of the SALT talks. We have made some progress from these talks, and I would be among the happiest to see real progress in the future, and in the early future. The objective of reducing strategic nuclear arms is an endeavor that I strongly support and I urge that every effort be made in this area. But we have made only a beginning; and in my opinion, the time has not yet come to let down our guard.

In pressing for passage of this bill I urge my colleagues to consider the realities of 1972. As the chairman has said, the committee has worked hours, days, and months on this bill. Every item has been scrutinized, and I would call to the attention of my distinguished colleagues in the Senate that the items in the bill have already been subjected to a long and tedious debate in the committee mark-up. Every Member of the Senate should read the committee report. I commend the members of the staff under the direction of the Director, Edward Braswell, for their effort and efficiency in preparing this most readable report. I want to join the chairman in commending the subcommittees, who worked tirelessly and saved the full committee a great deal of time.

Mr. President, I did not support every item in the bill nor did I support some of the reductions which have been recommended. Specifically, I did not support some of the reductions in research and development. My reason for this is that I cannot in good conscience support a relinquishment of our technological position.

Mr. President, I have been brief because of the thorough and fine explanation that the chairman has given the Senate. I ask unanimous consent at this time to have printed in the RECORD following my remarks my article on defense which appeared in the March 1972 issue of Reader's Digest.

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

IT'S TIME TO SPEAK UP FOR NATIONAL DEFENSE

(By Senator MARGARET CHASE SMITH)

For some time now, I have been growing increasingly concerned over a matter of public business which, it seems to me, ought to alarm all Americans. Yet, amazingly, I have heard little from my constituents or my Senate colleagues on the subject. Considering what is at stake—nothing less than America's ability to assure the future security and freedom of its people—the situation is incredible. Obviously, far too many Americans remain unaware of the frightful danger that is rising. As senior Republican member of the Senate Armed Services Committee, I feel I must speak out.

To put it as plainly as possible, there simply is no question that, if present trends continue, the Soviet Union will attain clear military superiority over the United States within the next very few years, perhaps as early as 1975 or 1976. Even now, in fact, the U.S.S.R. has far more land-based nuclear firepower than we have. It will equal or surpass us in submarine-based nuclear firepower by the middle of next year. It is embarked on an anti-submarine warfare program that may eventually succeed in neutralizing much of our missile-carrying submarine fleet. It has an extensive ABM (anti-ballistic-missile) deployment. It has been developing space weapons systems, as we have not. It has been modernizing and expanding its air and maritime forces, while we have allowed our own virtually to atrophy. And the modernized Red Army may now well be at its best.

FROM SUPREMACY TO PARITY

Thus, today, our previously unchallengeable military supremacy has gone.* And although we are in a state of rough strategic parity—equality—with the U.S.S.R., even that is eroding at a fast clip. In short, we are on the threshold of a world that will be unimaginably different from any that Americans have ever known—a world in which our President will not be able confidently to demand, for example, that the Kremlin remove its nuclear missiles from Cuba. Or that it refrain from constructing a missile submarine base on that island, or from establishing air bases there for its strategic bombers. Nor will the President be able to press credibly for equitable resolutions of problems at other points of vital interest, such as the Middle East or Berlin. Our President, whoever he is, will have to negotiate as best he can from a position of weakness—if he gets a chance to negotiate at all.

For, make no mistake, we are rapidly approaching a day when the United States will be subject to all sorts of diplomatic blackmail and a strategy of terror waged by the Soviet Union. That is what the U.S.S.R.'s hugely expensive, decade-long military buildup is all about. There is no other logical reason for it. Moreover, as military ascendacy passes to the Soviet Union, the danger will increase that an overconfident Kremlin leadership will miscalculate, will try to impose its will somewhere in some way that will prove intolerable to the American people and will trigger nuclear war.

Unfortunately, this is not mere Pentagon propaganda, aimed at silencing opposition to defense spending and scaring Congress into apportioning a larger slice of the federal budget to the military. No one would be more delighted than I if we could safely eliminate military spending altogether and turn our full attention to improving the quality of American life—to refurbishing our cities, eradicating poverty, disease and crime, and solving our environmental problems. But first things must come first. As President

*See "U.S. Strategic Superiority Has Ended," The Reader's Digest, July '71.

Nixon has pointed out, if we are less strong than we should be, there soon may be no domestic society to look after.

SAFETY IN WEAKNESS?

Many Americans may be shocked to learn that we are in such serious and fast-increasing danger. But our military decline did not come about overnight. In fact, it has been ten years in the making. Briefly, here is how it happened:

The Soviet Union did not demobilize as we did after World War II. Having swallowed Eastern Europe, the Russians secured their newly conquered lands by maintaining and strengthening their military posture. The stronger they became, the more menacing became their behavior toward the free world—the United States in particular. But they always backed away when confronted with forceful resolve.

For example, a nearly successful communist takeover of Lebanon in 1958 failed only when President Eisenhower moved strong American forces onto the country's beaches in a dramatic display of U.S. determination to protect a friendly free nation. The Russians mounted a number of crisis over West Berlin, but always backed off when America made clear that it firmly intended to keep the city free. In 1962, when President Kennedy ordered the Kremlin to remove its nuclear missiles from Cuba, he was standing under the umbrella of military security that had been raised during the Eisenhower 1950s.

Yet, in the face of such history, the Kennedy Administration was persuaded by a powerfully influential anti-defense clique that we Americans were largely to blame for Soviet behavior. The theory was that the military strength we had built to prevent a communist takeover of the world was fostering a paranoia in the Kremlin that could lead the Soviet leadership to launch a pre-emptive first strike against the United States. In effect, the anti-defense lobby warned, safety lay in weakening ourselves.

It's difficult to believe that such rubbish could have been accepted by responsible men. Yet it surely was accepted—by President Kennedy's Secretary of Defense, Robert McNamara, for one. McNamara decided that a balance of terror, where each side was capable of destroying the other, was preferable to American supremacy. He believed that a military equal Kremlin would be a less aggressive Kremlin. The cold-war lessons, which clearly demonstrated that peace and freedom hinged on American strength and the will to use it, were discarded.

Some of us in Congress were on record early as opposed to this line of thought. It was disturbing that those who presided over our defenses should really believe that we could more effectively deter the Soviets by preparing to do less against them if they launched a war! Certainly it should have been clear, to the McNamara Defense Department as well as to the Kremlin, that the United States had no intention of launching a war. After all, there were a good many years when we enjoyed nuclear supremacy and could have put an end to the communist world at no real risk to ourselves.

But the anti-defense clique prevailed, and ever since we have been engaged in what has amounted to a one-sided disarmament program. Since the Cuban missile crisis, we have withdrawn all of our overseas-based nuclear missiles—from Turkey, Italy and the United Kingdom. We have drastically reduced the size of our strategic-bomber force; starved our military research-and-development programs of funds and talent, thereby retarding development of our military technologies; and canceled a number of promising new weapons-systems proposals.

FROZEN ADVANTAGE

We may well have lost one of the crucial battles of the cold war when we entered into the 1963 Nuclear Test Ban Treaty with the Soviets. I was one of 19 in the Senate who voted against the treaty. Now, after nearly nine years of reflection, my only regret is that the American people still have not been told the whole story about how the treaty worked to the Russians' tremendous advantage and to our own vast detriment.

Senators who voted against the treaty were not popular, but we who did so acted on the basis of information that was—wrongly, I still believe—classified secret and given to us behind closed doors. This was the background:

In 1958, the United States and the Soviet Union entered into a moratorium on atmospheric nuclear testing. U.S. test teams were largely disbanded, and our expertise flagged. In 1961, however, the Soviets suddenly and without warning ended the moratorium with the most extensive and sophisticated nuclear-test series ever mounted. The American response was to conduct some hastily organized tests, but these were ended before anything important could be accomplished.

Then, communist propaganda drummed up a tidal wave of specious sentiment for a treaty banning atmospheric testing, and got plenty of help from our home-grown anti-defense clique. The argument ran that a well-organized American nuclear-testing program would trigger a new round in the arms race; that the United States ought to be satisfied with having enough nuclear weaponry to blow up the Soviet Union several times over; and that we would contaminate the world's atmosphere with radioactive fallout. Having advanced their nuclear technology well beyond ours, the Soviets were naturally anxious to freeze their advantage.

To our great peril, they succeeded. Their tests enabled them to develop the kinds of monster warheads that they have since installed on their giant SS–91 ICBMs. And they learned how the electromagnetic radiations of high-yield nuclear detonations might affect our retaliatory ICBMs; never having fired such high-yield shots, we could not know what these weapons' effects might be, and the treaty prohibits us from learning so that we can move to counter them.

All this should have been clearly explained at the time to the American people. But President Kennedy and Secretary McNamara classified the information secret, prohibiting us from presenting it to the people. The treaty was then rammed through and hailed as a great peace breakthrough. In reality, it was a disaster for the American people and a great victory for the Russians who, with their superior nuclear technology, were soon embarked on a military buildup that has no parallel.

THE NEED FOR REALISM

Now, nearly a decade later, we are again involved in arms-control negotiations with the Soviets. I share the hope that the SALT talks will produce some meaningful agreements, and that the world can start to stop arming. Meanwhile, however, we must be realistic. Although, since the SALT talks began in 1969, the Russians have continued to arm at a quickening pace, the United States has virtually been standing still. One reason is fear that any dramatic American move to redress the growing imbalance might jeopardize the chances of success in the SALT talks. Never mind the Kremlin's supreme indifference to the possibility that we might take exception to Russia's continuing military buildup!

A second, more understandable reason for our continued arms-development inertia is rooted in the Vietnam war. We are sick to death of war, defense spending and all things military. We are disgusted with and weary of the vilification that has been heaped upon us, at home as well as abroad, for our attempts to block communist enslavement in Southeast Asia. We yearn to turn away from foreign entanglements and to begin making our own house a better place to live in. We feel so strongly about this that President Nixon will risk his political life if he embarks on any new weapons-development programs requiring major expenditures. But if he fails to do so for much longer, he will gravely risk our national future!

The key to security is public information. There is no doubt whatever in my mind about the will and determination of the American people to safeguard their freedom and the future security of their children. But it is essential that we understand what has happened and is happening: that the Soviets have demonstrated that they have no intention of settling for parity with us, but are hell-bent on achieving across-the-board superiority. And we need only recall the Soviet slaughter in Hungary in 1956, Russia's brazen attempt in 1962 to place nuclear missiles in Cuba, and its ruthless suppression of Czechoslovakia in 1968 to imagine what kind of world it will be if we allow a dominance of Russian arms.

WANTED: A MANDATE

Elementary prudence dictates that we revitalize our defenses. Unfortunately, however, we have now lost so much time waiting futilely for the Soviets to rein in their arms programs that there seems no way to avoid becoming at least temporarily militarily inferior, perhaps sometime in mid-decade. Recognizing this, Sen. James Buckley (C.-R., N.Y.) last October suggested some steps we can and should take immediately to see us through the dangerous years ahead.

First, he says, we must improve the accuracy of both our land-based Minuteman III ICBMs and our submarine-borne Poseidon missiles to the extent that, in an emergency, the President could attack the U.S.S.R.'s land-based ICBM force with reasonably high confidence of destroying a significant portion of it. At present, the President's only option is to attack Soviet population and industrial centers.

Senator Buckley also sensibly proposed that we begin research and development that by 1974 would enable us, if we deem it necessary, to rapidly replace an additional 450 Minuteman II ICBMs with a like number of Minuteman IIIs, each of which has the capability of striking a number of separate targets. And he suggested an additional three-year research-and-development program to improve the guidance systems in our submarine-launched Poseidon missiles.

Senator Buckley's good ideas all could have been implemented by adding $42 million to the defense-research-procurement authorization bill of $21 billion—a relatively modest increase, especially in view of what would have been accomplished in terms of national defense. I encouraged him to introduce them in the Senate as amendments to the bill, and supported him when he did so. But the Administration did not support the Buckley amendments; nor did many of my Senate colleagues, some of whom have been strong advocates of national defense. The amendments were rejected—mainly, I believe, because too many in the Senate have neglected to inform themselves of the reality of our growing peril, and are preoccupied with politically appealing domestic-welfare schemes they hope to finance with funds stripped from the defense budget. Also, I fear, too many who should be exercising leadership have been cowed by the anti-defense atmosphere that pervades the country.

I hope I have made it clear that we are running out of time. While many in Congress continue to do their best on behalf of national security, they need to know that they have the support of the people. For enormous opposing pressures continually are being brought to bear. The anti-defense lobby is well organized, articulate and effective. The time is long overdue for Americans who believe that our future safety lies in strength, and not in weakness, to make themselves

heard, to let those who represent them in the House of Representatives and the Senate know how they feel. A ringing public mandate for a sensibly revitalized defense posture would be the clearest signal we could send the Kremlin that America's will to survive in freedom has not diminished.

Mr. THURMOND. Mr. President, I rise in support of the fiscal year 1973 military authorization bill as presented to the Senate today by the distinguished committee chairman, the Senator from Mississippi (Mr. STENNIS).

This legislation authorizes military procurement, research and development, and other defense spending. It is the result of intensive and lengthy hearings which were initiated last January. The administration requested funds of $23.2 billion in this bill, and the committee is recommending to the Senate an amount of $20.5 billion, a reduction of 11.8 percent.

If the Southeast Asia amendment of $973.4 million for replacement of items expended during the Communist invasion is excluded from the bill, the authorization request would be $22.2 billion with a committee cut of $1.7 billion, or 8 percent.

As my colleagues know, the House did not have an opportunity to consider the Southeast Asia amendment prior to passage of that bill which amounts to $21.3 billion.

Mr. President, this legislation now before the Senate contains a number of strategic programs which are vital to the national survival of this country. Chief among these programs are the B–1 advanced bomber and the Trident nuclear submarine.

The acceleration of the Trident submarine, as approved by the Senate Armed Services Committee, is critically important to the strategic credibility of this country.

This program, as well as others, is essential if the Senate is to adequately respond to the new circumstances brought about by the recent strategic arms limitations talks.

While the Trident was in the budget before the SALT agreement was reached, its acceleration is important in improving the U.S. position resulting from the talks.

If SALT is to work out in the best interests of this country, then it is essential that the President and the Congress support those programs necessary to insure the strength of our remaining defense forces.

The President has initiated new requests because of the changing military balance. It is now up to the Congress to support these steps and add any additional ones to assure the United States does not fall into a position of strategic or conventional inferiority in the years ahead.

Thus, this bill comes before the Senate at a significant moment in our history. Will the Senate support the essential programs authorized in this legislation? That is the question.

Mr. President, in my judgment the answer will be "Yes."

Moving from the strategic to the conventional aspects of this bill, Mr. President, the Senate's attention should also be drawn to what is not in this legislation as well as what it contains.

Because of various reasons too involved to discuss here but adequately explained in the committee report, there is no money in this bill for the Army's two top-priority programs—the new battle tank and an attack helicopter.

The reasons for these omissions are explained in the report, but it is my hope and expectation that, once the Army concludes various attack helicopter evaluations and gets its new tank program underway, these programs will be funded.

Finally, Mr. President, I wish to commend the committee chairman, Mr. STENNIS, and the ranking minority member, Mrs. SMITH of Maine, for the splendid work and leadership they provided in developing this bill. It is my hope the Senate will consider this legislation carefully, and in so doing I believe the conclusions will be affirmative to the committee's recommendations.

Mr. McINTYRE. Mr. President, I would like first to speak briefly in support of the fiscal year 1973 military procurement authorization bill as reported by the Armed Services Committee. Following that, I will discuss in detail the research and development portion of that bill which was the specific responsibility of the Ad Hoc Subcommittee on Research and Development, which it is my privilege to chair.

I would like to compliment my chairman, the distinguished junior Senator from Mississippi, for the highly commendable work that the committee accomplished under his very able leadership and guidance. Senator STENNIS, in his most dedicated and determined manner, pinpointed the major issues, focused the attention of the committee on those problems of highest national concern, and brought them to a vote with resolution and dispatch. The record of the committee bears this out. The committee report was unanimously approved by its members despite the diverse views and arguments and the close voting on several major issues.

Mr. President, the delicate balance which must be struck between our military and domestic needs is no less elusive now than in the past. A nation that is militarily strong but economically weak does not in fact achieve national security. Economic bankruptcy is as unacceptable as military inferiority. However, in a world fraught with hostility and mistrust, where basic ideologies continue to be in direct conflict, the attainment of initial agreements with the Soviets is a ray of light in the darkness. It is a necessary and critical first step which promises, but does not guarantee, a lessening of tension and a reduction in military spending. Yet, we cannot relax our vigilance. We cannot weaken our military forces to any degree which would threaten our survival as a nation. What, then, must we spend on our Armed Forces?

The committee hit this problem head-on, and the recommendations reflected in the report on the bill clearly illustrate the positive and constructive manner in which the committee arrived at its position. In providing for the essential needs of the Defense Establishment, the committee was still able to reduce the amount requested substantially more than it did last year.

In my opinion, the bill as recommended by the committee is sound, austere, and will provide for those requirements of our military forces which must be supported. I strongly endorse the bill as reported.

Mr. President, turning now to the research and development part of the bill, it has been my privilege for the fourth straight year to serve as chairman of the Ad Hoc Subcommittee on Research and Development of the Armed Services Committee.

Serving with me on the subcommittee have been the senior Senator from Virginia (Mr. BYRD), the junior Senator from Texas (Mr. BENTSEN), the junior Senator from Colorado (Mr. DOMINICK), and the junior Senator from Arizona (Mr. GOLDWATER). The work of the subcommittee was greatly enhanced by the collective broad knowledge and experience of its members concerning military equipment and research and development.

I should like to take this opportunity to express my appreciation to all of the members of the subcommittee for their fullest assistance during the time of my illness in continuing the activity of the subcommittees in its review of the fiscal year 1973 authorization request for the R.D.T. & E. appropriation. I would like to extend my special appreciation to Senator BENTSEN for the comprehensive review which he conducted of the Trident program and Project Sanguine, both of which were programs of special interest to the committee.

During the 4 years of my chairmanship of the Research and Development Subcommittee, I have acquired a layman's grasp of the philosophy and concept which underlies the Defense Research and development program. I have gained a high degree of respect for the caliber, technical competence, and dedication of those military and civilian personnel in the Department of Defense who are directly charged with providing this Nation with those weapons which are essential to the survival of our country. It is not an easy task to deny any funds which the leaders of the Department of Defense state to Congress are needed to guarantee the defense of the United States. The complexity of this problem is greatly magnified when such a judgment is required in the area of research and development.

This program does not lend itself to a quantitative evaluation based on simple arithmetic. Because it takes up to 10 years to develop and deploy a major weapon system, the decision to initiate development must necessarily be based not on hard facts, but upon assumptions and judgments, both technical and political, as to what the threat will be a decade from now.

On the other hand, the Department of Defense has made great strides in its assessment of Soviet technological capabilities and achievements to provide a more meaningful basis for determining the character and direction of our own research and development efforts. How-

ever, even these achievements are judgmental to a degree because of the closed society which the Soviet leaders maintain. But it is the best judgment of our Defense leaders that the momentum of the Soviet technological efforts exceeds ours and constitutes a real threat to our future military posture. This is the essence of the challenge which must be met.

I have now set the scene. Our total national resources are limited, but the Department of Defense has requested the largest amount of money for research and development in its history. The national trend clearly is in the direction of diverting a larger portion of our national resources to domestic needs which must necessarily impact on the total defense program. The budget deficit grows each year. It does not diminish.

With these conflicting realities and pressures, the subcommittee undertook once again to examine the major programs included in the authorization request solely on the basis of their respective merits. The recommendations which were made to the full committee reflect this overriding objectivity in arriving at a research and development program which is considered adequate to the needs of this Nation.

In the performance of its duties, the subcommittee devoted some 61 hours to hearings of Defense Department officials in support of the R.D.T. & E. authorization request. These include the Director of Defense Research and Engineering; the Army, Navy, and Air Force Assistant Secretaries for Research and Development; the military department Deputy Chiefs for Research and Development, and the heads of the various Defense agencies. The subcommittee, because of the wide concern regarding the environmental implications of Defense programs, held open hearings on the Department of Defense environmental organization and programs. This involved the appearance of the Assistant Secretary of Defense for Health and Environment. I am pleased to report that adequate emphasis is being given by the Department of Defense to this matter.

The new submarine-based ballistic missile system, Trident, consumed more of the subcommittee attention than any other single program. This was not only because of its importance as a weapon system, but also because it involves almost $1 billion in the bill and includes two other appropriations in addition to R.D.T. & E.

It is apparent from these facts, Mr. President, that the subcommittee applied its total energies to as large and broad a coverage of the research and development program as possible within the time available.

In addition to the hearings conducted by the Research and Development Subcommittee, other major programs with R.D.T. & E. funding requirements were covered in hearings conducted by the Tactical Air Subcommittee and the special Subcommittee on Close Air Support, which were under the able chairmanship of my colleague from Nevada, Senator CANNON. I understand that his statement includes coverage of the major of these items.

The fiscal year 1973 authorization request for research and development, with the SALT-related items totaling $110 million, amounts to $8,771,767,000. This is the largest amount ever requested for this program. The $110 million amendment was deferred without prejudice by the committee because the request was received too late for committee consideration. As indicated in the committee report, pending the results of the current review of these requirements, these items may be covered by committee amendment on the floor.

The committee recommends authorization of $8,423,367,000, which is $348,400,000, or 4 percent less than the amount requested. It is $51,478,750 higher than the amount authorized by the House. The reduction of $348.4 million reflects decreases totaling $441.4 million, which are partially offset by two increases totaling $93 million. These represent transfers from the Air Force aircraft procurement account of $83 million for AWACS and $10 million from the Navy shipbuilding and conversion account for contract design of a new sea control ship. Both of these requirements were determined to be more properly chargeable to the R.D.T. & E. account.

The committee recommendation is the largest amount ever authorized for the R.D.T. & E. appropriation. It is $630 million more than was authorized and $901.8 million more than was appropriated for fiscal year 1972. Measured in absolute dollars, these represent substantial increases. However, when adjusted for inflation, the amount recommended is 8.6 percent higher than the amount authorized and 12.5 percent more than was appropriated for fiscal year 1972. It is significant that the Trident program consumes $430 million or almost 50 percent of the total increase recommended by the committee.

The committee did not act on the House bill because it was received too late for committee consideration. However, for the purpose of information, the House authorized $8,371,888,250, which includes the $110 million for SALT-related items that is still pending committee action. The House did not make reductions to specific items but imposed an overall 5-percentage cut amounting to $432,288,350 and a 10-percent reduction in military sciences amounting to $50,590,400. The House report provides no explanation of the basis for the overall reduction of 5 percent.

The reduction of $441.4 million recommended by the committee involves 46 separate programs as well as the Federal Contract Research Centers. Within this total amount, $91.7 was reduced because these funds were determined to be excess to fiscal year 1973 requirements due to program slippage, unrealistic schedules, or required for work to be performed after the end of the fiscal year.

The bill as recommended by the committee, will provide for the support of major programs such as:

$535.4 million to accelerate development of the Trident submarine-based ballistic missile system;

$454.5 million to continue the development of the F–15A Air Force air-superiority fighter;

$444.5 million to continue development of the B–1 advanced strategic bomber;

$255.5 million for the revised Safeguard program;

$233 million to continue engineering development of the airborne warning and control system, AWACS;

$171.4 million for continued engineering development of the Army air defense missile, SAM–D;

$162.6 million for the later stage of development of the Navy F–14 fighter, which is in production; and finally,

$151.7 million for development of continued improvements to the Minuteman force.

The fiscal year 1973 R.D.T. & E. program consists of almost 400 separate programs, which include literally thousands of individual projects and tasks. They represent in a real sense a cross section of all other appropriations of the Department of Defense. For example, they include the pay of the scientists, engineers, and technicians, as well as the maintenance people, who operate and maintain the defense research and development in-house laboratories, test centers, and other activities. Included is the minor construction incident to the fabrication and installation of technical equipment and instrumentation. Also included is the procurement of specialized supplies and equipment needed for the conduct of research and development.

Because of the constraints of time and limited number of subcommittee staff, we concentrated on programs which fell into the following general categories:

New programs proposed for fiscal year 1973;

Programs for which large dollar amounts were requested;

Programs which reflected substantial increases over fiscal year 1972; and

Programs of special interest.

The programs and subjects which were examined by the subcommittee and which are the subject of special treatment in the committee report include the following:

Trident.
B–1.
Tank prototype.
V/STOL for sea control ships.
Advanced medium STOL transport.
Harpoon missile.
Surface effect ships.
Project Sanguine.
Federal contract research centers.
Electronic warfare.
Utility tactical transport helicopter.
Heavy lift helicopter.
Prototype approach to weapons development.
Changes in R.D.T. & E. program structure.
Independent research and development.
Chemical and biological warfare.
Human resources research and development.
Two year limitation on obligation of funds.
Incremental programing.
In-house laboratory directors fund.

Let me select one of these subjects, Mr. President, which I consider to be of the greatest importance to the development of future weapon system with a minimum of cost and a reasonable measure

of austerity in design. This, of course, refers to the concept of prototyping. Properly applied, prototyping promises to substantially eliminate unnecessary complexity and sophistication as well as unwarranted concurrency between development and production. Time and again these have been the root cause of cost overruns and high Defense budgets. The basic benefits which can be obtained from technical as well as cost competitions through the use of prototypes are the very essence of our industrial system. But I am concerned that this concept may founder in its newborn acceptance by the Defense Department.

I urge my colleagues to read carefully pages 105 through 107 of the committee report which traces the recent history of this subject and discusses it in some detail. Although prototyping is no panacea, it holds out the hope of establishing a new threshold of efficiency and economy in the weapons systems acquisition process. Judicious application of prototyping will conserve precious resources so that we may be able to get a real dollar's worth of value for every dollar spent. In this way, important programs and weapons which we presently are unable to afford will not have to be set aside at some risk to our national defense capability.

In conclusion, Mr. President, let me paraphrase from the committee report. The Director of Defense Research and Engineering has restated his concern of last year regarding the disparity between Soviet and United States military technology. He has stated that, and I quote:

> The increase represented by the fiscal year 1973 request is sufficient to eliminate the remaining apparent divergence in the relative efforts of the two countries; and it would help restore the momentum needed to maintain our security.

I am convinced that the selective reductions recommended by the committee will still provide the level of research and development required to achieve this goal. If the Department of Defense is unable to accomplish this end, it would not be due to a lack of money. It is more a matter of their sound judgment in the selection of weapon systems for development and the efficiency with which their programs are managed.

Mr. STENNIS. Mr. President, will the Senator from New Hampshire yield to me?

Mr. McINTYRE. I am very happy to yield to the Senator from Mississippi.

Mr. STENNIS. I first want to thank the Senator from New Hampshire and his subcommittee, on behalf of the full committee, especially including myself as its chairman, for the very fine work that it has done in the course of the year.

The work of the Senator from New Hampshire and his comembers on the subcommittee has greatly strengthened our R. & D. program. The Senator has put it all to the proof, so to speak, as we say in the courtroom. They have brightened up a lot of their presentations and have known that they will be called on for full justification.

The Senator has skillfully passed on those justifications with all the liberality that anyone could wish for, at the same time keeping an eye on the dollars that the taxpayers have to pay.

So, in addition to saving money, the Senator's efforts have undoubtedly strengthened the program this year. This is one of the outstanding years of the subcommittee's work.

Let me say this to the Senator from New Hampshire: that, when his illness overtook him, there was a feeling throughout the subcommittee and the full committee that we must move and carry on the work of the chairman, as his work was attracting a great deal of attention and he was doing a lot of good work.

The Senator's explanation of the work is splendid. I endorse all of it, including the stress put on prototyping. That is certainly one of the things that can be done in most cases. I think we usually have to follow that procedure, although there are times when other circumstances justify it being laid aside for the purpose of some other weapon.

I commend the chairman.

Mr. McINTYRE. Mr. President, I thank the chairman of the Committee on Armed Services. The illness that I referred to laid me up for, I believe, 6 or 8 weeks.

The other members of the subcommittee, Senators BENTSEN, GOLDWATER, DOMINICK, and HARRY F. BYRD, Jr. all came forward.

I must also mention the excellent work of the staff, Mr. Hyman Fine who performed excellent work and burned a lot of midnight oil and worked with great ability.

By asking hard questions, we have in the past 4 years brought some harder thinking to the matter of research and development work. We talked about currency. We talked about combining two or three services along the same line and working together under a common aegis. And I certainly hope that we have tried to apply the same old things that I was taught when I was the mayor of Laconia. I did not agree with the fire chief merely because he wanted to buy a new fire truck. I know it always bothered me that we had to have a 120-foot ladder when we did not have a building that high.

I thank the chairman and the members of the Committee on Armed Services.

Mr. CANNON. Mr. President, today I will present a summary of the Tactical Air Power Subcommittee's review of its programs in the fiscal year 1973 military authorization bill. Also, I will report on the subcommittee's recommendations as adopted by the Armed Services Committee.

This is the fourth year that this ad hoc subcommittee has reviewed weapons programs in the tactical warfare area of the military budget, and this is the fourth year that the distinguished chairman of the Armed Services Committee (Senator STENNIS) has been kind enough to appoint me to chair the subcommittee. I might add that it has been a distinct pleasure to serve this task, and I also would add my thanks to my colleagues who aided me this year on the subcommittee: Senators SYMINGTON, JACKSON, HUGHES, THURMOND, TOWER, and GOLDWATER. Their participation and counsel have been most helpful again this year.

SCOPE OF THE SUBCOMMITTEE REVIEW

The subcommittee made detailed reviews of 32 separate weapons programs this year, 15 aircraft programs and 17 missile programs—the latter total including an antiaircraft gun system, the Vulcan. Our coverage was expanded over last year, when we examined 24 separate weapons. The most noteworthy addition this year was to add coverage of the Army tactical air defense systems. These missile and gun systems have a great similarity with the tactical aircraft missiles and guns, and in many cases common items are used for air defense as for air-to-air combat. Therefore, it seemed appropriate for the subcommittee to consider them together.

These 32 programs represented budget requests totaling $3.64 billion for aircraft and $901 million for missiles. These are the amounts in the R. & D. and procurement lines for these programs and do not include other program costs given "below the line" in the spares, modifications, or other accounts. The $4.5 billion total is roughly one-fifth of the military budget request requiring authorization.

FORCE STRUCTURE REVIEWS

In order to provide a perspective for the subcommittee's examination of each individual weapon system, the services were asked to start their presentations on their fiscal year 1973 budget requests with a review of their current 5 year force structure planning. The subcommittee has found this review to be most useful when considering how each individual procurement, or development effort, will fit into both the present force level and also the longer term modernization and capability improvement programs of the services. This year the subcommittee also received a thorough briefing from the Defense Intelligence Agency on the tactical air threat, both offensive and defensive, of potential adversaries around the world. I might add that this threat briefing provided a sense of urgency to our own consideration of modernization and improvement efforts in this tactical air power area.

The transcripts of the subcommittee's force structure reviews and also of the major tactical weapons programs hearings have been printed in part 6 of the armed services authorization hearings on the fiscal year 1973 budget. The threat briefing by the DIA could not be printed because of security classification.

PROGRAM REQUESTS APPROVED

Turning now to the specific weapons programs reviewed by the subcommittee, first I will list the requests for which we recommend approval, then summarize the programs for which we recommend changes, and finally present a detailed summary of our findings and recommendations on the F–14 program. I would like to note that these recommendations all relate to the budget request as presented in January and do not include items requested in the so-called SALT and Southeast Asia amend-

ments, which were received at the end of June after the committee reported out this bill.

The following programs are recommended for approval as requested in the budget:

AIRCRAFT PROGRAMS

Navy:
A–6E, 12 aircraft, $93.1 million.
A–7E, 24 aircraft, $105.8 million.
E–2C, 8 aircraft, $162.8 million.
EA–6B, 7 aircraft, $138.4 million.
F–14, 48 aircraft, 732.7 million.
Air Force:
F–15, 30 aircraft, $876.1 million.
F–111, 12 aircraft, $165.3 million.
A–X, R&D, $48.1 million.
Lightweight Fighter, R&D, $24.0 million.
Tactical Jamming Program, R&D, $35.2 million.
Army: COBRA/TOW, (modifications), $5.3 million.

The following missile programs are recommended for authorization as requested in the budget:

Navy:
Agile, R&D, $26.1 million.
Harm, R&D, $5.1 million.
Condor, procurement, $19.1 million.
Harpoon, R&D, $58.3 million.
Walleye (E/R), procurement, $4.8 million.
Air Force: Maverick, procurement, $69.5 million.
Army:
Hellfire/Hornet, R&D, $11.0 million.
Redeye II, R&D, $18.0 million.
Tow, procurement, $40.9 million.
Dragon, procurement, $59.9 million.
Sam–D, R&D, $171.4 million.
Joint Procurement:
Sparrow, procurement, $115.0 million.
Sidewinder, procurement, $47.8 million.
Improved Hawk, procurement, $132.2 million.

RECOMMENDED PROGRAM CHANGES

The S–3A Viking is a Navy antisubmarine warfare airplane. The budget request is for 42 airplanes and $617.9 million. The committee believes that the 42-aircraft request is warranted but reduced the request by $10.2 million for what it believed to be an excess stockage of spares early in the production program.

The F–5E international fighter is being bought for the South Vietnamese Air Force. The budget request was for $110.4 million for 57 airplanes. The committee reduced the request by $2.3 million because additional foreign sales of the F–5E have reduced the overhead on this Air Force procurement.

The committee deleted all of the $15.2 million requested to buy 63 additional Vulcan antiaircraft guns. The reason for this rejection is that the Army already has a large supply of these guns in their field forces, and the gun itself is of limited effectiveness as an antiaircraft weapon against modern jet attack aircraft. The Army has requested research and development funds this year to start a prototype program on a larger caliber antiaircraft gun with a better fire control system than the Vulcan, and the committee strongly supports this effort. I want to make it clear that the committee is not opposed to equipping the field Army with antiaircraft guns but believes that the emphasis should be placed on improvement over the Vulcan system.

AWACS PROGRAM

The budget request for the AWACS, the airborne warning and control system, included procurement of three AWACS aircraft, and funding of $160 million in research and development plus $309.9 million in the procurement account. These three airplanes were called initial-production aircraft, and the $309.9 million was the total needed to fully fund these first three airplanes.

When the committee examined this request, we found that these three airplanes actually will be used as prototypes for design, development, test, and evaluation purposes on the AWACS radar and control system. These airplanes clearly were to be used for R. & D. on the AWACS, and indeed a decision to go into production of the AWACS is not scheduled to be made until January of 1975, some 2½ years from now. The committee did not believe that a request for full funding of these AWACS aircraft, required for production-line procurements, was justifiable in this case.

The R. & D. program on the AWACS is following the fly-before-buy competitive prototyping philosophy. Two radar subcontractors now are flight testing their so-called brassboard, or prototype, radar systems, utilizing two Boeing-modified 707 test aircraft. The winner will be selected later this year, to continue development work prior to the production decision. The committee recommends that the test aircraft that contains the losing brassboard radar should be converted and used as one of the three prototypes test models, which will reduce the need for new aircraft in this budget request from three to two and will effect a substantial dollar savings.

The AWACS program can be incrementally funded in the R. & D. account this year; $83 million is sufficient to support the effort on the two new prototype aircraft and the conversion of the third test model. The committee also determined that the $160 million requested for basic R. & D. could be reduced by $10 million. The total funding that the committee is recommending for AWACS this year is $233 million, all in R. & D. This is a reduction of $236.9 million from the budget request for AWACS.

AV–8A HARRIER

The committee has recommended deleting the budget request for 30 Harrier aircraft at a total cost of $133.1 million. This action has the effect of limiting the Harrier program to the 60 airplanes already ordered, in lieu of the Marines' planned procurement of 114 Harriers.

The AV–8 is the first operational V/STOL combat airplane in the world. Its vertical takeoff and landing capability is unique and provides an operational flexibility that the Marines believe is extremely important for their amphibious-landing warfare. The airplane already is operational in the Royal Air Force, and the Marines have received approximately their first 16 aircraft, which they are using for pilot and operational training and for support of the Navy's sea-control ship trials.

The ad hoc Close Air Support Subcommittee, which I chaired and which issued its report in June 1972, criticized the Harrier's very short operating radius when used in the vertical takeoff mode. This radius is only 50 miles, and that with a relatively small bomb load of 3,000 pounds. The Close Air Support Subcommittee recommended limiting the Harrier buy to the 60 planes already ordered, stating that the Harrier program was viewed as an operational experiment with V/STOL aircraft. In fairness, I must add that the subcommittee was divided on this issue, with some members supporting the 114-airplane program.

The full committee, in recommending limiting the Harrier buy to 60, has stated in the report on the bill that we are not opposed to the use of VTOL aircraft as an operational concept, but believe that further large-quantity procurement should await improvements in capability as a result of advancements in VTOL technology.

AH–56 CHEYENNE

The budget request for the Cheyenne program submitted in January 1972 was for $53.6 million in research and development. An additional request for $5 million to support the Army's attack helicopter flyoff was submitted in March, making the total request for the Army's attack helicopter program $58.6 million. This $5 million subsequently was reprogramed from internal Army funds and no longer is required, so the committee deleted the $5 million from the bill.

This budget was based on completing engineering development of the Cheyenne, at a cost of $17.1 million, and completing three prototypes of the production Cheyenne configuration at a cost of $36.5 million. Work on these prototypes was not going to begin until after the attack helicopter flyoff was completed and only if the Cheyenne was the winner.

The reason for the flyoff is the existence of two other candidates for the Army's advanced attack helicopter mission. These are the Sikorsky Blackhawk and the Bell King Cobra, both of which were developed with company funds. Having these three potential candidates for this role gives the Army a real choice for the first time on which helicopter should be the follow-on to the present Cobra gunship. The Army is performing a weapons effectiveness evaluation of these three aircraft at this time and had planned to complete the evaluation by the end of this month.

The committee reviewed this attack helicopter program, and the plans for the flyoff, quite carefully and then recommended deleting all the funds in the budget request. This action taking in deleting the $53.6 million for the Cheyenne program applies only to that specific aircraft and indicates the committee's concern with the cost and anticipated manpower support requirement of this weapon system. Assuming that questions regarding helicopter vulnerability are resolved successfully, the committee believes that there is a valid requirement for a more capable attack helicopter.

I also would add that the Close Air Support Subcommittee also stated its belief in the requirement for a more capable attack helicopter.

SUMMARY OF TACTICAL AIR POWER RECOMMENDATIONS

To recapitulate the recommendations of the Tactical Air Power Subcommittee, as approved by the full committee, we considered budget requests totaling $4.5

billion. We recommended reductions which add up to $453.3 million, approximately 10 percent of the request considered.

I believe that the programs which we recommend in this bill are worthy of authorization, and I recommend to the Senate that they be approved. Now I would like to turn to a special review of the F–14 program.

F–14 PROGRAM

Mr. President, in view of its importance, the committee conducted a thorough review of the F–14 program. The Tactical Air Power Subcommittee held several days of hearings, receiving testimony from Admiral Zumwalt, the Chief of Naval Operations, and leading officials of the major companies involved.

The need for a thorough inquiry was also dictated by a letter from the Grumman Aerospace Corp., to the Navy, dated January 20, 1972, which stated the company could not proceed with lot V of its contract without the contract being restructured.

The committee approved the administration's request for $732.7 million. This includes $570.1 million in procurement funds for 48 aircraft; $58 million in F–14A R. & D. to continue flight testing; and $104.6 million for F–14B R. & D.

The procurement funds request of $570.1 million includes funds for 48 aircraft in lot V of the existing contract between the Navy and the Grumman Aerospace Corp. The 48 aircraft represents the minimum buy. If the Navy ordered a lesser quantity, the option would be voided and the contract constructively broken. This is so because the base quantity for lot V was 96 aircraft and the Navy is permitted to increase or decrease the base quantity by 50 percent on any given lot.

If the contract options were broken, it would be necessary to negotiate new prices for each annual purchase.

CURRENT BILL REQUIRES ADHERENCE TO EXISTING CONTRACT

The committee concluded the best solution was to maintain the integrity of the existing contract between the Navy and Grumman. Consequently, while approving the authorization of funds requested, it inserted specific language in the bill requiring that not less than 48 aircraft shall be procured for not more than $570.1 million. In addition, the Navy and Grumman are not permitted to mutually increase the contractual ceiling price of $197.7 million for lot V except in accordance with the terms of the existing contract.

The precise language adopted by the committee provides that:

* * * not to exceed $570,100,000 shall be available for a F–14A aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F–14 contract between the Navy and the primary contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; (2) the Navy exercising the option for lot V on or before October 1, 1972; (3) meeting the delivery schedule in accordance with the terms of such contract: Provided, that in the event the Secretary of the Navy determines that any condition prescribed in clause (1), (2), or (3) is not met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F–14 program.

We believe this language is quite clear and precise and represents the wisest course of action. If the committee did not fund the program or reduced the number requested below 48, the contract would be broken. The committee did not feel it should be the one to unilaterally break the contract. We also rejected restructuring Grumman's contract as there is no request from the Navy to take such action.

The committee believes we should work within the integrity of the existing F–14 contract. This includes the Navy exercising the lot V option on or before October 1, 1972. If Grumman fails to honor the contract when the Navy exercises the lot V option then it will be in default and the Government can pursue its remedies thereunder.

CURRENT F–14 PROGRAM

The current program calls for 313 aircraft. Its cost is $1.463 billion for R. & D. and $3.804 billion for production—a total of $5.267 billion. This covers the 48 F–14s in fiscal year 1973—lot V; 88 in fiscal year 1974—lot VI; and 91 in fiscal year 1975—lot VII.

In prior years 86 F–14 aircraft have been authorized; namely, six in fiscal year 1969; six in fiscal year 1970; 26 in fiscal year 1971; and 48 in fiscal year 1972. This constitutes lots I–IV under the contract. Total prior year funds approved are $2.9 billion.

HISTORICAL BACKGROUND

The Navy and Grumman Aerospace Corp. signed the F–14 contract on February 3, 1969. It was a fixed price incentive contract. It provided for research and development as well as firm fixed price production options over an 8-year span.

The basic contract quantity was 469 aircraft. The Navy could legally increase or decrease any annual buy by 50 percent.

Grumman submitted its original F–14 proposal in the fall of 1968 with a ceiling price of $2.852 billion. In January 1969, prior to receiving the contract award, it reduced its bid price $474 million to $2.378 billion. Many people believe this constituted a buy in. Grumman vigorously denied this. Possibly the best statement on this point was the testimony of former Deputy Secretary of Defense Packard last year when he said:

There is no doubt that competition for major contracts that come along infrequently tends to drive the bids to the lowest level. It is difficult to determine in advance the difference between the lowest possible viable bid and one that is too low to perform. This is a business risk that normally is assumed by the competitors in a free enterprise environment.

It is important to realize that Grumman was still not the low bidder after reducing its bid price by $474 million.

In the committee's view Grumman seriously underestimated its subcontractor costs, which represent about 50 cents of every F–14 dollar to Grumman. Actual contract awards to the subcontractors were nearly $300 million over Grumman's estimates.

GRUMMAN LOSSES SO FAR

Last year Grumman wrote off a $65 million loss on the F–14 program. After taking into account profits on other programs and recovering tax refunds from Internal Revenue on prior year profits, its corporate equity was reduced by $18 million.

In doing so, Grumman wrote off actual and projected losses on lots I–IV. Lot III is to be produced in 1972 and lot IV in 1973. Grumman stated it anticipated the corporation would be profitable in calendar years 1972 and 1973.

INFLATION AND BUSINESS BASE

Grumman contends that unanticipated inflation and loss of business base are the two reasons for its projected financial losses. It tended to ignore the cost of design changes.

Grumman contemplated a 3-percent annual inflation rise in labor costs when it bid the F–14 contract and has realized an actual rate more than double that amount. Under its contract it will not be reimbursed for abnormal inflation until lot VI.

Grumman projected a business base of over $1 billion annually in bidding the F–14 contract. This is important as it determines what the company's overhead costs will be. Subsequently, it did not receive some programs it thought it would, and reductions were made in other existing programs. Consequently, its business base dropped substantially, causing a dramatic increase in F–14 overhead rates.

Grumman contends both it and the Navy are responsible by virtue of "mutual mistake" in long-term pricing.

DESIGN CHANGES

The Navy required Grumman to meet certain performance specifications for the F–14, namely it shall fly so high, so fast, et cetera. Hence, Grumman had a relatively free hand in designing the F–14 aircraft and could generally make design changes as required to meet the performance specifications. To do this, the most important ingredient was to stay within the weight limitations established.

Numerous design changes were made in 1969 for many reasons but principally to keep the weight down. We do not criticize the contractor for his design changes because they were instrumental in achieving a higher performance aircraft. However, the costs are the contractor's responsibility unless the Navy approves them. The cost of Navy approved design changes is relatively small and totals $37 million.

F–14 UNIT COSTS

The F–14 has experienced only a modest cost growth to the Government providing the integrity of the existing contract is maintained.

The Navy testified the cost growth to date is from $16.6 million—the program cost for 293 aircraft in September 1969—to $16.8 million today.

I hasten to add that if the existing contract is broken, there is no question that the cost to the Government will jump dramatically. The contractor will realize significant additional reimbursable costs, over and above the present con-

tract ceiling price. Obviously, he would desire to be reimbursed for these costs.

The most popular misconception is a so-called cost overrun on the F–14 from $11.4 to $16.8 million each. The $11.4 million was the estimated program unit cost for 722 aircraft. The program unit cost for 469 aircraft is $13.6 million, and the program unit cost for 313 aircraft is $16.8 million. The reason is quite simple. With reduced quantities the unit price goes up. A major factor is that the fixed research and development cost is averaged over fewer airplanes.

It is also important to understand other unit costs that are discussed. The current F–14 flyaway costs is $9.4 million each. The production cost is $12.6 million each, which includes the spares and ground support equipment. The $16.8 million program unit cost is arrived at by including a proportionate share of the research and development costs.

The important point is that under the existing contract the F–14 has only had a modest increase in price to the Government. If the contract is broken, then substantial cost increases would be incurred by the Government.

TECHNICAL STATUS

Technically, the aircraft is performing extremely well. There had been over 550 flights on 12 aircraft totaling nearly 1,100 hours. It has flown in excess of Mach 2 with 14 hours flown at supersonic speeds. It has had numerous inflight refuelings.

The Navy preliminary evaluation No. 1 with Navy pilots flying the aircraft for the first time was considered a substantial success. The next series of tests by Navy pilots is currently underway.

TESTIMONY BY CHIEF OF NAVAL OPERATIONS

Admiral Zumwalt testified there is a valid binding contract between the Navy and Grumman. The Navy will exercise the lot V option on October 1 if the Congress provides the funds. He recommended sticking with the contract and no other course of action. He believes there is insufficient evidence that Grumman would lose $105 million on lot V. He did not believe Grumman would close its doors. He believes the contractor would remain financially viable in the forthcoming year.

MAJOR POINTS BY THE CONTRACTOR

Grumman officials testified that the Government and the company were both wrong in the long-term pricing of the F–14 by virtue of mutual mistake in projecting national economic conditions. Therefore, it believes the contract must be restructured for future procurements. Grumman agreed its loss was $65 million on the F–14 on lots I–IV and that it would not attempt to recoup this from the Government.

Grumman testified it estimated a loss of $105 million over its contract ceiling price on lot V. It added that if it produced lots V–VII of 227 aircraft it could lose $405 million in costs over contract ceiling prices.

Grumman confirmed that it would complete the 86 F–14's ordered on lots I–IV even if the Navy does not order lot V or subsequent aircraft.

CONCLUSION

In conclusion, Mr. President, the Tactical Air Power Subcommittee attempted to explore every pertinent fact and issue concerning this vital program. I felt it was essential to establish a thoroughly documented record. We made every effort to do so in our extensive hearings, which were printed as part of the authorization hearings and are available to any interested member and the public as well.

Let me say there is no magic or easy solution. Maintaining the integrity of the contract as long as possible is the best solution in the interest of the Government and the taxpayer.

Our committee has no desire to place this large contractor in a position of jeopardy or potential bankruptcy.

The F–14 is an essential program for preservation of our national security interests.

Our committee maintains an open mind. If the Navy or the Department of Defense subsequently believes that additional or alternative actions are required by the circumstances, we would certainly listen most earnestly to their presentation. However, that has not been done up to the present time, and the existing facts lead me to the clear conclusion that we should maintain the integrity of the contract at this time.

Mr. President, that concludes my report on the recommendation of the Tactical Air Power Subcommittee for the fiscal year 1973 military procurement bill.

Mr. STENNIS. Mr. President, I closely followed, with the greatest interest, the work of the subcommittee headed by the Senator from Nevada, as well as the work of the other members of the subcommittee. I know they did the finest kind of hard work and did an excellent job in considering all these matters, digging into them, and presenting them to the full committee.

Much of their testimony is carried forward in our printed hearings, and also their work is reflected fully in the report. The Senator from Nevada had a splendid explanation, too, of these various activities in the speech he has just given us, and I thank him gratefully for all the members of the committee, and also in behalf of the Senate. I think this is the most extensive and the most thorough analysis and in-depth consideration of the great number of planes and missiles and related matters—the most intensive and perhaps the best we have had—since I have been active in the consideration of these bills. It means a great deal, I think, for the strengthening of the Department of Defense.

It places that Department, too, on notice that they will have to prove their case and justify their requests, and I think it makes some headway toward a more prudent manner of spending the money. So I thank the Senator very much.

Again, he will be well prepared, as will be the other members of his subcommittee, to take further part in the debate, and I want to tell him now that we will certainly be calling on him in connection with the discussion of these activities on which he has so ably reported, as well as on the other members of the committee.

Mr. CANNON. I thank the Senator very much for his kind comments.

Mr. PROXMIRE. Mr. President, at a later time I shall have some questions to ask the Senator from Nevada, but first I would like to comment generally on the bill.

Mr. President, as we begin debate today on another military procurement authorization bill, I would like to comment briefly on the bill as reported by the Armed Services Committee and to help set the stage for the debate which lies ahead.

Let us note at the outset that the bill before us is one of the most important bills we will consider during the entire year.

It determines the number of men we will have in uniform during the next 12 months. It authorizes procurement of the new weapons systems which will determine our ability to defend ourselves in the latter years of this decade. And it provides funds to maintain the strong technological base which is the best protection we have against longer term technological surprise.

Let us remember, as we proceed to differ over the specific issues presented by this bill, that we are all united in our commitment to a strong defense for the United States. Let us admit, too, that not all defense expenditures contribute automatically to that goal.

I. THE COMMITTEE BILL IN PERSPECTIVE

As reported by the Armed Services Committee, the bill authorizes appropriations in the amount of $20,521,671,000, a reduction of some $2,751,300,000, or 11.8 percent, from the amended budget request of $23,272,971,000. The bill as reported is also $797.1 million below the $21.3 billion authorized by the House.

REDUCTIONS OVERSTATED

It should be fully recognized, however, that these official figures significantly overstate the real magnitude of the budget reductions made by both the Senate and House committees.

Included in both the Senate and House reductions is a request for $973.4 million in Southeast Asia related funds which was not submitted until June 27, 1972, too late for consideration in conjunction with committee debate. These funds were deleted without prejudice, however, and will be considered later, either in a supplemental bill or a committee floor amendment to this bill. If these funds are excluded from consideration, the total committee reduction comes to $1,777.9 million, or 7.6 percent of the total budget request.

In addition, $239 million in funds for a National Command Authority ABM site and $110 million in funds for new strategic R. & D. programs were also deleted without prejudice. These funds, totaling $349 million, may also be considered later in the form of a committee floor amendment to this bill. If they are excluded from consideration now, the total firm committee reduction comes to $1,428.9 million, or only 6.1 percent of

the total budget request. And since these funds are already in the House bill, the total firm committee reduction comes to only $48.1 million more than the reduction approved by the House.

I do not cite these figures in order to criticize the size of the overall reduction recommended by the Armed Services Committee. I cite them only to dispel the illusion that the committee itself has cut as deeply into the budget request as its talk of an 11.8 percent reduction might imply. In fact, for the first time in several years, the committee's reduction goes very little beyond the reduction made by the House Armed Services Committee.

R. & D. FUNDS SKYROCKET

I feel that I should criticize, however, the size of the committee's reduction as it applies to the research and development, or R.D.T. & E., portion of the bill. The R.D.T. & E. budget request was $8,771.8 million, a full $1,250.2 million, or 16.6 percent, higher than the $7,521.6 million appropriated last year. Yet the committee reduced this huge request by only $348.4 million—$51.5 million less than the House Armed Services Committee reduction—for a recommended authorization of $8,423.4 million. This final recommended authorization is itself almost one quarter of a billion dollars higher than any previous R.D.T. & E. budget request ever submitted to Congress.

I appreciate the impact of inflation, increased Trident funding, and the transfer of $83 million of AWACS procurement funding on this final figure. Even if these factors are recognized, however, the fact remains that the committee has supplied seed money for many programs which will significantly expand the size of other portions of the defense budget in the years ahead. I hope that the two appropriations committees will review carefully whether all this money is really needed.

WHERE IS THE R. & D. GAP?

Such a review is especially justified in light of a significant but little noticed change which has occurred in the past year in Defense Department statements about comparative levels of military-related R. & D. funding in the Soviet Union and the United States. Last year we were told that the Soviet Union was spending $3 billion, or 40 percent, more each year than the United States for military-related R. & D. This Defense Department analysis was reviewed by the General Accounting Office, which concluded:

Although we believe that the DOD methodology with its limited data base *may* be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the countries.

We have heard much less about an alleged R. & D. gap during the past several months. In fact, according to the Armed Services Committee's report on this bill:

The Director of Defense Research and Engineering, in discussing United States vs. Soviet technology, stated that the fiscal year 1972 approved budget arrested the downward trend in purchasing power of the several prior years. He also said that the increase represented by the fiscal year 1973 request is sufficient to eliminate the remaining apparent divergence in the relative efforts of the two countries.

This statement raises in my mind some interesting questions, which I hope will be answered by the committee during the course of this debate:

First, if there ever was a $3 billion R. & D. gap, what has happened to it? Even if Soviet expenditures have leveled off during the past 2 years, a $3 billion gap could not be eliminated by the $1.7 billion increase in the Defense Department's R.D.T. & E. budget from the appropriated fiscal 1971 level of $7 billion to the requested $8.7 billion level for fiscal 1973.

Second, if there never was such a gap, what mistake did the Department make in preparing earlier estimates? Or was the alleged gap simply a contrived device for boosting this part of the budget?

Third, finally, if there never was such a gap, how do we know that this year's large increase is needed to bring United States and Soviet spending into balance? Are current estimates any more reliable than last year's?

II. COMMITTEE ACTIONS ON SPECIFIC PROGRAMS COVERED BY THE BILL

Turning to specific programs, the committee took a number of welcome actions during its deliberations on this bill:

CLOSE SUPPORT AIRCRAFT AND NCA DEFENSE

First, it came to grips at least with some of the problems posed by the simultaneous development of three new close support aircraft—the A–X, the Harrier, and the Cheyenne. As the Senator from Arizona (Mr. GOLDWATER) has so aptly stated: "The country does not, nor can it afford, the unnecessary luxury of duplicating combat capabilities among the services" in this close support area. The committee recommends full funding for the best of the three planes—the A–X, and it deletes all funds for the Harrier and the Cheyenne. I hope that the committee will fight for this position in conference with the House and that we will not see happen again what occurred 2 years ago. The committee voted then to terminate Cheyenne development but was persuaded by the House in conference to keep the program alive.

Second, the committee deleted, albeit without prejudice, the $239 million requested for work on a National Command Authority ABM site. This is a most welcome development indeed. Costs for such a site are officially projected even now at anywhere between $2.1 and $4.1 billion. Yet doubts have been expressed, even by ardent supporters of an ABM defense for Minuteman, regarding the likely effectiveness of any NCA defense.

OTHER SIGNIFICANT COMMITTEE ACTIONS

I commend the committee most highly for these two important actions. In addition, the committee took several other significant steps to limit the extent of our commitment to other dubious or trouble-plagued programs:

It reduced the Air Force request for its new airborne warning and control system—AWACS—from $469.9 million to $233 million, denying in the process the production commitment for this new bomber defense program which the Air Force has requested.

It placed restrictions on the F–14 procurement funds authorized by the bill, thus insuring that there will be no Grumman bailout without the express prior approval of Congress.

It cut funding for the new Presidential command post program from $256.8 million to $120 million, thereby limiting the program to four aircraft until more progress has been made and several questions answered.

And if followed the lead of the House in reducing the DD–963 request from $610 million to $247 million, thereby protecting the integrity of the present contract for DD–963 procurement but avoiding a commitment to the seven destroyers requested in the bill. If problems at Litton develop as feared in the next 12 months, the long lead items procured with the $247 million approved now "can, to a very substantial degree, be utilized in other shipbuilding programs." (Mr. HÈBERT).

Finally, I wish to commend the committee also for its modest cut in our personnel strength, and especially for its insistence that the cut be taken from support forces and not from combat strength.

III. PROSPECTS FOR FLOOR AMENDMENTS AND DEBATE

I trust that we will have, this year as in the past, a lively and informative debate on this bill.

There may be floor amendments on several different issues:

The Army's SAM–D system, which is experiencing cost increases and schedule slippages of staggering proportions, and which was opposed in Committee by the Committee chairman (Mr. STENNIS) and the Chairman of the Subcommittee charged with its review (Mr. CANNON);

Project Sanguine—in which the present occupant of the chair is interested—which is of concern because of its environmental impact, and which has generated considerable controversy in the past; and

Programs such as the DD–963 and AWACS where the committes own constructive action may not be deemed sufficiently decisive.

TRIDENT AND CVN–70 ARE KEY ISSUES

There will be floor amendments on two extremely important issues—the proposed acceleration in the Navy's ULMS, or Trident, program and the Navy's request for funds for a new CVN–70 aircraft carrier. Speaking only for myself, I hope we will be able to keep other weapon system amendments to a reasonable minimum and to focus our attention on these two key issues, both of which entail final, irrevocable decisions in fiscal year 1973.

The accelerated Trident request includes initial procurement funds for the first four Trident submarines and for a new Trident base (these boats will be too large to use existing Polaris/Poseidon facilities). Its approval would freeze our design options and commit us once and for all to a crash 10-submarine construction program already projected to cost almost $14 billion.

The CVN–70 request is for $299 mil-

lion in advance procurement funds for a new nuclear aircraft carrier. If this request is approved, approval next year of the $652 million needed to complete construction, to say nothing of the $2 billion which will be needed eventually for the new carrier's escort ships and air wings, will follow as a matter of course.

That is why these two issues are so important and require long, thorough debate at this time. I hope that the debate will proceed for several days, as other issues are disposed of, before final rollcall votes are arranged.

Let me say just a word or two about what will be at issue in the Trident and CVN–70 debates.

It is not a question of whether we are for or against a strong Navy. It is not even a question of whether we support or oppose a replacement for our Polaris/Poseidon force and new aircraft carriers. It is no secret that the real issues are much less ideological than this and that they have given rise to heated controversy even within the Navy itself.

ONLY THE PACE OF TRIDENT, AND ITS DESIGN, ARE AT ISSUE—

In the case of Trident, the issue is whether we should move forward at the accelerated pace now proposed by the administration or at the more orderly place originally approved by Deputy Defense Secretary Packard last year. In dollar terms, the choice is between $906.4 million or $398 million in fiscal 1973, between a ninefold or a fourfold increase over last year's appropriation of $104.8 million.

The Armed Services Committee never really made a choice of its own. An amendment to set funding at the $398 million level was defeated only technically on an 8 to 8 tie vote.

There are good reasons why a traditionally "hawkish" committee should be so divided on this issue. There are no persuasive arguments for a highly accelerated Trident program. And such a program would entail serious risks.

Do we not realize, even now, that development—production concurrency almost always leads to cost growth and schedule slippage? Given the many unresolved technical issues remaining and the planned tenfold increase in funding, the Navy would find it exceedingly difficult to negotiate well-defined Trident contracts, with realistic cost and schedule goals, during fiscal year 1973. Must we once again content ourselves with mild retrospective criticism after burying our heads at the outset?

In addition, do we really want to commit ourselves to building huge new submarines with 24 missiles each while the Soviets are modifying their existing Yankee submarines to hold only 12 missiles each? As the Armed Services Committee's report so aptly notes:

> The committee observed that the plan to build the submarine with 24 launch tubes will limit the number of Trident submarines under the SALT agreement. This is because the initial replacement of even the 10 oldest Polaris ships could be accomplished with only 8 Trident, for a reduction of 2. . . . The fact that the Soviets appear to be building their submarines with 12 instead of 16 launchers each, as on the Yankee class, raises serious questions regarding the different values the two countries place on the advantage of a greater number of submarines to enhance survivability.

Under the specific terms of the new SALT agreement, we could replace our 10 oldest Polaris submarines with either eight submarines carrying 24 missiles each or as many as 13 new submarines with 16 missiles apiece. And if we built a force eventually composed exclusively of Tridents with 24 missiles each, the SALT agreement would allow us no more than 29, compared to a probable Soviet force of 62 Yankee I and Yankee II class submarines. Do we really place a lower priority than the Soviet Union on the survivability of our sea-based nuclear deterrent?

TRIDENT COULD ENCOURAGE SOVIET NUMERICAL EDGE

It would be ironic indeed if an accelerated Trident program, designed originally to prevent a large Soviet numerical advantage in ballistic missile submarines, helped bring such an advantage into being. The Armed Services Committee report urges the Department of Defense "to weigh this matter very carefully before freezing the design of Trident" and actually spending the funds which the committee approves. Congress could act much more responsibly by denying a portion of those funds outright and by returning the Trident program to a less dangerously accelerated schedule.

I hope that we will seriously consider these and other issues posed by the accelerated Trident program. I hope, too, that committee members will participate in the debate and that they will make known on the floor the convictions expressed in committee deliberations.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a Trident funding summary, which shows the Navy request for the program, the committee recommendation, and the proposed amendment.

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

(See exhibit 1.)

THE CVN–70 DEBATE

Mr. PROXMIRE. Mr. President, at issue in the CVN–70 debate is the role of carriers and submarines, respectively, in the general purpose force structure of the Navy. And we are speaking here of attack submarines, such as the SSN–688 class, and not strategic ballistic missile submarines, like the Polaris, Poseidon, and Trident.

We need aircraft carriers in the Navy, but do we need 12 or more? Are carriers as important as they once were, or is their role being superseded by that of the submarine?

These are the kind of questions to be discussed in the CVN–70 debate. Some interesting answers are set forth in an article which has just appeared in the July 1972, proceedings of the U.S. Naval Institute. It is written by U.S. Navy Comdr. Roy Beavers and it poses the question with which the Senate will have to grapple in the next few days:

> Is it going to take a war at sea to prove that the aircraft carrier is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine?

Mr. President, I ask unanimous consent that the portion of Commander Beavers' article, entitled "A Navy for the New Era," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. PROXMIRE. In conclusion, Mr. President, I commend the Armed Services Committee once again on the numerous constructive actions it took in its deliberations on this fiscal year 1973 procurement authorization bill. I myself intend as of now to offer no specific floor amendments to the bill, though I do wish to speak further on the F–14, the new Presidential command post, and one or two other issues.

EXHIBIT 1

ULMS (TRIDENT) FUNDING SUMMARY

	Fiscal year 1972 appropriated	Fiscal year 1973 budget [1]	Senate Armed Services Committee action [2]	Proposed amendment [3]
R.D.T. & E.:				
ULMS–1 missile (including advanced reentry vehicle)	60.6	330.7	310.7	310.0
Submarine development	38.3	110.6	110.6	76.3
Submarine-related subsystems	5.9	114.1	114.1	11.7
ULMS–2 missile	—0—	—0—	—0—	—0—
Subtotal	104.8	555.4	535.4	398.0
Procurement:				
SCN (shipbuilding and conversion, Navy)	—0—	361.0	361.0	—0—
PAMN (procurement of aircraft missiles, Navy)	—0—	10.0	10.0	—0—
Subtotal	—0—	371.0	371.0	—0—
Total subject to authorization	104.8	926.4	906.4	398.0

Footnotes at end of table.

EXHIBIT 1—Continued

ULMS (TRIDENT) FUNDING SUMMARY—Continued

	Fiscal year 1972 appropriated	Fiscal year 1973 budget [1]	Senate Armed Services Committee action [2]	Proposed amendment [3]
Not authorized in this bill:				
OPN (other procurement, Navy)	—0—	23.5	23.5	—0—
MILCON (military construction)	—0—	27.3	27.3	—0—
O. & M.N. (operations and maintenance, Navy)	—0—	3.0	3.0	—0—
Subtotal	—0—	53.8	53.8	—0—
Overall total	104.8	980.2	960.2	398.0

[1] The fiscal 1973 budget request would permit deployment of the ULMS–1 missile in Polaris submarines in December 1977 and deployment of the first Trident submarine in December 1978. It provides long-lead procurement funds for the first four Trident submarines and funds for the procurement of a new site at which the Tridents would be based.

[2] The Armed Services Committee action deletes $20,000,000 in research funds for advanced reentry vehicle work. The Navy stated that these funds will not be needed during fiscal 1973. This deletion would not affect the deployment dates for either the ULMS–1 missile or the Trident submarine.

[3] The proposed amendment would reinstate the unaccelerated ULMS program originally approved by Deputy Defense Secretary Packard in September 1971. It would permit the same December 1977 deployment date for the ULMS–1 missile but would defer Trident deployment until some time in 1981. This amendment was defeated in the Armed Services Committee on an 8 to 8 tie vote.

EXHIBIT 2

A NAVY FOR THE NEW ERA

(By Comdr. Roy Beavers)

(NOTE.—Commander Beavers received his commission in 1952 via the NROTC at the University of Missouri. He received his M.A. in Political Science from the University of Maryland in June 1970, and is continuing his studies toward a Ph.D. His last sea duty was as Executive Officer of the USS *George K. Mackenzie* (DD-836). For the past three years he has been assigned to OpNav, and is presently attached to the Arms Control and Disarmament Agency in Washington, D.C.)

The readers of this journal will recognize that Brezhnev, as well as Arbatov and Brzezinski in quotations cited earlier, is highlighting a world in which the decisive edge in military power will go to the most versatile and flexible projection at the "limited" and "cold" war levels—in essence, naval power. Additionally, the Nixon Doctrine shift in the U.S. military posture worldwide—the cutback of American troops and bases overseas, accompanied by a shift in much of the military manpower burden away from the United States—places added emphasis upon naval power for the welding together and sustenance of the Western alliance.

Not surprisingly, then, the Soviet Union is now embarked upon a naval expansion program that is rapidly overtaking the United States. The Soviet submarine force—nearly three times the U.S. Navy's in number of boats—is improving in quality, and may already pose a challenge to U.S. command of the seas, i.e., capacity for assuring the use of the seas as required by the United States and its allies. Other dimensions of Soviet naval power are also being dramatically expanded. The newest surface-to-air missile (SAM) armed Soviet surface combatants are proving that they are capable of independent operations in a moderately hostile air-war environment. Prior to the introduction of these SAM missile combatants, the Soviet surface navy had traditionally confined its operations to waters contiguous to its own shores. Simultaneously, the Soviets have gained the right to use naval and air facilities at key strategic locations in the Mediterranean and India Ocean regions. The rapid growth and Indian Ocean regions. The rapid time when the U.S. merchant fleet is aging faster than it is being replaced, completes a total picture which suggests that Arbatov's description of Soviet policy, as one which seeks to limit U.S. global freedom of action, is well on its way to fulfillment.

Primary military responsibility for meeting this Soviet challenge falls upon the U.S. Navy. This statement can be modified by whatever extent the Nixon Doctrine succeeds in reviving naval power elsewhere in the Western Alliance.

The U.S. Navy has begun to rebuild to meet this challenge, but it is rebuilding along the traditional lines of the past. New ships are replacing old ships of like type, better armed, many times more costly, marginally more seaworthy—still essentially on a type-for-type basis that is leading in the end to a navy that promises to look very much like the U.S. Navy after World War II.

Principal reliance for command of the seas still evolves upon carrier air power, screened by missile-armed surface units,[1] yet it is uncertain that our carriers will confront any significant surface or air challenge. The Soviets are circumventing that challenge via their emphasis on the submarine. This prospect of a minimal surface or air challenge would be fortunate if it gave the U.S. command of the seas by default—but it does not. One to two hundred modern Soviet submarines, nuclear-powered and armed with the latest missiles, can deny command of the seas to the U.S. Navy's surface forces. This appears to be the direction the Soviets are taking. The Soviet Navy now has some 400 submarines, and they are building—both SSNs and SSBNs—at a rate surpassing present U.S. submraine construction capabilities. The majority of present Soviet submarines are not "modern." Only a few are equipped with the advanced missiles. Thus, there is still time. But many readers will share the uneasiness felt by this writer and expressed by the question: Will the navy we are now building prove to be ill-conceived, in terms of its force configuration, for meeting the Soviet challenge cited above?

The investment in new destroyers will not meet that challenge. Yet destroyers continue to be designed and produced on the basis of, and charged with, the primary mission of countering the forthcoming Soviet submarine force. A recent, now famous, article appeared in this journal and brought to light some serious misgivings about the ASW inadequacies of the U.S. Navy's most modern destroyers and destroyer escorts.[2] Possibly that author dwelt upon the wrong issue. He might better have asked: Why are we building destroyers for ASW?

The U.S. Navy's investment in air ASW is only marginally more hopeful. The well known CVS (ASW carrier) issue is perhaps enough of a dead horse that it need not be flogged further here. But, in that matter, also, the issue is the same. The present state of air and surface ASW technology, combined with pressing cost considerations, raises uneasy feelings and grave questions about the inordinate portions of our limited rebuilding budget and manpower resources which are being invested in such marginally effective programs.

The point here is not to point the finger of guilt at some hard-working and much maligned project officer—or at any of the Navy's vested interests. We are all in this Navy guilty of refusing to abide by the dictum of the most intolerant taskmaster of all—the technological state of the art. The well known fact is that the advance of submarine technology (operating characteristics, armament and sonar capabilities) since World War II has put the modern submarine out of combat reach by known or foreseeable surface and air ASW techniques. This conclusion may still be disputed by some, but the record—of futile and costly surface and air ASW programs—is a lengthy one that speaks for itself.

Naval warfare has been so dramatically altered by the advance of submarine technology over the past 25 years as to have essentially reversed the role of the submarine from one primarily of interdiction to that of representing the ship of the line in terms of command of the seas. The modern, nuclear-powered, fast, quiet, long-endurance, deep-diving, perhaps cruise missile-armed attack submarine not only promises to drive from the seas those surface units that dare to oppose it; the submarine is also proving to be the best of all platforms for ASW.

Is it going to take a war at sea to prove that the U.S. Navy's capital ship—the aircraft carrier, though defended by its costly retinue of escorts and umbrella of manned aircraft—is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine? The history of warfare confirms the dictum that technology cannot be defied with impunity. As a consequence of World War I, the French learned that the *élan* of attack—the offense—was not adequate to overcome the technology of the then dominant defense—the machine-gun. Applying that lesson to their policies between the wars, the French came to rely for their national security primarily on the defense fortification of the Maginot Line. But, in the meantime, the technology of land warfare had changed. The offense had become dominant in the shape of the fast, armored warfare which comprised *blitzkrieg*. This

[1] "We control the seas with our aircraft carriers, capable of sinking surface ships, surfaced submarines, shooting down aircraft and, with our F–14 aircraft, shooting down the missiles from any one of those enemy sources," Admiral Zumwalt said in the 13 September 1971 issue of *U.S. News & World Report*.

[2] *See* Robert H. Smith, "A United States Navy for the Future," U.S. Naval Institute *Proceedings*, March 1971, pp. 18–25. Captain Smith's most pregnant observation seems to have been overlooked in the ensuing controversary: ". . . we have clung to the fiction of a primary, and even offensive, ASW role for the surface ship long after it has become obvious that it cannot fulfill that role against the modern submarine." (p. 22)

misplaced French confidence, in a technology of warfare that was out of date for its task, led to Vichy.

The U.S. Navy could be making a similar mistake. We won command of the seas at Midway, the Coral Sea, and the Philippine Sea with the aircraft carrier task force. We opposed a similarly configured navy, and there was no doubt that naval carrier air warfare was the dominant reality of that time. But carrier air warfare is not the dominant reality of present naval warfare, and the U.S. Navy is being challenged by a foe whose navy is not similarly configured. On the contrary, the Soviets are building a navy which is in closer conformity with the prevailing dominant reality of naval warfare—the combat superiority of the submarine.

There is a case to be made for carriers and destroyers in our naval program, but it is not the one most often advanced, and it does not support the "Cadillac" versions of those ships the U.S. Navy now seeks, certainly not so long as the higher priority, submarine, "command of the seas" requirement is unfulfilled. (It may also make a better case for the Marines and the "amphib" Navy than is currently in fashion.) It is the cold/limited war case as articulated above by Brezhnev Arbatov, and Brzezinski.

While the cold/limited war scenarios of East-West conflict are not the worst case assumptions, the mutual balance of terror that makes general war a non-option, leads rather obviously to the cold/limited war scenarios being the most probable kinds of conflict. That is where the action is almost certainly going to be. The issue is access to the world's resources; and the contest is, first, one of command of the seas, and second, projection of power and influence in the Mahan tradition when political decisions so dictate. Ultimate victory can be lost or won without a general war ever taking place.

Given current fiscal limitations, the latter dimension of naval planning may require greater compromise than the command of the seas (submarine) role vis-a-vis "ideal" ships and hardware. Remembering that nuclear general war has become a non-option through mutual deterrence, the command of the seas task will merit next highest priority, for it preserves survival against the ultimate limited war challenge—the physical isolation of America from its allies.

Thus the third priority, the U.S./power projection navy, is the logical area for compromise of "Cadillac" ambition in favor of economy and more units at less unit cost—rather than to stint our command of the seas submarine forces—if funds provided by the Congress are not adequate to legitimate needs in both areas. We can take some comfort that the power projection task by surface forces is the task wherein the most support from the remainder of the maritime alliance can be expected. The Nixon Doctrine highlights that aspect as well. Imaginative programs, like the "Personnel Exchange Program" with allied navies, recently instituted by the U.S. Navy, can fortify the Nixon Doctrine on this score.

The new era of American diplomacy, the Nixon Doctrine, derives from a forthright recognition of the changes that have taken place in the world since 1945—the new realities that now govern the domestic and international political environments. America's new naval policy must start with a clear understanding of those same realities.

In addition, America's new naval policy must—as forthrightly—acknowledge the technological realities that now govern naval warfare, and proceed from the premises dictated thereby. To paraphrase the President's words, quoted at the beginning of this essay: No single sudden upheaval or technological event has marked the end of the World War II era of naval warfare in the way that world wars often shatter pre-existing assumptions about warfare. But the cumulative changes in naval warfare since 1945 are profound nonetheless.

We are indeed at the end of an era—in the technology of naval warfare as well as in foreign policy. The question is: Are we now building a new navy that is as realistic as our new foreign policy?

WHAT DOES THE ARMED SERVICES COMMITTEE PROPOSE TO DO ABOUT FUNDS DELETED WITHOUT PREJUDICE AND FUNDS INCLUDED ONLY IN THE HOUSE BILL?

Mr. PROXMIRE. Mr. President, I spoke earlier to review the most important issues raised in the Armed Services Committee report on the fiscal year 1973 military procurement authorization bill.

I would like to raise now two other matters on which I hope the committee will respond later:

NCA DEFENSE, HARD SITE, AND ABM

First, a total of $349 million in funds for strategic programs has been deleted from this bill without prejudice. These funds are already included in the House bill and will, therefore, be a subject of negotiation in conference.

I personally oppose the bulk of this funding—the $329 million for a national command authority ABM defense, the $60 million increases for hard-site ABM research, and the $20 million sought for work on a submarine-launched strategic cruise missile. I do not think that an NCA defense is worth a fraction of its likely cost. And while I do favor work on hard-site ABM research, I believe that the $80 million provided for this purpose and already included in the bill as recommended will be sufficient for fiscal 1973; in fact, the only reason I can see for a $60 million increase in this figure is a belief that we should push hard-site research along so fast that new hard-site components would be available for use in an NCA defense. Finally, I think it foolhardy to develop an expensive and ineffective submarine-launched cruise missile when the Air Force continues to ignore the committee's own suggestion in its report on last year's bill that the SCAD program be restructured toward the development of an aircraft-launched cruise missile of reasonable range and accuracy.

Because I oppose these programs, I would hope that a Senate position with a fair amount of prejudice toward them might be formulated during debate on this bill. Accordingly, I ask the distinguished chairman of the Armed Services Committee whether he intends to offer a floor amendment designed to restore funds for any of these programs. If such a committee floor amendment is contemplated, I would appreciate being informed of the fact a reasonable amount of time prior to its introduction. And if no such amendment is introduced, I would hope that the Senate's conference position of these programs would be as firm as the Senate position on the other matters covered by this bill.

A–7'S, C–130'S, AND F–5B'S

Second, I hope that the committee will comment also on this one additional point. On April 27, 1972, Secretary of Defense Laird wrote to the House Armed Services Committee to inform its members that he accepted a proposed $226.9-million reduction in fiscal year 1973 AWACS funding and to request that they apply a portion of the funds saved to procure additional A–7, C–130, and F–5B aircraft not requested in the original budget. In fact, when that budget was drawn up, it had been determined that the production lines for these aircraft could be allowed to close. In compliance with Secretary Laird's request, the House Armed Services Committee provided $92 million—for use with $60 million in funds which Mr. Laird proposed to transfer from prior year A–7 programs—to procure 24 A–7D's, 12 C–130's, and seven F–5B's.

This $92 million is not included in the Senate bill now before us. Nor is this $92 million cited in the Armed Services Committee's report on the bill as one of that committee's proposed deletions. It is simply not referred to, for the Department of Defense formally requested these funds only of the House. No budget amendment was ever presented to the Senate. I would like to ask the committee the following questions in this regard:

Why, if these funds are needed, was no formal budget amendment requesting them ever submitted to the Senate?

Does the committee believe it proper for the Defense Department to request funds from one body of Congress but not the other?

Is formal committee approval required of Secretary Laird's proposed use of $60 million in prior-year A–7 funds to keep open these three aircraft production lines? If not, why not? If yes, has such approval been given by the committee or is it contemplated?

What position does the committee intend to take on this $92 million in conference with the House?

It is my own feeling that the course of action followed by the Defense Department to obtain these funds is most inappropriate and that it should be resisted strongly by the Senate. I also believe that the decision to keep these lines open was dictated much more by election year political decisions than true military needs. Need for these aircraft was found lacking in the original budget review.

I would be quite grateful if the distinguished chairman of the Armed Services Committee (Mr. STENNIS) would address himself to these questions during the course of floor debate.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE CERTAIN TECHNICAL AND CLERICAL CORRECTIONS IN THE ENGROSSMENT OF S. 1991 AND TO REPRINT THE BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make certain technical and clerical corrections in the engrossment of S. 1991, the national housing goals bill, which passed the Senate on Friday, July 21, 1972.

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

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Michigan (Mr. HART), I ask unanimous consent that S. 1991, as passed by the Senate on Friday, July 21, 1972, be reprinted.

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

AUTHORIZATION FOR COMMITTEE ON AGRICULTURE AND FORESTRY TO MEET IN EXECUTIVE SESSION TODAY TO CONSIDER S. 3795

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be permitted to meet in executive session this afternoon to consider S. 3795, the disaster loan program in connection with Hurricane Agnes.

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

AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO MEET TOMORROW IN EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be permitted to meet tomorrow, Tuesday, July 25, 1972, in executive session, in order to consider the disaster loan legislation.

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

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. NELSON). Under the previous order, the hour of 1 p.m. having arrived, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD), No. 1334.

Mr. STENNIS. Mr. President, I do not see the manager of the bill on the floor at this moment and I, therefore, ask unanimous consent to suggest the absence of a quorum.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, the amendment pending before the Senate at this time would change the date for the withdrawal of all U.S. ground troops, combat and noncombat, from South Vietnam, by October 1, 1972, rather than August 31, 1972.

The Senate is aware that it has been on this pending legislation, the Foreign Assistance Act of 1972, S. 3390, for over a month. The delay has been caused because of the fact that we are unable to face up to the so-called Mansfield amendment which is contained in the bill and on which only recently we obtained, along with other amendments to that amendment, a time limitation.

It appears to me that what we should keep in mind is that subsection (a) of section 12 places no conditions on the continuation of the removal of U.S. ground forces from South Vietnam. In fact, it will require their total extrication by October 1, 1972. It will separately require, under subsection (b) of section 12, an agreement for the return of all prisoners of war and recoverable MIA's and a cease-fire only—I repeat the word "only"—between U.S. forces and those arrayed against our forces in North Vietnam as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina.

It is interesting to note that according to the Pacific Community, an Asian quarterly review for July 1972, there is an article by Earl C. Ravenal entitled "The Strategic Balance in Asia." In this article, Mr. Ravenal states that:

South Vietnam is by far the largest historical recipient of United States military assistance and arms transfers. Entirely aside from expenditures in the direct deployment of United States forces, the United States will, by 1973, have endowed South Vietnam with about $20 billion of arms (at least three times as much as the Soviet Union and China have given North Vietnam). With this, South Vietnam has built and is supporting an armed establishment that consists of 16 equivalent regular army divisions, 414,000 men; a Marine Corps of 15,000 men; Regional Forces organized into companies, 285,000 men; local Popular Forces organized into platoons, 250,000 men; and armed police, 20,000, for a total of 984,000 men. Its air force has 275 combat aircraft, including, however, only about 20 modern jets.

The Vietcong are said to number about 140,000 men in North Vietnam.

North Vietnam has an army equivalent to about 21 divisions, amounting to 408,000 men. Of these, 75,000 are deployed in Laos, 40,000 in Cambodia, and before the full-scale invasion of March 1972, 90,000 to perhaps over 115,000 in South Vietnam, at the height of the battle in May, 1972. North Vietnam may have no more than three divisions equivalents within its own territory. The North Vietnamese air force has 165 combat aircraft, of which 65 are modern jets and 10 are light bombers.

Its navy consists mostly of torpedo boats and gunboats.

And the navy of South Vietnam is composed of vessels most of which have been turned over to it on the order of the President by the U.S. Navy.

Mr. President, it appears to me that we are becoming inured to what has been going on in Vietnam for so many years and in so many instances. We sort of shrug our shoulders and accept it as a matter of course. We do not seem to be aware of the disasters, the devastation, the loss of life, the destruction of a culture, the displacement of vast numbers of people and other factors which, under ordinary circumstances, this country would shudder just to think about.

As I have said before, I think this is basically a civil war between South Vietnam and the Vietcong with the North Vietnamese coming in later.

We have had an 11-year war in which we have been engaged in Vietnam. And we have a situation for which there seems to be no end in sight at the present time. It is a war in which, according to professors of the University of Montana and Windham College in Vermont, there has been created 26 million, repeat, 26 million craters by our bombing.

It is a war in which more than three times the total tonnage of bombs dropped in World War II in all theaters and in Korea has rained on Indochina. It is a war which has created hundreds of thousands of refugees. As a matter of fact, it has created millions in South Vietnam, certainly millions including Laos and Cambodia.

It is a war in which on the basis of the most recent information new weapons have been experimented with and new ideas of warfare such as rainmaking and fire storms, the latter, unfortunately, having its origin in my home State because the facilities there of the Forest Service have been used in Vietnam.

There have been casualties to 355,000 Americans in rough numbers, a cost of $136 billion for the war, a cost which is still going up.

There has been a buildup of B–52's to three times the number before the President's May 8 speech.

Drug addiction is a concomitant to the war in Southeast Asia. Disease is another.

The increase in the number of POW's and missing in action is still another. It has caused troubles at home.

While I give the President every credit for what he is trying to do to bring about an end to this war, I think that the time is long overdue. I think that the hour is late. And I would hope that the Senate would see fit to take at least this first step to sever the dependent relation with the Government of South Vietnam. With that as a base, perhaps we might be able at a more expeditious rate to bring this tragedy to a close.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I do not think there is much more to be said on the amendment.

I do have two interesting editorials published in the Washington Post. One is dated Friday, July 21, and the other is dated Monday, July 24. I ask unani-

mous consent that these editorials be printed in the RECORD.

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

[From the Washington Post, July 21, 1972]

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gratuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendments should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the Amercian role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern. Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

[From the Washington Post, July 24, 1972]

THE COOPER AMENDMENT

Senator Cooper's amendment to the military aid bill, due to be voted on today as an alternative to a new and revised Mansfield amendment, poses to the Congress for the first time the stark issue of whether it will take unto itself the responsibility for imposing a quick and unconditional end to American involvement in the Vietnam war. As we noted the other day, the latest version of Senator Mansfield's amendment, which would cut funds for a residual force in Vietnam but allow the President to continue bombing, is a tentative gesture: it could undercut the President's negotiating strategy but it would not bring about an end of the war. By contrast, the Cooper amendment, while it could undercut the President's strategy, would do so with the additional and transforming effect of ending American combat participation. By means of a fund cutoff, it would compel the withdrawal of all American forces and an end to the bombing if the war did not end by negotiation in four months.

But what about the prisoners? The uniqueness of Senator Cooper's approach lies in the fact that previous war-policy amendments have conditioned an end to American military activity upon an agreement to release the POW's, or upon their actual release. "On the one hand these amendments have provided that all funds shall be denied except for the withdrawal of our forces," said Mr. Cooper last week. "Then in contradiction, they provided implicitly that funds for our participation in the war shall continue, that the United States will continue to fight in Vietnam from other countries, from the air, or from the seas, until our prisoners are released." This is, of course, the approach the President is now taking at Paris, so far as is publicly known. His offer to withdraw and stop bombing is conditioned upon a release of POWs (and presumably upon Hanoi's acceptance of a cease-fire as well).

The demonstrable fact is that this approach has yet to produce results. Barring success in four months, Mr. Cooper would act on the expectation that the prisoners will be freed—and that other nations will urge Hanoi to free them—only when the United States withdraws and halts the bombing. "I do not believe that this amendment or any amendment can promise absolutely the release of our prisoners of war," said the senator. "I do not believe that any individual can promise the release of our prisoners of war. I can only say that, in my view, negotiations and withdrawal offer the best chance to secure their release." That he mentioned "negotiations" at all can probably best be put down to his reluctance to embarrass his fellow Republican, President Nixon. It seems plain that Mr. Cooper believes "withdrawal" is the only way.

So finally the Senate has the occasion to vote directly and forcefully (by a fund cutoff) on the President's strategy of negotiating from strength. By this vote, it has the further occasion to assert its constitutional responsibility to direct the use of funds and its constitutional right to bring its influence to bear—as best it can—in the shaping of foreign policy.

Frankly, we cannot conceive of a more serious and difficult vote for conscientious legislators. For one thing, they are being asked to second-guess the President in a matter of the greatest national import—in a matter, moreover, where the President has in train a secret negotiation which conceivably could succeed and which might be torpedoed by the challenge to it which they are now requested to endorse. What makes it more difficult is that conscientious legislators are also being asked to make this momentous intervention after Congress, for years, has gone along with successive Presidents and enabled them, if not encouraged them, to develop the very policies which the Cooper amendment would now suddenly reverse.

We would agree with those who argue that the flabbiness of Congress from the first debate on the Tonkin Resolution in 1964 is no argument by itself for compounding crimes of omission that stretch back over eight years or more. Nor has President Nixon earned, by his performance, much sympathy or consideration from Congress. Repeatedly he has rudely scorned opportunities to make Congress his partner in a genuinely national, bipartisan war policy—opportunities which would have taken nothing away from his own concepts of how we ought to proceed. Last November he loudly denounced as no part of his policy an earlier Mansfield amendment which was actually written into law, only to reveal in January that almost its precise terms had been secretly offered to the North Vietnamese by Dr. Kissinger the previous May. For the resulting frustration of congressional war critics and the subsequent hardening of their position, he has himself, in large measure, to blame; more than one senator, seeking some accommodation with the White House on a Vietnam peace plan, has been bluntly told that this is to be Mr. Nixon's show.

So we can sympathize with those who will vote with Senator Cooper to impose a four-month time limit, once and for all, on American involvement in Vietnam. But we nonetheless doubt the wisdom, and still more the practical purpose, of such a vote. For one thing, whatever the outcome in the Senate, the measure is almost certain to fail in the House. In any case, in reality it cannot amount to more than a shattering vote of no confidence in a difficult and delicate effort, now presumably under way, to translate weeks of pulverizing bombing attacks into a negotiated settlement.

The Senate cannot undo the bombing and the mining and the Cambodian and Laotian "incursions" and all the rest of Mr. Nixon's three-and-a-half-year performance in the conduct of our Vietnam war effort—including some 20,000 American dead. It can only undermine the last chance he has to make good, before election day, on four years of promises to end American participation in the war. He does not need Congress to tell him that the great majority of Americans expect that promise to be kept. And if he fails to deliver on it by November, the American electorate will have an opportunity at that time to render a more meaningful judgment upon his record than any that could be made in the United States Senate today.

Mr. MANSFIELD. Mr. President, I agree with the distinguished Senator from Nevada that there is not much more that can be said. However, if I may sum it up briefly, what the Senate is confronted with is the question of whether or not it desires a residual force to remain in South Vietnam.

The President has indicated that the number of American military personnel in South Vietnam will be reduced to 39,000 by September 1. As of today the number is 46,500.

What this amendment seeks to do is to carry on the same pattern which the President established shortly after he assumed office, at which time he began to reduce the number of 550,000 American military personnel in South Vietnam in stages down to its present figure.

The question is whether we want to be

tied to the apron strings of South Vietnam and have them determine what we should do or whether we want to sever those strings after giving a certain amount of notice to that effect.

Mr. President, I would point out that Mr. Henry Kissinger, on his return from his last visit to China, made the following statement:

We expect that when the war is finally settled, it will be through direct negotiations between the North Vietnamese and American negotiators.

This, I think, fits in with the tenor of what I propose to do. I would hope that the amendment which I have offered will be acceded to. And I hope that all of section 12 would remain in the pending bill.

Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, as I have said, I think this matter has been entirely covered. But I cannot agree with my distinguished friend, the majority leader, that the issue is whether or not we want a residential force in South Vietnam. That is by no means the issue for this entire debate and the so-called Cannon amendment.

The issue is whether or not we want to abandon the prisoners of war who are in Southeast Asia today and pull out our troops and leave those men who went there, not of their own choosing, but under orders to represent our country.

I happen to feel very deeply about this matter. I am one of those persons who wears a bracelet of a missing prisoner of war, a man who has gone there, because I think we should do something about getting those men back, and the way to do that is not to pull our troops back and leave those boys over there to rot.

Mr. MANSFIELD. May I say if the Senator would read subsection (b), section 12, we face up to that problem of POW's because subsection (b) reads as follows. All we are considering at this time is subsection (a), but subsection (b) reads:

(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.

So I would say that severing ourselves from the cord which ties us to South Vietnam, which we have supported with our casualties and our Treasury for 12 years, would in no way infringe the possibility that the POW's and recoverable MIA's would be released. Subsection (b) faces that problem, not subsection (a).

TO SAVE THE LIFE OF THE UNKNOWN SOLDIER

Mr. HUGHES. Mr. President, work has begun at Arlington Cemetery on a tomb for an unknown soldier of the Vietnam war. At the present time, however, all 45,810 Americans killed in this war have been identified. If the Congress approves the Mansfield amendment to end this war by October 1, I fully expect that tomb to remain empty.

Instead of escalating the war and maintaining a residual force in Vietnam under the dubious rationale of saving American lives, I believe that we should save those lives by acting now to bring our military involvement to an end.

If that tomb at Arlington remains empty, it will be tragically symbolic of this war, for our intervention has been drained of any noble purpose by our prolongation of the slaughter in order to preserve the shell of a corrupt regime in Saigon.

According to the most recent opinion poll, nearly eight out of every 10 Americans want all of our ground, naval, and air forces brought home. This overwhelmingly consensus for an end to our involvement has been nearly this high for several years, during which thousands of additional people have met their deaths.

Nearly two-thirds of our people now say quite openly that it is morally wrong for the United States to be fighting in Vietnam. The brave reasons for which we entered this conflict have now been tarnished by unfulfilled promises of peace, by revelations of deceit, by the brutalization of war which produced My Lai and other atrocities, and by the accumulated horror at the devastation of the land and suffering of the people we sought to defend.

Those who have died are known, and their supreme sacrifice is justly honored. But the many survivors in our own country remain unknown, unhonored, and unrelieved.

Over 300,000 men have been wounded; many are disabled for life. Countless others have been scarred from within by the memories of combat which haunt their dreams. Thirty thousand widows and orphans must try to make new lives for themselves. Eighty thousand surviving parents, 80,000 surviving brothers and sisters, and 60,000 surviving grandparents must learn to live without their loved ones.

Bitter veterans return to a society which offers them no jobs.

In spite of all this suffering, in spite of the distortions to our economy which have diverted over $150 billion into the Indochina quagmire, in spite of the repeated promises of peace, the war continues with unrelenting fury.

Once again we hear hopeful predictions. "Just a little longer," we are told; just a few more months, a few more secret trips to Paris, and of course several hundred thousand more tons of bombs."

I have had enough; the American people have had enough.

The people of Indochina have certainly had enough. Yet even today, after more than a million military in this war and several hundred thousand civilian deaths, the war continues.

American casualties have been mercifully reduced. But that is little comfort to the Cambodians, who have been suffering casualties at a rate for that small country which would be equivalent to over 300 deaths per day for a nation the size of the United States.

Nor has the war ended for the people of Laos, who suffer the equivalent of nearly 900 American deaths per day. None of these figures includes estimates of enemy deaths.

Since the end of March, South Vietnamese military forces have suffered nearly as many deaths as in all of 1971—at a rate equivalent to 2,200 Americans dying every day.

In addition to the military casualties is the terrible suffering of civilians. Thousands of civilians have been killed in the recent fighting—perhaps 25,000 in South Vietnam alone. Officially acknowledged refugees total over 300,000 in Laos, perhaps a like number in Cambodia, and 1.2 million in South Vietnam.

These facts speak for themselves. They literally cry out for an end to this bloodshed.

Under the Guam Doctrine, this is supposed to be their war, and it certainly is in terms of the suffering. But it is also our war in many unfortunate ways.

We have paid for this war for the past 22 years. We gave the French billions to preserve their empire, and when the first Indochina war ended in 1954, we then trained and equipped the armies of the supposedly independent nations.

No one can ever know whether the fighting would have gone on so long, or been so ferocious, or led to a worse outcome for America's long range global interests, if we had not foot the bill and encouraged our allies to fight for more than two decades.

But we do know that the war and its tragic consequences will continue so long as we fuel its flames with the billions of dollars provided by the foreign aid and defense bills.

The war is our war in Laos, even though we technically have no combat forces there, because we give Laos 20 times more in military aid than it spends on its own defense—an amount 40 percent larger than its GNP.

The war is our war in Cambodia, even though our only military personnel are on an equipment delivery team, because we provide more than one and one-fourth as much military aid as the Cambodians spend on their own defense—more even than the total Cambodian Government budget.

And the war is still our war in Vietnam, since we still give the Thieu regime over three times as much in military aid as it spends for its own defense—an amount equal to 70 percent of Vietnam's GNP.

In fact, of course, Americans are still heavily and personally involved in this conflict, despite the fact that nearly twice as many U.S. military personnel are now fighting the war from outside as from inside Vietnam.

Last year we were told that the war

was winding down, but this year even that claim cannot be made.

Since January we have doubled our Air Force fighter-bomber strength in Southeast Asia. We have tripled our carrier strength. We have quadrupled the number of B–52's bombing in Indochina—and now have diverted about half of our entire B–52 fleet to this war.

Having ended much of our involvement in the ground war, we have now launched a major air war—more frightening and devastating than ever before.

Our virtually unrestrained bombing in North Vietnam has created what the defense reporter for the Evening Star recently called "a human disaster of historic proportions for the people of North Vietnam."

If our bombing of allegedly military targets continues to damage dikes and dams, as reported by on-the-scene observers, we may compound that human disaster even more.

Only this week, the Christian Science Monitor reported from Saigon that U.S. pilots seem to be running out of new worthwhile targets in the North—

Although virtually all conceivable military targets already have received a thorough pummeling, it nevertheless is still hard to assess the result.

If this report is true, and the military impact of this new escalation has not yet been felt, we may be on the brink of even more terrifying decisive military actions.

This new air war is still costly for the United States. If sustained for the indefinite future, which seems likely under the current administration's policy, it would cost $2 to $4 billion every year, over and above whatever direct military aid we provide, according to the Cornell air war study.

Already, the administration has asked for an additional $3.5 billion to pay for the increased costs of the war in the current fiscal year. If news reports are correct, this amounts to a doubling of the planned extra cost of the war this year.

Current policy offers us no assurance of an end to this war. On the contrary, it prolongs the imprisonment of our POW's and the anguish of the families of those missing in action.

The heavy price we have paid during the first 3 months of our escalated air war is now of record. U.S. bombing in June was the heaviest for any month in 2½ years, since January of 1970. The total tonnage of bombs dropped was 112,460—double the rate in January of this year when an offensive was said to be imminent. During the months of April, May, and June, American servicemen died at a rate higher than one per day; an equal number of Americans were added to the rolls of those missing in action and every 3 days another American joined his compatriots in North Vietnamese prison camps.

U.S. planes have also been lost at a rate above one per day. Using the unit costs given in the Cornell air war study, the cost from aircraft and helicopter losses alone for this 3-month period is over half a billion dollars.

We can stop this simply by agreeing to and then implementing the Mansfield amendment.

We can end our involvement in this tragic war and bring all of our troops and prisoners home.

And then, as a united people, we can devote our energies and resources to fill in the craters of neglect in our own society.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on the time of both sides.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. I take it on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from South Dakota would vote yea and the Senator from Georgia would vote nay.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), and the Senator from Alaska (Mr. GRAVEL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 60, nays 32, as follows:

[No. 296 Leg.]

YEAS—60

Aiken	Cooper	Jordan, Idaho
Allott	Cotton	Kennedy
Anderson	Cranston	Magnuson
Bayh	Curtis	Mansfield
Beall	Eagleton	Mathias
Bennett	Fulbright	McClellan
Bible	Harris	Metcalf
Boggs	Hart	Miller
Brooke	Hartke	Mondale
Burdick	Hatfield	Montoya
Byrd, Harry F., Jr.	Hollings	Moss
	Hruska	Muskie
Byrd, Robert C.	Hughes	Nelson
Case	Humphrey	Pastore
Chiles	Inouye	Pearson
Church	Javits	Pell
Percy	Scott	Tunney
Proxmire	Spong	Williams
Randolph	Symington	Young
Ribicoff	Thurmond	
Schweiker	Tower	

NAYS—32

Allen	Ervin	Roth
Baker	Fannin	Saxbe
Bellmon	Fong	Smith
Bentsen	Goldwater	Sparkman
Brock	Gurney	Stafford
Buckley	Hansen	Stennis
Cannon	Jackson	Stevens
Cook	Long	Taft
Dole	McGee	Talmadge
Dominick	McIntyre	Weicker
Eastland	Packwood	

NOT VOTING—8

Ellender	Griffin	Mundt
Gambrell	Jordan, N.C.	Stevenson
Gravel	McGovern	

So Mr. MANSFIELD's amendment (No. 1334) to Mr. CANNON's amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Nevada (Mr. CANNON) as amended. On this amendment, there is a time limitation of one-half hour. Who yields time?

Mr. MANSFIELD. Mr. President, I yield back whatever time I have.

Mr. CANNON. Mr. President, at this point I am not sure whether I am in control of the time in favor of the Cannon amendment, because I would have to oppose the Cannon amendment as it is now amended. I cannot go along with the majority of the Senate in abandoning our prisoners of war in Southeast Asia. But if I have control of the time, I am willing to yield it back.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. CANNON. I yield 5 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, for several years now I have believed, as most Americans have, that there are no goals left in Southeast Asia which can justify the death of one more American. I have, therefore, steadfastly voted this way, again and again, on the series of end-the-war amendments before the Senate in recent years. For the same reason I expressed my skepticism about the wisdom of invading Cambodia after personally reviewing the situation there at the request of the President. For the same reason I strongly opposed the mining of Haiphong and so stated at the time.

In every case my consistent position has been—

First. That we must withdraw as soon as possible from Vietnam.

Second. That this withdrawal should depend only on the condition that POW's be returned and our MIA's accounted for.

Third. That this is not President Nixon's war. We got into this war together as a Nation and that we must do our best to rise above partisan and ideological politics to make sure that we get out of it together; that our goal must be peace, not politics.

Fourth. That, since the President and the Congress share the responsibility under the Constitution for achieving such a peace, the Congress must legislate to this end.

However, I am confronted today, along with my colleagues, with a most difficult

dilemma. My views on this war remain unchanged. My sense of constitutional responsibility for realizing such a peace remains as strong as ever. My conviction that the President and the Congress must work together in a nonpartisan way remains as intense as ever.

But our dilemma is that at this exact point in time the President is engaged in the most delicate and direct negotiations to end this war. I realize that honest, responsible men will differ on whether amendments before us today will help or hinder these negotiations.

Of course, I realize that again and again Presidents in both parties justified their opposition to congressional end-the-war efforts on the grounds that they would disturb Presidential negotiations. How many times—how many times have we all been disappointed?

I realize, too, that Presidents of both parties have not recognized the degree to which the Constitution charges both branches of Government with the responsibility for peace and have therefore failed to involve the Congress properly. In particular I was painfully disappointed by President Nixon's disdain for the Mansfield amendment which was in ever so respectful and mild language simply stated as a matter of national policy our ardent desire to withdraw from this war.

With all these reservations and painful memories in mind I have nevertheless concluded that I cannot in good conscience vote for the amendments before us today however much I agree with them; because I fear they could indeed disturb the negotiations now underway.

But unless I be misunderstood or my intent misconstrued let me make clear to the Senate and the President that this is only a temporary moratorium as far as TOM MCINTYRE is concerned. If in my judgment the present peace negotiations break down, this Senator will, at the first opportunity, again vote as he has for years for a legislative solution.

The President well knows that he is accountable to the people of this Nation to fulfill his pledge to end this war by the end of his term. I will do all I can to help him. And he is accountable.

I must say in all candor that this is one of the most difficult decisions in the 10 years that I have been in the Senate, but I cannot in good conscience act today for peace in Southeast Asia in any other way, and I must do what I think is right.

The PRESIDING OFFICER. Does the Senator from Nevada yield back the remainder of his time?

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). All remaining time having been yielded back, the question recurs on agreeing to the amendment of the Senator from Nevada (Mr. CANNON) as amended by the amendment of the Senator from Montana (Mr. MANSFIELD).

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 44, nays 49, as follows:

[No. 297 Leg.]

YEAS—44

Anderson	Hatfield	Muskie
Bayh	Hollings	Nelson
Bible	Hughes	Pastore
Brooke	Humphrey	Pell
Burdick	Inouye	Percy
Byrd, Robert C.	Javits	Proxmire
Case	Kennedy	Randolph
Chiles	Magnuson	Ribicoff
Church	Mansfield	Schweiker
Cranston	Mathias	Spong
Eagleton	McClellan	Stevenson
Fulbright	Metcalf	Symington
Harris	Mondale	Tunney
Hart	Montoya	Williams
Hartke	Moss	

NAYS—49

Aiken	Curtis	Packwood
Allen	Dole	Pearson
Allott	Dominick	Roth
Baker	Eastland	Saxbe
Beall	Ervin	Scott
Bellmon	Fannin	Smith
Bennett	Fong	Sparkman
Bentsen	Goldwater	Stafford
Boggs	Gurney	Stennis
Brock	Hansen	Stevens
Buckley	Hruska	Taft
Byrd, Harry F., Jr.	Jackson	Talmadge
	Jordan, Idaho	Thurmond
Cannon	Long	Tower
Cook	McGee	Weicker
Cooper	McIntyre	Young
Cotton	Miller	

NOT VOTING—7

Ellender	Griffin	Mundt
Gambrell	Jordan, N.C.	
Gravel	McGovern	

So Mr. CANNON's amendment (No. 1232) was rejected.

Mr. AIKEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROCK. Mr. President, at this point in time, we are almost certainly witnessing the most decisive stage in the anguished history of Vietnam. The final outcome is now in tenuous balance. What the Congress does now can tip that balance negatively—at best to a prolongation of the struggle. The passage of the Mansfield amendment to S. 3390 could be just that fatal action. Its approval could, in actuality, assure the continuance of those hostilities or termination on the basis of defeat. I feel compelled to explain, because so much is at stake. So much in past expenditure of American blood, effort, and resources. So much in present prospects for an end of hostilities and the release of American prisoners of war. So much in future hopes for the establishment of the rule of law as the foundation for durable world peace. To lose this stake through ill-considered congressional action, however well intended, would be tragic.

Let us look objectively, dispassionately at the current scene in Vietnam. We see 12 North Vietnamese divisions, almost all of Hanoi's armed strength, engaged across the borders of North Vietnam in a total effort—indeed, an all-out invasion—to take over South Vietnam by force of arms. This is unprovoked aggression in contemptuous violation of international law, of the Charter of the United Nations, of the Geneva Accords, and of understandings with the United States. It is an outright resort to war as an instrument of national policy. These North Vietnamese divisions are attacking South Vietnam from the northern and western approaches in accordance with a preplanned strategy. These divisions have been forearmed with sophisticated, offensive weapons received from outside sources. In what well may be a final gamble, these divisions are aimed at negating the right of the people of South Vietnam to determine their own fate.

We also see the armed forces of South Vietnam fighting alone on the ground to resist this invasion. These defenders, still of uneven caliber and motivation, are putting to the acid test the training and equipment received under our Vietnamization program—a program aimed at enabling the South Vietnamese to defend themselves and permitting the simultaneous withdrawal of U.S. forces. Under that program over 500,000 American troops have been withdrawn. The process is continuing. Thus, no U.S. ground troops are fighting at the side of our Vietnamese allies. We are giving them all the air and naval support we can. They deserve that support in their resistance to the enemy. Above all what they need now is a show of U.S. confidence and support in this time of their testing. With the assurance that we are not letting them down at the moment of greatest need, the South Vietnamese have a chance to repel the invader to convince Hanoi that the negotiating table and not the battlefield is the place to seek an honorable settlement to this long and terrible struggle. Without this assurance, however, South Vietnamese determination and ability to prevail will undoubtedly be weakened. That faltering can only result in the prolongation of hostilities or the victory of the force of arms over the rule of law, the defeat of self-determination by aggression. The passage of an unqualified end-the-war amendment would be a vote against this assurance that the South Vietnamese need and that we have led them to believe they can count on.

On the American side in Vietnam, we see American air and naval power employed to interdict the flow of supplies and material fueling the enemy offensive—employed to give air support to the South Vietnamese defenders. We also see a continuing drawdown of U.S. forces

despite this offensive. There still remain, however, some 49,000 American troops stationed throughout Vietnam. These forces are not engaged in ground fighting in support of the South Vietnamese. The President has made it clear that they will not be. American casualty lists remain low. There is no way the North Vietnamese invasion does not put our men in jeopardy.

Similarly endangered are the lives of a large number of American military and civilian advisers. There are also private American citizens. All of these Americans are now behind the shield of the South Vietnamese forces. So is a vast amount of American property. Their ultimate protection is the responsibility of the President of the United States. Does the Senate wish to act to weaken this shield, or to undermine the President's ability to carry out this responsibility? The passage of this amendment would have just these undesired results. It would embolden the enemy to press his attack. It would damage the confidence of the South Vietnamese to meet the attack. It would undercut the Vietnamization process at the very time it is being put to the test. It would jeopardize the schedule for the orderly disengagement of the U.S. military role in Vietnam.

Moving from Vietnam itself to Paris, how do things stand with the negotiating route as a means of ending the Vietnam conflict? Here, too, the situation is in precarious balance between some hope for progress and a continuation of the stalemate. While its forces were mounting a general offensive, Hanoi professed willingness to resume the Paris talks, stalled because there was nothing new to say. We saw little reason to meet to talk when the real dialog was opened by enemy guns in Vietnam. Because, however, the President does not wish to foreclose any opportunity that might lead to productive negotiations, we have resumed the talks.

We now hope Hanoi will have something new to say that can lead to an acceptable settlement and there is reason to believe this may now be the case. Hanoi may now be balancing the pros and cons of pursuing the path to genuine negotiations. If so, Hanoi will be sensitive to the signals from the United States as to the support of the President's Vietnam policies.

Passage of the amendment before us would be an unmistakable signal of lack of support. It would certainly offer Hanoi no incentive to move away from its obdurate insistence on terms that demand surrender rather than an equitable settlement.

Its approval, therefore, could well snuff whatever chance exists for an acceptable political solution that would include not only the release of American prisoners, but the preservation of the basic principle for which we have fought and bled—that aggression is an unacceptable and unrewarding instrument of national policy. Upon the maintenance of that principle depends the establishment of a stable world order. Viewed against this background of crucial decision both on the battlefield and at the negotiating table, the amendment could not come at a worse time for a favorable outcome in either area.

It signals despair and defeat. It signals an unwillingness on the part of the United States to stay the course when the crunch is on. It renders meaningless the loss of the thousands of American lives in Vietnam. It renders meaningless the thousands of dreary hours spent by American prisoners of war by offering only the pious hope of advancing the hour of their release. At a time of deep crisis, it undercuts the position of the President of the United States on all fronts.

Mr. President, the logic of my arguments is shared by many in this body and in the press. I was pleased to read an editorial in the Washington Post on Friday, July 21, entitled "The Mansfield Amendment," which sustains my predicate. I ask unanimous consent that the editorial be printed in the RECORD. The final determination, however, rests here in the Senate. I urge my colleagues to reject any proposals which undercut the U.S. position to conclude this war.

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

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug. 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gatuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendment should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the American role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern. Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

Mr. BEALL. Mr. President, in considering the situation in Southeast Asia, I suspect that each of us has his own personal frame of reference. My public involvement with this problem began with the assumption of my seat in the House of Representatives in January 1969, which was, incidentally, the same time President Nixon took office. At that time, our country had been deeply involved in the conflict in Southeast Asia for almost 8 years, and there were 549,000 American fighting men in that part of the world, with casualties running in excess of 300 per week. That was also the time when no one had proposed a policy that would allow our Government to disengage American forces from active involvement in this war.

After fully examining this situation, the President recognized that the quickest and most desirable way to bring about a cessation of hostilities in Southeast Asia was through a negotiated settlement. In his May 1969 address to the Nation, President Nixon set forth a new set of negotiating points which, in my opinion, offered a realistic foundation from which negotiations could begin. As we are all well aware, the North Vietnamese have not, until recently shown any inclination to negotiate in good faith.

In the absence of meaningful progress at the negotiating table, the President developed the program of Vietnamization. Recognizing that it was no longer desirable to have American ground combat forces involved in the hostilities in Southeast Asia, the President embarked upon a policy of gradual disengagement. While the withdrawal of our forces was taking place, the South Vietnamese were developing the ability to defend themselves from North Vietnamese aggression. As we are all aware, the American troop level has been dramatically reduced from 549,000 men in 1969 to the approximately

40,000 American military personnel that are presently on duty in Vietnam. But the disengagement of American forces has not, in fact, ended the war. The war continues today for the same reason it began over a decade ago. The North Vietnamese have been, and are, an expansionist power. One obvious point that has not received much discussion and consideration is the pure and simple fact that there are no South Vietnamese, Laotian, or Cambodian forces fighting in North Vietnam. Two-thirds of Laos is occupied by North Vietnamese units, not indigenous Communist forces. The Government of Cambodia is not threatened by Cambodian Communist's, but it is, like Laos, a victim of North Vietnamese aggression. In South Vietnam, the once formidable Vietcong no longer appear to be a serious threat to the military, economic, or political stability of the Saigon government. There is aggression taking place in Southeast Asia, but the responsibility for it should be laid where it belongs, at the doorstep of the government of Hanoi. The continuation of this aggression will prolong this conflict and continue the killing regardless of unilateral actions of the United States.

In fact, it is important to note, that during the last 3 years, South Vietnam has been a scene of diminishing combat, political stability, economic recovery, a restored sense of national well-being, and a far greater degree of personal freedom than is enjoyed by their fellow countrymen north of the 17th parallel. This progress toward nation building is now receiving a severe test as a result of the March 30 offensive.

When we study the various proposals pending before the Senate today, we find that they all purport to end the hostilities in Indochina. Their supporters assure us that we should end the war and their amendment is designed to achieve that end. The proposition is tantalizing, but suffers from a very basic defect—it ignores the fact that an end to the war requires a cessation of hostilities by both sides. We cannot alone end this war—no matter what course of action we follow. In spite of the language in these amendments. The propositions do not have the extraordinary ability to unilaterally end the war.

Today, there is new hope that our Nation may stand on the threshhold of significant developments in our efforts to negotiate a reasonable and responsible solution to this conflict. The South Vietnamese have accepted the additional burdens of fighting this war without the massive American support upon which they had previously depended. I do not believe, that while they are fighting for their very lives, we should undercut them in a fashion that might well seal their fate. The heroic response of the South Vietnamese people as well as the courage shown by the Army of the Republic of Vietnam, have perhaps laid the groundwork upon which a negotiated settlement can be based. Representatives of the governments involved have just renewed, in earnest, private negotiations in Paris. At this critical moment, the President needs both time and a free hand in order to work out a just settlement. This view has been substantiated by several recent articles from which I should like to quote:

The Morning Sun, July 21, 1972, entitled "Spinning Wheels in the Senate"—it is probably much too late in the game for Congress to play any effective role in ending the war in Vietnam. If the Senate had been more assertive in the early 1960's the agony of Vietnam might have been avoided.

In any event, the Senate ought to stop "spinning its wheels," as Mansfield put it, and dispose of the amendment and the bill quickly in order to get on with its other pressing business.

The Washington Post, July 21, 1972, entitled "The Mansfield Amendment"—The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. . . . That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

The Morning Sun, July 21, 1972, entitled "Nixon's Odds Improve as Hanoi Bets Lives in Deadly War Gamble"—The first reaction to Henry A. Kissinger's talks in Paris ". . . considerably reinforces the view of other exceedingly astute government analysis, outside the White House, that President Nixon has at least a 50-50 chance of ending the Vietnam fighting on honorable terms before the end of the autumn."

On the same authority it can be stated that the Russians and Chinese have also warned that President Nixon, once reelected, will be immeasurably harder and harsher to deal with.

" 'Make the best bargain you can, while the bargaining is good' is the essence of what the Hanoi leaders have been told."

Mr. President, the Congress must not position itself in such a way as to repudiate President Nixon's negotiating position. We must not take any action which will enable Hanoi to determine that it is clearly in their best interest to extend this war for an additional period of time. I would ask Senators: How can the President of the United States possibly negotiate a solution to this conflict if the Senate tries to pull the rug from under him?

One other point that we should not lose sight of, was raised by the distinguished Senator from Nevada (Mr. CANNON) during his recent statement on the floor of the Senate. In his remarks, he noted that the North Koreans were unable to adequately account for 389 American servicemen who were believed to be in their custody. This does not mean that these men are still held captive by the North Koreans, but it would tend to indicate that the POW/MIA question is not going to be easily resolved by merely setting an arbitrary date.

Mr. President, all of us are concerned about the continuing level of combat in Southeast Asia. I desire to see this conflict brought to an honorable conclusion at the earliest possible date. I want to see the 18 million people of South Vietnam freed from the continuing horrors of war, but also free from the prospect of brutal and totalitarian rule from Hanoi. As we withdraw the American military presence from Southeast Asia, let us make sure that we leave the South Vietnamese in a position to determine their own fate. A negotiated settlement alone holds out the prospect for a just and honorable peace in Southeast Asia. This is the goal of President Nixon, and I think that it is important for the American Government to speak with one voice during this critical moment in the history of Southeast Asia. I would, therefore, hope, Mr. President, that the Senate will reject the various proposals pending before it that would allegedly terminate our involvement in Southeast Asia.

Mr. President, I ask unanimous consent that the complete text of the articles from which I quoted be printed in the RECORD.

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

SPINNING WHEELS IN THE SENATE

The Senate still does not show any signs of being in a hurry to do its work. The foreign aid authorization is still before that body, six weeks after it was introduced. Many full days of debate have been devoted just to this bill, which while important, is hardly that important, relatively speaking. A principal reason for delay has been the partisan maneuvering over the so-called Mansfield End-the-War Amendment to the bill. The amendment would prohibit the use of funds to keep American forces in South Vietnam after August 31 and also cut off funds for air and naval forces in Indochina after a cease-fire and return of prisoners. Other senators have introduced slightly different versions.

It is probably much too late in the game for Congress to play any effective role in ending the war in Vietnam. If the Senate had been more assertive in the early 1960's the agony of Vietnam might have been avoided. Certainly the Senate knew what the country was getting into in Vietnam. Senator Mansfield led a study group of senators to Asia in 1965. The group formally reported to the Senate that unless there was a negotiated settlement, a long and costly war was in the offing. But the Senate did nothing to pressure President Johnson into the only sort of settlement that was possible.

In any event, the Senate ought to stop "spinning its wheels," as Mansfield put it, and dispose of the amendment and the bill quickly in order to get on with its other pressing business.

NIXON'S ODDS IMPROVE AS HANOI BETS LIVES IN DEADLY WAR GAMBLE

(By Joseph Alsop)

WASHINGTON.—The official White House view continues to be that the Hanoi leaders will surely prolong the Vietnamese war until after Election Day.

It is a logical view, with the candidate of one of the two great American parties publicly committed to abject surrender, plus traveling to . . . release of the American prisoners.

The fact remains, however, that ill-concealed encouragement has been the first reaction to Henry A. Kissinger's talks in Paris.

This considerably reinforces the view of other exceedingly astute government analysts, outside the White House, that President Nixon has at least a 50–50 chance of ending the Vietnam fighting on honorable terms before the end of the autumn.

Cold-blooded analysis supports the view

of these other analysts, who can weigh the facts without the White House's inevitable political bias.

To begin with, no one can tell, at this distance, exactly how the McGovern-Nixon contest is affecting the leaders in Hanoi.

They know in Hanoi, of course, that George S. McGovern is determined to give them the victory, on a moralistic golden platter, that has been proved utterly beyond their reach in any other way.

But there are some other things they know, too, at least if they pay the smallest attention to the Soviet and Chinese Communist allies.

It can be stated on unquestioned authority that both the Soviet and Chinese governments have warned the Hanoi government that President Nixon's re-election is close to a certainty.

On the same authority, it can be stated that the Russians and Chinese have also warned that President Nixon, once re-elected, will be immeasurably harder and harsher to deal with.

"Make the best bargain you can, while the bargaining is good," is the essence of what the Hanoi leaders have been told.

This is not the kind of advice that any sane government could lightly ignore, yet if you read the public crowing in Hanoi over Senator McGovern's nomination, you cannot be sure.

In the same fashion, you cannot be sure of Hanoi's response to what has been happening in the war itself. But once again, no sane government could lightly ignore the fate of Hanoi's great 1972 offensive.

At any rate, the North Vietnamese field headquarters are not ignoring it. The Central Office for South Vietnam documents now being picked up in many parts of South Vietnam are entirely novel in character.

The disaster of Tet in 1968, for instance, was portrayed in similar documents in terms of "surging victories," combined with grave "shortcomings" that needed to be corrected.

This time, instead, the Hanoi high command is admitting to its cadres that the great offensive has fallen far short of expectations. The only exception made is for northern Binh Dinh province—which is like the Democrats saying, next November, "Well, we still won in Rhode Island."

These grim admissions are further combined with admonitions to the Communist cadres to dig in as deeply as they can. And it is specifically stated that this is needful in order to be ready for an eventual cease-fire.

This should astonish no one, either. The truth is that every week that passes makes this year's great offensive into a greater catastrophe.

The units that were first engaged—the great majority of divisions in Hanoi's regular Army—are now known to have lost from 60 to 90 per cent of their effectiveness, without exception.

Hanoi's total loss in dead has pretty certainly passed 60,000 men already—with nothing whatever to show anywhere in South Vietnam except for two little districts in Binh Dinh, above-noted.

Because of the dreadful losses, the offensive has ground to a halt everywhere except on the extreme northern front. Even here, it has been transformed into a defensive—a desperate, hideously costly effort to hang onto a toehold in Quang Tri.

Laos has been stripped, and so have the recruits' training camps in North Vietnam, to provide about a division and half's worth of reserves. But only these are left.

War being war, this does not mean that very bad luck in the Hue-Quang Tri fighting is now beyond the realm of possibility. Bad luck is always possible in any battle.

But with North Vietnam's ports closed, and all transport in the north hopelessly crippled, all this unquestionably means that the Hanoi leaders may find it inordinately difficult to ignore the advice of the Russians and Chinese.

Such, then, is the nature of President Nixon's 50-50 chance. As this reporter signs off until the Republican convention, it may be in order to add a prayer that the chance works.

THE MANSFIELD AMENDMENT

At Senator Mansfield's initiative, the Foreign Relations Committee wrote into the military aid authorization bill a provision categorically cutting off funds to maintain "any" American forces in South Vietnam after Aug. 31, that is, to preclude a residual force; Mr. Mansfield indicates he would slip the date a month. The administration opposes this particular "Mansfield amendment," which differs from earlier versions, on grounds that the President alone should direct policy on Vietnam and that passage would deprive him of an important bargaining chip—the threat of indefinitely maintaining a residual force—which he is using at the Paris talks. (The amendment further states that all American military operations in Indochina should end after the United States and Hanoi agree to a cease-fire and after the prisoners are released, but this part of the amendment is simply a declaration without the force of a fund cutoff behind it.) A vote could come as early as today.

The issue is more complex than the debate on it has so far made out. To start, we would reiterate our judgment that it is unfortunate and gratuitous for the President to keep contending that Congress has no role in foreign affairs beyond ratifying his own decisions. The Congress—in this instance, the Senate—has ample constitutional and institutional claim to try to affect war policy. And although the onset of the political campaign undeniably complicates the matter, the issue posed by the Mansfield amendment should not be regarded as one to be treated on party lines.

But neither can the amendment be taken simply as an index of whether a given senator is "for" or "against" the war, regardless of the tendency of some of its supporters to call it an "end-the-war" measure. In no conceivable sense could the removal of American forces from South Vietnam alone "end the war," or even the American role in the war. American planes based outside of South Vietnam could still be bombing, American prisoners would still be captive, and the American-supported government in Saigon—whose leader's removal is Hanoi's dominant war aim—would still be in power. Passage of the amendment would no doubt be taken by many as a triumph for the "peace" movement. It would be politically embarrassing to the President, though surely he could find a political riposte by accusing his supporters—and fairly so—of undercutting his negotiating strategy in Paris. But none of these results, however they are evaluated, should be confused with ending the war.

The core truth is that the denial of funds for a residual force would indeed undercut the President's negotiating strategy. That being so, we submit that the only basis on which a responsible vote can be cast for the Mansfield amendment is the belief that Mr. Nixon's strategy is not going to work by November anyway and that he will then be defeated by Senator McGovern, Mr. McGovern has pledged, of course, not only to pull all forces out of South Vietnam within 90 days of taking office but—a step not contemplated at all by the Mansfield amendment—to stop the bombing on Inauguration Day. That is to say, before taking a crucial card out of Mr. Nixon's bargaining hand, legislators must be persuaded that the President's policy and political career alike are bankrupt. Without such a dual conviction, a vote for the Mansfield amendment would be capricious in the extreme. And even with those two convictions, those who vote for the Mansfield amendment must take upon themselves the responsibility for bringing Congress into the act not only far too late in the day but in a way which would threaten to undermine or even scuttle the Paris negotiating process which, whatever its promise, is now so clearly under way.

ENDING OUR MILITARY INVOLVEMENT IN INDOCHINA

Mr. MOSS. Mr. President, today, as clouds of smoke rise over Hanoi, because of our renewed bombing, we again search our consciences for a solution to the war in Vietnam.

The President entered office 4 years ago with a mandate to end the war. Instead, he has carefully orchestrated our involvement to fit an election year timetable scheduled to remove our ground troops just in time for the 1972 elections. What have we gained in the 4 additional years of our involvement? What benefits will accrue by waiting until November to withdraw our troops completely that would not occur if we remove ourselves immediately?

The Washington Post, in its editorial today, has said that the issue is more complex than the current debate has so far reflected. In many ways, this has always been true of our discussions of Vietnam—Vietnam has always been a complex issue, yet the administration has only offered palatives. A total cure may not be possible in this rather unstable area of the world, but steps toward an eventual solution will require decisive action making significant changes in our policy. We have the opportunity of taking such action by our votes today on the Mansfield and Cooper amendments. We can and should move to cut off funds for further U.S. military activity in the Indochina theater.

But what about the prisoners? We have tried the administration's plan to return prisoners—we have tried bombing our prisoners home—we have tried invading neighbor countries—we even have tried to whisk up our prisoners with night flights to POW camps—yet none of these efforts have brought our prisoners home.

Does not the burden of proof now rest with those who have said that continued war will release our men held by Hanoi? Is it not probable that an inconclusive "sputtering out" of the war as planned by President Nixon will leave the prisoner of war issue unsettled?

Historically, POW's have been returned after the end of the war. The Nixon plan is actually a plan for continuing a low-profile war for many years through the use of U.S. advisers, bombers, naval forces, and aid to the Thieu regime. Will Hanoi release our POW's under such a plan? I doubt it. A direct end to U.S. involvement is a more probable route to bring home our captured Americans.

No action can promise the return of our POW's, but does the present approach merit any additional years beyond the more than 8 that have already been consumed? I believe it does not. New ground should be broken. I shall support the Mansfield and Cooper efforts to bring our POW's home through completely ending our involvement.

But what about undermining secret

negotiations? The President has already revealed the ineffectiveness of these "secret channels" in his address to the Nation last winter. The risk of undermining the secret efforts must be weighed against the risk of continued involvement. We have risked too much for too long by our presence in Vietnam, and we have done little to reduce the risk South Vietnam will face when we eventually leave under the President's plan.

In reality, what is that plan?

The United States is now following a plan for "investing" in a renewed wave of bombing and mining against North Vietnam in the hope that such "investment" would yield an end to the war. This is not a "new" plan. It is a plan that has aged for more than 8 years. The only "new" element is the closeness of the presidential elections, which clearly establishes the impression that the President has slanted his whole approach on this issue to a timetable of election years, rather than to an understanding of the fundamental nature of the Indochina conflict and the creation of stable solutions.

Indochina will smolder for years whether or not the United States continues to exert its military force. But withdrawal of U.S. forces cannot be blamed for the turmoil of the area, which may continue for some time to come. We can and should reduce the extent of conflict caused by the presence of our military forces and the use of our heavily destructive weapons. Such a withdrawal of U.S. forces will necessitate a political solution to the war, a solution that our military presence merely postpones. The longer we delay such an arrangement, the longer we extend the conflict in Indochina. Let us vote today to do our part in bringing an end to the military activities that have torn Southeast Asia for so many years.

Mr. PELL. Mr. President, the war in Southeast Asia has been a calamity, both for our country and for the people of Vietnam. It has been a disaster, measured in death, injury, and mutilation and by a costly drain on the economic strength of our country.

Not so measurable has been the awful toll this war has taken in dividing the American people and in undermining the American spirit of pride, determination, and confidence.

I have talked with many of my fellow Rhode Islanders about the war in Southeast Asia, and I sense among them a new and growing sense of unity. Whatever the past differences, there is emerging a common determination that we should end our involvement in this tragic war. A people who have been divided by this war are joining in a unified belief that our men should come home, our planes should come home, and our ships should come home.

As a Member of the Senate, and as a member of the Senate Foreign Relations Committee, I have supported every reasonable legislative effort to bring the war to an end, and to assure the safe return of Americans held as prisoner of war.

And today, I will vote in support of the Mansfield amendment, with the fervent hope that its enactment will relieve the American people of the continued agony of this war.

AMENDMENT NO. 1325 AS MODIFIED

Mr. COOPER. Mr. President, I call up my amendment. I had proposed it as an amendment to the section 12 of the bill, known as the Mansfield amendment. But I can say I think I will speak only 10 or 12 minutes. I ask Senators to read amendment No. 1325 I offer to S. 3390, which reads as follows:

On page 10, beginning with line 18, strike out all down through line 18 on page 11, and insert in lieu thereof the following:

SEC. 12. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

(b) It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease-fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina.

This is the change: On page 10, beginning with line 18, strike out all down through line 18, on page 11, and insert a new section, section 13, and new language. Then the language remains the same as in the amendment which I offered on July 19, 1972.

The PRESIDING OFFICER (Mr. HANSEN). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10, beginning with line 18, strike out all down through line 18 on page 11, and insert in lieu thereof the following new section 13:

SEC. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

Mr. COOPER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, my amendment, No. 1325, as modified, to S. 3390, was submitted on July 19. Its text and the statement I made at the time are printed in the RECORD on pages 24317–24318. I ask unanimous consent that it again be printed in the RECORD.

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

FOREIGN ASSISTANCE ACT OF 1972

Mr. COOPER. Mr. President, I send to the desk an amendment to S. 3390 and ask unanimous consent that the reading of the amendment be dispensed with, but that the amendment be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1325) reads as follows:

"On page 10, beginning with line 18, strike out all down through line 18, on page 11, and insert in lieu thereof the following:

"SEC. 12. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

"(b) It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina."

Mr. COOPER. Mr. President, I have sent to the desk, an amendment to section 12 of S. 3390, the section known as the Mansfield amendment.

I offer the amendment with some regret for I can recall only one occasion when I have been separated from Senator MANSFIELD on the war in Vietnam. He has been consistent, utterly conscientious, and without any partisan consideration in his efforts to enlist the Congress in its necessary and constitutional duty to assist in bringing the war in Southeast Asia to a close. He has believed, as he has said so often, that the Congress and the Executive should work together to that end.

But, Mr. President, I have held always and have so stated on the Senate floor in speeches and by way of amendments that the participation of the United States in the war can only be ended by negotiation, or by the total withdrawal of U.S. forces, without conditions, except that they must be protected as they are withdrawn.

What I say now is not intended to question in any way the purposes of those who have introduced and fought for legislative enactments to deny funds for our continued participation in the war. I have never questioned their purposes.

But amendments have been introduced and which have received a great deal of popular support in the country have included a condition precedent—the condition that our forces shall not be withdrawn until there is an agreement to release our prisoners of war or until their release is actually accomplished.

On one hand these amendments have provided that all funds shall be denied except for the withdrawal of our forces. Then in contradiction, they provided implicitly that funds for our participation in the war shall continue, that the United States will continue to fight in Vietnam from other countries, from the air, or from the seas, until our prisoners are released.

I can understand that it is difficult for the Congress to support an amendment which does not have the usual prisoner-of-war condition. It can be said that an amendment without such a provision indicates a lack of concern for those who have fought and who are held by North Vietnam in violation of the Geneva Convention and human decency.

But we must face this issue—how can the release of our prisoners be brought about?

Our continued fighting has not secured their release. It is evident that we cannot by force, cause North Vietnam and its allies to release the prisoners. We must look for other ways. It seems to me that there are, at minimum, two prospects for their release.

The first prospect, is that their release will be secured by negotiations. President Nixon has made a serious and responsible proposal to North Vietnam to end the fighting, for the withdrawal of all our forces in 4 months, and the release of prisoners of war. North Vietnam, if it truly desires peace, ought to negotiate seriously and substantively so that agreement will be reached.

If negotiations are not successful, I see no hope of the release of our prisoners and the ending of the war except by the withdrawal of our forces. When our forces are withdrawn, I think it reasonable to believe that, as has 'occurred in past wars, our prisoners will be released. With our forces withdrawn, the good offices of many countries and of world opinion will urge upon North Vietnam this international and humane duty. Experience has shown that no country will intervene in a serious way on behalf of our prisoners as long as American forces are fighting in Vietnam.

These are the means, as I see it, to move toward the release of the prisoners and the ending of the war. First and most important is negotiations and the success of the negotiations now taking place in Paris. The second way I suggest for which my amendment calls, is the assurance of withdrawal of our forces.

The amendment establishes a period of 4 months from its enactment for withdrawal of U.S. forces and the end of our participation in the war. This is the same period of time which the President proposed in his speech of May 8. It would give time for safe and orderly withdrawal. It would give time for the necessary adjustments and preparation that South Vietnam must make. If this can be accomplished earlier, it will be all for the good.

It will be argued that to propose such an amendment, or to approve it, may undercut or hinder negotiations now taking place in Paris. I do not think this is correct. The amendment presents to North Vietnam the assurance that the Congress can give, as the President has given, that our forces will be withdrawn. No reason would remain for North Vietnam to hold our prisoners as hostages.

The amendment I offer is more direct than the amendments which have been proposed in past years. They have provided for the withdrawal of all our forces conditional upon the release of the prisoners. It is a condition which North Vietnam can accept or reject, one which enables them to hold our prisoners as hostages upon their terms.

This amendment is consistent with the national commitments resolution which the Senate adopted by a large majority. It is consistent with the War Powers Act initiated by Senator JAVITS and which the Senate approved by a large majority. I think it is clearly constitutional.

The amendment is consistent with amendments which, with others, I have introduced in the past. All but one were approved by the Senate. None of these amendments carried any conditions which would nullify its purpose.

I want to say that it is my desire to assist President Nixon in his continuing efforts to withdraw American forces, to bring the war to a close, and to secure the release of our prisoners of war. He has reversed past policies. He has done his best. As I said earlier in this statement, he has made an exceedingly fair proposal to North Vietnam, and if North Vietnam desires peace and will negotiate seriously, the war can be ended.

I do not believe that this amendment or any amendment can promise absolutely the release of our prisoners of war. I do not believe that any individual can promise the release of our prisoners of war. I can only say that, in my view, negotiations and withdrawal offer the best chance to secure their release.

The purpose of this amendment is to propose to the Congress such a course of action. It expresses a view that the Congress and the President should join in the policy of withdrawing our military forces completely from South Vietnam, Laos, and Cambodia, and cease military action from other countries and from the sea. It would give the people of those countries a chance to live in some kind of peace, and an opportunity to establish their own governmental systems and relations. It will save lives and provide a better chance for the release of our prisoners of war and their return to their families.

Mr. COOPER. Mr. President, if the amendment is approved, it will strike out the language of section 12, on pages 10 and 11, known as the Mansfield amendment, and insert in lieu thereof the language of my amendment.

As I said on July 19, it is with regret that I differ with the distinguished majority leader, as we have seldom disagreed on issues concerning the war in Vietnam, have joined in amendments, and I hold his views in the highest respect.

But we have come to the critical time, when a fundamental question concerning U.S. participation in the war, must be squarely faced and voted upon. It is the question whether we shall support amendments whose language and purpose call unconditionally for ending our participation, or continue the support of so-called end the war amendments, whose conditions actually prescribe continued U.S. participation in the war.

A number of conditional amendments, some termed "end the war" amendments, have been offered, and voted on in the Senate and some have received wide support throughout the country. I do not question the purpose of anyone who has offered or fought for these amendments. They have had value, certainly symbolic value, but I have come to the conclusion that they have held out hopes to the people of our country, which by their very terms could not be realized.

These amendments provide on one hand that our forces must be withdrawn by a certain date, and deny the use of funds except for withdrawal. But, conversely, and in contradiction, they include conditions precedent which must be accepted by the North Vietnamese and their allies.

Among these conditions is the condition that a cease fire must be agreed to by North Vietnam, or that an agreement to release, or the actual release of all American prisoners of war, must be accomplished. Some have added other conditions such as that satisfactory arrangements must be made for the evacuation of South Vietnamese who fear for their safety in the event of a North Vietnamese occupation.

Mr. President, I must say that I assume that the fear of the South Vietnamese is justified.

Mr. PASTORE. Mr. President, will the Senator yield for a question? I have to go to the markup session of a bill.

Mr. COOPER. Mr. President, I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, in reading the amendment, particularly with reference to section 12(b), I do not see that as a condition precedent to section 12.

Mr. COOPER. The Senator is talking about my amendment?

Mr. PASTORE. That is correct.

Mr. COOPER. Section (b) would express the sense of the Congress.

Mr. PASTORE. But does the Senator mean by the amendment that we will shut off the money and withdraw our troops?

Mr. COOPER. We would withdraw in 4 months and end all participation in the war.

Mr. PASTORE. Whether or not the prisoners of war are withdrawn?

Mr. COOPER. Yes. I will address myself to the question of the Senator from Rhode Island later.

Mr. PASTORE. Mr. President, that is all I want to know.

Mr. COOPER. Mr. President, these conditions are humane in purpose. But amendments including them do not call absolutely for the cessation of U.S. participation. They leave to North Vietnam the decision to accept or reject the conditions and upon North Vietnam's terms, and thus whether U.S. participation shall continue.

The McGovern-Hatfield, the Case-Church, the Cannon amendments, and others have prescribed one or more of these conditions. Paragraph (a) of section 12, of the amendment offered by the majority leader, Senator MANSFIELD, provides for absolute withdrawal of U.S. forces by a time certain without any condition. But I oppose the Mansfield amendment because its paragraph (b) would authorize and I emphasize "authorize," the continued shelling, strafing, and bombing of South and North Vietnam by U.S. forces from the seas, and by aircraft flying from territories outside Vietnam, unless and until North Vietnam and its allies agree to a cease fire, and the release of U.S. prisoners of war.

These amendments are a prescription for continuing U.S. participation in the war. They are not "end the war" amendments.

I will now address myself to the question which the Senator from Rhode Island raised, and I think very properly.

I know it is very difficult for any Member of the Congress to support an amendment which does not include the usual provision that agreement for the release, or the actual release of American prisoners must be secured. It can be said, and believed, that without such a provision, that we have no corner for, and that we are forsaking our fellow Americans held by North Vietnam under conditions in violation of the Geneva Convention and elemental human decency.

I face that problem because I have received letters upon that very issue. I want to face it today and ask the Senate to face it also.

We must face the question of our responsibility to assist in ending the war and the question of finding the best means to secure the release of American prisoners. We must ask what are the opportunities for their release and what is

humane for them. I have said always that negotiations are the best means to secure their release for the ending of all fighting and for settlement of the problems of Indochina. President Nixon has made a serious, a responsible and a humane proposal to North Vietnam to end the fighting. North Vietnam, if it truly desires peace—and in the whole course of the war, I have seen no evidence on its part that it desires peace—can negotiate seriously so that an agreement will be reached.

But absent such an agreement through negotiations, I see no prospect for the release of American prisoners and the ending of the war except by ending our participation in the war.

As for the release of American prisoners, continued fighting has not accomplished and will not accomplish their release. It only results in more American prisoners of war held by North Vietnam. It is more reasonable that when the war is ended, when our participation is ended, that as in past wars, our prinsoners will be released. The help of many countries and of world opinion would urge upon North Vietnam this international and humane duty. As I said on July 19, this amendment and no other amendment can guarantee the release of our fellow Americans. No individual, no candidate for President can promise their release. I only urge that unless negotiations are successful, the end of our participation in the war offers a better chance for their release than exists today.

It is argued that this amendment will undercut the negotiations now taking place in Paris. I do not think so. If the North Vietnamese desire to end the war on the very favorable terms offered by President Nixon, they will do so, amendment or no amendment. If they have determined to withhold a decision until after the coming election, they will do so. I do not want my statement to be political, but I must say that the platform of the Democratic Party is ambiguous and ambivalent on the prisoner of war provision, and suggests that the ending of U.S. participation and the release of American prisoners shall be concurrent—the usual condition, which means nothing. I do not know the exact position of its nominee except that his past amendments provide that the release of prisoners of war must be accomplished if the U.S. participation in the war is to be ended. The argument that an amendment will undercut negotiations can always be used and could be a prohibition against ever debating or supporting such amendments.

I do know that Senator McGOVERN in his speech in Miami, the Democratic nominee said:

> Within 90 days of my inauguration, every American soldier, every American prisoner will be out of the jungle and out of the cell and back home in America where they belong.

That does not state a clear-cut position. And as I have said earlier, no individual, no candidate for President can promise or guarantee that the prisoners will be released.

I must say that I have voted for past amendments of the majority leader, Senator MANSFIELD, which included the prisoner-of-war condition. But I have determined that this condition will never accomplish the end of our participation in the war. I could not and will not vote for the current Mansfield amendment because its paragraph (b) would authorize the continuance of our participation in the war.

After the massive invasion of South Vietnam by North Vietnam in March of this year, I opposed any amendments concerning Vietnam except with conditions proposed by President Nixon because I considered that our forces were in grave danger and that President Nixon alone could act to protect our forces and negotiate. But that time has passed and I suggest that the 4 months—the same period proposed by the President but under different conditions—provides time for orderly and safe withdrawal of our forces and for South Vietnam to prepare for our withdrawal.

The President has reversed past policy. He has removed practically all U.S. forces from South Vietnam. I hope very much that his negotiations will succeed.

But the Congress has its responsibility to assist in bringing the war to a close.

We have the awesome task of determining the best way to secure the release of our prisoners of war. We have not been able to secure their release. We will not be able to secure their release by continuing the fighting.

For this reason, Mr. President, to bring this issue to a decision, I have offered my amendment.

Mr. SPARKMAN. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I have felt for a long, long time we should get out of Vietnam, lock, stock, and barrel. There is no question about its urgency. But we have this very difficult question of American prisoners of war. As I read this amendment, the release of our prisoners of war is not a condition of the withdrawal of American troops.

What is going to happen here if we withdraw all of our troops in 4 months, as the first part of this amendment provides, and only then we enter negotiations. Suppose we meet the same situation we have met over the past years in Paris, where they talk and talk and talk and those prisoners rot in their cells.

Mr. President, I cannot buy this kind of an mendment.

Mr. SPARKMAN. I yield 1 minute to the Senator from Massachusetts.

Mr. BROOKE. I submitted an amendment to provide for the withdrawal of all American troops from Indochina, conditioned upon the release of American prisoners of war. This is a perfecting amendment to the amendment offered by the senior Senator from Kentucky. I offer it because I agree with the distinguished senior Senator from Rhode Island that we should not be placed in position of having to ask for our prisoners of war after the fact. Under the amendment of the Senator from Kentucky, we would have no guarantee that we would get our prisoners of war back.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, will the Senator yield to me for 2 additional minutes.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Massachusetts.

Mr. BROOKE. My amendment to the Cooper amendment would strike out section (b) of the Cooper amendment and insert in lieu thereof,

> Provided there has been a release of all American prisoners of war held by the Government of North Vietnam or any government allied with them.

Mr. PASTORE. That condition is satisfactory but this idea that we are going to take the North Vietnamese on good faith and after we have withdrawn our forces have them tell us to go straight to Hades and have those American prisoners of war rot in those North Vietnam cells—I would be the last one to vote for this amendment.

Mr. BROOKE. To my knowledge, we have never had an antiwar amendment that did not provide for the return of our prisoners of war, and I do not think we should have one now. As I stated, I have submitted my amendment to the amendment of the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from Rhode Island and the Senator from Massachusetts have, by their arguments, confirmed the issue I have presented to the Senate. It is a fact that previous amendments with conditions have not ended the war. They are not end the war amendments; they are amendments which by their terms continue the war.

They have not been able to secure the release of American prisoners of war. I was in World War II for 4 years, and spent nearly 2 years in Europe, American prisoners were released after the war.

I would like someone to explain how we will secure the release of American prisoners when the bombing, strafing, and shelling of North Vienam and the war continue.

Mr. PASTORE. Mr. President, the Senator is talking about World War I and World War II. But we won those wars. We have not won this one. If we follow the course that is suggested here these prisoners will rot in those cells. The Senator cannot make that comparison.

Mr. COOPER. Let us not continue the pretext that we are trying to end the war, by these contradictory, conditional amendments then, and raise false hopes among our people.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield 3 minutes to the Senator from New York.

Mr. BROOKE. Mr. President, will the Senator yield to me for one question?

Mr. COOPER. I yield.

Mr. BROOKE. I just ask the question in reverse. How are we going to get our prisoners out of Vietnam prison camps if we pull out of Southeast Asia?

Mr. COOPER. Does the Senator think we secure their release by continued fighting? All I am saying is that the record shows prisoners are released after a war is ended, and my amendment offers a better chance.

Mr. BROOKE. But the incentive for them to release American prisoners of war is removed once we pull all our troops from Southeast Asia. As long as we have the troops there, they will have an incentive to release American prisoners of war as a quid pro quo. It is something to be worked out between the two governments, but once we march out, sail out, or fly out, leaving our prisoners in those camps, what assurance do we have that they will release them?

Mr. COOPER. What does the Senator propose we do?

Mr. BROOKE. I propose we say to the North Vietnamese that we will take all of our troops from Southeast Asia, as my distinguished colleague proposed in the amendment, provided there is a release of all prisoners of war.

Mr. COOPER. We passed the Mansfield amendment with similar language and nothing happened—no prisoner has been released.

Mr. BROOKE. We never passed it.

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I understand the difficulty Senators have with an amendment like the amendment of the Senator from Kentucky, and I understand the grave problems we have as Senators with the deep, humane feelings that animate so many breasts in our country, including the Senator from Kentucky and me, with regard to prisoners of war.

But I think the amendment which the Senator from Kentucky (Mr. COOPER) offered is an honest amendment because he recognizes facts instead of illusions and theories.

The fact is that we have always been ruined on the rocks of prisoners of war. Ever since the President put us on that wicket we have been stalemated.

The President made a liberal offer for settlement but it has not brought about a settlement or the release of our prisoners of war. The North Vietnamese themselves have said that if we would withdraw our forces they would release our prisoners of war, so it is one contract they have made in advance which the world has a good chance to observe.

Second, I say to Senators again that we have had 50,000 killed and over 250,000 casualties, we have had this country disrupted as never before, we have had tremendous inflation, seriously imperiling the economic foundations of our country, all because of the Vietnamese war.

There must be in the consciences of Senators who are not running in 1972—as the Senator from Kentucky and I are not running in 1972—some evaluation as to the total future position of our country in terms of our security everywhere. Where do Senators think those enormous armaments are coming from? From other parts of the world? Where do Senators think the enormous defense bill is coming from?

We have stretched the fabric so it will cover the responsibility of the United States.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I shall yield to the Senator shortly, but not yet.

Therefore, it seems to me we have to evaluate our position, as deeply troubled as we are, as deeply troubled as all of us are, and as to whether this is not the only way to face it.

The PREISIDING OFFICER. The Senator's 3 minutes have expired.

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

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. COOPER. Mr. President, I yield 3 additional minutes to the Senator from New York.

Mr. JAVITS. Mr. President, what we have to do is to evaluate our position. I am trying to evaluate now whether we can face this position in the approximate future in any other way or whether we lose so much time going on forever, and whether Senator COOPER's proposal might not be as good as the suggestion of the Senator from Rhode Island or the Senator from Massachusetts on prisoners of war.

This may not be the only way to do it in the proximate future. I think we all owe a debt of gratitude to Senator COOPER because of his unique situation at a time when we are discussing this matter and he is making us face the true reality. The true reality is that, running the risk which Senator PASTORE in his usual, eloquent, colorful way pictured, the super responsibility of the United States is nonetheless to get out because of what Vietnam has done, is doing, and will continue to do in this country.

In my judgment I shall vote with the Senator from Kentucky because I think at long last we are at the moment of truth.

Mr. President, you either want to win the Vietnam war and stop giving illusory conditions that it can be ended on conditions, or you do not. I know what my decision is, but I do not quarrel with any Senator who thinks the other way. I hope he is right. I think we are facing the moment of truth and the greater responsibility of the United States is to get out of Vietnam. I believe that serves everybody—the prisoners of war, their families, and our country.

Mr. BROOKE. Mr. President, the Senator knows I have the greatest respect for him and for the Senator from Kentucky. I know that the amendment of the Senator from Kentucky is an honest amendment, as my distinguished colleague from New York has said. He has said that this is the moment of truth. But the truth is that there are perhaps thousands of American prisoners of war restings in North Vietnamese prison camps at this time. The Senator's amendment would ask us to pull out all of our troops from Southeast Asia——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BROOKE. May I have 2 minutes?

Mr. SPARKMAN. Mr. President, I will yield 2 minutes, but I will have to stop at that point.

Mr. BROOKE. Pull out all of our troops in Southeast Asia with the hope that the North Vietnamese would release our prisoners of war. He says it is an illusion if we do anything else other than adopt the Cooper amendment at this time.

Now, the fact is that the U.S. Government is being asked to take, on good faith, what the North Vietnamese will do after we have removed our American troops from all of Southeast Asia. It very well may be that the North Vietnamese may release our prisoners of war, but if they do not release our prisoners of war, what is our option? What is our alternative? What have we got left? We have absolutely nothing left with which to deal with the North Vietnamese other than, as the distinguished Senator from New York has said, world opinion. We do not know that world opinion means that much to the North Vietnamese.

I have voted for every antiwar amendment that has come on the floor of the Senate. I have sponsored some. I have cosponsored others. It grieves me to have to vote against an antiwar amendment, but I cannot, in good conscience, vote for an antiwar amendment which leaves it to good faith on the part of the North Vietnamese to release American prisoners of war. I just cannot do it. And I do not think it is the question as put by my distinguished colleague from New York at all. It is not an illusion. We are not asking too much to say to them, "Return our prisoners of war and we will pull all of our troops out of Southeast Asia." I think it is a good bargain, and I think it is a bargain which they woud expect the U.S. Government, in all good conscience, to make.

Mr. PASTORE. Mr. President, will the Senator yield me some time?

Mr. SPARKMAN. Mr. President, will the Chair advise me how much time I have left?

The PRESIDING OFFICER. The Senator from Alabama has 24 minutes remaining.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the Senator from Massachusetts asks what we have left. We have something left—the shame of America. The argument is made that this is an honest amendment. I do not dispute its honesty; it is the judgment that I dispute. The Senator from New York said the President made a very generous offer. Yes, but in his offer he has always proposed a cease-fire. When the offer has been made it has been conditioned on the release of American prisoners of war.

That is what we are trying to do with the amendment of the Senator from Massachusetts.

I am for withdrawing from Vietnam. I am for withdrawing from Vietnam tomorrow. But make the condition, not upon a cease-fire, but upon the release of American prisoners of war. Why? Be-

cause this is not America's war. It is the war of the Vietnamese; since it is their war, it is a civil war. If North Vietnam wants to fight South Vietnam, let the North fight the South, but American boys should not die in the process.

All I am saying is that if we want to rescue our American prisoners of war, then make the withdrawal solely and strictly conditioned on the release of American prisoners of war.

Mr. SPARKMAN. Mr. President, I yield 2 minutes to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I think everyone here knows how much I would like to cooperate with my colleague from Kentucky, because we have both been consistent in wanting our disengagement in Southeast Asia at the very earliest opportunity and at the very earliest feasible moment.

It appears that 4 years ago we had in South Vietnam 543,500 military men. Today we have 43,500. Last week there were eight Americans killed in South Vietnam. There were 57 Americans murdered in New York City. So it looks to me as if we have something to do here at home.

Last Friday a dispatch that I fear many people did not see came over the wires. The substance of this report was to the effect that Hanoi authorities had stated the United States would be permitted to withdraw from Indochina only after we had thrown out the government in Saigon and helped establish one which was more compatible to the policies of North Vietnam.

Although this dispatch was only a news report, I have some reasons to believe it was a correct statement of the Hanoi position. There is no question in my mind that the North Vietnamese intend to hold American prisoners hostage until we have complied with their demand, which is to overthrow the government of Saigon and disarm the people of that country, or leave it to the government which we would establish there, suitable to them, to disarm the people of that country.

I think they have been encouraged by the prospects that if they can continue the war possibly as much as 90 days after the inauguration of the next President, they will then be able to secure compliance with their terms. I do not think we should encourage any prolongation of the war or give them false encouragement.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from Vermont.

Mr. AIKEN. We have had different statements from the candidates for the Presidency so far. About 15 minutes ago I read a United Press news item that:

> Senator GEORGE MCGOVERN today said his pledge to keep a residual force in Thailand if North Vietnam refuses to release U.S. prisoners is only a "gesture and he acknowledged that it probably would not force Hanoi to release the POWs.

I do not think we should encourage the continuation of the war in this way. I think there is a possibility that if the Senate stands firm there will be some more feasible way of bringing our involvement over there to an end. I do not think we can stop the fighting among them over there. They have been doing it for 200 or 300 years and I do not think we can stop it now. Regardless of who the next President may be, I do not think we will be able to do it then.

I believe that our best recourse now would be to leave the situation with our Government, which I understand will have another secret meeting with the North Vietnamese within the next few days. Let us see what will happen. But I feel very strongly that unless this country does back our Government at this time, there is no prospect for success at a secret meeting or any other kind of meeting, and that the North Vietnamese will hold our prisoners not only until next spring but for an indefinite period beyond, if they think that by so doing they can get all their terms complied with. I believe these are much better prospects of ending our involvement if we can end this encouragement to continue the war.

Much as I would like to support Senator COOPER I do not feel that approval of his amendment would enhance the coming of peace in Indochina.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I believe that the pending amendment requiring complete and unconditional withdrawal from Vietnam within 4 months if the war has not been brought to an end by negotiation is an extremely unwise and irresponsible proposal. I urge my colleagues to consider all the implications of this amendment most carefully as I believe that sound reasoning based on the best interest of the United States in securing a lasting peace in Southeast Asia will lead this body to reject this amendment. In my judgment, rejection of this amendment by the Senate is imperative for the following reasons.

First, this amendment completely undercuts the President's well thought out and thus far successful program to achieve a just peace in Vietnam. In 1968, American troops in Vietnam reached a level of 549,000. By August of this year there will be 39,000 American troops in Vietnam. The President has succeeded in removing more than one-half mililon men from Vietnam.

In addition, the United States is now spending less than one-third of the 1963 budget figure for our Vietnam effort. It is also noteworthy that no draftees are currently being sent to Vietnam and that draft calls for 1972 have averaged less than 5,000 men a month. It is also gratifying that American casualties have been drastically reduced. Even with the present North Vietnamese invasion considered, our casualties have been reduced by 95 percent from the level we reached in 1968. This outstanding record of reducing American involvement in Vietnam deserves the support of the Congress rather than an irresponsible attempt to second guess the President and thus torpedo his extremely effective program for Vietnam.

Second, the pending proposal has no guarantee whatsoever that American prisoners of war now held by North Vietnam will be returned. The President has pointed out that even though the French withdrew completely from Vietnam, there are still thousands of French servicemen completely unaccounted for. Neither the President nor the Congress can afford to leave the fate of our POW's up to the discretion of the North Vietnamese Government.

Third, this amendment would have our loyal allies, the South Vietnamese, completely at the mercy of an aggresive, cruel and totalitarian enemy. We are fighting in Vietnam to prevent Communist aggression from succeeding. The sacrifices of the American people on behalf of this important goal must not be in vain.

Fourth, President Nixon has stated time and again that the goal of his administration is to create a lasting and just peace. Were we to merely bring an end to any American involvement in military hostilities in Vietnam, yet create a situation which results in new aggression, new wars, and new demands on the American people and the American conscience to halt these new acts of Communist expansionism, we would have sacrificed much and gained nothing. Peace requires strength and the willingness to use that strength to defend world peace against those who would disturb it. Peace requires that an end to the Vietnam war discourages new aggression in its wake.

Fifth, and last, this amendment would signal a new and dangerous retreat into isolationism and away from the position of leadership of the forces of liberty and of peace in today's troubled world. If the United States heeds the voices of those who counsel retreat, surrender, and acquiescence then the entire free world will be at the mercy of powerful totalitarian and imperialistic nations. Our retreat from world leadership would create a vacuum which would not go long unfilled. A stable peace for the world and an optimistic future for the humanitarian ideals for which the United States has always stood require our leadership and our sacrifices. Vietnam has put us to the test. I believe our Nation has the mettle to survive this test.

Mr. SPARKMAN. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. TAFT. Mr. President, I think the position in which the Senate finds itself today demonstrates the unwisdom of putting conditions upon the event of peace in Vietnam. I want to commend the distinguished Senator from Kentucky for, I think, a very honest approach to the problem. I think it is not surprising also that the Senator from Massachusetts has indicated that if we go the direct route or the absolute route that is proposed by the amendment of the Senator from Kentucky, the enemy would feel that they absolutely must go ahead and start to prescribe conditions.

The distinguished Senator from Vermont, with whom I find myself very much in agreement, has indicated that he feels that an additional condition may

well be put upon any termination of the war, and he certainly is in a position to know as well as any of us whether or not that is the case. Very delicate negotiations are going on. The President wants to end this war as much as anyone does. Unfortunately, the circumstances of our own political life seem to indicate that the chances of that perhaps may not be too good because of the way in which the issues have been drawn between the parties in this country and in the current political situation.

I wonder why the North Vietnamese would settle at this time, if they felt that there is a chance for the success of the opposition to the President getting into office, and that under those conditions they would be able, perhaps, to demand such conditions as the removal of the Saigon government with our cooperation and our support.

I feel that we have to act, in these circumstances, with great restraint in the Senate, leaving the President the broadest unconditional power to try to work for peace. That is the direction in which I think success lies, and the only direction in which I think success lies at this point. Creating doubts and encouragement in the heart of our enemy by the debate in this body today, I think, is a disservice to the prospects of peace, and I hope we will end up with no such encumbrance in this bill whatever.

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I intend to vote for the Cooper amendment, as I have voted for every amendment in an attempt to bring an end to American military involvement in the Vietnam war. In good conscience I cannot do otherwise. The war continues to take its toll of American lives. The number of Americans taken prisoner continues to rise. Thousands upon thousands of Vietnamese civilians are added to the rolls of the war dead and the war wounded every month. Despite the best efforts of President Nixon to end the war by negotiation, no end is yet in sight.

Negotiations between the North Vietnamese and the United States have been underway since May 9, 1968. Since that time officials of two administrations have counseled that Congress should not act to end American involvement in the war, because congressional action might hamper the executive branch in negotiating a settlement. But it is now 4 years later. Twenty thousand more Americans have died in Vietnam. No settlement has been achieved. Therefore Congress has a duty to share responsibility and to do what it can, and more than it has done before, to bring our men home.

I share the concern of all Americans that the prisoners should be released and the missing fully accounted for. But we have seen that having more than 500,000 American troops in Vietnam did not secure their release and accounting and it is highly unlikely that having 46,500 American troops—our current strength—in Vietnam will accomplish what 500,000 troops could not accomplish. Nor can we be optimistic that the bombing of North Vietnam today will be any more effective in obtaining prisoner release than did the bombing from February 1965 through March 1968.

Our best hope of obtaining the release of our imprisoned men and an accounting of the missing must be in ending American involvement in the war. Then the North Vietnamese and the Vietcong would have no reason to deny further these simple humanitarian actions. To do so would bring the condemnation on Hanoi of the entire world community.

Since July 4, 1966, I have worked for peace in Vietnam. After an in-depth, on-the-ground assessment of the American involvement in Vietnam in December 1967, I said:

> I am more firm than ever in my conviction that we cannot win this war *for* the South Vietnamese. We can help, but ultimate victory—military, economic, political and social—must be won by them.

Last year I voted that the American military involvement should be ended by December 31, 1971. Today, by my votes, I reaffirm my conviction that the United States should end this tragic involvement and that Congress has an obligation to help bring this about.

Mr. SPARKMAN. Mr. President, I yield 30 seconds to the Senator from California.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that two members of my staff, Mr. Murray Flander and Miss Ellen Frost, be permitted the privilege of the floor during the consideration of all Vietnam amendments.

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

Mr. COOPER. Mr. President, I intend to yield back the remainder of my time in a few moments, but first I will respond to some arguments against my amendment that have been made.

First, I speak to the argument made by one of my closest and dearest friends in the Senate, Senator AIKEN, for whom I have the greatest respect: He believes that negotiations may be successful this time, and therefore we should not do anything which might upset those negotiations. I hope with all my heart—as all of us do—that negotiations will be successful, because that is the best way to end the war, stop the fighting, and get the prisoners home. I support the President's efforts, but I have pointed out that if the North Vietnamese desire to end this war, the amendment will not influence them.

When we make an effort to discharge our constitutional duty, we are faced with the argument that it will upset negotiations. If we accept this argument for all times, we will have placed upon ourselves a condition, a prohibition which would forbid us from ever exercising our constitutional responsibility.

I will not spend much time answering Senator THURMOND's suggestion that somehow this may be giving some service to the North Vietnamese. I have never believed that North Vietnam desired peace. They are the aggressors. I have no sympathy or support for them in any way. But I have sympathy for our own prisoners of war and concern for this country.

To my good friend, the Senator from Massachusetts (Mr. BROOKE), who proposes to offer an amendment, to my amendment which, if approved, would weaken it, with his condition, to the same amendments we have had throughout the years, and which have accomplished nothing. I have this to say to inform him of its purpose, because it seems to be misinterpreted: My amendment would stop the fighting in every area—from the sea, on the land, from the sky—it would withdraw our forces within 4 months, the time which the President has suggested, from Cambodia, Laos, and South Vietnam. It does not provide for withdrawing our fleet from the seas or our forces from Southeast Asia, other than South Vietnam, Laos, and Cambodia.

If after our withdrawal, the prisoners were not released the President and Congress should decide to take action to secure the release of the prisoners, there is nothing in my amendment to prevent that from being done. I make this point, however: If action were taken, it would be done constitutionally, with the assent of Congress, and not by the determination of the Executive alone.

I have presented the case. I hope that the Senator will not offer his amendment. I would like to see the Senate vote up or down my amendment. I hope that it would approve, and say that, so far as the Senate can have an influence, we want to end participation in the war, to bring our forces out within 4 months, in a reasonable and secure time, and with a better opportunity of security the release of American prisoners. Past amendments have never secured the release of prisoners and never will, in my opinion. I have said that my amendment and no amendment can guarantee their release. No man, no candidate for President, and no President can guarantee it. My amendment has the strength of saying that, after all these years, the loss of life, the divisions in our country, we will look the issue in the face and we will make a decision on my proposal.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BROOKE. I think that the distinguished Senator from Kentucky has made a great contribution by offering his amendment. Very honestly, Mr. President, I want to vote for the Senator's amendment. As I have said, I have voted for every antiwar amendment that has come to the floor of the U.S. Senate. But I propose my amendment to the Senator's amendment because I do not believe that we should leave the return of our prisoners of war to the good faith of the North Vietnamese.

The Senator's amendment has made a contribution. It is the first time we have had any amendment on this floor which has called for the withdrawal of American forces not only in Vietnam but also in Thailand, Laos, and Cambodia.

Mr. COOPER. Not Thailand.

Mr. BROOKE. Cambodia and Laos. For the first time. So it is an extension of all the amendments that heretofore we have been asked to vote upon. That, in itself, is something for which we in

the Senate should be grateful and for which I am sure the American people would be grateful, because it would speed up not only an end to the war in Vietnam but also a disengagement of American forces in Laos and Cambodia as well.

Mr. COOPER. Mr. President, can the Senator secure time from the other side? The time remaining is almost gone.

Mr. BROOKE. May I have 1 minute?

Mr. SPARKMAN. I yield 1 minute to the Senator from Massachusetts.

Mr. BROOKE. The only fault I find with the Senator's amendment is that it does not provide for the return of American prisoners of war. I think the Senator's amendment would have a greater chance of adoption by this body if it did provide for the return of American prisoners of war.

I do not know how many of my colleagues will vote for the Cooper amendment. I do not know how many would vote for the Cooper amendment as amended. But I certainly believe that more Senators would vote for the Cooper amendment with the provision that there be a return of American prisoners of war than not. So the voice of the Senate would be loudest if it did have in the amendment a provision for the return of American prisoners of war. I think that is what the distinguished Senator from Kentucky wants, and I quite agree with him that the legislative branch of the Government does have a joint responsibility with the executive branch of the Government in the conduct of this war. We have been saying that time and time again—with the McGovern-Hatfield amendment, with the Mansfield amendment, with the Cooper-Church amendment with all the amendments we have been asked to vote upon. But all of them, to my knowledge, have contained some provision for the return of American prisoners of war.

Mr. COOPER. The Cooper-Church amendment had no such condition, either with respect to Cambodia or the one we voted on last year for withdrawal from Vietnam.

Mr. BROOKE. I stand corrected, if the Cooper-Church amendment did not have a provision for the return of American prisoners of war. But the other amendments certainly did. I think that the amendment I proposed, Mr. President, would strengthen the Cooper amendment. I hope that, rather than asking me to withdraw my amendment or not offer my amendment, the distinguished Senator from Kentucky (Mr. COOPER) would accept it, because I do not think it differs much from the spirit and the letter of the amendments he has sponsored, cosponsored, and voted for in the past.

Mr. PASTORE. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. PASTORE. Does the distinguished Senator from Massachusetts know of anything new at the peace talks whereby an official proposal was made by the U.S. Government to withdraw by a time certain which withdrawal was predicated solely and strictly on the release of our American prisoners of war?

Mr. BROOKE. I do not.

Mr. PASTORE. Is that not what we are trying to do with this amendment?

Mr. BROOKE. That is it exactly.

Mr. PASTORE. And that is the reason why, then, this is a new thought. We get the argument that we have tried everything—but not this. So I say, try this.

Mr. BROOKE. I agree with my colleague from Rhode Island. The Senator from Kentucky has misunderstood the purpose of my amendment when he says that it completely wipes out the force of his amendment. It does not do that at all. His amendment will be strengthened by it. I hope that he will seriously consider accepting my amendment to provide for the return of the American prisoners of war. If North Vietnam has good faith and if we have good faith, certainly the executives of those two Governments can get together and work out the logistics of the return of our prisoners of war and the withdrawal of our forces from Cambodia, Laos, and Vietnam. This is a matter of logistics. We do not need to worry about those negotiations. But we do have to make it a condition precedent to withdrawal of our forces that we make provision for the return of our American prisoners of war.

Mr. KENNEDY. Mr. President, will the Senator from Kentucky yield me some time?

Mr. COOPER. I promised to yield to the Senator from New Jersey——

The PRESIDING OFFICER (Mr. HANSEN). The Chair would inform the Senator from Kentucky that 2 minutes remain to him.

Mr. COOPER. How much time have I got remaining?

The PRESIDING OFFICER. Two minutes.

Mr. KENNEDY. Mr. President, will the manager of the bill be willing to yield me some time?

Mr. MANSFIELD. Mr. President, I will be glad to yield 3 minutes to the Senator from Massachusetts under the bill after the Senator from Kentucky (Mr. COOPER) has completed his remarks.

Mr. COOPER. Mr. President, I promised to yield first to the Senator from New Jersey (Mr. CASE).

Mr. KENNEDY. Mr. President, after the Senator from New Jersey has been recognized, I will be entitled to 3 minutes as yielded to me by the distinguished majority leader—is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I thank the distinguished Senator from Kentucky for yielding me this time. He has rendered a great service to all of us. He has caused us again to consider what American policy in Indochina should be. I shall support his amendment and I shall also vote against the amendment which the Senator from Massachusetts (Mr. BROOKE) is considering introducing if he has not already done so.

Mr. President, it is true that the Case-Church amendment did include the prior condition of an agreement for release of prisoners of war. But I want to say frankly to the Senate that the purpose of this precondition was to prevent the absence of such a condition from being used as an argument against an amendment which people wanted to vote against for fundamental reasons. We did not include the precondition because we thought it was necessary to bring the war to an end. I do not think any preconditions are necessary. I have come to the conclusion that the Cooper amendment gives me a chance to vote for what I have always thought was the purest expression of my own views.

Now We shall be considering an amendment offered by the distinguished Senator from Massachusetts (Mr. BROOKE). In consideration of his amendment, we shall see whether Members of the Senate want a precondition, and whether the absence of such a precondition would be disabling insofar as passage of the Cooper amendment itself goes.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. CASE. Mr. President, may I have 1 more minute from whoever has some time?

Mr. SPARKMAN. I yield to the Senator 1 minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 additional minute.

Mr. CASE. The Senator from Kentucky is absolutely right when he says we are not abandoning our prisoners of war or those missing in action. If they are not released when our troops are withdrawn from the three Indochinese countries, we shall still have forces in that region which can be, so far as the Senator from New Jersey is concerned, and should be applied in whatever manner and in whatever degree and to whatever extent necessary to accomplish the release of our prisoners of war and the accounting for those missing in action. But, in the meantime, we will no longer be sanctioning the slaughter of innocent people. That is the primary advantage of the course of action that the Cooper amendment would bring about.

It is time we took this action in Congress because it seems it will not be taken otherwise.

I am very grateful to the Senator from Kentucky for giving us this chance.

Mr. SPARKMAN. Mr. President, may I say that the Senator from Massachusetts is recognized on my time. How much time did the Senator want?

Mr. KENNEDY. Three minutes.

Mr. SPARKMAN. I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, I think the Senator from Kentucky has explained fully and adequately the reasons for his amendment. For many years, he has been one of the most articulate, sensitive, and outspoken opponents of the war in Vietnam. I commend him for the important amendment he has brought before the Senate today, and I hope that it will be accepted.

Mr. President, although there are per-

haps few times when I have disagreed with my distinguished colleague from Massachusets, I disagree with him here this afternoon.

By voting for the Cooper amendment, I do not vote to turn my back on the hundreds of American prisoners of war in North Vietnam. To the contrary, I believe the amendment offers the best opportunity we have to bring them home. I believe that the amendment offered by the Senator from Kentucky will bring our American prisoners back home far more rapidly than the conditions which have been established by the administration for a Vietnam settlement—conditions like a guarantee that the Thieu government will remain in power, or a cease-fire throughout Indochina, or many of the other conditions the administration seeks to impose.

Mr. President, I do not see how we advance the cause of the American prisoners of war by killing more Americans in Vietnam.

The President says he wants to end the war. He says he is concerned about our American prisoners of war. There are over 450 American prisoners in North Vietnam. But in the first 3 years of this administration, 20,000 Americans have been killed in Vietnam. The casualty toil is climbing every day. Thousands more Americans have been wounded, and hundreds of thousands of Vietnamese civilians have been killed or maimed. And each day the killing goes on, more American fliers are taken prisoner.

We need a new avenue to end the war and bring the American prisoners home. For nearly 4 years, we have been negotiating in Paris to reach these goals, and we have not succeeded. I believe the amendment offered by the Senator from Kentucky offers us the most hopeful chance we have to reach our goals. As he has clearly stated, if this step does not succeed, we will still have at our disposal whatever steps the Senate and Congress and the President wish to take to insure that our prisoners will actually be released.

No one can be sure that the Cooper amendment will succeed in bringing the prisoners home, but it offers us a new and hopeful opportunity. One thing we do know, however, our American prisoners of war are not coming home under the present policy. The Cooper amendment will stop America's involvement in the killing in Indochina, and it will give us a very real chance to bring the prisoners home. I hope that the amendment of the Senator from Kentucky will be adopted.

Mr. TUNNEY. Mr. President, I support the amendment of my able colleague from Kentucky. That amendment poses to the Congress for the first time the stark issue of whether we in the Congress will take unto ourselves the responsibility for imposing a quick and unconditional end to the American involvement in the Vietnam war.

We must accept that responsibility. We have tried through almost every conceivable means to end this ghastly war We have voted upon a variety of measures. We have protested the bombing. We have decried the destruction. But we have not succeeded in ending this military adventure.

We should enact the strongest legislation possible. It must be unequivocal and unambiguous. We must create still any effective laws which will force the President to get the message that the American people want out of Vietnam.

The Washington Post this morning editorialized against the Cooper amendment. It stated that:

> The Senate cannot undo the bombing and the mining and the Cambodian and Laotian "incursion" and all the rest of Mr. Nixon's three-and-a-half-year performance in the conduct of our Vietnam war effort—including some 20,000 American dead. . . . He does not need Congress to tell him that the great majority of Americans expect that promise [to end the war] to be kept.

It appears, however, that the President does need the Congress to tell him that America wants out of Vietnam. It appears that the President, in the absence of legislation forcing him to act will not make good that promise.

While the Senate admittedly cannot undo the tragedy of Indochina, it can act effectively to deter more of the same. What can we expect in the future from a policy which has ordered in the past 3 years more bombs dropped upon Indochina than have ever been dropped in any other presidential term in history? Congress must act to stop that policy.

I for one, Mr. President, have little confidence that, in the absence of strong congressional action, the policy will soon be changed. It is imperative that the strongest possible action be taken. The Cooper amendment provides us with that opportunity. I shall support it.

Mr. TOWER. Mr. President, what the amendment before us seeks to achieve—an end to our involvement in the Vietnam war and the release of American prisoners of war held by Hanoi is unexceptionable. We all want that. But it is imperative that we consider carefully how likely this unilateral legislative approach is to achieve these purposes.

It may be helpful for us to try and put ourselves in the other side's place—to consider the view from Hanoi. How do the North Vietnamese see the situation that now confronts them?

First of all, Hanoi must feel deeply disturbed by the strength of South Vietnamese resistance to their vaunted offensive. The massive invasion is in deep trouble—despite the fact that no U.S. forces are now engaged in ground combat. Hanoi has been forced to commit almost its last reserves to hold Quang Tri, the only provisional capital it succeeded in seizing.

Beyond this, Hanoi must see the measures we have taken to interdict movement of military supplies into the north and from the north to the battlefields as casting serious doubt on their ability to continue their offensive with any hope of achieving military success. Hanoi must also, as a result, be impressed with U.S. determination to continue to support South Vietnam's resistance to their military initiatives.

Looking to their own resources for continuing this increasingly useless bloodletting, the leaders in Hanoi must find further cause for doubt and concern. Neither Moscow nor Peking gives any evidence of being willing to continue unlimited support to Hanoi's ambitions in the South. Indeed, there seems to be some reason to believe both are counseling a negotiated end to hostilities.

Under these circumstances, what can be running through the mind of Le Duc Tho, Hanoi's principal negotiator in Paris? Where can he see prospects for achieving a breakthrough for his masters in Hanoi? I regret to say that he can see those prospects only in the deliberations of this body. Only if we decide to give him unilaterally what he is in Paris to negotiate can he possibly see a light at the end of the tunnel.

And this, I fear, would be precisely the effect of our passage of the amendment before us. Hanoi would suddenly be guaranteed the very aims it seeks. The abrupt unconditional departure of U.S. forces from Vietnam and the inevitable demoralization of South Vietnam. What impulse to negotiate would still motivate Le Duc Tho? None that I can see.

Is it likely that, following this incredible achievement of their main aims by our decision in this Chamber Hanoi's leaders would, as the sponsors of this amendment apparently believe, then magnanimously release our prisoners? I rather doubt it. It is far more likely that the desire to humiliate a beaten foe would prevail.

Does anyone seriously believe that Hanoi would do any less than return joyfully to the assertion of its maximum demands now that victory had fallen so unexpectedly in its lap? I, for one, do not. And I am not prepared to abandon the prospect of a serious negotiation of an end to the war and to rely upon an incredibly naive prospect of North Vietnamese generosity.

I shall vote for the Stennis amendment to strike the Mansfield provision and I believe every sensible and thoughtful Member of this body should join me in support of it.

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

AMENDMENT NO. 1327 AS MODIFIED

Mr. ALLEN. Mr. President, I call my amendment and ask that it be stated and that it receive immediate consideration.

The PRESIDING OFFICER (Mr. WEICKER). The amendment will be stated.

The legislative clerk read the amendment as follows:

> In lieu of language proposed to be inserted by the Senator from Kentucky (Mr. COOPER), insert the following:
>
> That it is the sense of the Congress that at a time certain, not later than four months following the establishment of an internationally supervised cease-fire throughout Indochina and the return of all American prisoners of war and an accounting of Americans missing in action in Indochina, a complete withdrawal of all American forces from Vietnam shall be accomplished.

Mr. ALLEN. Mr. President, I submitted this amendment last week. It was printed as amendment No. 1327. It has had to be changed on account of the change in the parliamentary situation.

I yield myself 7 minutes.

The PRESIDING OFFICER. The Sen-

ator from Alabama is recognized for 7 minutes.

Mr. ALLEN. Mr. President, this language is, in effect, the President's language in his speech and offer of May 8.

I do not favor the amendments that the distinguished Senator from Massachusetts (Mr. BROOKE) plans to offer. I do not favor the language of the amendment of the distinguished Senator from Kentucky (Mr. COOPER), nor do I favor the language of the committee substitute which embraces the original Mansfield amendment.

Mr. President, let us analyze the language of the committee substitute which is the original Mansfield amendment as to the withdrawal from South Vietnam. No preconditions whatsoever are set. Withdrawal must be made by August 31. How in the world is that going to be done? They would have to fight their way out of South Vietnam if they ever were to come out of there.

Mr. President, as to the second phase of the Mansfield amendment—and I call it that even though it comes to us as a part of the committee substitute—there is a provision for withdrawal from all of Indochina. There is a cease-fire proposal, not on the entire front, but a cease-fire as between American troops and the troops of North Vietnam and of the Vietcong. In effect, that is a separate peace. And I could not support that proposal.

We are not engaged in a war with the South Vietnamese. We owe it to the South Vietnamese to see the matter to a successful conclusion.

If we have a cease-fire with North Vietnam and with the Vietcong, what else could we expect than that the South Vietnamese would turn on us if the battle were to continue between North Vietnam and South Vietnam.

Then we have the condition about the release of the prisoners of war and the accounting for the missing in action. I call attention to the fact that these conditions apply, not to the withdrawal from South Vietnam, not to cessation of hostilities in South Vietnam, but both of those conditions are predicated upon or have to do with the withdrawal from all of Indochina.

Now as to the amendment of the distinguished Senator from Kentucky which this language is offered as a substitute to, that amendment provides for a withdrawal from Vietnam, from Laos, and from Cambodia within 4 months without any preconditions whatsoever. It does provide for going on with the efforts to get a cease-fire and to go on with the efforts to achieve peace and to go on with the efforts to get the return of our prisoners of war. However, that is not a precondition. And if we withdraw from South Vietnam and have not been able to accomplish or obtain a peace and have not been able to get a cease-fire, with our troops there and not being able to get our prisoners of war with our troops there, how in the world will we get them released after we have pulled out?

If there was ever a time when unity in this country was absolutely essential, now is the time. We are engaged in a presidential election, and there is certainly a tendency on the part of many to seek to divide some of our people. However, here is an opportunity for the Senate to stand behind the President and not to run off in three or four different directions as the Mansfield effort, the Cooper effort, and the Brooke effort would do.

Mr. President, by the adoption of this amendment we stand foursquare behind the President of the United States in the offer he has made to the North Vietnamese.

If this amendment is adopted as a substitute for the Mansfield amendment, which is now incorporated in the substitute, it would follow that the people of the United States, and certainly the Senate, itself, are united behind the President.

This exact language was adopted by the House Foreign Relations Committee in the military authorization bill, I believe, just before the recess for the Democratic Convention. This would be in line with the sentiment of the House. It would be in line with the President's recommendations. It would show unity on the part of the Senate and unity on the part of Congress behind the President.

I believe it would contribute a great deal toward the success of the secret and open peace negotiations now underway in Paris.

Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, may I have 4 or 5 minutes?

Mr. MANSFIELD. Mr. President, I yield the Senator from Rhode Island 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I think we are losing sight of the very root of this controversy. The question here is, is it America's war or not America's war? Apparently the administration has decided that this is not America's war, because we have had a policy of withdrawing.

Some people have been critical of the fact that the withdrawal has been too slow. Other people have been critical of the fact that the withdrawal has not been completed. However, presumably—and I think it has to be understood by all—the American policy with respect to Vietnam is to withdraw our troops.

The reason we mined Haiphong and began the bombing of the north again is the incursion of the north into the south. That was the justification for it. Now, whether that judgment was wise or unwise is not the question before us today.

What is it we are met with? We are met here with two extremes. One extreme is on the amendment of the Senator from Kentucky who is saying: "Let us withdraw all of our troops in 4 months in the hope" and that is what it is, "that through negotiations we can get a general cease-fire and can bring our prisoners of war back home."

I do not know who is looking into what crystal ball. I do not know how it is that all of a sudden we can trust the North Vietnamese in this month of July more than we could have a month or a year or 2 years ago.

All we know is that we have been in Paris trying to negotiate peace on the terms of the President. And those terms have not worked. The terms of the President are contained in the sense of the Senate resolution now being proposed by the Senator from Alabama. That has not worked up to now. It is my judgment that it will not work in the future.

Against that we have the proposition of the Senator from Kentucky who goes to the other extreme. He says: "Let us forget any conditions precedent. Let us agree to withdraw and maybe through negotiations—maybe through negotiations—we can get a cease-fire or at least we will get the return of our American prisoners of war."

That is where we stand now. What does the Senator from Massachusetts try to do? He is trying to innovate he has new propositions. It is new because this administration has never said that we will withdraw completely from Southeast Asia if our prisoners of war are returned. To date we have never made that proposition.

We have always tied our deal with a cease-fire. What is wrong with a cease-fire? We all hope that we can get a cease-fire and that the conflict can come to an end. However, Thieu and Ky have told us time and time again: "You Americans won't stop us. We are going to keep on fighting." So we are at the mercy of Saigon and the Government of South Vietnam as to whether we will continue.

What are we being told by North Vietnam? North Vietnam has told us time and time again: "You will get out lock, stock, and barrel, or it is no soap."

That is what we are up against. What does this all amount to? Take a good look at it. Here we are. We are hoping and praying that if we withdraw our troops in 4 months, maybe through possible negotiations the North Vietnamese will release our prisoners of war.

What does that do to that poor woman whose husband has been agonizing in a North Vietnamese jail? What will she think of us? The minute she picks up the paper tomorrow morning, she finds out that our American Government, the Senate of the United States, is saying: "Let's get out of South Vietnam and let's take our chances on whether or not North Vietnam has compassion enough to send our prisoners of war back."

Why, if I had a son in a prison in North Vietnam, I would think America had betrayed him, in doing such a dastardly thing.

That is all we are saying here today, that is all we are saying: let us trust North Vietnam to return our prisoners of war in the hope that the North Vietnamese are people of good faith—that they are people of conscience and that they will return our imprisoned Americans home.

That may be all right for you and for me. We have no one immediately at stake. But I wish we could take a plebiscite among wives whose husbands are there and mothers whose sons are there. I wish we could see their reaction when they pick up the paper tomorrow and read that we declared in the Senate this afternoon. "Go ahead and withdraw the

troops and maybe Hanoi will be kind enough to send the prisoners home." That would bring a shadow of shame on the conscience of America.

Mr. COOPER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky has no further time remaining.

Mr. ALLEN. The Senator from Montana is in control of the time in opposition on my amendment.

The PRESIDING OFFICER. The time is to be controlled by the mover of the amendment or the majority leader.

Mr. MANSFIELD. Mr. President, I yield 15 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I oppose the amendment proposed by the distinguished Senator from Alabama. He is very forthright in his statement. But for the same reasons I have given before I oppose it.

I also say to my friend from Rhode Island that he is very eloquent and he touches our hearts, as he intends to touch the hearts of the American people.

The Senator asks what we gain. We gain an end to the fighting. We gain, as the Senator from New Jersey Mr. CASE, has said, the opportunity to save American lives. We would gain a foreclosure of more prisoners of war being taken. We would gain an end of the slaughter of human life in Indochina. We could gain again the unity of the American people.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished Senator from Rhode Island in pointing out the need to defeat the Cooper amendment. He did not say he was for the substitute amendment that has been offered by the junior Senator from Alabama, but one might conclude that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. If I may, I would like to finish, and then I shall be glad to yield to the Senator from Rhode Island.

Mr. PASTORE. Very well.

Mr. ALLEN. But he did make a great argument in favor of the adoption of the substitute amendment because it is quite obvious from the remarks of the distinguished Senator from Rhode Island that the amendment offered by the distinguished Senator from Kentucky does not fill the bill.

This language that is being substituted is going to boil down, in effect, to a sense of the Senate Resolution, no matter what language is agreed to. We know that is true from a practical point of view. So what we are doing, if we do adopt the substitute amendment is to adopt the proposals of the President of the United States in this matter which gives us an opportunity not to go off and chase every will-o'-the-wisp that Senators think of as conditions to impose or nonconditions not to impose.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLEN. But it gives us an opportunity to stand foursquare behind the President of the United States. In my mind at this time that is something this Senate should do.

I, therefore, urge the Senate to agree to the substitute amendment.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ALLEN. I yield the Senator such time as may be required.

Mr. SCOTT. Mr. President, I express my appreciation to the distinguished Senator from Alabama for having offered this amendment. It is representative of what the President has offered in good faith. It is representative of what we are presenting through negotiators in Paris. It is representative of the American will to get out of Vietnam, and to get out as soon as we can, consistent with our obligation to our prisoners of war and our missing in action.

It is an amendment which expresses the belief of the country and I would, therefore, like to see it as the sense of the Senate, as it has been expressed as the sense of the House. In this way we are expressing a unifying desire on the part of the American people. They desire that we move together, both executive and legislative, to perform that which is our clear duty, namely, to find the most feasible way by which opinion can be mobilized and by which action can be implemented to remove us from involvement in a war which has gone on too long, and which all Americans want us to bring to an end as honorably as we can.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Arkansas.

Mr. McCLELLAN. The last two lines of the amendment referred to a complete withdrawal of all American forces from Vietnam shall be accomplished.

Mr. ALLEN. That is what the President said, with these two conditions.

Mr. McCLELLAN. That includes the Air Force?

Mr. ALLEN. Yes.

Mr. McCLELLAN. It does not include a withdrawal of them from Indochina. They could be stationed anywhere else and be engaged in the fighting over there.

Mr. ALLEN. That is what the amendment provides and that was the subject of the President's address to the Nation.

Mr. McCLELLAN. Is that identical to the previous Mansfield amendment passed here?

Mr. ALLEN. I do not believe the previous Mansfield amendments have called for a cease-fire. I could be mistaken. This is, in effect, as far as the President has ever gone in this regard.

Mr. McCLELLAN. I wish to say to the distinguished Senator from Alabama that I support generally this amendment. I do not know that I would want to go further, though, and withdraw all of our forces from Indochina. Under the proper conditions I would want to withdraw our forces. I think I shall support the amendment.

Mr. ALLEN. I thank the Senator.

Mr. President, I yield such time as I have remaining to the distinguished Senator from Mississippi.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. STENNIS. Mr. President, I hate to use all of the Senator's time. I understand this is a complete substitute for the Cooper amendment.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. I have consistently opposed all of these amendments. Last year we had one voted on the draft bill and the Military Procurement Act. I was opposed to it but I represented Senator MANSFIELD as best I could in conference and brought back something.

The basis for my opposition is that Congress has no negotiating power. That power rests with the President. We have no negotiating team.

This does express the sense of Congress. It is not an invasion of the executive branch. It is counsel and advice. Certainly it is near enough to what the executive has proposed so as not to cripple, hinder, embarrass, or blockade him in these sensitive, delicate negotiations going on now.

No one knows what they will bring, but we all pray they will bring something.

So in that sentiment, as a chance for the Senate to express itself within the confines of what I think are its powers, and not derogating or in any way limiting or embarrassing the Executive or encouraging the enemy. I am going to vote "Aye" for the substitute for this amendment.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

The PRESIDING OFFICER. There are 8 minutes remaining to the majority leader or his designee.

Mr. BROOKE. Mr. President I have a perfecting amendment to the Cooper amendment which I think takes precedence before a vote on the substitute amendment.

Mr. ALLEN. Mr. President, a point of order. I believe this substitute is not amendable.

Mr. BROOKE. Mr. President, I have a perfecting amendment to the Cooper amendment, which I think takes precedence over the substitute amendment.

Mr. CANNON. Mr. President, a parliamentary inquiry. Has all time expired?

The PRESIDING OFFICER. No, it has not. The point the Chair has been trying to make is that there are 7 minutes remaining to the majority leader or his designee. Is all time yielded back?

Mr. ALLEN. Mr. President, a point of order. I ask for the yeas and nays.

Mr. PASTORE. Mr. President, will some Senator yield me some time for a parliamentary inquiry?

Mr. MANSFIELD. Ask the Senator from Kentucky. He has the time.

Mr. PASTORE. Will the Senator yield?

Mr. COOPER. I yield.

Mr. PASTORE. Mr. President, is it true that the amendment of the Senator from Massachusetts would be a perfecting amendment and therefore would take precedence over the substitute?

Mr. ALLEN. Mr. President, a point of order.

The PRESIDING OFFICER. If the Senator from Massachusetts offered a perfecting amendment to the amendment by the Senator from Kentucky, then it would be in order and would take precedence over the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, a point of order. This is not a perfecting amendment which I have introduced; it is a substitute amendment. If it were a perfecting amendment, the amendment could be perfected, whether it be a perfecting amendment or a substitute to the Cooper amendment, but in my judgment it could not be because it is not a perfecting amendment.

The PRESIDING OFFICER. That is exactly the reason why the perfecting amendment to the amendment by the Senator from Kentucky would take precedence over the amendment of the Senator from Alabama.

Mr. ALLEN. It is not a perfecting amendment, I may point out.

The PRESIDING OFFICER. The Chair is discussing the amendment of the Senator from Massachusetts.

The Senator has the right, in other words, to bring about perfecting language prior to the vote on the substitute amendment by the Senator from Alabama.

The Chair recognizes the Senator from Nevada.

Mr. CANNON. Mr. President, I send to the desk a perfecting amendment to the amendment of the Senator, on behalf of myself, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. If the Senator from Nevada will suspend, does the Senator from Kentucky yield back his time?

Mr. COOPER. I would like to ask if this amendment is offered to the amendment 1325, which I offered. I yield myself 2 minutes. Is this an amendment to the amendment 1325, which I offered?

Mr. CANNON. I would like to have the amendment stated. Then I shall be glad to explain it.

The PRESIDING OFFICER. The Chair understands that the Senator from Kentucky has not yielded back all of his time, so the amendment of the Senator from Nevada would not be in order until such time.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Is the amendment of the Senator from Nevada an amendment to the amendment I offered, amendment No. 1325?

The PRESIDING OFFICER. The Senator from Kentucky is inquiring as to whether the amendment of the Senator from Nevada is an amendment to his amendment. Would the Senator from Nevada care to respond?

Mr. COOPER. I made a parliamentary inquiry. Is it?

The PRESIDING OFFICER. There has been no amendment offered yet by the Senator from Nevada. The Senator from Kentucky has control of the time. He still has some 4 minutes remaining.

Mr. CANNON. Mr. President, if the Senator from Kentucky would yield me some time, I shall be glad to explain it.

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes.

Mr. COOPER. I yield 3 minutes to the Senator from Nevada.

Mr. CANNON. Mr. President, the perfecting amendment which I propose to offer to the amendment of the Senator from Kentucky would strike out section 13(a) of the Senator's amendment No. 1325 and insert in lieu thereof the following:

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 90 days after the date of enactment of this act. 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 90 days after the date of enactment of this act. The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

That issue has not been voted on today during the parliamentary maneuvering. I may say this gets to the point the Senator from Rhode Island was making and gives us an opportunity to vote on whether we want to provide for the prisoners of war by an agreement to get them back rather than turning around and saying we are going to walk off.

I am remaining firm on the POW language; I cannot support legislation to bring the war to an end that does not provide effective protection for our prisoners of war and those missing in action. Once before this country made the mistake of not demanding a full accounting of our men prior to the cessation of hostilities in North Korea. This failure resulted in the nonaccountability of 389 men. Eighteen years later North Korea still refuses to discuss the fate of these men, although evidence exists that they were prisoners from that conflict. We must not become so impatient and propose withdrawal legislation that offers no measure of protection for the release of prisoners and the accountability of those missing.

The amendment that I offer here today makes our withdrawal from South Vietnam contingent upon an agreement for the release of our prisoners and accounting of our missing.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired. The Senator from Kentucky has 1 minute remaining.

Mr. COOPER. I yield the 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, it is my intention when the opportunity offers itself to vote for the substitute offered by the Senator from Kentucky. I think he has faced up to the issue in a clearcut fashion. If we want to end the war, this is the ultimate step for doing it and goes beyond anything which we have attempted to do in this body up to this time.

There always have been precedents, there always have been conditions, but the prisoners of war are increasing, the number of casualties is increasing, the costs are increasing and there is no end in sight.

It has been said that the Congress has no negotiating power. That is right. But the distinguished Senator from Kentucky said, "But the Congress has the responsibility to assist in bringing the war to a close," and for this reason I am glad the Senator has offered this amendment.

The purpose of these amendments, substitutes, perfecting, secondary, or whatnot amendments, is not to embarrass the President, is not to impair his ability or to hinder his efforts, but to work, if we can, in tandem with him. After all, in the field of foreign policy there is a duality of responsibility between the executive and the legislative.

I shall support the substitute offered by the Senator from Kentucky because I believe he is facing up to this issue honestly and squarely.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CANNON. Mr. President, I offer a perfecting amendment, which is at the desk, in behalf of Senator HUMPHREY, Senator CRANSTON, and myself. I ask unanimous consent that the amendment not be read—I have already read it—and that I may yield to the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment will be printed in full in the RECORD.

Mr. CANNON'S amendment is as follows:

Strike Section 13 (a) of Amendment 1335 and insert in lieu thereof "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 90 days after the date of enactment of this act. 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 90 days after the date of enactment of this act. The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government of such forces.".

Mr. PASTORE. Mr. President, the amendment of the Senator from Nevada meets the objection I had raised, and I would be honored to have my name added as a cosponsor.

Mr. CANNON. I thank the Senator very much. I will be delighted to have

the Senator from Rhode Island as a cosponsor.

Mr. PASTORE. This is conditioned on an agreement that the American prisoners of war will be released and that that agreement is carried out?

Mr. CANNON. The Senator from Rhode Island is correct. I am delighted to have him as a cosponsor.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. CANNON. I yield.

Mr. MILLER. The thing that disturbs me about the Senator's amendment is that it is operative on the basis of a mere agreement. What happens if the agreement is not carried out promptly?

Mr. CANNON. Well, I must admit that this does not go so far as the actual release, which some people would desire; but at least we have to have some good faith in negotiating, to try to get our people out. We have said to them, "If this amendment goes through, we will get out in 90 days' time, if you will enter into an agreement for the release of our prisoners."

This is much more conservative than the position of the Senator from Kentucky, who would have us withdraw and hope we will get some kind of agreement at a later date. This makes it contingent upon an agreement. That is a point that does not satisfy everyone, I must say, but we must have some attempt to make some movement in the face of the impasse which lies before us.

Mr. MILLER. Will the Senator yield further?

Mr. CANNON. I yield.

Mr. MILLER. I understand this is something more meaningful than merely an outright withdrawal, but my question still is, what happens if the agreement to which the Senator's amendment refers is not carried out? That gets us into the amendment that the Senator from Alabama was seeking to put in here as a substitute, which means that not only is there an agreement, but it is carried out.

This is the trouble that I have: What happens, may I ask my friend from Nevada, if the agreement is not carried out?

Mr. CANNON. Mr. President, this is simultaneous. If we get an agreement, we remove our troops. I think we would have the body of world opinion with us. We have the opportunity to get some movement in a very difficult situation, in which there is no movement now, simply because we say, "You must make the release now."

Mr. MILLER. But what happens if that agreement is not carried out?

Mr. CANNON. Then the provisions here for ending the expenditure of funds and the withdrawal of our troops would not be self-executing. It is concurrent.

Mr. MILLER. May I suggest that I do not believe there is any contingency in the Senator's amendment which indicates that if the agreement is breached all bets are off. That is what I am getting at; if the agreement is breached does the Senator say the intention then is that the appropriation is contingent?

Mr. CANNON. I think the statement is quite clear. The amendment says:

> The provisions of this subsection shall not be effective unless there shall have been entered into an agreement providing for the release of all United States prisoners of war held by the government of North Vietnam and forces allied with such government.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CANNON. I yield.

Mr. PASTORE. If we can withdraw all our troops, air, land, logistic, combat, what have you, in 90 days, to be sure they can release our prisoners in 90 days. If they slow down, we slow down. After all, we are not fools.

Mr. MILLER. And what happens, may I ask, if that agreement is not carried out?

Mr. PASTORE. We are still there.

Mr. MILLER. That is not what the amendment says.

Mr. PASTORE. That is implied in this arrangement.

Mr. MILLER. Then I think it would be well to make it clear, as a matter of legislative history and preferably in the amendment, that if that agreement for the return of the prisoners is breached, the troops will not be out and the appropriations will not cease. That is not what I understand is in the amendment.

Mr. CANNON. I think that is what is implied in the amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. McCLELLAN. If it is implied and intended that way, why not say so?

Mr. CANNON. This is a perfecting amendment, which is not subject to amendment at this point, as I understand the parliamentary situation.

Mr. McCLELLAN. The Senator would have a right to amend his own amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. KENNEDY. Following the line of reasoning the Senator from Rhode Island has suggested, where are we going to draw the line? What if North Vietnam does not release the last 10 American prisoners? Are we going to say that where we had three aircraft carriers there before we will keep just one cruiser there in the future? Suppose they fail to give an accounting for the Americans missing in action in Laos? Will we keep bombing with one jet from Thailand? How can we talk realistically about a phased withdrawal from Indochina, keyed to the return of the prisoners?

This is a point that demonstrates the wisdom of the amendment of the Senator from Kentucky. It is a clear statement of policy by Congress, free of the confusing conditions we have tried to impose for too long.

Mr. PASTORE. Mr. President, if the Senator will yield, this shows how confused we are getting. We are beginning to talk out of both sides of our mouths. A short while ago we said we were willing to act even without an agreement. Now we have an agreement put in there, and they say this is not safe enough.

Mr. KENNEDY. The question is whether we are establishing the best way to end the killing and get the prisoners back. The administration insists that there must be major conditions for American withdrawal. The President says we need three conditions; a ceasefire, a guarantee of survival for the Government of South Vietnam, and the return of the prisoners. We have lost 20,000 Americans trying to achieve that. We have spent $70 billion trying to achieve that, and we have not ended the war, we have not brought the prisoners home.

Now the question comes down to the proposal of the Senator from Kentucky. Since years of conditions have not worked, why not try the amendment he is proposing? If that does not bring the prisoners home, we shall still have whatever opportunities exist, but at least we can stop American involvement in the killing.

Several Senators addressed the Chair.

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

The PRESIDING OFFICER. The Senator from Nevada has 8 minutes remaining. There are 15 minutes remaining to the majority leader or his designee.

Mr. CANNON. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, in answer to my distinguished friend from Massachusetts, there is no one on this floor who has more admiration and respect for him than I have. The fact remains that the fly in the ointment has always been the condition of a ceasefire. I do not think Saigon wants a ceasefire. I do not think Hanoi wants a ceasefire, and they have us caught in the middle. The minute the President takes that proposition out of his proposal, I think he will get somewhere. We keep saying "cease-fire," but Thieu does not want to end the war. Hanoi does not want to end the war. We ought to get out, and not be caught in the middle.

Mr. CANNON. We took the cease-fire out of this.

Mr. PASTORE. Yes we took the ceasefire out of it.

Mr. CANNON. The second part of the amendment of the Senator from Kentucky states our policy with respect to the attempt to negotiate a cease-fire.

I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, we also have removed from this amendment any reference at all to the composition of the Government of South Vietnam, and the cease-fire provision has been eliminated. The composition of the Government of South Vietnam has been eliminated. The whole purpose of this amendment has been for us at least to indicate, as the Congress of the United States, two things; number one, our total withdrawal from South Vietnam; second, that that be conditioned on the release of the prisoners.

It seems to me Congress has that much of an obligation to those men who are prisoners of war through no fault of their own, and this is a reasonable proposition. It does not go as far as many would want. It goes far enough, at least, to indicate a policy on the part of this body.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. CANNON. I yield for a question.

Mr. BROOKE. Mr. President, I think

the perfecting amendment of the Senator from Nevada answers the objection I had to the Cooper amendment, namely, that it provides for the release of the American prisoners of war. Does the Senator include the withdrawal of American forces from Laos and Cambodia as well as from South Vietnam?

Mr. CANNON. My amendment, as such does not. The Senator from Kentucky states, in his second paragraph, which is not changed by my perfecting amendment:

It is hereby declared to be the policy of the Congress that negotiations be continued with the Government of North Vietnam for a cease-fire, to secure the return of all United States prisoners of war held by the Government of North Vietnam and its allies and an accounting of those missing in action, and to seek an end to all hostilities in Indochina.

Mr. BROOKE. But it does not include Laos and Cambodia?

Mr. CANNON. It does not specifically. The Senator from Kentucky can answer that better.

Mr. BROOKE. Does the Senator's amendment include sea and air forces as well as land forces?

Mr. BROOKE. All forces, but it is limited to Vietnam?

Mr. CANNON. Limited to South Vietnam.

Mr. McCLELLAN. Mr. President, will the Senator from Alabama yield me 2 minutes?

Mr. SPARKMAN. I yield 2 minutes to question of the Senator.

We are talking about what the Senator's amendment implies. Does it in any way imply that we will retain any forces over there until this agreement is carried out?

Mr. CANNON. The amendment says that we would get our forces out and we will not provide funds for our forces after a period of 90 days, "provided you enter into an agreement for the release of our prisoners."

Mr. McCLELLAN. Suppose there is an agreement but no prisoners have been released at the end of 90 days. Then what happens? We are out?

Mr. CANNON. Then this provision would not apply.

Mr. McCLELLAN. We are already out.

Mr. CANNON. I do not think we are going to get completely out if we do not have some movement toward an agreement.

Mr. McCLELLAN. I do not know. That requires them to get our forces out if they have an agreement.

The point I am making is that you can have an agreement. I do not have a great deal of confidence in their promises. I do not take their word for it. I cannot.

If they promise it, then we are bound—the President is bound—by the Senator's amendment to take the forces out within 90 days, whether they perform anything or not, and I cannot agree with that.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. HUMPHREY. This only applies to the forces of South Vietnam. Other forces are in the area, but this relates to the forces of South Vietnam, in relation to the prisoners of war.

Mr. McCLELLAN. I would like to get all our forces out, if we are going to make a deal. I think we all want to get out of there. But this only confuses it, in my judgment.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. How much time does the Senator desire?

Mr. McGEE. Two minutes.

Mr. SPARKMAN. I yield 2 minutes to the Senator.

Mr. McGEE. Mr. President, I cannot fail to observe, as I listen to all sides how really spasmodic and confused we have become as a body. We are not in Paris; we are not in Hanoi; we are not in Saigon. We have a negotiating team there. The problems that even the negotiators on the spot have must be compounded many times over by the ambiguities that have pervaded this body during this dialog.

I think it ought to say one thing to each of us in turn, and that is we, the Members of the United States Senate, are not going to negotiate anything. The very most we are going to do is to confuse and compound the simple effort that is underway.

We are all hoping to get out of there. We want to get out of there with all the honor we can retain. But we are not achieving it with the kind of shotgun approach we are trying here this afternoon. I say that with respect to all my colleagues, with all the perfecting and imperfect amendments we have submitted.

For that reason, I think we ought to do better by the kind of leadership we require in a Republic as diverse and as complicated as ours, with our size and our responsibilities, and at this very late date in this question, to try to be more restrained while we hope desperately and urgently that we will arrive at a successful termination. We are not going to end it here on this floor, and for that reason we ought not complicate the problems of those who are trying to end it.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield 2 minutes to the Senator.

Mr. BROOKE. Mr. President, when I offered a perfecting amendment to the Cooper amendment, I did so only for the purpose of including in that amendment a provision for the return of all American prisoners of war. I applauded and was very grateful for the fact that Senator COOPER had extended the withdrawal area of all American forces from Southeast Asia not only to South Vietnam but to Laos and Cambodia as well.

This is the first time that the Senate has been called upon to vote on that particular issue. It is an important issue, because we are concerned with more than South Vietnam. We are concerned with Laos and Cambodia as well. That is the great contribution that I think the distiguished senior Senator from Kentucky has made in his amendment.

In good conscience, I could vote for that amendment if only it provided for the return of American prisoners of war. It does not matter to me whether it is upon release or upon an agreement, as the Senator from Nevada has stated. But I do believe that we should have a vote on that particular issue as framed by the Senator from Kentucky.

I would like to support the Senator from Nevada, but I would prefer to see us stand up and vote, and vote affirmatively for the withdrawal of all American forces from Southeast Asia, which would include Laos and Cambodia as well as South Vietnam. That is contained in the Cooper amendment. The only addition that I would suggest thereto is that we provide for the return of American prisoners of war.

I do not question the good faith of the North Vietnamese. I do not know what they will do. But neither do the opponents, who say that we should give good faith to the North Vietnamese. I do not believe that we should say that we are going to bring back our forces, until we are assured that we have the return of the American prisoners of war. Therefore, I offered a perfecting amendment to the Cooper amendment which I think would be the strongest amendment we could vote upon in this session of the Senate.

I would like to support the amendment of the Senator from Nevada. But I am concerned that it restricts itself to South Vietnam, and I think we are beyond South Vietnam at this time.

If the Senator from Nevada would accept an amendment to his amendment—if he can do it—to include Laos and Cambodia as well, coupled with the agreement on the return of the prisoners of war, then I think it is an amendment that should be accepted by the Senate.

Mr. TUNNEY. I cannot support an amendment which will impose more stringent conditions upon American withdrawal from Vietnam.

The way to insure the release of our prisoners is to terminate our involvement in Vietnam. Attaching conditions upon our withdrawal will not enhance the goal of the return of our POW's and MIA's.

Accordingly, I shall oppose the change suggested by my distinguished colleague from Nevada. It will weaken the congressional mandate to leave Vietnam. Accordingly, I am convinced that it will prolong the ultimate return of our POW's. I believe that it is a counterproductive suggestion.

Mr. SPARKMAN. Mr. President, I am prepared to yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, will the Senator yield me a minute and a half?

Mr. SPARKMAN. I yield.

Mr. MAGNUSON. I am a little confused about whether the purpose of this amendment, as amended, deals only with ground troops.

Mr. CANNON. If the Senator is direct-

ing that statement to me, no, the amendment does not deal only with ground troops.

Mr. MAGNUSON. It deals with the Navy and the Air Force?

Mr. CANNON. U.S military combat and support forces.

Mr. MAGNUSON. Because "withdrawing the Navy" is a pretty loose term. It depends upon where the President orders the Navy to be. The Navy may be cruising up and down the coast of South Vietnam, perhaps not doing anything, unless we stop the appropriation from being used for any purpose of bombardment. This is what bothers me. You can get the ground troops out, every last one of them. But what about the Air Force and the Navy? You cannot move them out. You can just stop any appropriation from being used for bombardment. Is that correct?

Mr. CANNON. Under this amendment, it would be possible, if the forces were not in South Vietnam, to have troops in other areas.

Mr. MAGNUSON. I am talking about the Navy and the Air Force.

Mr. CANNON. The Navy is in international waters.

Mr. MAGNUSON. The Navy could be any place they wanted to be. The Senator is not going to abolish the bases for the Air Force in the Philippines or in Guam.

Mr. CANNON. No.

Mr. MAGNUSON. That is what I wanted to get clear.

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, will the Senator yield me 10 seconds?

Mr. SPARKMAN. I yield 30 seconds to the Senator.

Mr. COOPER. Mr. President, I oppose this amendment, for the reasons I have stated before.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Nevada. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative desk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 40, nays 55, as follows:

[No. 298 Leg.]

YEAS—40

Anderson	Bible	Burdick
Bayh	Brooke	Byrd, Robert C.
Bentsen	Buckley	Cannon
Chiles	Magnuson	Schweiker
Cook	Metcalf	Spong
Cranston	Mondale	Stafford
Fong	Montoya	Stevens
Hatfield	Muskie	Stevenson
Hollings	Packwood	Symington
Hughes	Pastore	Taft
Humphrey	Pearson	Talmadge
Inouye	Pell	Williams
Jackson	Randolph	
Long	Ribicoff	

NAYS—55

Aiken	Eastland	McGee
Allen	Ervin	McIntyre
Allott	Fannin	Miller
Baker	Fulbright	Moss
Beall	Goldwater	Nelson
Bellmon	Gravel	Percy
Bennett	Griffin	Proxmire
Boggs	Gurney	Roth
Brock	Hansen	Saxbe
Byrd, Harry F., Jr.	Harris	Scott
	Hart	Smith
Case	Hartke	Sparkman
Church	Hruska	Stennis
Cooper	Javits	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Kennedy	Tunney
Dole	Mansfield	Weicker
Dominick	Mathias	Young
Eagleton	McClellan	

NOT VOTING—5

Ellender	Jordan, N.C.	Mundt
Gambrell	McGovern	

So Mr. CANNON's amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Alabama.

Mr. BROOKE. Mr. President, I call up my perfecting amendment to the Cooper amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Strike out paragraph (b) and insert in lieu thereof the following:

(b) provided that there has been a release of all American prisoners of war held by the Government of North Vietnam or any Government allied with them.

Mr. BROOKE. Mr. President, this is a very simple amendment. The amendment provides that the American prisoners of war be released prior to the withdrawal of all American Forces from Vietnam, Laos, and Cambodia.

We have debated this amendment, even though the amendment has not been called up, for a good part of the afternoon. And I believe that my colleagues are well aware of what the amendment does.

Mr. President, let me first say that I commend the distinguished Senator from Kentucky for having introduced his amendment which calls for the withdrawal of all American Forces from Vietnam, Laos, and Cambodia within 4 months after enactment.

Mr. President, we have had many dates set in the amendments offered before the Senate. The first, I believe, was the Hatfield-McGovern amendment which called for a withdrawal of American Forces in the fall of 1971.

I believe the second was another amendment calling for withdrawal of forces by December 31, 1971.

The first Mansfield amendment called for withdrawal of American Forces by August 31, 1972; the modified amendment set a date of October 1, 1972.

The Cooper amendment provides for withdrawal of all our forces within 4 months after enactment. If we had enactment in the latter part of August, which is realistically the first that we could have enactment, it would mean that the American forces would not be withdrawn from Vietnam, Laos, and Cambodia until the beginning of 1973, long after the campaign is over, long after the election is over, and many, many years too long after the start of this war in South Vietnam and Southeast Asia.

Mr. President, the only fault I found with the Cooper amendment was that it did not provide for the withdrawal of American prisoners of war. I do not believe that we can afford to allow our American prisoners of war to stay in North Vietnamese prison camps dependent upon the good faith of the North Vietnamese to permit their release. It is as simple as that. Maybe they are acting in good faith. Maybe they will return the American prisoners of war. However, the risk is just too great to take.

I do not believe that the North Vietnamese expect us to take such a risk. I believe that they would expect us more if there were a provision included in the measure, so that the leaders of the North Vietnamese could get together with our President and negotiate as to how we would withdraw the troops and how many prisoners would be let out, and so forth.

The fact is that once we give up the presence of our troops in Southeast Asia, we have nothing to bargain with and nothing to negotiate for. And we cannot be assured that the American prisoners will be returned to us.

As my very able and distinguished friend, the Senator from Rhode Island, said on the floor, I do not want to see the Senate go on record as voting to withdraw our forces and leave husbands, fathers, and sons of American wives, mothers, and children in North Vietnamese prison camps dependent upon the good faith of the North Vietnamese.

Mr. President, that is the sole reason for perfecting amendment to the Cooper amendment. I ask the distinguished Senator from Kentucky to consider it, because I think he has a good amendment if he would only provide for the release of American prisoners of war.

My amendment does not call for an agreement nor any negotiations. It sets as a condition precedent that we will get back our prisoners of war before we withdraw all of our forces from Southeast Asia.

I want to make this clear. My amendment provides for withdrawal from South Vietnam, Laos, and Cambodia, as set forth in the amendment of the distinguished Senator from Kentucky. If there are any questions on the amendment I will be pleased to answer them. I think we have had enough debate on it. All I am asking is that the Senate vote favorably on the withdrawal of our forces, conditioned on returning American prisoners.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, we are

back at the very point where we were when I called up the amendment about 2½ hours ago.

The Senator is correct in his statement as to the purpose of the amendment. The amendment I have offered has no condition. It provides that in 4 months after the enactment of the bill all U.S. forces in Laos, Cambodia, and South Vietnam would be withdrawn, and our participation in the war, whether from the air, from other territories, or from the sea, or from the land would end. The issue is drawn clearly. I am sure every one of us has great concern for the prisoners of war, for their families, their fathers, mothers, wives, and children. All of us have been visited by them and all of us have talked to them. Many live in my State.

I offered the amendment, as I argued in my opening statement, for two purposes. One purpose was to determine whether the Senate was ready to vote for the ending of the war, the end of our participation in the war. We have never done so. Always a condition precedent has been included in an amendment, which denied the objective which the amendment proposed. I thought we should face that issue by an amendment without conditions.

The second issue is the release of prisoners of war. We can move in this circle for years by saying we will not withdraw until our prisoners of war are released, and the fighting goes on, the slaughter goes on, and the killing goes on, and more and more prisoners of war are taken.

I did not see anything about the good faith of the North Vietnamese. I do not have any regard for them. I have considered them the aggressors in the war from the very beginning. I do not have any regard for the Government of North Vietnam, that many in this country have expressed.

But, Mr. President, there are, as of July 8, 518 prisoners of war, according to the Department of Defense, and 1,243 missing in action. The prisoners have not been released and they will not be released and no accounting of the missing will be made while we are engaged in war. It is a matter of commonsense.

Is it inhumane to seek some other way to secure this release? I have said negotiation is the best way and I support the President. The North Vietnamese will do what they want to do. If this fails, I think moving out is the only chance we will have to get our prisoners of war back. We cannot guarantee it.

But what we have done has not brought them back to their families and children. We should know that as long as we are shelling, strafing, and bombing, they will not be returned.

I urge the defeat of this amendment. I thank Senators JAVITS, CASE, PERCY, KENNEDY, and MANSFIELD for supporting me in this matter.

Mr. BROOKE. Mr. President, I am certainly aware that the distinguished senior Senator from Kentucky is as much concerned about the lives of the American prisoners of war as any man or woman in the Senate, or in the United States, or elsewhere. That is not the question at all. We are concerned about the return of American prisoners of war. The question before us is: What is best? What can we do to assure that American prisoners of war will be returned? Do we take all of our troops out of South Vietnam, Laos, and Cambodia, and then say that because we have done that the North Vietnamese are duty bound to return our prisoners? Maybe they are; maybe they will; but do we want to leave it to chance? Should we leave it to chance? Can we take this chance with the lives of those men who are resting in North Vietnamese prison camps? Can we in good conscience do that?

My able colleague from Rhode Island said it is not a question of honesty; it is a question of judgment. Is that the best judgment?

I have heard many other Senators argue today, and my own senior Senator from Massachusetts said, "What can we do? It has not worked so far."

Maybe it has not, but that does not mean that it will not work. This is the first time, as pointed out today, that we have ever said to the North Vietnamese that we would withdraw all American forces from South Vietnam, Laos, and Cambodia if they will return every American prisoner of war. It is the first time. We do not know whether they will accept or not. But why should we give up everything we have, until we have explored the possibility of such an agreement?

We always talk about our good faith. Why do we not ask about the good faith of the North Vietnamese? Both parties must have good faith. We could not ask for a better quid pro quo than that.

This amendment states "all land, all sea, and all air forces." That is everything—out of three countries, South Vietnam, Laos, Cambodia. It does not say anything about the Thieu government, or a ceasefire. It says all we want is the return of all, every American prisoner of war.

Mr. President, I ask: Is that too much to ask of the enemy, the North Vietnamese? I think the answer is obvious. Of course it is not too much to ask. It is just a question of judgment.

If my distinguished colleague could give us assurance that if we pull out all of our forces from these three countries we could have a return of our prisoners of war, I would not be arguing for my perfecting amendment. But he cannot. I cannot give him an assurance either that we will get our prisoners of war back based on the offer contained in my amendment.

I agree with my distinguished colleague. We have a responsibility, as well as the Executive, to make known our views on this war. I think we should have done so long ago. I think we should have been out of Vietnam a long time ago. As I said earlier, and some Senators present now were not then in the Chamber, I have voted for every antiwar amendment that has been on the floor of the Senate. I just voted for the Cannon amendment even though I did not think it went far enough, because I thought it might have a chance of passage, and at long last the Senate would have gone on record stating its position on this disastrous war in Southeast Asia.

But this is a simple amendment. As I said in my opening remarks, if we agree to the Cooper amendment, and I hope and pray we do, and I will vote for it. I hope it will have added on to it the simple provision for the return of American prisoners of war.

I think my distinguished colleague voted for a similar amendment before, because that amendment was contained in the McGovern-Hatfield amendment. I cannot see how the distinguished Senator from Kentucky can fail to vote favorably on this amendment when consistently he, himself, has called for the return of American prisoners of war.

I cannot understand it, Mr. President. I hope he changes his mind, because I would like to see him support this amendment. I would like to see him accept this amendment. But be that as it may, I trust the Senate will accept this amendment, because I think the Senate wants to go home tonight having said to all the American people that we will not at any time pull out all of our forces until we are assured that every American prisoner of war has been returned.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. HUMPHREY. Is it not true that the bill, as reported by the Committee on Foreign Relations, on page 11, reminds us that the involvement of the U.S. military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—line 8—"the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such government?"

So the Senator's amendment relates to what was the considered judgment of the Foreign Relations Committee itself. It also relates to practically every move we have approved in the Senate, including the Mansfield amendment a year ago, including the so-called Vietnam Disengagement Act. So the Senator's amendment is consistent with determined efforts in this body to get a cessation of our involvement in all of Indochina on the one hand, and the removal of all our forces, but also a release of our prisoners of war?

Mr. BROOKE. I thank the distinguished Senator from Minnesota for calling the attention of the Senate to that provision of the Foreign Relations Committee bill. I do not recall any time when the Senate has acted otherwise. I would like to see us get out of Southeast Asia—land, sea, and air. But we have never voted to do so without first getting assurances that we would have the return of our prisoners of war.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. ALLEN. I notice that in the question that the Senator from Minnesota propounded to the Senator from Massachusetts it was with respect to section 12(b), providing that one of the conditions for withdrawal of U.S. military forces from Indochina would be the

release of U.S. prisoners of war; but he neglected to mention that it also contains two other conditions. One is a cease-fire between U.S. forces and the Vietcong and North Vietnam, and the other is an accounting for all Americans missing in action who have been held by or known to such government of such forces. But the amendment offered by the distinguished Senator from Massachusetts does not contain these two additional preconditions to withdrawal from Indochina; does it?

Mr. BROOKE. I thank the Senator from Alabama for calling that to my attention. I think the Senator from Minnesota was merely addressing his remarks to the amendment before us. The language of the committee bill does go further, and includes conditions not included in my amendment. The Senator from Minnesota was only calling attention to the fact that the Foreign Relations Committee did include in the bill a reference to the return of all prisoners of war.

Mr. ALLEN. Plus the two other preconditions.

Mr. BROOKE. Yes; but that is not before us in this amendment.

WHY MUST WE SNATCH DEFEAT FROM THE JAWS OF VICTORY?

Mr. DOLE. Mr. President, I rise to express my opposition to the pending amendment. This provision is in conflict with the much broader proposals advanced by our President, proposals which, if accepted, would provide a cessation of killing and warfare throughout Indochina. However, the pending amendment offers no solution for the peoples of Southeast Asia. It merely requires unilateral American withdrawal from Vietnam, and cessation of all support for our friends in Indochina—giving Hanoi no incentive whatsoever for the release of American prisoners of war and MIA's.

Mr. President, we have seen this plan presented on several occasions in recent years, but never has it appeared at a more unfortunate time than today. It is presented to this body in the place of a generous and comprehensive peace offer set forth by our President. In this context, the amendment has the appearance of an attempt to embarrass the President at the expense of orderly American disengagement from Vietnam.

LET US CONSIDER THE CONSEQUENCES OF OUR ACTIONS

Mr. President, crucial to our discussion of legislation requiring American withdrawal from Vietnam and Indochina are consequences which the legislation will have upon both American policies and the area in question. Permit me to analyze the consequences which will most likely arise if we follow the course set by our President on one hand, or that set by the pending amendment on the other.

President Nixon intends to bring about complete American withdrawal from Vietnam in the context of a peace settlement extending to the entirety of Indochina. He has offered Hanoi attractive terms in exchange for a cease-fire. He has committed himself to withdraw American troops within 90 days of the cease-fire and return of our prisoners. The return of our prisoners and accounting for our MIA's would be a crucial element to such a settlement. This accounting and cease-fire would be confirmed by an international agency or organization.

The acceptance and compliance with these modest terms would leave the North Vietnamese and South Vietnamese free to negotiate a political settlement to the war. The outcome of these negotiations would be an essentially Vietnamese solution to a Vietnamese problem. President Thieu has acted to assure South Vietnamese self-determination by pledging to step down from the Presidency, permitting the South Vietnamese people to exercise a fresh mandate as to who will be his successor and deal with the North in the development of an Indochinese political settlement.

What would be the effect of the amendment before us? It would have us withdraw our remaining forces unilaterally, a simple act, requiring no commitment whatsoever of the Communists in return. Having deserted the South Vietnamese at the very point when they have held a vicious and massive invasion by a more numerous and heavily armed foe, we would then proceed unilaterally to negotiate a cease-fire with that foe's puppet representatives. We would not feel worthy to look to Hanoi as the source of overt aggression, but rather to that small band of "chicken thieves" in the South, their Vietcong supporters, who are now so weak as to have been quite inactive during the present invasion. Indeed, they were so weak as to have even given the lie to General Giap's vaunted doctrine of revolutionary warfare, which calls for the "people" to rise up in the cities during "set piece battles." Failure of this doctrine will have caused some wonderment among the faithful of General Giap. But, nevertheless, we would somehow find these pillars of popular strength and in effect make our peace with them.

Our prisoners would be truly made hostages by this amendment. But, that is not all. The amendment would not insure our prisoners' release, even after our men had been withdrawn. That is to say, the amendment assumes they would be released. The pending amendment would gratuitously terminate all American air-sea activity in the entirety of Indochina, giving the North Vietnamese "open season" in Cambodia, Thailand, Laos, Malaysia, and South Vietnam. This amendment proposes that we abandon our allies on a subcontinent, and not content with this, it proposes that we desert our prisoners and MIA's in return for a nonexistent commitment that Hanoi would negotiate the issue. Why should they do so? They would have us on the run, but not by military prowess. They lost that throw decisively. But they know that if the United States gives in at the very point that our allies appear to be within reach of self-sufficiency, why could they not suppose that we would not give in to further demands?

One needs to look no further than the plight of 85,000 Pakistani prisoners of war, who are being held "ransom" to a political settlement today, more than 9 months after the "cease-fire" in that war. The Senator from Kansas is not persuaded that we could expect the North Vietnamese to be any more magnanimous than the Indians. Indeed, they would be much less so. We cannot remove all incentives from our position at the negotiations in Paris. If we did, the American prisoners in Hanoi and elsewhere would then truly be deserted hostages, left utterly at the mercy of an enemy whose respect for prisoners of war and the obligations of international law is virtually nonexistent.

THIS IS A POOR ALTERNATIVE TO THE PRESIDENT'S PROPOSAL

The pending amendment comes as an alternative to the President's own comprehensive peace plan. Its timing is close enough to the deliberations on the strategic arms limitations agreements to create uneasiness among those nations whose security is linked to our policies. Finally, the amendment comes before us at a time when the North Vietnamese are still pressing a massive invasion upon the people of the south, an invasion which has been supplied with overwhelming amounts of heavy, sophisticated offensive Russian equipment, equipment which is far more powerful than what we had provided the South Vietnamese.

THIS BILL WEAKENS THE POLITICAL FRAMEWORK FOR "SALT"

We are now at a stage in our dealings with the Russians when it is more important than ever that we act responsibly. A move such as is proposed here, which would undercut the President's withdrawal policy in Vietnam, could hardly contribute to the credibility of our diplomacy in the eyes of the Russians.

Our President has taken tremendous strides in his quest for a more peaceful world. He has achieved increased understanding and agreements with nations which have been our adversaries for the past 25 years. This body has given him every encouragement in these undertakings. It has thereby helped him to take first steps toward healing problems which he inherited from recent history. The Senator from Kansas is disturbed by the apparent unwillingness of many Members of this body to encourage our President in his efforts to terminate a war, which he also inherited. Particularly, since he has demonstrated his determination to eliminate direct American involvement.

THIS AMENDMENT WOULD BE AN INVITATION TO FURTHER DEMANDS

Mr. President, the pending amendment would weaken the negotiating position of the United States in Paris and in other forums. If we were to unilaterally withdraw, we would be showing weakness to an enemy which respects only strength. We would be opening wide the door for further unilateral concessions and demand for such concessions. Perhaps Hanoi's next demand will be for "war crimes" trials of American officers, or reparations. We cannot permit ourselves to be maneuvered into such a position.

THE CREDIBILITY OF OUR FOREIGN POLICY WOULD BE UNDERMINED

The language of the pending amendment would have serious consequences for the conduct of American foreign policy far beyond Vietnam. It would set a precedent which would undermine the

commitments of the United States and undercut the Nixon doctrine, which is the basis of our future relationships with friendly nations of the developing areas of the world. The Nixon doctrine in Asia and throughout the world must be sustained by the credibility of our policies in Vietnam. If we are forced to cut short our effort to sustain the South Vietnamese in their struggle against a powerful, Soviet-supplied invasion, how are we to convince other nations of the region or the world that we will honor our commitments to them? In so much as Russian armaments have provided the North Vietnamese invaders with superior firepower and force, the United States is bound by the spirit of the Nixon doctrine to equalize the contest by the use of our air and sea forces, until the South Vietnamese can meet the new threat, through their continued improvement, and the attrition of the enemy's advantages in the area of heavy armaments.

THE WORLD IS WATCHING OUR POLITICAL WILL TO ACHIEVE PEACE

The world is watching carefully as we choose our course in Vietnam. Our choice on the pending amendment is between orderly application of our declared foreign policy and departure from this policy in favor of short-term domestic political expediency.

The Russians will be watching us, weighing our resolution to remain strong in the post-summit environment. They will be watching for advantages which could serve their interests in the longer run. Weakness in Vietnam could suggest to them the likelihood of dispute and indecision in the event of future local conflicts in which our interests are involved. The proxy war which the Russians have sustained against us has been a political windfall for them.

The Japanese, now at a cross-roads themselves, will be watching our behavior, thinking of their own defenses and political and economic interests. Our performance in Vietnam will suggest the value and consistency of our commitments to them.

The Chinese are watching us with cool anxiety, for they, more than many nations, believe they have cause to fear the Russians. They would be discomforted by inconsistent American behavior and weakness, perhaps almost as much as they would welcome a Communist victory in Vietnam itself.

In the Middle East, too, the consistency and resolve of the United States will be examined. For if we lack the internal resolve to pursue an honorable and orderly withdrawal from Vietnam, what comfort could the moderate Arabs or Israelis draw from our assurances?

Europe, and especially Germany, will also be watching our behavior on the Vietnam withdrawal question. If we choose the path set forth in this amendment, it will not be lost on the Europeans that the Members of this body who now press to undercut the President's policies in Southeast Asia also are the persistent advocates of unilateral American withdrawal of forces from NATO. The Europeans have seen the pall of isolationism fall over the United States before. They would sense the erosion of our political resolve. They would foresee the possibilities of trade barriers and protectionism. At a time when Germany has made dramatic moves toward better relations with the Soviet Union and the nations of Eastern Europe, a strong sign of inconsistency and weakness on the part of the United States would have disasterous effects. The memories of America's isolationist past would be evoked, and prospects for Russian concessions leading to mutual, balanced, force reductions—MBFR—in Europe would be reduced accordingly. "Ostpolitik" in Europe is a policy based upon calculated risk and strong American support. Should Germany sense a weakening of American resolve, her position will be dramatically weakened vis-a-vis the U.S.S.R., and the political reactions will scarcely be to our liking.

The nations of the world are watching the United States, for the stability of the international scene depends to a large extent upon the consistency of our foreign policy. The Senator from Kansas strongly believes that the pending amendment is clearly inconsistent with our foreign policy and that it would be harmful to American interests in Asia and elsewhere. The advances of modern technology have boosted communications to an extent to which the actions of a major nation anywhere on earth can have serious repercussions. We live on a shrinking planet and no longer can afford the luxury of capricious behavior.

STRENGTH AND CONSISTENCY ARE INDISPENSABLE COMPONENTS OF A SUCCESSFUL FOREIGN POLICY

The lesson of history is that success favors the nation which behaves with consistency of purpose. It also shows us that political consensus and a will to use strength when necessary are also consonant with national survival and success. The language of the pending amendment departs from our policy by giving an enemy something for nothing. It removes our troops while asking nothing in return. Further, it would leave the subcontinent at the mercy of Hanoi by pulling out our aid, sea, and air support for the free nations of the region, while not even requiring that they release our men held as prisoners of war and account for those who are missing in action.

The perils of such a policy reach even beyond the question of deserting our POW's or our friends on a subcontinent. The pending amendment would undermine the overall credibility of U.S. foreign policy by undercutting the President's own proposals and directly strengthening the hand of the enemy in Hanoi.

Mr. President, the language of the amendment before this body comes at a most unfortunate time. We have just begun to resolve our adversity with the Russians. Our friends in South Vietnam show signs of vast improvement and of turning back the invasion from the North. We have enjoyed a year of unprecedented successes in establishing a credible foreign policy for both now and the foreseeable future. These successes have, at least in part, been due to respect which our erstwhile adversaries in the international picture have shown for President Nixon's consistency of purpose and credibility. And in no small measure, the respect shown to President Nixon has arisen from his capacity to keep the United States strong in both a political and military sense. Strength and resolution of purpose made the President's journeys for peace possible. They led to arms limitation agreements. We cannot afford to be weak in the face of seeking a settlement to the Vietnam war. The pending amendment would be no less than an admission of weakness and a declaration of no confidence in our President at a time when he most deserves our confidence.

Mr. BROOKE. Mr. President, I would like to take this opportunity to clarify one point regarding my amendment to the Cooper amendment. Questions have been raised, by my colleagues and by members of the press, as to when the Cooper amendment, as amended, would take effect.

I intended to change nothing in section (a) of the original Cooper amendment. As I said in debate on the amendment, the 4-month period during which funds could be used only for withdrawal, or protection of the withdrawal, of American forces from Indochina, would begin on the date of enactment. I have only imposed the condition that, during the time when our troops were being withdrawn, comparable provision should be made for the return of American prisoners of war.

As I explained earlier in the colloquy on my amendment, the details of the return of our prisoners and the withdrawal of our troops could be worked out by the executives, the leaders, of the United States and the North Vietnamese, and their allies. But I want to make it absolutely clear that my intent in proposing the amendment, was that the troops would be withdrawn and the prisoners returned simultaneously.

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

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

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having expired or having been yielded back, the question recurs on the amendment of the Senator from Massachusetts to the amendment of the Senator from Kentucky. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana, (Mr. ELLENDER), the Senator from Georgia, (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "Yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 63, nays 32, as follows:

[No. 299 Leg.]

YEAS—63

Allott	Dominick	Packwood
Anderson	Fannin	Pastore
Baker	Fong	Pearson
Bayh	Griffin	Pell
Bennett	Gurney	Percy
Bentsen	Hansen	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Brock	Hollings	Schweiker
Brooke	Humphrey	Spong
Buckley	Inouye	Stafford
Burdick	Jackson	Stevens
Byrd, Harry F., Jr.	Jordan, Idaho	Stevenson
Byrd, Robert C.	Long	Symington
Cannon	Magnuson	Taft
Chiles	McClellan	Talmadge
Cook	Metcalf	Thurmond
Cotton	Miller	Tower
Cranston	Mondale	Williams
Curtis	Montoya	Young
Dole	Moss	
	Muskie	

NAYS—32

Aiken	Goldwater	McIntyre
Allen	Gravel	Nelson
Beall	Harris	Roth
Bellmon	Hart	Saxbe
Case	Hruska	Scott
Church	Hughes	Smith
Cooper	Javits	Sparkman
Eagleton	Kennedy	Stennis
Eastland	Mansfield	Tunney
Ervin	Mathias	Weicker
Fulbright	McGee	

NOT VOTING—5

Ellender	Jordan, N.C.	Mundt
Gambrell	McGovern	

So Mr. BROOKE's amendment to Mr. COOPER's amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendment be read again.

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

The assistant legislative clerk read as follows:

In lieu of language proposed to be inserted by the Senator from Kentucky (Mr. COOPER) insert the following:

That it is the sense of the Congress that at a time certain, not later than four months following the establishment of an internationally supervised cease-fire throughout Indochina and the return of all American prisoners of war and an accounting of Americans missing in action in Indochina, a complete withdrawal of all American forces from Vietnam shall be accomplished.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. As in the first reading of the amendment, the clerk mentioned "the amendment of the Senator from Kentucky (Mr. COOPER)." Does that mean the amendment of the Senator from Kentucky as amended by the Brooke amendment?

The PRESIDING OFFICER. That is correct. It would be the amendment of the Senator from Kentucky as amended by the amendment of the Senator from Massachusetts (Mr. BROOKE).

Mr. HUMPHREY. Mr. President, a further parliamentary inquiry.

Tre PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. As I understand, the Allen amendment is a substitute for the Cooper amendment as amended.

The PRESIDING OFFICER. That is correct. As amended by the amendment of the Senator from Massachusetts.

The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 45, nays 50, as follows:

[No. 300 Leg.]

YEAS—45

Aiken	Dole	Miller
Allen	Dominick	Pearson
Allott	Eastland	Roth
Anderson	Ervin	Saxbe
Baker	Fannin	Scott
Beall	Fong	Smith
Bellmon	Goldwater	Sparkman
Bennett	Griffin	Stafford
Boggs	Gurney	Stennis
Brock	Hansen	Taft
Buckley	Hruska	Talmadge
Byrd, Harry F., Jr.	Jackson	Thurmond
Byrd, Robert C.	Jordan, Idaho	Tower
Cotton	Long	Young
Curtis	McClellan	
	McGee	

NAYS—50

Bayh	Hartke	Nelson
Bentsen	Hatfield	Packwood
Bible	Hollings	Pastore
Brooke	Hughes	Pell
Burdick	Humphrey	Percy
Cannon	Inouye	Proxmire
Case	Javits	Randolph
Chiles	Kennedy	Ribicoff
Church	Magnuson	Schweiker
Cook	Mansfield	Spong
Cooper	Mathias	Stevens
Cranston	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Fulbright	Mondale	Tunney
Gravel	Montoya	Weicker
Harris	Moss	Williams
Hart	Muskie	

NOT VOTING—5

Ellender	Jordan, N.C.	Mundt
Gambrell	McGovern	

So Mr. ALLEN's amendment was rejected.

The PRESIDING OFFICER (Mr. CHILES). The question now recurs on agreeing to the amendment, as amended, of the Senator from Kentucky (Mr. COOPER).

All those in favor will say "aye"——

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Lousiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 50, nays 45, as follows:

[No. 301 Leg.]

YEAS—50

Anderson	Hartke	Pastore
Bayh	Hatfield	Pearson
Bentsen	Hollings	Pell
Bible	Hughes	Percy
Brooke	Humphrey	Proxmire
Burdick	Inouye	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Schweiker
Chiles	Magnuson	Spong
Church	Mansfield	Stafford
Cook	Mathias	Stevens
Cranston	Metcalf	Stevenson
Eagleton	Mondale	Symington
Fulbright	Montoya	Talmadge
Gravel	Moss	Tunney
Harris	Muskie	Williams
Hart	Nelson	

NAYS—45

Aiken	Dole	McIntyre
Allen	Dominick	Miller
Allott	Eastland	Packwood
Baker	Ervin	Roth
Beall	Fannin	Saxbe
Bellmon	Fong	Scott
Bennett	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Stennis
Buckley	Hansen	Taft
Byrd, Harry F., Jr.	Hruska	Thurmond
Byrd, Robert C.	Jackson	Tower
Cooper	Jordan, Idaho	Weicker
Cotton	Long	Young
Curtis	McClellan	
	McGee	

NOT VOTING—5

Ellender	Jordan, N.C.	Mundt
Gambrell	McGovern	

So Mr. COOPER's amendment, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVENTION FOR THE SAFETY OF LIFE AT SEA—REMOVAL OF INJUNCTION OF SECRECY

Mr. SPARKMAN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the amendments to the Convention for the Safety of Life at Sea, 1960—Executive O, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the amendments with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

I herewith transmit for the advice and consent of the Senate 11 amendments to the Convention for the Safety of Life at Sea, 1960.

Three of these amendments were adopted on November 26, 1968, by the Assembly of the Intergovernmental Maritime Consultative Organization (IMCO) at its fourth extraordinary session held in London November 26–28, 1968, and are annexed to the enclosed certified copy of Resolution A. 146 (ES. IV). The other eight amendments were adopted on October 15–29, 1969, and are annexed to the enclosed certified copy of Resolution A. 174 (VI).

The three amendments adopted in 1968 are the outcome of studies undertaken by IMCO in 1967 following the *Torrey Canyon* tragedy. They are preventive measures designed to avoid the repetition of such disasters by requiring that specified navigational equipment be carried aboard certain vessels, specifying conditions of operation that must be met by vessels using automatic pilot, and requiring that all ships subject to the Convention carry adequate and up-to-date nautical publications.

The 1969 amendments are designed to improve requirements for firemen's outfits and personal equipment in cargo ships as well as requirements for lifebuoys, lifejackets, radio installations, and shipborne navigational equipment.

For the information of the Senate, I am also transmitting the report of the Department of State with respect to the amendments.

I recommend that the Senate give swift and favorable consideration to all of these amendments.

RICHARD NIXON.

THE WHITE HOUSE, *July 24, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. Ruppe had been appointed as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 634) to amend the Mining and Minerals Policy Act of 1970, vice Mr. McClure, excused.

The message also informed the Senate that the Speaker had appointed Mr. SYMINGTON of Missouri, and Mr. MOSHER of Ohio, as additional managers on the part of the House at the conference on the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. DINGELL, and Mr. PELLY were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. HANSEN of Washington, Mr. OBEY, Mr. YATES, Mr. GALIFIANAKIS, Mr. MAHON, Mr. MCDADE, Mr. WYATT, Mr. DEL CLAWSON, and Mr. BOW were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. STENNIS. Mr. President, I call up my amendment No. 1229 and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please come to order.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

Mr. STENNIS. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will please come to order. Attachés will please take their seats and Senators will please take their chairs.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the status of subsection (b) to section—what is the status of section 12 in its entirety at the present time? Is it as appears in the original bill or has there been a change in the meantime?

The PRESIDING OFFICER. The amendment of the Senator from Kentucky as amended by the Senator from Massachusetts has stricken the entire section and substituted new language for section 12.

Mr. MANSFIELD. In other words, section 12, subsection (a) and subsection (b) as appear in the bill on pages 10 and 11 as originally introduced, has been knocked out of business.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. There has been a unanimous-consent agreement here to vote on this amendment that I have called up, amendment No. 1229, wherein the Senate commits itself to a vote on section 12, or whatever it was, or whatever section 12 might become. I make that point of order, as to whether the amendment is still applicable and I ask that there be consideration of and a vote upon this amendment. I ask for a ruling.

Mr. PASTORE. Mr. President, may we have order.

Mr. STENNIS. Mr. President, if I may make a further point, if the Chair would read the agreement we have been operating under all day, that agreement would make very clear what the Senate already has done. It becomes part of the procedure, it is locked in, and it cannot be deviated from.

The PRESIDING OFFICER. The unanimous-consent agreement does not specify what the amendment of the Senator from Mississippi would be. It simply states a unanimous-consent agreement to consider an amendment from the Senator from Mississippi.

Had the unanimous-consent agreement specified an amendment numbered so-and-so, then the matter would be locked in, as the Senator intimated.

Mr. STENNIS. If I may, I make this further point of order. There is no other amendment here in all these considerations, except this one amendment with my name on it, that I am connected with in any way. It was on the table then and under control of the Senate when the unanimous-consent agreement was made. It could not have been referring to any other amendment except the one to which I now refer. It was here with a number on it. There was no other amendment then nor has there been since that time.

It certainly will set a bad precedent if the Senate could abandon its original order just because something happened here to a section of the bill and a substitution was made.

I respectfully submit this is something that is highly important. It would set a bad precedent and it would not be easily amended.

The PRESIDING OFFICER. Under the rules the amendment has no status until the amendment is called up. The Senator would have been free to substitute any amendment for the amendment that was at the desk, or to have withdrawn the amendment that was on the desk, the amendment having really no effect until it was called up.

Mr. STENNIS. I respectfully submit that that is a far-fetched reason; that some Senator could come here, put in an amendment, get an agreement to vote on it, then come back and put in another amendment and claim that the original agreement applied to his second amendment. Senators rely on what happens on the floor of the Senate. They rely on the promise of one Senator, much more the promise of 99 Senators. Here is a written promise that we are going to take up these amendments consecutively. There is no question about that. Everyone was here and heard the leader call them out. There is no question about that. It is in the RECORD of July 21, 1972. Everyone went his way and made preparations and we came back here and lived up to this agreement. We have gotten down to this point and said that it should apply to some other amendment somewhere else that the Senator from Mississippi introduced.

I respectfully submit that in effect it is saying, "We did not mean what we said yesterday. By a substitute or something else the Senator from Mississippi could have brought up some other amendment." That would not have been tolerated for 1 minute. Such an attempt would have been repudiated and the Senator from Mississippi would have been

reprimanded for having tried to pull such a stunt. After having agreed to vote, the Senate is ruling out a Senator's amendment, just because a different situation has resulted as to the state of a section in the bill.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. I would be glad to yield if the Senator would say what amendment the Senator had in mind when he made the unanimous-consent request.

Mr. ROBERT C. BYRD. I was under the impression at the time the agreement was offered that the amendment which the distinguished junior Senator from Mississippi would offer would be an amendment to strike—I did not know the number of the amendment. I went to the journal clerk prior to proposing the agreement and asked the number of the amendment. I was able to secure the number of the Mansfield amendment and the Cannon amendment, but the Journal Clerk could not supply me, at that time, with the number of the amendment by Mr. STENNIS.

So I simply say that it was my impression at the time—and I think it was the impression of every one present—that the amendment which was being referred to as the amendment by Mr. STENNIS was the one amendment to strike. I had no other way of identifying the amendment at that time. I simply say this, hoping it will help resolve the situation fairly to the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. It was my recollection that it was for the purpose of striking section 12.

Mr. STENNIS. Of course, section 12 was the only thing in the bill at that place at that time. We could not have anticipated anything else being there but the substance of the bill—to strike section 12 or anything that was in the place of section 12.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ALLEN. A parliamentary inquiry.

The PRESIDING OFFICER. The Sentor will state it.

Mr. ALLEN. Would it not be possible for the distinguished Senator from Mississippi to accomplish the same purpose by offering at this time a substitute to the committee substitute which would incorporate all the provisions of the committee substitute save and except section 12?

The PRESIDING OFFICER. A substitute to the committee substitute would not be in order unless there were various other differences and substantive changes—not just that one difference.

Mr. ALLEN. How many substantive changes would it take, the Senator from Alabama will ask the Chair?

The PRESIDING OFFICER. The purpose of the substitute would have to be that it was not just intended to get to that provision, and to do indirectly what could not be done directly.

Mr. ALLEN. Suppose we left out more than one section or incorporated another section.

The PRESIDING OFFICER. The Senator is asking the Chair to rule on hypothetical questions now.

Mr. ALLEN. Very well. I suggest the absence of a quorum——

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

Mr. STENNIS. Mr. President, who had the floor?

The PRESIDING OFFICER. The Senator from Mississippi was making a parliamentary inquiry of the Chair. The time is under control. The Chair needs to know who is yielding time.

Mr. STENNIS. Mr. President, who has control of the time?

Mr. MANSFIELD. Mr. President, I think the Senator from Alabama has control of the time.

Mr. SPARKMAN. Mr. President, if I have control of the time, I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield 1 minute to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, my recollection on the one agreement is as I stated it. The distinguished Senator from Mississippi had in mind offering a motion to strike all of section 12, including subsections (a) and (b). The situation now has changed somewhat because the original section 12 in toto, as contained in the pending bill, has now been knockled out and been replaced by the Cooper substitute, as amended by the distinguished Senator from Massachusetts (Mr. BROOKE).

Therefore, Mr. President, even though there is this change, I ask unanimous consent—and I hope the Senate will agree—that it may be in order for the Senator from Mississippi to call up his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Mississippi may offer his amendment to strike.

Mr. STENNIS. Mr. President, I thank the magnanimity of the Senator from Montana and the magnanimity of the other Senators. I think we have avoided setting a very injurious precedent that would plague us for a long time with reference to getting unanimous-consent agreements.

Very quickly now, for the information of the body, there are 3 hours reserved on the motion to strike.

The PRESIDING OFFICER. Does the Senator call up his amendment at this time?

Mr. STENNIS. Yes, I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 10 strike all of section 13, as amended.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself 15 minutes on the amendment.

Mr. HARTKE. Mr. President——

Mr. STENNIS. Mr. President, I want to be certain that the amendment now applies——

Mr. PASTORE. Mr. President, may we have order so we can hear?

Mr. HARTKE. Mr. President——

The PRESIDING OFFICER. As the bill has been amended, it would be section 13.

Mr. STENNIS. Mr. President, I ask unanimous consent, then, that the amendment be allowed to apply to section 13.

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

Mr. STENNIS. Mr. President, I do not propose to take over 10, 12, or 15 minutes to argue the proposition of the motion to strike. If any other Senator wants to speak on it, if he will just speak up now, we can put the time together. Then I shall be glad to yield the remainder of the time back, and we will take just 20 or 25 minutes.

The Senator from Colorado indicated he wanted 5 minutes. There will be some debate. I would like to have 20 minutes.

Mr. MANSFIELD. Mr. President, would the Senator agree to a 40-minute limitation?

Mr. STENNIS. Not to exceed 1 hour, and we will probably yield it back, or some of it, at least.

Mr. AIKEN. Mr. President, is the Senator including more than the striking of section 12 in his amendment?

Mr. STENNIS. The parliamentary situation is that my amendment would really now apply to section 13, under the unanimous-consent agreement. I asked that it be amended to that effect.

Mr. AIKEN. But the old section 12 on page 10——

The PRESIDING OFFICER. The Chair cannot hear the Senator from Vermont.

Mr. STENNIS. Frankly, I do not understand how section 12 got out. Has it been totally eliminated already?

The PRESIDING OFFICER. Will the clerk please report section 13 as amended?

Mr. ALLOTT. Mr. President, will the Senator yield to me for a parliamentary inquiry?

Mr. STENNIS. Mr. President, I think we ought to straighten out this parliamentary situation here so that it will be certain.

Mr. ALLOTT. I think this will do it.

The PRESIDING OFFICER. If Senators will withhold, we will have the clerk report section 13 as amended.

The legislative clerk read section 13, as amended, as follows:

(2) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act.

(b) Provided that there has been a release of all American prisoners of war held by the government of North Vietnam or any government allied with them.

Mr. STENNIS. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. My amendment now, under the parliamentary situation, is a

motion to strike which applies to section 13 as read. Is that correct?

The PRESIDING OFFICER. Under the unanimous-consent agreement, it does.

There will be 3 hours of debate, equally divided.

Mr. STENNIS. One other parliamentary inquiry, Mr. President. I still want to know what becomes of section 12 under the bill that we have been debating.

The PRESIDING OFFICER. Under the amendment, the bill was renumbered and section 12 became section 13.

Mr. STENNIS. And the language of section 12 as in the bill as printed and on our desks no longer is in the bill?

The PRESIDING OFFICER. The language in section 12 as it appears in the printed bill was replaced by the amendment of the Senator from Kentucky as amended by the amendment of the Senator from Massachusetts, which became section 13.

Mr. STENNIS. Very well.

Mr. MANSFIELD. Mr. President, I ask that there be a time limitation on the pending Stennis amendment of not to exceed 1 hour, the time to be equally divided between the distinguished Senator from Mississippi and the distinguished senior Senator from Idaho, the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. That is not to exceed 1 hour.

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

Mr. STENNIS. Mr. President, I yield myself 10 minutes or so much time thereof as I may use, and I ask the attention of the Senate on this matter.

The PRESIDING OFFICER. The Senate will be in order. Senators will please give the Senator from Mississippi their attention.

Mr. STENNIS. Mr. President, those who wish to speak for the amendment I propose will please let me know.

We have debated this subject matter this afternoon, and have had a very fine exchange of thoughts and heard many expressions here by individual Senators of their positions. I do not think that a majority of the Members is yet fully satisfied with the bill in its present form on this subject matter. I think there ought to be a clearcut vote now as to whether or not this language, as substituted for what we have been calling the Mansfield amendment, should actually become law.

My position on this issue has been clear all the way through. I have engaged in these debates by virtue of having been floor manager of some bills last year, and now we are in the subject matter again. I am fully convinced, in my own concept of the Constitution of the United States, particularly as to the responsibility of the executive branch of this Government to carry on negotiations. Certainly we have responsibility, but to carry on the negotiations that power and that responsibility are vested and placed with the President of the United States.

If I may have the attention of the Senate just a few minutes, this provision we are now discussing, the first part of it, goes to the very heart of cutting off—and it does cut off—all the funds from any bill for all of this war we are unfortunately engaged in over there, without any limitations, without any conditions or anything else, save the mere one point of the release of our POW's. Of course, that is a point we are all interested in, and it is one of the primary reasons for continuing the war, to get those prisoners released.

But, Mr. President, there is much more involved. I want to make it clear, I think Congress has the full authority to cut off the money. This is not, however, the question at issue. Congress has tried faithfully to deal with this thorny problem in similar legislation for well over a year. Little has really been accomplished; certainly real results have not been obtained.

I believe the reason is, or at least the hard facts are, that these amendments that we have passed in years past, last year, and this year, and are considering today, are purely negative positions. This amendment has no affirmative value under the circumstances existing now. Congress has no negotiating team and has no negotiating authority whatsoever to deal with North Vietnam. And no one knows that any better than they do. Congress has no authority or power to create a team of negotiators to represent our Nation in an effort to get our POW's and MIA's released and otherwise terminate this war. That authority is not vested with us. And, as I say, they know that.

We are expressing opinions here. We are expressing consensuses here. We are expressing the sense of Congress, and so forth, but we are not dealing with authority. That authority rests only with the executive branch in our Government, which is headed by the President, who is now Mr. Nixon.

Senator McGOVERN, the nominee of the Democratic Party for President of the United States in the forthcoming November election, has a very definite position on this question, of course, but he has no power whatsoever to form a negotiating team to represent us in dealing with Hanoi and other nations toward ending the war and getting our POW's and MIA's back. He cannot speak for us nor bind us on these or any other grounds.

Who, I repeat, has the power to negotiate, to make agreements binding on us and on them? The President of the United States has that authority, to make such agreements that are binding on them and on us. The present President has every reason that a President could have to be doing his very best. I believe he is doing his best. But regardless of my opinion about that, on whether or not he is doing his best, this is now a question of power. And all the binding personal pressures and pressures of official duty are bearing down on him now.

I am talking about the President of the United States. He has made promises to do everything that he humanly can to achieve this end, and within about 100 days from now he will be coming up for review before the people—all the people—to whom he personally made these repeated promises. So this man, who has the power, the responsibility, the obligation, and the direct accountability, Richard Nixon, is the man in a position to get results if they can be had.

I warn, now: Do not try to take that power away from him, directly or indirectly. Let us not relieve him of that responsibility by a purely negative act like passing this section, section 13, as now constituted. Especially should this be true at a time when there may be something brewing and the parties may be moving closer together. This amendment puts the pressure on the wrong party. The pressure should be put on Hanoi, not on the President of the United States. The fact is, though, that this amendment would tend to take the pressure off of Hanoi. No one intends to help them. Of course, we do not. But I say it would tend to take the pressure off of Hanoi, and I do not believe anyone can successfully deny that statement.

I believe this is an extremely delicate time to be dealing with this subject. All the evidence shows that it is. That is not disputed. It is not denied. No one discounts, in this debate, at least that there are sensitive, tender, delicate things going on, movements occurring, that may have a substantial bearing upon the successful termination of this war. Who would want to disturb that? No one, I think, would willfully do such a thing.

But just as certainly, as great as the temptation may be here to pass something, that is exactly what we are doing: Taking some of the pressure off of Hanoi and putting more pressure on the President of the United States.

But beyond question, Hanoi is hurting now. The blockade and the recent bombing have changed the picture. They are hurting in North Vietnam, and North Vietnam is hurting in South Vietnam. The South Vietnamese are successfully taking the initiative, sustaining an initative from week to week, in major engagements there in South Vietnam. This seems to be reflected in Paris, where dual negotiations are underway, one publicly, in charge of Ambassador William Porter, and the other in charge of Dr. Kissinger.

Let us not give away any bargaining point of any kind. Let us keep the responsible head of our Government responsible.

This amendment, I think, would imperil the negotiations. It could undercut and destroy the President's bargaining power to a great proportion. Thus, it would relieve the President of his responsibility and give him an excuse, if he wants an excuse, for no results. Moreover, Congress would have solved nothing, in my humble opinion, by this move, and this language just ought not to happen.

So I hope, Mr. President, that, on consideration and second thought and deliberation and a clearcut issue here, we will drop this section from the bill.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield back whatever time I did not use, Mr. President.

Mr. CHURCH. I yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I rise in opposition to the motion to strike.

This is the first time since the war in Vietnam began that the Senate has ever voted on a true end-the-war amendment. It is a historic occasion. It is an occasion long overdue. We started many years ago debating the war in Vietnam. Unfortunately, the Senate passed the Gulf of Tonkin Resolution. Those who voted in favor of it, in the main, have regretted that they voted for that resolution.

We saw the war grow and grow until at one time we had 543,000 or more American troops in Southeast Asia. I believe the American people think we made a mistake in going into Southeast Asia. Our President inherited the war. I have given him credit for what he has done to reduce the violence, and the deaths of American men. I have been critical of the continuation of the war, of the bombing, of the loss of life, not only of our own American men, but also of the Vietnamese people themselves. No one fails to give President Nixon credit for what he has done, though some of us have differed with him as to how best to extricate ourselves from Southeast Asia.

I have also differed with the President in that he has taken the position of so many Presidents that the war is an issue which is reserved practically to the executive branch of Government. I do not believe that. I do not believe the Constitution says that. I think it would be bad for the country if that were the fact. And, as I said earlier, I have voted against every antiwar amendment that has come before the Senate of the United States.

I think that the Senate—Congress—has a very grave responsibility, first, to declare war and, second, to determine the location and the level of the conflict.

Now, Mr. President, at long last, the Senate has expressed its will. It has voted for an amendment which was proposed by my distinguished colleague, the senior Senator from Kentucky (Mr. COOPER), a man who has not always believed that the legislative branch of Government should act in this war. I think I quote him correctly when I say that he has believed that the President was responsible in the main for the conduct of the war; and the Senator from Kentucky has voted against certain antiwar amendments because of that very strongly felt belief. But he has offered, at this time in our history, a most significant amendment, an amendment which goes further than any amendment to which we have ever addressed ourselves before. In his amendment he said that we should withdraw from South Vietnam, from Laos, and from Cambodia all American forces—land, sea, and air—and that this should be done within 4 months from the enactment of the legislation. It is a simple amendment on its face, but a very powerful amendment, a very important amendment. It is important not only to the United States of America, but also to the peace of the entire world.

I want to support that amendment, and I do support that amendment. But I did not feel that my colleagues would support that amendment without a provision thereto that we would be assured of the return of all American prisoners of war.

Mr. President, I do not intend at this time to restate all the arguments I have made in behalf of the amendment to the Cooper amendment. But I think we should not, in good conscience, end this day, now that the Senate has voted in favor of this amendment, by allowing this amendment to be stricken, as proposed by the distinguished chairman of the Committee on Armed Services.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BROOKE. I ask for 2 additional minutes.

Mr. CHURCH. I am happy to yield 2 additional minutes to the Senator.

Mr. BROOKE. Now that we have come to this point, at long last, I hope and pray that every Member of this august body who voted for the Cooper amendment, as amended, will vote against the motion to strike. I go further, Mr. President: I ask some of those who voted against the amendment, as amended—for very honest reasons of their own, I am sure—including the distinguished senior Senator from Kentucky, to vote against the motion to strike and to say to the American people that the Senate of the United States had the courage of its conviction and voted to bring an end to this war, at long last. And it is at long last, for even under this amendment, the troops do not have to be out before 1973, for all practical purposes.

So I think the motion to strike should be defeated, and I urge its defeat.

I thank my distinguished colleague, Senator CHURCH, for giving me this time.

Mr. CHURCH. The Senator is most welcome.

Mr. President, I yield 3 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, this amendment has now fallen into the care and custody of 50 Senators, half the Senate. I regret, as does Senator BROOKE, that the Senator from Kentucky (Mr. COOPER) did not feel that he could accept the proviso put on by Senator BROOKE. I could not do so, either, and I voted against the original Brooke proviso. But now, having the opportunity to effectuate a massive step forward, I could not see it rejected, and so voted to sustain the amendment, as amended. I hope very much that the Senate will do the same, including my beloved colleague, Mr. COOPER. It is only fair to him. But from now on, 50 Senators are in charge.

The major question to be answered is this: In respect of the constitutionality or the lawfulness of a funds cutoff, the McGovern-Hatfield, the Church-Case amendments to the Cooper-Church amendments proceeded on the same basis. That is the way to do it in the absence of a war powers bill or some other effective legislation such as I and others are sponsoring.

But one question I should like to answer is: Why now? Why act now? Someone said there were eight killed in Vietnam last week but 57 were killed or murdered in New York last week.

So, why now?

The answer is that the Vietnam war continues to be the single most disruptive and unsettling factor in this country, whether it is because we spend $1 billion a month, whether it is because we have an enormous amount of alienation in this world, whether it is because our young people are thinking that we are immoral, or whether it is because we are building a heritage in Asia of bombing innocent civilians, for these reasons, to be able to say that every day we delay we jeopardize the future of this country.

So the answer is now.

Perhaps it is like that old slogan, "Eventually, why not now?"

The President's negotiations, creditable as they are in drawing down our troops, still does not take away the double veto of Hanoi, with its hands on our prisoners of war, and Saigon with its hands on self-determination. So we still have a built-in double veto.

This is a big step forward so that we may break it. As the distinguished Senator from Rhode Island (Mr. PASTORE) said, this is the first time we have had a funds cutoff and determination to end the war with only one condition and that is the release of our prisoners. So we are trying something new. We are trying, because only Congress can do it. The President is too deeply involved now, with all the caveats and provisions and all the other commitments he has undertaken, including his own reelection, to do it himself.

What 50 Members of the Senate have to determine is that the time has come to stop the most improvident, the most profitless, the most disruptive commitment this country has ever undertaken in its history.

Charles de Gaulle, with all his other attributes, showed one thing with regard to Vietnam, that the way to end is to end, and it did not do anything for France except to make her stronger and better and more effective and more stable and easier to govern.

It will do the same thing for the United States.

It was not our war to start with. We were there to help other people get self-determination, which is a laudable and moral aim. But there comes an end to that. That end was reached some years ago. It certainly has been reached now.

So, Mr. President, for all these reasons, now that our hand is on the throttle, let us not release it.

Mr. AIKEN. Do I understand the Senator from New York correctly to say that the amendment which the Senator from Mississippi seeks to strike provides for a cutoff of funds?

Mr. JAVITS. No. I said that he seeks to strike the whole thing. We have enacted it.

Mr. AIKEN. As I understand the Brooke amendment, it would delete paragraph (a) of the old section 12 which provides for a cutoff of funds after a certain date.

Mr. JAVITS. As I read the amendment,

the cutoff of funds reads, in 13(a)—and the proviso is tacked on to the funds cutoff—that is, provided that there has been a release of all American prisoners of war held by the Government of North Vietnam or any government allied with them. That becomes a proviso to the funds cutoff and the mandatory termination of our involvement, not only in Vietnam but also in Laos and Cambodia. That is now 13(a).

Mr. BROOKE. The Senator is correct. The amendment I have proposed does not change the language of the original Cooper amendment with the exception that it strikes out what was then paragraph (b).

Mr. AIKEN. Paragraph (b)?

Mr. BROOKE. It leaves paragraph (a) intact.

Mr. AIKEN. Leaves paragraph (a) of section 12 on page 10 intact? Which deletes all funds which would be available for the withdrawal of our troops or any other military use we might have?

Mr. JAVITS. Except withdrawal.

Mr. BROOKE. Except withdrawal and except provided that there has been the release of all our prisoners of war held by the Government of North Vietnam or any government allied with them.

Mr. AIKEN. Do I understand correctly that the Senator from Massachusetts means there would be no stopping of funds until 4 months after the release of all our American prisoners of war?

Mr. BROOKE. That is correct.

Mr. AIKEN. That there would be no stoppage of funds then, until 4 months after the release of all American prisoners; is that correct?

Mr. BROOKE. That is correct.

Mr. STENNIS. Mr. President, I now yield 5 minutes to the distinguished Senator from Wyoming (Mr. McGEE).

The PRESIDING OFFICER (Mr. NELSON). The Senator from Wyoming is recognized for 5 minutes.

Mr. McGEE. Mr. President, I am hesitant to rise at this late hour because I know that everyone has his mind made up and the lines have been pretty well formed. However, I feel compelled to share my many misgivings about what we are striving to do in the Senate today.

For the record and for the legislative history, regarding the history we may make tonight, let me say that anyone reading the record of this body over the past few days or longer, in hindsight must be impressed by the babble of voices that seem to have dominated the dialog and the discord with a great measure of uncertainty in most directions.

I believe that we should get out of Southeast Asia now. I think the sooner the better. I would hope that, somehow, that miracle could be pulled off by tomorrow morning and the President would be able to announce it tonight.

But, Mr. President, I am personally convinced also that we are not helping to get us out of there by doing and saying what we are indulging in in this Chamber now.

We can be sure that the President of the United States, as much as anyone else, would like for us to be out of Southeast Asia now or sooner. He would have every kind of incentive. We all must admit to each other that whatever we do here in the terms in which we are discussing this right now will not affect what is going on in the negotiations in the informal dialogs and conversations and whatever else there may be, except to complicate or to prolong them, that there is nothing we are doing right now that will offer any prospect of shortening them in the short run, that is, in the immediate weeks ahead of us before November.

What this says to me, Mr. President, is that we should think twice and we should look again at ourselves as responsible Members of the Senate with a role of responsibility in the national interest of the United States. A great many of us are much wiser than we were a few years ago. We all learned the hard way, at least, how not to do some of these things in the future. We have also learned, I hope, some better ways in which to approach them in the future.

But, surely, at this late hour, in the sequence of events that concerns us now, we are not inspiring confidence, we are not providing a rallying point for our countrymen to believe that our representative system of government is meeting a national crisis in a responsible way. All we can be doing is to confuse and hinder or obfuscate the efforts of whatever negotiations are taking place.

Mr. President, I would think we would serve ourselves and our country much better and much more wisely if we would address ourselves once more to the much larger question of where we go from here.

Our Constitution envisages the misgivings of our people and requires that we as gracefully and as expeditiously and as forthrightly as possible disengage. However, that prerogative still, under our system, belongs to the President of the United States.

As Thomas Jefferson was wont to remind us in the early days of our Republic, in the field of foreign crises it is imperative that we speak with one voice. And we designated that that voice be the voice of the President. However, that does not brush aside the very legitimate and very properly questions raised here about the role of the Senate in the initial decision. However, we are in the process of getting out. We are in the process of withdrawing.

All I am trying to say, Mr. President, is that what we are contributing now to these desperate efforts on the part of those of us in the Senate can at most compound the problems of withdrawal soon and, at the least, make certain that they are not successful in the shortest possible time.

So, Mr. President, my petition is that the Members of the Senate think carefully, as all of us have striven to do, as we come to grips with the central question of what is in our national interest, that we lower our voices, that we hold our impulses, and that we strive, if we can, to give the President a chance. God knows it is a thankless job. He is going to be loved by no one, however it might come out.

The point is that we are only assuring that his task becomes far more difficult than it is even now.

Mr. President, for that reason I intend to support the measure of the Senator from Mississippi to strike.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SCOTT. Mr. President, I agree with the statements made by the distinguished Senator from Wyoming. I think that we ought to be realistic enough to know that this expression of the Senate is only that and nothing more in the long run as much as all of us are of one mind regarding the prisoners of war and vary only as to the most rapid way of securing their return.

What this amendment would do, as now offered, is first of all to provide that no funds shall be authorized or appropriated except for the purpose of withdrawing our forces providing that there has been a release of all prisoners of war held by the Government of North Vietnam or any Government alined with them.

It does not provide for a cease-fire. It does not do anything to end the war itself between North Vietnam and South Vietnam.

Practically speaking, there is another and maybe a more persuasive argument here against those who have advanced these original proposals, and that is an argument in favor of a motion to strike this section.

First of all, we have been here since early June offering amendments and debating this matter. It will go to the other body. It is most unlikely to return this fall. If it does return this fall, I would suspect—and I do not speak for the administration now—that this bill will not be permitted to become law by the Executive. If that is the case, we have to start the long, weary process of hearings, reconsideration, and legislation through the House and Senate one more time, and all because the Senate, out of an understandable desire to have its own input into the ending of the war, has said to the President, "We are not going to let you end the war. We are not going to let you end it your way. We are not going to let you end it by an internationally supervised cease-fire, by negotiations at Paris, or by your conditions as to the prisoners of war. We are going to propose conditions which remove from you as the President and Commander in Chief the authority which you need to speak to North Vietnam."

Mr. President, the attempt to do that, in my judgment, cannot be acceptable to this or any other President because it removes from him the right to negotiate a peace at Paris.

I do not see how we can arrive at that peace by sending 100 Senators over there and having them enlarge the table or by sending 535 Members of the Congress over there to bring this about.

I think it is unfortunate. I think we are

only delaying the passage of this bill after the long and weary course it has taken. We are only jeopardizing the bill itself.

Senators have now gone on record as expressing their concern about the prisoners of war. However, that action is not going to bring the prisoners of war home 1 minute sooner. It is not going to accomplish this perfectly desirable purpose, upon which we all agree. It is not going to have any effect except to delay the bill, tie it up in the other body, tie it up in conference, and possibly cause it to fail.

Therefore, a motion to strike would be perfectly in order.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise to support the amendment of the distinguished Senator from Mississippi.

Mr. President, the U.S. Government is committed to bringing a just peace to Southeast Asia. The President has steadily and consistently lessened American involvement in Vietnam. In addition, it is clear that this administration has left no diplomatic stone unturned in its efforts to hasten an end to the war through negotiation. President Nixon, in addition to his historic visits to Peking and to Moscow, publicly announced most generous terms to the North Vietnamese in a serious effort to bring an end to the war. The negotiations have resumed in Paris and the President's top foreign affairs advisers, the Honorable Henry Kissinger, has participated in efforts to negotiate a settlement.

In my judgment, the President is sincere, dedicated, and determined to end the Vietnam war as soon as possible, and in an honorable manner. For those who share this view, it should be apparent that the language in this bill dealing with the war is not only untimely but seriously weakens the President in his efforts to bring this war to a speedy close. If the Senate attempts to run U.S. foreign policy, we must recognize that in neither constitutional nor historical nor practical terms are we as prepared as the executive branch to bring this war to an honorable close. The Congress has no authority or power to appoint a negotiating team to deal with the enemy nor are we as fully informed on a day-to-day basis as is the President.

The power and authority to end this war properly rests with the President and the language in this bill can only have the effect of weakening the President, strengthening the enemy's position in the negotiations, and, in the long run, lengthening rather than shortening the very hostilities we seek to bring to a halt.

Mr. President, it has been apparent that North Vietnam has suffered severe setbacks in its most recent invasion of the South. The communist forces have definitely lost the initiative and are now on the defensive. There are also indications that our air strikes in the North, coupled with the mining of the North Vietnamese harbors, have put additional pressure on Hanoi. North Vietnam's hopes now rest not with her military efforts but on the discontent and frustration which many Americans feel over this war.

The most effective thing this body can do to hasten an end to this war on conditions acceptable to the American people and necessary for the security of the free world would be to allow the President the free and unfettered exercise of his authority to bring this war to a close.

Mr. President, I urge my colleagues to support the pending amendment so that the United States might present a strong and unified approach to the enemy and hasten the day when this tragic war can be brought to an end with a just, honorable, and lasting peace.

Mr. CHURCH. Mr. President, I yield 2 minutes to the Senator from New Jersey (Mr. CASE).

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I rise not to make an extended argument. I rise merely to point out that today's votes are a most interesting replay of a scenario that was almost exactly played on the 16th day of May of this year. The only difference was on that day the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD), carried, whereas its almost exact counterpart, the amendment of the Senator from Alabama (Mr. ALLEN) today failed. The Case-Church amendment then was the central subject whereas the Cooper amendment as amended took its place today.

There were 47 yeas for the amendment of Mr. BYRD of West Virginia and 43 nays. Today there were 50 yeas against the amendment of the Senator from Alabama (Mr. ALLEN) and 45 votes in favor.

I am now engaged in the interesting comparison of votes by individual Senators on the two occasions. This will prove nothing in particular but it is a matter of interest and curiosity to see who did change and to speculate why. That is light treatment of a most serious subject, Mr. President.

I was the cosponsor with Senator CHURCH of the amendment which unfortunately was defeated on May 16, by having added to it a requirement for a cease-fire. It was practically identical to the amendment which we are in the process of adopting today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. CHURCH. I yield.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 additional minute.

Mr. CASE. I think today's Senate action is most timely. I am not going to repeat my oft-stated views on why the Senate should vote an end to American participation in the war. I hold the same views just as strongly as ever.

Today's vote is a most responsible action. It will be helpful in bringing this war to a conclusion and it will help the President to have Congress share with him responsibility for this action.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. CHURCH. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, every day someone tells us new stories about what is happening in Indochina, and every other day someone else denies them. We are being asked to vote funds for the war, but we have no way of knowing whether the stories are true. For evidence we see nothing but a Punch-and-Judy show of charges and countercharges.

For example, the Swedish Ambassador to North Vietnam, Jean-Christophe Oberg, charged in June that the United States has deliberately bombed dikes in North Vietnam. A correspondent from Agence France-Presse, Jean Thoraval, recently made this same accusation. Both men based their reports on firsthand observation. Hanoi claims that between April 10 and June 10, U.S. warplanes dropped 665 bombs in 68 different raids against dikes.

Mr. President, no less than 15 million people live on the plain of Tonkin. Their lives and their livelihood depend on dikes. In all, 75 percent of the population of North Vietnam lives in areas susceptible to flooding. So the charge of dike-bombing is very serious.

The Pentagon denies that dikes have been assigned as specific targets. But on July 12, the Assistant Secretary of Defense for Public Affairs agreed that there was "always a possibility" that dikes might be hit anyway. And if they are? Well—just chalk it up to the war. So we are told.

But there is more to the story than that. Military sources already agree that pilots are free to attack military targets which happen to be located on top of dikes. In a new conference on July 6, Secretary Laird stated:

> Some of the dikes and dams may be on roadways that are being used or they may be in a position where antiaircraft weaponry is placed, and, of course, our pilots are given the opportunity and they should have this capability to attack North Vietnamese gun emplacements.

At the Connally ranch last April, President Nixon asserted that bombing dikes "is something we want to avoid. It is also something we believe is not needed."

But suppose another General Lavelle feels differently?

Can we say for sure that we are innocent?

To take a related example of the Punch-and-Judy show, just suppose that "accidental" dike-bombing just happens to coincide with deliberate rainmaking. The Foreign Relations Committee plans to hear evidence on this subject this week.

According to New York Times reporter Seymour Hersh, the United States has been seeding clouds in North Vietnam, Laos, and Cambodia ever since 1963. Pentagon spokesman Jerry Fried-

heim refuses to enlarge on the subject, but he has pointed out at the same time that weather modification is not prohibited by international law. Mr. Hersh claims that the charge of rainmaking has been privately acknowledged and admitted.

Mr. President, for centuries the people of Vietnam have struggled to control the devastation of floods. In rice-growing areas near Hanoi, the river rises on a mud bed that is often 5 or 6 feet above the level of the fields. An elaborate dike system, first mentioned in Chinese chronicles in the 11th century, has grown to approximately 2,500 miles of earthen dikes with sluice gates, repair centers, and dams. Apparently, this system has become fair game at a time when the danger from flooding has reached its annual peak.

Here in the Washington area we recently had a small taste of the kind of floods which threaten the people of Vietnam every year. Perhaps we should ask the residents of Rapid City, S. Dak., what flooding is like. It has even been suggested that the flooding there was triggered by experiments with cloud-seeding. If this is true, it is the first time that we as a nation have experienced what we are wreaking on Indochina every day.

The next act in the Punch-and-Judy show center on that politically belabored subject of the POW's. The daily suffering of these brave men has been overshadowed by the babbling tower of charges and denials.

In a letter dated June 1, the distinguished minority leader stated that:

> Out of 36,709 French POWs and MIAs, only 10,754 were ever released. Hanoi never accounted for the rest.

Mr. President, this is a very serious accusation. It is so serious, in fact, that Mr. David Marr of the Indochina Resource Center here in Washington thought he should ask the French for their comment. In a letter dated June 23, the First Secretary of the French Embassy wrote as follows:

> I wish to confirm to you that the rumors according to which some French prisoners of the first Indochina War would still be detained unduly by North Vietnam do not rest on any ground.
>
> The French authorities have, in the past conducted intensive research on this matter. The conclusion of this research is that the last French prisoners were returned by the North Vietnamese less than three months after the conclusion of the Geneva agreements in 1954.
>
> We therefore consider this question as definitely settled. To the best of our knowledge, there does not exist any member of the French Expeditionary Corps in the Far East unwillingly kept in North Vietnam.

I might add that part of the discrepancy stems from the nationality of members of the French Expeditionary Corps. Some, for example, were Algerians who chose to stay in North Vietnam to learn how to wage guerilla warfare. Other non-French prisoners were returned directly to their homeland.

Mr. President, one of the most persistent stories circulating in the country these days is that the White House is winding down the war. It is true that the number of troops left in South Vietnam is dwindling. But I can see no reason for keeping any of them there. Given our enormous transport capacity, they could be airlifted out within a week. Between December 11 and December 15, 1950, not counting casualties evacuated earlier by air, the United States evacuated the entire 1st Marine Division plus 91,000 civilians from Korea. In other words, well over 100,000 people were evacuated in 4 days. We could do it again if we wanted to.

Meanwhile, in one of the most sensational Punch-and-Judy sequences of all, Alfred McCoy, a Ph. D. candidate in Southeast Asian history at Yale, has produced records of on-the-spot interviews showing not only the prominent members of Southeast Asian governments are actively involved in the opium trade, but also that the United States deliberately tried to cover up this involvement. The Army's own provost marshali has reported that high-ranking members of South Vietnam's Government are at the top of a trafficking pyramid, and an official of the Bureau of Narcotics and Dangerous Drugs confirmed that a leading magnate is none other than the former chief of staff of the Royal Laotian Army. Meanwhile, a State Department spokesman calls Mr. McCoy's accusasons "sensational and, as far as we can ascertain, unsubstantiated."

Mr. President, today's New York Times quotes a Cabinet-level report concluding that:

> There is no prospect of stemming the flood of narcotics from Southeast Asia under any conditions that can realistically be projected.

The paper also reports that Mr. McCoy's charges have been intensely and publicly rebutted by the CIA, which Mr. McCoy accuses of monitoring the drug flow. But the evidence is deeply disturbing. Meanwhile, thousands of GI's have returned home as heroin addicts, and thousands more addicts are threatening safety in our streets. Can we say for sure that we are innocent?

President Nixon has said:

> Foreign policy must be a whole fabric. If it is rent, it will fail. We can't take one position in Vietnam, another in the Mideast, another in Europe, and another in the rest of Asia.

I say that our problem in Vietnam lies right there in that statement. What the White House is trying to tell us is that Vietnam is a kingpin of American foreign policy and that prolonging the carnage will serve to stem aggression elsewhere.

But the fabric of world politics is not woven like that. What takes place in Vietnam is quite different from what takes place in Europe or in Israel. When we support Israel we are supporting a democratically elected government whose citizens fight their own battles. Our aid to Israel flows through legal and constitutional channels and expresses the will of the overwhelming majority of Americans. Our aid to Vietnam lacks such a legal basis and runs counter to the powerful antiwar sentiments sweeping this Nation.

Mr. President, for more than 15 years the United States has tried to distort the reality of Vietnamese politics to fit Washington's mold.

The final declaration of the Geneva Conference, issued in July 1954, declared that the military demarcation line "should not in any way be interpreted as constituting a political or territorial boundary." In his address at Gettysburg College in 1959, President Eisenhower stated that:

> Vietnam is a country divided into two parts. . . . A line of demarcation running along the 17th parallel separates the two.

But somehow, in the course of the speech, "south Vietnam"— with a small "s"—turns into a nation:

> While the Government has shown real progress in cleaning out Communist guerrillas, those remaining continue to be a disruptive influence in the nation's life.

A 1961 exchange between Presidents Kennedy and Diem revealed that it was the United States that was pushing for the notion of an independent South Vietnam. Whereas President Diem spoke of the "reunification of our nation" and referred to North Vietnam as the "northern part of our country," President Kennedy spoke of "North Vietnam's efforts to take over your country" and pledged to "preserve its independence."

What is the meaning of these phrases? Simply that it was American leaders who initiated and perpetuated the illusion that Vietnam is two nations. In Washington's scenario, the government of one of these nations was Communist, and therefore by definition alien and aggressive. The other was non-Communist, and therefore by definition indigenous and peace loving.

Mr. President, more than 55,000 American fighting men have paid for this myth with their lives.

By 1963, the preservation of this myth had been woven into the fabric of our so-called national interest. A White House statement on October 2, 1963, issued the now-familiar notion that:

> The security of South Vietnam is a major interest of the United States as other free nations. We will adhere to our policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible.

In a pathetic footnote to this blueprint for destruction, Secretary McNamara and General Taylor reported their judgment that the major part of the U.S. military task could be completed by the end of 1965.

Mr. President, 1965 was 7 years and 1 million deaths ago.

Mr. President, how can it be in our national interest to try to recreate the world in our own image at the cost of our men and our principles? How can we continue to believe that any corrupt militarist who proclaims his opposition to communism is serving our national interest? What is our national interest if not to work for peace on the basis of political realities rather than political myths?

It would be one thing if we kept our myths to ourselves. But we insist on

going halfway around the world and spreading them with the sword, and the bayonet, and the bomb.

We have already paid for these myths with 55,000 American lives. Before we lose another American pilot to Hanoi, before we tell another wife that her husband is missing in action, before we count any more victims of a helicopter crash, before any more advisers die in defense of the South Vietnamese Army, let us stop and think: Where are we going from here? Where can we go from here?

If a new government emerges out of the shambles with Vietcong representation, President Nixon may well repeat his timeworn phrase about not "imposing" a Communist government in South Vietnam. Apparently this phrase refers to every alternative other than a regime of handpicked generals.

The President is certainly capable of a dramatic 180-degree switch. But in any case, assuming he wins in November, this switch will apparently not take place until after the election. That is a long time to wait—and a long chance at that. And if Senator McGovern wins in November, he will not have a chance to put his peace plan into effect until January 20.

We have a chance to erase the question marks and put a final end to our involvement. We must not let another chance slip through our fingers and spill over into more blood. If we do not, the Punch-and-Judy show will go on. The carnage will continue. And we in the Senate are a trapped audience, witnesses to our own inaction.

Mr. President, the President of the United States has engaged in seemingly successful negotiations with China and the Soviet Union. I think all of us are delighted he has accomplished that. He has not yet proven he is a successful negotiator on the matter of the Vietnam war and in direct negotiations with the other side in that war. He has not yet achieved any effect in regard to the war by his negotiations in Moscow or Peking, or by what Mr. Kissinger has done.

After 3½ years or more of President Nixon's presidency, a presidency during which he pledged to end the war, we do not see any concrete results. This war has still not been brought to a conclusion.

Ever since I have been in the Senate, I have heard that we cannot press now for a congressional end of the war because negotiations are going on. Yet we see no sign that these negotiations are succeeding.

For more than 1,000 days—and many more than 1,000 days, ever since President Nixon became our President—we have heard that we cannot act because negotiations were underway. We have heard on the floor just now that we are in the process of withdrawing from the war. The ground troops have been withdrawn. Perhaps all ground troops and all military personnel will be withdrawn from South Vietnam before Election Day.

But we are not withdrawing from the war; we are increasing our air and naval combat in that war. Pentagon figures show that the increase in American air strike forces aboard ship off Vietnam and at land bases in Thailand considerably exceeds the number of U.S. troops withdrawn from South Vietnam since the North Vietnamese offensive was launched on March 30.

Someone who has recently returned from there has told me that the buildup in Thailand makes it look like the 51st American State.

What is developing now in this air and sea war is a more ruinous and destructive war for South Vietnam because the President seems to be seeking to subdue the other side until they accept his terms.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. Mr. President, will the Senator yield to me further?

Mr. CHURCH. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, continuing the war means more and more POW's captured when our planes are shot down, and no POW's released.

If President Nixon is reelected and retains his options on bombing, even though our troops are out of Vietnam, we could have 4 more years of bloodshed, not to mention division at home and destruction in Indochina.

In the upcoming election we have a choice between a man who has said he will end the bombing on Inauguration Day and who has said he will get the POW's out 90 days later, and a man who has had an open-ended prescription with no end in sight. The Cooper-Brooke provision would help to end this war by setting a date when the war must end, provided that we get the POW's out. It leaves this decision to 100 Members of this body and 435 Members of the House, and not just to President Nixon or George McGovern.

I urge the Senate to keep these provisions in the bill to assure that we have our voice. We must exercise our responsibility in determining when America shall be out—and totally out—of combat in Southeast Asia.

Mr. MOSS. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. MOSS. I wish to ask the manager of the bill if I understand correctly that the amendment now offered by the Senator from Mississippi is to strike out the language of what would be section 13 of the bill, as amended, and secondly if section 13 of the bill, as amended, is not the precise language which the Senate just voted on by a vote of 45 to 50, with 95 Senators voting.

Mr. CHURCH. The Senator stated it correctly.

Mr. MOSS. If the Senate now accepts the amendment of the Senator from Mississippi it would within 1 hour make a turn-around and vote the opposite to the way it voted approximately 1 hour ago.

Mr. CHURCH. The Senator is precisely correct.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, on behalf of the distinguished Senator from Mississippi and myself, I ask unanimous consent that the time for argument be extended by 10 minutes on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I do not think I shall use the 5 minutes to make my position clear. I shall vote for the motion of the Senator from Mississippi. I have spoken on this issue on several occasions today. I had hoped be able to get a vote straight up or down or the proposal I made, which was for unconditional withdrawal from Vietnam in 4 months and ending participation in the war. I was not able to do so because of the amendment of the Senator from Massachusetts.

I hold in the highest regard the conscience, views, and opinions of every Member of the Senate. I have never challenged them in any way. I also have respect for my conscience, my views.

The Senator from California, a very able man, and we have been associated on Vietnam issue, said a minute ago that we are voting to get out. We are not. We are voting, just as we have always voted on these conditional amendments—amendments which have not ended our participation in the war.

I do not say my position will never change, but today, I cannot vote for such a conditional amendment.

The question may be asked, "Well, then, what are you for?" My views have not changed—I am for the ending of the war. I am for ending our participation in the war. Rather than relying on conditional amendments at this juncture, I would rely on the present negotiations. The President has the arm of negotiations. We do not. He is in negotiations and has the opportunity to bring the war to a close. Not for the same reasons, but for the same result, as the Senator from Mississippi, I intend to vote for his motion to strike.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I think in all fairness to those of us who supported the Cooper amendment and voted against the Brooke amendment, and then voted for the Cooper amendment as amended by the Brooke amendment, there ought to be a word said. We have had two vetoes locked into everything that has been tied into everything we have done. One was Hanoi's and one was Saigon's. At the very least, this strips one veto away, and the only one we face is Hanoi's.

If it is true, as we have argued, that the weight of world opinion will bear down on Hanoi once our troops are withdrawn, then I think, while this is not the optimum solution, it is a big step forward that we ought to take.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I yield

myself such time as may be required to give a summation.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. First of all, I concur in the comments of the Senator from New York. I have great respect for the Senator from Kentucky; he and I have been parties to many alliances in the past. It always grieves me to have to part company with him, but it seems to me that we are faced with a very clear proposition. It is this: Does the Senate wish to implement what it long ago declared to be the policy of the Senate with respect to the termination of this war? When the first Mansfield amendment was adopted, that policy was enacted into law.

Let me remind the Senate what the policy was in the words of the law:

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

A year ago, then, it was decided by Congress that this was congressional policy with respect to terminating further American participation in this misbegotten war, but the language was cast in such form that it prompted the President to say, when he signed the bill, the following:

I have today signed H.R. 8687, the Military Procurement Authorization Act of 1971.

To avoid any possible misconceptions, I wish to emphasize that section 601 of this act—the so-called "Mansfield amendment"—does not represent the policies of this administration. Section 601 urges that the President establish a "final date" for the withdrawal of all U.S. forces from Indochina, subject only to the release of U.S. prisoners of war and an accounting for the missing in action.

Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect, and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end.

That is how the President threw down the gauntlet, and we having worded the proviso in such a way as to permit him to cavalierly dismiss it, even though it was a part of the law, have since been faced with the question of whether we meant it or whether we did not. Now we must pass on that question, for the very same proposition is now before us in a form which clearly invokes the power of Congress. In its present form, the proposition reads as follows:

(a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act; (b) *Provided*, That there has been a release of all American prisoners of war held by the government of North Vietnam or any government allied with them.

Mr. President, the question we face is to determine, by a vote of the Senate, whether or not we meant it a year ago when we said this was the congressional policy for terminating our involvement in the war.

If we meant it, here and now is the time to vote to retain this provision in the bill, for we are within our constitutional authority in placing such a limitation upon the expenditure of public funds. The junior Senator from Mississippi himself has conceded in his opening argument that this is within the authority of Congress.

Of course, we are always told that now is not the time. There has never been a proper time, according to the opponents of congressional action, for invoking the power of Congress to bring this war to a close, and there never will be a proper time for those who believe that Congress should play no part in the ending of this war. They have always argued against the timing of the action.

We have been told that it would interfere with the prerogatives of the President as Commander in Chief. We have been told that it would undermine negotiations which are always on the brink of success. We have been told that, because of pending summit meetings, Congress should withhold this action. And now we are told that it should take no action because of impending elections.

Mr. President, there will never be a time that will satisfy the opponents of this proposal, but there is not likely to be another time in the life of this session when the Senate will have an opportunity to cast its vote to answer the question that has been hanging in the air ever since the President disregarded the Mansfield amendment last year. That question is: Did we mean it? Are we willing to stand up and say we are prepared to invoke the power of Congress to enforce the law—through use of the power of the purse?

If we back down now, then all of our effort, through the years, has amounted to so much empty talk. If we back down, we negate the action that Congress took a year ago, and we acquiesce in the supremacy of the President to make all decisions with respect to bringing American involvement in this mistaken war to a close.

Let us not back away. Let us not go down in defeat at the moment of victory. Let us seize hold of the challenge, and vote to uphold the decision of the Senate, taken less than an hour ago. Let us send a message to the other House and to the President that this is still a representative government, that Congress still has a role to play, and that at last it has found the resolution to play it.

So I appeal to the Senate: Now is the time. There will come no other time. Let us not back down. Having already decided to place this provision in the law, let us stand up to our responsibility. Let us accept the duty imposed upon us by the Constitution of the United States.

We will be answerable to the people for our actions here, and they have told us, if the polls are any indication of public opinion, that three-quarters of the American people favor the proposition contained in this provision of the bill; that three-quarters of the American people favor the withdrawal of all American troops from further participation in this war, upon the release of our prisoners and a full accounting for those missing in action.

In this fashion, we would not only uphold our duty as the Constitution fixes it upon us, but we would do it in a manner consistent with the wishes of the vast majority of the people we represent. For these reasons, I urge the Senate to vote down this motion to strike this end-the-war provision from the bill.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Mississippi has 14 minutes remaining.

Mr. STENNIS. I thank the Chair. I yield 5 minutes to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. STENNIS. Five minutes. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. Mr. President, in rising to support the amendment of the Senator from Mississippi, I am not unaware of all the arguments that have occurred upon this floor in the last 4 years about the constitutionality or unconstitutionality of this particular move or that particular move. I daresay that either side could amass as many constitutional lawyers as the other, as many to say that those of us who support this particular action are correct as they could amass to say that we are not correct; and many of us, being lawyers ourselves, think that we have a right to and are capable of forming our own judgments as to that matter.

During the course of the debate on the Brooke amendment this afternoon—and I am glad that the Senator is in the Chamber—there was one statement made, not by him, which I think should be brought into this particular matter, and that was the statement, repeated two or three times, that there had never been made an offer to withdraw the troops merely upon the release of the prisoners of war and an accounting for the missing in action.

That is true. But the only thing that this administration, or the administration preceding it, ever added on to that was a cease-fire; and therein, in this particular matter, Mr. President, lies the reason why no one on this floor should vote against the amendment of the Senator from Mississippi. Because as I read this subsection (a) as it was originally proposed, it reads that the withdrawal of all U.S. Forces from Vietnam, Laos, and Cambodia shall be carried out

within 4 months after the date of this act. There is no provision for a cease-fire.

In my opinion, if we pass that provision, if that amendment stays in this bill, what we are really doing is almost guaranteeing a withdrawal under fire. I can see no other course nor any other result, if this should become law.

For 4 years now we have had the pressure on the wrong man. Three, four, five, six, seven, or eight times a year, in one way or another the Senate has taken up amendments similar to this, and the pressure in every instance has been upon the President of the United States to act speedily.

At the same time, we have had Members of the Senate running to Paris to talk not only with the representatives of North Vietnam, but with the representatives of the National Liberation Front. How in God's name do we expect the President, the President of my party or the President of the other party who preceded him, to bring the war along successfully or to bring it to a successful termination with that situation going on? Every step toward world stability that has been taken in the last 4 years has been taken despite the divisiveness that has been raised in this body and in this Congress. It has been said during the debate today that no end to the war is in sight. Let me remind Senators that in 4 years more than ten-elevenths of all the troops have been withdrawn from Vietnam, and that there is not now a single American combat unit in Vietnam. We have made big strides, but believe me, we will never make an agreement at that negotiating table if this proposal is passed, because this is a guarantee to keep them negotiating until hell freezes over.

One final thing: There is another discrepancy, I believe.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ALLOTT. May I have 1 more minute?

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. ALLOTT. That is that in the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) there is no mention of the missing in action. I am willing to predict, Mr. President, that no matter how this vote comes out tonight, whether or not this should become law as it is, that we may sometime, perhaps, get our prisoners back, but I am confident that if we omit mention of the missing in action it will be not many weeks or many months, but many years before we ever get an accounting.

So for those reasons, first that this provision almost guarantees that we will get out of Vietnam under fire, and second that we have omitted the missing in action, I fully and wholly support, and I hope the President will support, the amendment of the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the distinguished Senator from Idaho spoke with considerable exultation about victory. Well, if victory is mentioned on this floor, as a rule it is cause for finger wagging or shame. Therefore, I wonder, whose is the victory? It was presented as a victory of the Senate over the President of the United States.

What will be happening in Hanoi when this news gets over there is to my mind more important than whether or not the Senate of the United States has been able to achieve a victory over the President.

It seems to me that this action, unless it is reversed by sustaining the motion to strike this section, is sending word to Hanoi, beyond the peradventure of a doubt, that "You do not need to negotiate at Paris. You do not need to lift a finger. The Senate of the United States is going to do your work for you." That is what it means.

I think it is time we became realistic about it.

If this remains in the bill, I am going to ask the President to veto the bill, because this section should not be here; we will be here until Christmas, if we have to. If we are going to be here for a long session, we will have to make up our minds about it.

We have struggled and fought with this bill for weeks and months, and now it comes out what the fight was all about—an effort to achieve a victory over the President. Well, there are higher and better reasons than that for legislation.

So, unless the other body exercises a rationalizing influence over the actions of this body, or unless we do strike this section, I do not see how the President of the United States will retain the authority to negotiate with Hanoi within his hands.

Let Jane Fonda do it from now on, if that is what the Senate wants. Let Jane Fonda take over. She can do as good a job as the hundred Members of the Senate, I imagine. Some people certainly would argue so. Or let the French newspapermen or the Swedish observers do it.

We have taken a position here that what we want is a victory over the President. A victory over the President can be a defeat for America in more ways than one. It certainly can be a defeat for the attitude of all of us, the desires of all of us, to find a way to end this war and to get the prisoners home.

In my view this action, this afternoon, may have undone everything we have done for weeks here, and we will all have to come back and do the whole thing over again.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. CHURCH. Mr. President, I cannot let the remarks of the distinguished minority leader go unanswered, though I do not intend to spend much time in rebuttal.

I have not called for a victory over the President of the United States, a victory of the Senate as against the President. I have called for a victory for constitutional government.

The Constitution never intended that wars should be fought on the decision and authority of the Chief Executive alone. I know of no constitutional basis for this war, certainly not since the repeal of the Gulf of Tonkin resolution. This is an unconstitutional war.

The only victory I am urging upon the Senate is a victory for the Constitution of the United States. I think that is a victory this Republic sorely needs.

Our problem is not that there is insufficient Executive power; our problem is runaway Executive power. Our problem is not that Congress is too dominant; but that Congress is too acquiescent, abdicating away its own authority, and allowing it to be concentrated in the hands of one man. Such has been the steady trend for the past 40 years.

Here, in the Senate, when we finally woke up to it, during several years, we have been attempting to collect back some of the power we have given away. It is very difficult to do. For the time is never right. It never will be right. We are constantly warned that any move to restore constitutional government will cause celebrations in Hanoi. That misses the point. If the Senate stands up to its duty, in my opinion, it would be cause for a celebration in the streets of this country, a celebration in which the American people could participate, knowing that at last the Senate had stood up and insisted upon its right to share with the President the responsibility for ending our involvement in this war. That is why I appeal to the Senate. Turn down this motion of the Senator from Mississippi. Turn it down. Turn it down.

The PRESIDING OFFICER. All time of the Senator from Idaho has expired. The Senator from Mississippi has 5 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, there are those who speak for the constitutional powers of the Senate and those who talk about prolongation of the war. Is it not possible that these debates have in fact promoted the war, with the challenge, the divisiveness, the refusal to support the peace offers of our own President? President Nixon's withdrawal terms have been magnanimous to an incredible degree. But the Senate's efforts to legislate an end to war have made it very difficult for us to negotiate a peace. I think the case today is that we can negotiate a peace. We have a strong position. We have made an enormously generous offer. For this Nation to stand united behind the President would insure the success of that offer. For us again to provide fodder for those who have opposed us as we have so many times during the past 3 years, I think almost assuredly insures the failure of the effort to negotiate a peace. We cannot legislate peace, but we can win it, and I think that is what we are trying to do.

I, for one, question whether or not any political figure can promise the return of our prisoners of war. Some have tried. But I question whether they can do so legitimately. And if they do not explain how they can make such a promise, then perhaps the people will judge accordingly. We still have 17,000 missing in action in Indochina. Has anyone promised their return?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, just at the time when it seems that the hard evidence is that Hanoi is hurting and really wants relief—I do not know how close, how near; I have no inside information, but the evidence is unmistakable that things are moving and the prospects are at least somewhat better—we are going to move in here with this amendment, if it is left as it is, without the slightest chance of this affecting or influencing Hanoi one iota.

Who really believes that this amendment, which is a restriction or an impediment on the President of the United States, is going to be persuasive with Hanoi to release these prisoners or to come to any other kind of terms? There has been talk about jubilation in the streets. The jubilation is going to be in the minds of those who are carrying the responsibility for the other side.

As I said earlier this afternoon, this puts the penalty, the handicap, on the wrong man, on the wrong group, on the wrong country. I say, with all deference to everyone, that to think that it is really going to do any good is just downright folly. To the contrary, if all this negotiating falls through and nothing can be done, the present President of the United States will have a chance to say, "If you had just kept quiet a little while"—I do not say he will say this—but just have a little more patience and a little more effort, all pulling together, and we will turn that tide. I know it is not the purpose of anyone to put our country at a disadvantage.

I hope that this amendment to strike will be agreed to.

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Mississippi (Mr. STENNIS).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), and the Senator from South Dakota (Mr. McGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 46, nays 49, as follows:

[No. 302 Leg.]

YEAS—46

Aiken	Byrd, Harry F., Jr.	Fong
Allen	Byrd, Robert C.	Goldwater
Allott	Cooper	Griffin
Anderson	Cotton	Gurney
Baker	Curtis	Hansen
Beall	Dole	Hruska
Bellmon	Dominick	Jackson
Bennett	Eastland	Jordan, Idaho
Boggs	Ervin	Long
Brock	Fannin	McClellan
Buckley	McGee	McIntyre
Miller	Scott	Thurmond
Packwood	Smith	Tower
Roth	Sparkman	Weicker
Saxbe	Stennis	Young
	Taft	

NAYS—49

Bayh	Hatfield	Pearson
Bentsen	Hollings	Pell
Bible	Hughes	Percy
Brooke	Humphrey	Proxmire
Burdick	Inouye	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Schweiker
Chiles	Magnuson	Spong
Church	Mansfield	Stafford
Cook	Mathias	Stevens
Cranston	Metcalf	Stevenson
Eagleton	Mondale	Symington
Fulbright	Montoya	Talmadge
Gravel	Moss	Tunney
Harris	Muskie	Williams
Hart	Nelson	
Hartke	Pastore	

NOT VOTING—5

Ellender	Jordan, N.C.	Mundt
Gambrell	McGovern	

So Mr. STENNIS' amendment was rejected.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH. Mr. President, I move to lay that on the table.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. (Mr. INOUYE). The Senator will state his parliamentary inquiry.

Mr. STENNIS. Mr. President, on a motion to table the motion to reconsider, those who favored the amendment would vote "no." Is that correct?

The PRESIDING OFFICER. This is a motion to table the motion to reconsider.

Mr. STENNIS. Will the Chair state the parliamentary situation?

The PRESIDING OFFICER. This is a motion to table the motion to reconsider. Those desiring to lay that motion on the table will vote "yea."

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would have voted "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 49, nays 46, as follows:

[No. 303 Leg.]

YEAS—49

Anderson	Cranston	Inouye
Bayh	Eagleton	Javits
Bentsen	Fulbright	Kennedy
Bible	Gravel	Magnuson
Brooke	Harris	Mansfield
Burdick	Hart	Mathias
Cannon	Hartke	Mondale
Case	Hatfield	Montoya
Chiles	Hollings	Moss
Church	Hughes	Muskie
Cook	Humphrey	Nelson
Pastore	Ribicoff	Symington
Pearson	Schweiker	Talmadge
Pell	Spong	Tunney
Percy	Stafford	Williams
Proxmire	Stevens	
Randolph	Stevenson	

NAYS—46

Aiken	Dole	McIntyre
Allen	Dominick	Metcalf
Allott	Eastland	Miller
Baker	Ervin	Packwood
Beall	Fannin	Roth
Bellmon	Fong	Saxbe
Bennett	Goldwater	Scott
Boggs	Griffin	Smith
Brock	Gurney	Sparkman
Buckley	Hansen	Stennis
Byrd, Harry F., Jr.	Hruska	Taft
Byrd, Robert C.	Jackson	Thurmond
Cooper	Jordan, Idaho	Tower
Cotton	Long	Weicker
Curtis	McClellan	Young
	McGee	

NOT VOTING—5

Ellender	Jordan, N.C.	Mundt
Gambrell	McGovern	

So the motion to lay on the table the motion to reconsider the vote by which the Stennis amendment was rejected was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FOLEY, Mr. BURLISON of Missouri, Mr. VIGORITO, Mr. TEAGUE of California, and Mr. KYL were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. The Chair recognizes the Senator from Minnesota.

Mr. MONDALE. Mr. President, I send to the desk an amendment and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

"ILLEGAL INTERNATIONAL NARCOTIC TRAFFIC STUDY

"SEC. 17. (a) It is the sense of the Congress that the control of illegal international narcotic traffic is essential to the well-being of the United States; that illegal international narcotic traffic is now a major enterprise involving complex operations in numerous countries in all parts of the world; and that such traffic continues to take place in countries which receive economic and military assistance from the United States, including assistance to carry out anti-narcotic drug programs.

"(b) On or before the expiration of the one hundred and eighty day period following the date of the enactment of this Act, the Bu-

reau of Narcotics and Dangerous Drugs shall prepare and submit to the Congress a report, in two parts, concerning the illegal international narcotic traffic.

"(c) The first part of such report shall include a survey of (1) the cultivation and processing of narcotic drugs (which are illegal in the United States) in each country where these operations are known to, or believed by, the Bureau of Narcotics and Dangerous Drugs to occur; (2) the routes of transport of such drugs to the United States; (3) the means by which such drugs are brought into the United States; (4) the financial and banking arrangements which support such illegal international narcotics traffic; (5) changes in the international patterns of cultivation, processing, and shipping of such drugs for the United States markets which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, have occurred since calendar year 1969, and an evaluation of those changes.

"(d) The second part of such report shall include—

"(1) a list of the countries which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, are currently major centers in illegal international narcotic traffic;

"(2) a summary of the programs and other actions undertaken by such countries for the suppression of such traffic; and

"(3) an evaluation by the Bureau of Narcotics and Dangerous Drugs of the effectiveness of such programs and actions, including reasons for their effectiveness or ineffectiveness.

"(e) Each Federal department or agency having the responsibility for the conduct of the foreign affairs of the United States, or for programs and other actions related to the suppression of the illegal international narcotic traffic, shall, upon the request of the Bureau of Narcotics and Dangerous Drugs, make available to the Bureau such information and other assistance as may be requested."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 10-minute time limitation on the pending amendment, the time to be equally divided between the manager of the bill, or whomever he may designate, and the author of the amendment. I understand it has to do with a report on international drug traffic through the Narcotics Bureau.

Mr. GOLDWATER. I did not hear the Senator.

Mr. MANSFIELD. I understand it has to do with a report on international drug traffic through the Narcotics Bureau.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, this amendment is, I think important, and yet uncomplicated. It would require the Bureau of Narcotics and Dangerous Drugs to submit to Congress within 6 months a comprehensive survey and analysis of the illegal international narcotics traffic.

I shall not go into details of all the reasons why this amendment is needed. I think the Senate is quite aware of the growing seriousness of the illegal international narcotics traffic. This amendment would require the Bureau of Narcotics and Dangerous Drugs to submit a report to Congress which would contain information, which would then be available to the Congress and to the public in two general categories: The first, it would report a survey of the cultivation and processing of narcotics drugs in each country where these operations are known to, or believed by, the Bureau of Narcotics and Dangerous Drugs to occur; the routes of transport of such drugs to the United States; the financial and banking arrangements which support such illegal international narcotics traffic; changes in the international patterns of cultivation, processing, and shipping of such drugs for the United States markets which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, have occurred since 1969, and other information in this general area.

The second part of the report would include a list of the countries which, in the opinion of the Bureau of Narcotics and Dangerous Drugs, are currently major centers in illegal international narcotic traffic; a summary of the programs and other actions undertaken by such countries for the suppression of such traffic; and an evaluation by the Bureau of Narcotics and Dangerous Drugs of the effectiveness of such programs and actions, including reasons for their effectiveness or ineffectiveness.

Last year we adopted an amendment which I offered, which, among other things, authorized this Government to terminate foreign aid to any country which was known to be willfully involved in the production or sale of illegal drugs and which ultimately ended up in the United States.

It is estimated that the amount of illegal heroin entering this country will be nearly 40 percent greater than that brought into this country a year ago.

A front-page story in the New York Times describes a secret Cabinet level report that concludes "There is no prospect" of eliminating the smuggling of narcotics in Southeast Asia "under any conditions that can realistically be projected."

I ask unanimous consent that the article appearing in the New York Times appear at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MONDALE. This amendment will help the public and the Congress better understand the essential elements of this vicious problem so that we know better what to do.

I am hopeful that the distinguished floor manager will accept this amendment.

EXHIBIT 1

REPORT TO UNITED STATES SEES NO HOPE OF HALTING ASIAN DRUG TRAFFIC

(By Seymour M. Hersh)

WASHINGTON, July 23.—A Cabinet-level report has concluded that, contrary to the Nixon Administration's public optimism, "there is no prospect" of stemming the smuggling of narcotics by air and sea in Southeast Asia "under any conditions that can realistically be projected."

"This is so," the report, dated Feb. 21, 1972, said, "because the governments in the region are unable and, in some cases, unwilling to do those things that would have to be done by them if a truly effective effort were to be made."

The report, prepared by officials of the Central Intelligence Agency, the State Department and the Defense Department, noted that "the most basic problem, and the one that unfortunately appears least likely of any early solution, is the corruption, collusion and indifference at some places in some governments, particularly Thailand and South Vietnam, that precludes more effective suppression of traffic by the governments on whose territory it takes place."

The report sharply contradicted the official Administration position and Government intelligence sources say its conclusions are still valid today. In May, Secretary of State William P. Rogers told a Senate subcommittee that "we think all the countries are cooperating with us and we are quite satisfied with that cooperation."

Similarly, Nelson G. Gross, Senior Advisor to the Secretary of State and Coordinator for International Narcotics Matters, testified before Congress in June on the subject of narcotics smuggling that "the governments of Thailand, Laos and Vietnam have already joined us in the fight and, while we have a long way to go, we feel that during the past year some real progress has been achieved."

All officials concerned with the drug problem acknowledge that the United States agencies, under personal prodding from President Nixon, have begun an intensive effort to stem the international narcotics traffic. But critics contend that the effort is far less effective today than Administration officials say it is.

CRITICS' CHARGES BACKED

Two leading critics of what they allege to be the Government's laxness in stopping the flow of narcotics are Representative Robert H. Steele, Republican of Connecticut, and Alfred W. McCoy, a 26-year-old Yale graduate student who has written a book on narcotics in Southeast Asia. The New York Times reported Saturday that Mr. McCoy's allegations concerning the C.I.A. and the drug traffic had been the subject of an intense and unusually public rebuttal by the agency.

The Cabinet-level report, made available to The Times, buttressed many of the charges made by the two critics, particularly about the pivotal importance of Thailand to the international drug smugglers. Thailand is also a major Air Force staging area for the United States.

In a report on the world heroin problem last year, Mr. Steele wrote that "from the American viewpoint, Thailand is as important to the control of the illegal international traffic in narcotics as Turkey. While all of the opium produced in Southeast Asia is not grown in Thailand, most of it is smuggled through the country."

Mr. Steele's report, filed with the House Committee on Foreign Affairs, noted that many American citizens had established residence in Bangkok, and had moved into the narcotics trade. The report added that the inability of the United States to have a few notorious smugglers deported had led some intelligence officials to conclude that the men were paying Thai officials for protection.

Mr. McCoy said in testimony before Congressional committees last month that hundreds of tons of Burmese opium passed through Thailand every year to international markets in Europe and the United States and that 80 to 90 per cent of the opium was carried by Chinese Nationalist paramilitary teams that were at one time paid by the C.I.A.

There are a number of opium refineries along the northern Thai border, he said, and much of the processed high-quality heroin is shipped by trawler to Hong Kong.

"Even though they are heavily involved in the narcotics traffic," Mr. McCoy testified, "these Nationalist Chinese irregular units are closely allied with the Thai Government." He said that Thai Government police units patrol the northern border area and collect an "import duty" of about $2.50 a pound of raw opium entering Thailand. All this activity, he said, is monitored by United States intelligence agencies.

THAI-U.S. AGREEMENTS CITED

Mr. Gross, the State Department's adviser on international narcotics, said in his Congressional testimony that "during the past year the Thais have increased their efforts in the drug field with United States and United Nations assistance." He cited two agreements, signed in late 1971, calling for more cooperation and more long-range planning between Thai and United States officials to stamp out the trade.

"Based on all intelligence information available," Mr. Gross testified, "the leaders of the Thai Government are not engaged in the opium or heroin traffic, nor are they extending protection to traffickers." He added that the top police official in Thailand had publicly stated that he would punish any corrupt official.

The cabinet-level report, submitted to the Cabinet Committee on International Narcotics Control, asked "highest priority" for suppression of the traffic by Thai trawlers, noting that each trawler "would represent something like 6 per cent of annual United States consumption of heroin."

The report said that the trawler traffic should have priority because "it is possible to attack the Thai trawler traffic without seeking the cooperation of Thai authorities and running the attendant risks of leaks, tip-offs, and betrayals."

After such a seizure, the report said, the United States Embassy in Bangkok could "repeat with still greater force and insistence the representations it has already often made to the Government of Thailand" for more effective efforts "to interdict traffic from the north of Thailand to Bangkok and also the loading of narcotics on ships in Thai harbors."

At another point in the report, a general complaint was voiced. "It should surely be possible to convey to the right Thai or Vietnamese officials the mood of the Congress and the Administration on the subject of drugs," the report said. "No real progress can be made on the problem of illicit traffic until and unless the local governments concerned make it a matter of highest priority."

Representatives Steele, Lester L. Wolff, Democrat of Nassau County, and Morgan F. Murphy, Democrat of Illinois, have sponsored legislation that would cut off more than $100 million in foreign aid to Thailand unless she took more action to halt the production and traffic of heroin. Their measure cleared the House Foreign Affairs Committee on June 21 and is included in the Foreign Assistance Act, now pending.

During a Congressional hearing into drug traffic last month, Representative Wolff disputed the Administration's contention that it was making "real progress" in stemming the narcotics flow and said, "we think the trade has got so much protection in high places in Thailand that the Administration is afraid they'll tell us to take our air bases out if we put too much pressure on them."

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

I have discussed this amendment with the Senator from Minnesota and other members of the committee, including the ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN). I have discussed it with the chairman of the committee and other members. I think it is a good amendment, and I am willing to accept it.

Mr. MONDALE. Mr. President, I ask unanimous consent that my request for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Do Senators yield back their time?

Mr. MONDALE. I yield back my time.

Mr. SPARKMAN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) and the Senator from South Dakota (Mr. McGOVERN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[No. 304 Leg.]

YEAS—91

Aiken	Fannin	Montoya
Allen	Fong	Moss
Allott	Fulbright	Nelson
Baker	Goldwater	Packwood
Bayh	Gravel	Pastore
Beall	Griffin	Pearson
Bellmon	Gurney	Pell
Bennett	Hansen	Proxmire
Bentsen	Harris	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Brooke	Hollings	Schweiker
Buckley	Hruska	Scott
Burdick	Hughes	Smith
Byrd, Harry F., Jr.	Humphrey	Sparkman
	Inouye	Spong
Byrd, Robert C.	Jackson	Stafford
Cannon	Javits	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Cook	Magnuson	Taft
Cooper	Mansfield	Talmadge
Cotton	Mathias	Thurmond
Cranston	McClellan	Tower
Curtis	McGee	Tunney
Dole	McIntyre	Weicker
Dominick	Metcalf	Williams
Eastland	Miller	Young
Ervin	Mondale	

NAYS—0

NOT VOTING—9

Anderson	Gambrell	Mundt
Eagleton	Jordan, N.C.	Muskie
Ellender	McGovern	Percy

So Mr. MONDALE'S amendment was agreed to.

Mr. HUGHES. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the end of the bill add a new section as follows:

SEC. 15. Section 104(c) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the semicolon at the end of such section and inserting in lieu thereof a comma and the following: "except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted after the date of enactment of the Foreign Assistance Act of 1972.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be divided 15 minutes to the author of the amendment, the distinguished Senator from Iowa, and the other 5 minutes to the manager of the bill, the distinguished Senator from Alabama.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Scott-McGee amendment, which will come up, I believe, following this amendment, there be a time limitation of 10 minutes, to be equally divided between the distinguished Republican leader (Mr. SCOTT) and the manager of the bill, the distinguished Senator from Alabama.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of not to exceed 20 minutes on the two Hartke amendments, the time to be equally divided between the sponsor of the amendments and the manager of the bill. I understand that that will take care of all amendments.

The PRESIDING OFFICER. Does the majority leader ask for 20 minutes on each amendment or 20 minutes on both amendments?

Mr. MANSFIELD. Twenty minutes on each amendment.

Mr. President, I withhold the unanimous-consent request with respect to the Hartke amendments.

I think the Senate should be on notice that the rollcall votes from now on will be for a 10-minute duration rather than the usual 15 minutes. I hope the staffs and the cloakrooms will notify all Senators accordingly.

Mr. HUGHES. I yield myself such time as I may need.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Minnesota (Mr. HUMPHREY) be added as a cosponsor of this amendment.

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

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Is the section 15 mentioned in this amendment now in order

in line with the changes already voted by the Senate in this bill?

The PRESIDING OFFICER. Will the Senator repeat his parliamentary inquiry?

Mr. HUGHES. Is the section 15 mentioned in this amendment now a properly numbered section, in view of the changes already made in the proposed legislation before the Senate today?

The PRESIDING OFFICER. Will the Senator ask unanimous consent that the amendment be properly numbered?

The Parliamentarian informs the Presiding Officer that that will take care of the problem of the Senator from Iowa.

Mr. HUGHES. Mr. President, I ask unanimous consent that the amendment be properly numbered to conform with the changes already made in the bill.

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

FOOD FOR PEACE VERSUS FOOD FOR WAR

Mr. HUGHES. Mr. President, I was startled to read an article in this morning's paper citing the latest report on the food-for-peace program and noting that in some instances about 80 percent of the payment received for agricultural commodities is funneled back to the local governments for military equipment and facilities.

On further investigation, I discovered that this activity is perfectly legal under section 104(c) of Public Law 480, which permits agreements to use these repayments "To procure equipment, materials, facilities, and services for the common defense including internal security."

Perhaps, Mr. President, I am singularly naive in supposing that this fine program—which I have long supported and which has done so much to help share America's abundance with the hungry and undernourished people of the world—would be used only for peaceful activities.

After all, the declaration of policy at the start of this law declares a major purpose:

To use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in the developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production.

But there is another declared purpose, one which has apparently become a blank check for many activities abroad:

To promote in other ways the foreign policy of the United States.

This catch-all clause has permitted the U.S. Government to return nearly three-quarters of a billion dollars to the government of South Vietnam in the form of military aid, nearly $600 million to the government of South Korea, and now we are doing the same in Cambodia. Over the years since 1954 we have returned over $1.7 billion in defense-related aid.

Although this amounts to only 13 percent of total Public Law 480 assistance, the figure is about 80 percent for Vietnam and Korea.

Perhaps Congress would approve such provisions if given the opportunity. But I believe that we should be given that opportunity.

Otherwise, we may again be drawn into military arrangements without our full knowledge and consent.

Personally, I consider the use of food for peace as food for war to be a perversion of the basic intent of Congress. I also believe that it does our credibility no good at home or abroad to have these funds rechanneled for war under the label of food for peace.

For too long we have learned, after the fact, of unauthorized funds going for foreign aid—the under-valued excess defense articles, the CIA money for Laos which has been channeled through the AID budget, and the quiet reprograming which leads to mushrooming commitments without the prior consent of Congress.

This is merely another example of such concealed aid.

In order that Congress can advise and consent to such agreements, I am today offering an amendment to the pending bill which would provide simply that no agreement for common defense purposes under Public Law 480 shall be entered into unless authorized by further affirmative legislation by Congress.

Since the hour is late and the time on this bill is short, I believe that this provision would give Congress the opportunity to step back and look at these disguised military aid programs—and then accept or reject them as we choose.

Mr. President, as I have stated, this amendment, very simply, would give Congress and the proper committees the right from this point on, after the passage and signing into law of this bill, to review these matters if our Government wants to rechannel the food for peace funds into military channels.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HUGHES. I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, will the Senator yield me 3 minutes?

Mr. HUGHES. I yield.

Mr. HUMPHREY. Mr. President, I am very pleased to join the Senator from Iowa (Mr. HUGHES) in offering this amendment.

I was very much disturbed this morning to read reports indicating that the United States had funneled $78 million into South Vietnam's war budget from the surplus agriculture commodities under the terms of Public Law 480. The report was brought to our attention this morning in the press. I ask unanimous consent that the AP story on the White House report, entitled " 'Food for Peace' Funds Arm Saigon" on food-for-peace operations in Indochina last year, be printed in the RECORD.

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

"FOOD FOR PEACE" FUNDS ARM SAIGON

A White House report shows the United States funneled $78 million last year into South Vietnam's war budget under the Food for Peace foreign-aid program.

The disclosure came in a report to Congress on Food for Peace operations last year. It was signed by President Nixon on June 29.

According to the report, South Vietnam through 1971 received $919.8 million worth of U.S. farm commodities under Food for Peace. Of that, $742.7 million was kicked back to the Saigon government to use for "common defense" purposes.

Authority for the expenditures is provided in Section 104–C of the Food for Peace law.

Further, the report shows, Korea last year received $20 million Food for Peace aid to help pay military bills, and Cambodia got $7.4 million.

Through 1971, Korea had received $593.1 million in "common defense" funds under Food for Peace out of a total aid under the program of $752.2 million. Cambodia began receiving the aid last year.

Under a typical arrangement, the United States agrees to provide South Vietnam with farm commodities, to be paid for with local currencies. About 80 per cent is then kicked back for "common defense" purposes.

The report says: "The major uses . . . are for personnel equipment, mostly clothing, construction and construction materials, and local services provided for the United States Military Assistance Command—Vietnam."

Over-all supervision of the "common defense" money is handled by the U.S. Department of Defense and the Agency for International Development, the report says.

In the case of Korea, the study says the money is used "to help offset the increasing defense costs" which are being transferred from U.S. military aid mission to the Korean defense budget.

The money in Cambodia is used "for military pay and allowances," the report says.

"Although 1971 was the last year local currency arrangements will be signed, it is anticipated that 104–C grants will continue to be made to Vietnam and Cambodia out of funds generated under credit agreements," the report says.

Since Food for Peace was enacted in 1954, more than $1.7 billion has been spent on "common defense" arrangements. The report shows that about $12.9 billion in total aid, the military kickbacks have amounted to 13 per cent.

Although Vietnam, Korea and Cambodia are the only current recipients, many countries over the years have shared in the "common defense" benefits.

Mr. HUMPHREY. Mr. President, last year, you may recall, the Presiding Officer now in the chair (Mr. PROXMIRE) I am sure will, introduced an amendment sponsored by the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), and myself to the Foreign Assistance Act of 1971, designed to repeal the wording in Public Law 480 which in practice had become a means for the U.S. Government to provide additional military assistance beyond the amounts authorized or appropriated by Congress. The amendment was designed to restore the original purpose of Public Law 480 of which I was one of the earlier sponsors.

Public Law 480 is the Food for Peace Act. Its purpose is to promote international trade in agricultural commodities, to combat hunger and malnutrition, and to further economic development.

Putting $78 million into South Vietnam's defense budget hardly fulfills the spirit of the Food for Peace Act. It is hardly in keeping with the amendment introduced last year, the Proxmire-Humphrey-Mansfield-McGovern amendment, written into law as Public Law 92–226. This amendment attempted to close a loophole and to prohibit any use of Public Law 480 funds for military purposes. That was its intent, and that was the

intent of this body when it voted to accept the Foreign Relations Committee recommendation and when Congress voted it into law. The proposal of the distinguished Senator from Iowa (Mr. HUGHES) will now close the loophole that we find in the law.

Again, one of our Departments of Government knew what our intention was here but, despite that intent, because the legislative history points this out unmistakably, the Department has pursued a course which violates the intent of our amendment.

Therefore, what the Senator from Iowa is proposing now is to make sure that any use of these supplies will have to be under formal agreement, so that there can be no way in which there can be any slippage or loophole used to add Public Law 480 surplus commodities as another element in the war chest or in military operations or in military assistance to any country.

The distinguished Senator from Iowa (Mr. HUGHES) has rendered us a great service and I am very much pleased to join him and hope that the Senate will adopt his amendment.

Mr. SPARKMAN. Mr. President, I was chairman of the Agriculture Committee at the time Public Law 480, as it has come to be known around the world, was passed.

Mr. AIKEN. Mr. President, I have had no report until this morning that it was used for military purposes. The question is, What is a military purpose? We expected that if the countries we helped could gain by devoting funds to that country for hospitals and highways and airports and things of that nature, that would be its purpose. But no one intended that it could be used for paying military personnel.

I am wondering, since we have had no report at all on this, whether we might not be acting precipitately. However, I realize that the bill has to go to conference, and in the meantime we could find out quite a lot. The bill became law in 1954. Does the Senator from Iowa know how long this so-called misuse of funds which has only been reported by a newspaper today, has been in effect?

Mr. HUGHES. Let me say to the Senator from Vermont that ever since 1954 there have been various agreements ranging back to that time with various countries. An example has been reported today. As the Senator has pointed out, there is no claim that this is illegal under existing law.

About 80 percent has been kicked back for common defense purpose, the report states. The major uses are for personnel equipment, mostly clothing, construction, construction materiel, and local supervising for the U.S. Military Assistance Command in Vietnam. Overall supervision of common defense money is handled by the U.S. Department of Defense and AID, the report says.

Mr. AIKEN. That has been going on almost since the inception of——

Mr. HUGHES. With many countries. There were only three agreements last year. One with Vietnam for $78.2 million; one with Cambodia for $7.4 million; and one with South Korea for $20 million even. These agreements are apparently worked out each year. There now exists under 104(c), the common defense section, only one agreement—with Cambodia—which would be 80 percent of $14.2 million, which will be returned for defense; and another one is expected with Vietnam.

Mr. AIKEN. I do not know about this. Who issued the report?

Mr. HUGHES. The report is by the food for Peace program——

Mr. AIKEN. It is entirely possible that out of the $2 billion a year programs, which we have been running for quite a while, it is not surprising that perhaps 5 percent of that would have been spent indirectly for military purposes. I would suggest that since this has been going on ever since the program was authorized, perhaps we could get some information from the junior Senator from South Dakota who was the supervisor of the Public Law 480 program for a few years in the early 1960's.

I do not mind taking this to conference but, in the meantime, before the conferees take action, we should find out more about the facts and perhaps have someone come before our Agriculture Committee, or some committee anyway, to determine whether they have been using——

Mr. HUGHES. About $100 million.

Mr. AIKEN. That would be only about 5 percent a year of the total.

Mr. HUGHES. Over the years, 13 percent has been used for these purposes.

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

Mr. TALMADGE. Mr. President, as the distinguished Senator from Vermont (Mr. AIKEN) has just pointed out, since the inception of the food for peace program there has been authorized surplus food to be used for the common military defense. Since 1954 we have appropriated and spent countless billions of dollars of the tax money of the American people for defense purposes throughout the world. I see no reason why we should preclude the utilization of surplus foods when we have to use the same tax dollars that we take from the American people for the same purpose.

I do not say that all of that money has been wisely spent, but if we do have surplus food that we are going to use for common defense, it seems to me it would be much better to use that surplus food than to add to our deficit spending by taxing the American people yet more money that we do not have, using dollars in lieu thereof.

As I recall, this bill expires next year. It will be one of those matters we will have to consider at that time. At that time, I would appreciate it if the Senator from Iowa (Mr. HUGHES) and others who are interested would come in and testify before our committee as to whether it is wise to use surplus food for common military defense.

It seems to me to be the better part of wisdom to use surplus food that we want to get rid of, rather than trying to utilize deficit dollars that we do not have. It is really that simple.

Mr. HUGHES. Mr. President, how much time remains to the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Alabama has no time remaining. The Senator from Iowa has 5 minutes remaining.

Mr. HUGHES. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the argument is not over whether this can be used. The argument is over whether we enter into a formal agreement on the utilization of it. What has been happening is that under the general authority under section 104(c), the foods have been put into what is known as the common defense. And they have not been tallied up in terms of what is known as military assistance.

It seems to me that what we are really asking for is a legitimate accounting of how these funds are to be used. These funds are turned into local currencies. And the local currencies are then used in the military and other budgets, health, education, construction, and roads. We know the many uses there are for them.

What the Senator from Iowa is attempting to do is what we have been attempting to do, to have accountability. It seems to me that accountability is desirable. It seems to me that a food for peace program ought to be directed essentially toward that objective.

Mr. HUGHES. Mr. President, the Senator from Minnesota is exactly correct. This amendment is not an attempt to shut off negotiations under the common defense clause of the law. What it simply does is to say: Except that no agreement may be entered into under this subsection (c) unless such agreement has been specifically authorized by legislation enacted at the date of enactment of the Foreign Assistance Act of 1972. I offer this amendment so that the Congress may in each case have an appropriate share in the advice and consent capacity under the original terms and purposes ordered by the law—

To use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic growth in the developing countries with particular emphasis on those countries who are determined to improve their own agricultural production.

The Senator comes from a State that abounds in agricultural commodities, agricultural technology, and sometimes in agricultural surpluses. I do not intend that the people of Iowa labor under the apprehension that food for peace is used for peaceful purposes at all times.

Mr. SPARKMAN. Mr. President, will the Senator yield for a moment? The time is about up.

Mr. HUGHES. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, it happens that right now the Senator is speaking of two countries, Cambodia and South Vietnam. Next year or even before this year is out, it may be Bangladesh. The Senator must remember that it is for common defense, including internal security. This is what the law says.

That is what the Committee on Agri-

culture and Forestry put into law. This may be of a wider scope than the Senator believes.

Mr. HUGHES. The Senator from Iowa is not precluding broadening the scope at all. I am simply requesting that the appropriate committees of Congress have the right to express their will when such negotiations take place.

Mr. SPARKMAN. Mr. President, let me say that I agree with what the Senator from Vermont has said and with what the Senator from Georgia has said. As a matter of fact, I mentioned to the Senator from Iowa that this was a matter that the Committee on Agriculture and Forestry had handled and that they ought to be consulted.

I wish that we had a great more information regarding this matter. I will be very glad, as far as I am concerned, in accord with the Senator from Vermont, and agree to take the amendment to conference. However, I do want to say that before we take it to conference, I want to learn a great deal more about it.

Mr. HUGHES. Mr President, if the distinguished Senator is willing to take the amendment to conference, I am satisfied.

Mr. SPARKMAN. I am willing to take the amendment to conference.

The PRESIDING OFFICER (Mr. PROXMIRE). All time has expired on the amendment (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SCOTT. Mr. President, I call up my amendment No. 1332 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10, strike out line 6 and all that follows through line 10, and insert in lieu thereof:

"(1) In section 31(a), relating to authorization, strike out '$400,000,000 for the fiscal year 1972' and insert in lieu thereof '$435,000,000 for the fiscal year 1973'.

"(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out '$550,000,000 for the fiscal year 1972' and insert in lieu thereof '$600,000,000 for the fiscal year 1973'.

"(3) Section 33(a) of the Foreign Military Sales Act, relating to aggregate regional ceilings, is amended by striking out '$100,000,000' and inserting in lieu thereof '$150,000,000'."

The PRESIDING OFFICER. On this amendment there is an agreement for 10 minutes, 5 minutes to the side.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, the amendment increases the new obligational authority for the foreign military sales credit program from $400 million to $435 million and the overall authorization from $550 million to $600 million.

In addition, my amendment increases the ceiling on sales to Latin America from $100 million to $150 million.

FOREIGN MILITARY SALES CREDITS

As my colleagues know, an important development is taking place in one element of what we have come to call broadly "foreign aid." I am sure it is realized by all that the requirements for grant military assistance throughout the world are much reduced relative to those of the 1950's. In those days free world security required a contribution measured in some billions of dollars from the United States each year. Some grant requirements still exist in countries such as Turkey, Korea, and China but the executive branch request for fiscal year 1973 is now reduced to $780 million.

What may not be so widely realized is that the transition from grant military assistance to self-help has been enormously facilitated by the half-way house of credit. Back in the 1950's, U.S. military credits helped European countries, Japan, Australia, and New Zealand move into the now well established era of self-sufficiency. Later, countries such as Iran and the Latin American countries also began to move out of grant programs into self-sufficiency—but again with the assistance of U.S. "foreign military sales" credit.

The tempo of such transition has accelerated. Last year the U.S. Government used the $550 million FMS credit authorized by this Congress to finance transactions with 19 countries—including substantial amounts for those three countries I mentioned, Turkey, Korea, and China, that are just moving into their eras of self-sufficiency. My colleagues will recall that we also provided $400 million in new obligational authority for the FMS credit program—the difference between the $550 million and the $400 million figures reflecting that part of the program, $220 million of it, which was financed by private credit supported by a DOD guarantee. Since such guarantee of private credit requires only a 25-percent guarantee reserve instead of the full use of appropriated funds, the executive branch used only $384.6 million of the fiscal year 1972 $400 million appropriated for FMS credits. It is fair, I believe, to commend the executive branch for such prudent use of congressional appropriations.

During the past 20 years the U.S. Government has provided about $2.6 billion in credits. A little over $1 billion has already been repaid. During fiscal year 1972, repayments on principal on past credits will total about $200 million and interest payments on past credits will total about $50 million. This is a businesslike program with every dollar, with interest, returning to the Treasury of the United States.

We must take every care to provide authorization and funding for this program for fiscal year 1973. The President requested $629 million in authorization and $527 million in funding to cover the requirements for Israel, for several countries in the Middle East where an arms balance is essential, for several Latin American countries where modernization of obsolete equipment is unavoidable, and for those critical countries I mentioned that are transitioning out of the military grant program. After a reduction proposed by the Senate Foreign Relations Committee, and after rejection of an amendment designed to restore the value to those requested by the President, it is the position of the executive branch that it can continue the most vital parts of this program with an authorization of $600 million and a new obligational authority of $435 million. This still represents a reduction from the President's request of $29 million in authorization and $92 million in funding. I urge my colleagues to support this reasonable request.

REGIONAL CEILING—LATIN AMERICA

Some years ago, this Congress passed legislation limiting U.S. sales and grants of military equipment to the Latin American region to $75 million a year. The currently effective ceiling is $100 million and the President has authority to waive it up to a maximum of 50 percent. While our intentions at the time were impeccable, namely, to urge a region in which we perceive little external military threat to spend its scarce resources on schools and hospitals instead of military equipment, I think it might be useful to review what has actually happened.

During the combined fiscal years 1970 and 1971, U.S. sales to Latin America, cash and credit, totaled about $130 million. Military material grants to the region added another $14 million. During the same period, Latin American countries have purchased military equipment in the amount of at least $900 million from European suppliers.

It is one thing to hope that our Latin American friends will make prudent decisions about their national priorities and quite another to stand aside and allow the Latin American market, indeed, force the Latin American market, to go to European suppliers.

I am not talking about selling anything to anybody for the sake of making a sale. I am talking about such things as the Brazilian purchase of a $60 million air traffic control system from France in competition with high-quality U.S. equipment—a transaction for which the U.S. firm found it difficult to compete because it had to be squeezed into the regional ceiling imposed by U.S. law. I am talking about French sales of the Mirage aircraft to five Latin American countries—sales totaling one quarter of a billion dolars during the last 4 years—when they really would have preferred a U.S. aircraft. These are orders which the buyers wish to place in the United States and for which U.S. equipment is superior. Such orders have immeasurable impact in terms of jobs in the United States, balance-of-payments receipts, and tax receipts. We should not deliberately exclude them from U.S. suppliers.

I could argue that we should depend upon the executive branch to manage foreign military sales on a case-by-case basis, without the imposition of an artifiscial regional ceiling. I am only proposing however, that we modify the current ceiling in a commonsense way. Since the Latin American countries have clearly established a pattern of decisions with regard to military modernization, and have clearly established that they are going to acquire such equipment from Europe if it is not available from the United States, the ceiling should be

raised to the more reasonable level of $150 million annually, with continuation of the current provision that the President be allowed to raise that ceiling up to an additional 50 percent if he considers it necessary in the U.S. national interest. If Latin American countries are going to exercise their sovereign rights to modernize their military forces, I think it would be sufficient for the United States to assess their requests on a case-by-case basis—rejecting purchase proposals with which we do not wish to associate ourselves, but honoring those that are clearly valid, and doing so without stumbling over an inappropriate regional ceiling.

I do not mind a U.S. decision to refuse to make a proposed sale if such a judgment is made on the merits of the case. I do mind being laughed at by European suppliers when such refusal arises out of an excessively limiting provision of U.S. statute.

Mr. President, I yield to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, the foreign policy of the United States has as its fundamental purpose the meeting of our responsibilities as a world power. Needless to say, we do not propose to perpetuate the cold war confrontations of the past, but neither do we propose to discontinue our aid and support to allied and friendly governments. Rather, we believe in the need for mutual efforts and the need to call on those who can assume more of the burden of their own defense. A key instrument in accomplishing this objective of responsibility is the foreign military sales credit program.

It is within this context that I am cosponsoring an amendment with the distinguished Senator from Pennsylvania (Mr. SCOTT) to S. 3390.

This amendment—No. 1332—is important to our balance-of-payments situation—and to our employment situation. It is not a foreign trade bill.

In the past few years, we have placed excessive limitations on the ability of American companies to sell military equipment abroad. As a result, in the last year alone, and in Latin America alone, American companies and their employees were deprived of at least $250 million in sales, which went instead to French and other European manufacturers. During fiscal year 1970–71, Latin American countries purchased $900 million of military equipment from foreign suppliers, and only $130 million from the United States. This trend is continuing and perhaps accelerating.

In short, experience has made clear that excessive limits on our military sales do not accomplish their purpose of discouraging poorer countries from purchasing the military equipment they consider necessary. Instead, the limitations merely deprive American firms of the ability to compete effectively.

The amendment is desirable for two other important reasons. First, the United States has been moving as quickly as possible from grant military assistance to sales. Such an emphasis is clearly desirable. But the switch from grants to sales can obviously not be made unless some flexibility is given the executive branch in the amount of credit sales it is allowed to make. Secondly, we are making increased use of private American financing of military sales. Again, the desirability of using private, rather than public funds, is clear; but it cannot be achieved unless the executive is given a considerably higher ceiling for aggregate sales than the amount of money provided for Governmnt financing of military sales.

Specifically, the McGee-Scott amendment does three things:

First. It raises from $400 to $435 million the fiscal year 1973 funds provided for military credit sales. The administration requested $527 million.

Second. It raises from $550 to $600 million the overall ceiling on military credit sales. The administration requested $629 million.

Third. It raises from $100 to $150 million the ceiling on military sales to Latin America.

As you can see, these increases are modest, and far short of the higher amounts requested by the administration. I consider amendment No. 1332 to be a minimal adjustment to the realities of the foreign military sales situation, and a significant contribution to the U.S. balance of trade and employment problems.

The demand for foreign military sales assistance was clearly demonstrated in fiscal year 1972 when the full amount of the program authorization—$550 million—was provided to our friends and allies. The demand for fiscal year 1973 funds will, if anything, be even greater. We must continue to support Israel at the fiscal year 1972 level of $300 million, as well as provide the means for our other friends to meet their defense modernization requirements. This is particularly true for the modernization of the Greek and Turkish air forces.

In view of the progress that has already been made toward self-reliance on the part of many of our friends and allies, and the clear requirements they face in providing for their own security, I believe the Senate should support the $435 million figure in new obligational authority and the $600 million program ceiling.

Further, Mr. President, I believe that the administration's request for an upward revision in the military assistance ceiling for Latin America to $150 million in fiscal year 1973, together with retention of Presidential waiver authority, is fully warranted.

My support for this is predicated on the view that the period of paternalism in United States-South American relations has come to an end, and that the foundations for cooperation can only be erected if we accept the principle of partnership. To perpetuate past restraints is to maintain a costly anachronism reflecting our unwillingness to come to terms with the new realities of the Western Hemisphere.

As I mentioned earlier, U.S. sales to Latin America have declined over the past several years, while agreements with European suppliers have multiplied. Latin American nations have made it clear to us that they fully intend to modernize their forces. They have made equally evident their irritation with American paternalism which is viewed, in many circles, as intervention in their domestic affairs. What has not been understood is the profound inconsistency of our approach—most particularly, the utter disregard we have shown for the Charter of the Organization of American States. Over the decades, the United States has argued strenuously in favor of more effective collective security action within the OAS while, at the same time, we have passed legislation which hobbles the efforts of member states to strengthen their roles.

It is argued by some that to increase our military assistance ceiling would be to feed the appetites of local military leaders. The facts, Mr. President, do not support this view. In a recent study on the military expenditures of six leading South American nations—Argentina, Brazil, Chile, Colombia, Peru, and Venezuela—one leading authority found that military spending took about the same proportion of their gross domestic product—GDP—in 1970 as in 1940, and generally absorbed a smaller share of central government expenditures.

Certain subjects seem quite clear as long as we leave them alone. Arms for Latin America is such a subject. It is one on which much has been said and written that seems self-evident until examined more closely. For example, the fear is often expressed that scarce resources are being expended in large quantities for military weapons acquisitions. If we examine the situation carefully, we will find that such fears are grossly exaggerated. In 1970, the ratio of defense expenditures to gross national product for Latin American nations was among the lowest in the world.

Mr. President, I believe that self-imposed regional ceilings are as contentious as they are ineffective. The present occasion probably is not appropriate for a complete repeal of this restraint. I do believe, however, that an increase in the regional ceiling is essential if the United States is to make sales of military equipment which are both reasonable and justified.

Consequently, I urge my colleagues to support amendment No. 1332 to S. 3390.

Let me say that the wisdom of this amendment derives from our shifting emphasis of our approach to military assistance around the world, and that it is to get out of the grant military assistance into the credit sales where we are not giving a free load to so many of the countries as we have of necessity in times past.

Once we start with this new emphasis, we then have to face up to the question as to why we are stopping the extension of military assistance. The answer is that we do not have a monopoly on any military assistance, that any nation that does not get it from us will get it from somewhere else. For example, in the preceding fiscal year, in Latin America they purchased $900 million in military supplies from other sources than the United States, and only $150 million from us.

This has three negative consequences.

One of those is that once they are making purchases outside the United States, we have much less to say about keeping it in low key and in nonaggressive areas.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPARKMAN. Mr. President, I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 additional minute.

Mr. McGEE. Mr. President, as a result they are not cutting back on military. They are simply making purchases from other sources. As a consequence, the American businessman suffers if we raise the ceiling on supplies and compromise the figure.

We increase the income for American businesses, lowering the deficits we have been experiencing in trade, and likewise we implement the assistance in holding jobs in this country.

On all three grounds, if we are to be responsible in this body in shifting our military emphasis and going into a less sharply construed program, I suggest we increase the authority on the military credit sales.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Arizona.

Mr. GOLDWATER. I wish to ask a question about this amendment. I wanted to ask if anyone knew why the Republic of China has been cut.

Mr. McGEE. I am sorry. I was unable to hear the Senator.

Mr. GOLDWATER. Why was the Republic of China cut?

Mr. McGEE. I yield to the chairman of the committee to respond.

Mr. SPARKMAN. My understanding is that the amount going to Taiwan is not cut. The overall request was reduced, but it is up to the administration to determine the country allocations.

Mr. SCOTT. It has the effect of cutting what is going to Taiwan.

Mr. GOLDWATER. If we ever need a friend over there now, it is Taiwan. I do not understand that reduction in the amendment.

Mr. SPARKMAN. The committee did not cut by countries.

Mr. GOLDWATER. They are mentioned in there. If that is not cutting, I do not know what is.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. AIKEN. I might have voted in opposition to this amendment, except that the effort to change the Public Law 480, the food-for-peace program, was as ridiculous a proposal as I have seen on this floor. There was absolutely no evidence, and no report to go on except a news story and possibly a political inspiration. The Senate was asked to vote without having information before us.

Mr. SPARKMAN. Mr. President, I was going to yield to the Senator from Arkansas (Mr. FULBRIGHT). Personally I am not in a position to oppose this. I believe it is needed. I was hopeful that the Senator from Arkansas would be here to present the opposition viewpoint.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. SPARKMAN. We have tried to locate him.

Mr. President, the Senator from Arkansas had a prepared statement, which I read:

STATEMENT BY SENATOR FULBRIGHT

The Senate has already considered and rejected amendments similar to that proposed by the Senator from Pennsylvania.

His amendment would increase:

(1) the authorization of appropriations for the military credit sales program from $400,000,000 to $435,000,000;

(2) the ceiling on credit sales from $550,000,000 to $600,000,000; and,

(3) the annual ceiling on military aid, government sales, and ship loans to Latin America from $100,000,000 to $150,000,000.

On June 19, by a vote of 32 to 47, the Senate rejected an amendment offered by the Senator from Texas (Mr. TOWER) to increase the authorization and ceiling for the military credit sales program. On the same day the Senate rejected a second Tower amendment which would have increased the effective ceiling on military aid and sales to Latin America by approximately the same amount proposed by the amendment of the Senator from Pennsylvania. The same reasons which persuaded the Senate to reject the previous proposals apply to the amendment before us today. Let me discuss them briefly.

Only six months ago, Congress appropriated $400 million for the 1972 fiscal year foreign military credit sales program and established an overall credit ceiling of $550 million, of which $300 million was earmarked for credit sales to Israel. The Committee on Foreign Relations recommended the same amounts for the 1973 fiscal year.

The Committee believes that the Executive Branch has not made a persuasive case for increasing the amounts above the level for the current fiscal year. The Committee weighed the amount requested against economic conditions here at home—conditions which, to say the least, are far from encouraging. Our Government faces a $38 billion-plus budget deficit for this fiscal year, another record-breaking balance-of-payment deficit, continuing inflation, and high unemployment. The economic indicators show that we simply cannot afford to underwrite a larger military credit sales program. Yet the Senator from Pennsylvania would have us add $35,000,000 more to the $436,000,000,000 federal debt—the highest in our history—to do just that.

I hope my colleagues will also bear in mind that, other than Israel, for which special provision is provided, the countries which purchase military equipment under this program are the poor countries of the world. These countries cannot afford to meet their pressing economic and social needs. Their debt burdens are growing far faster than their ability to pay. The United States should not be in the position of encouraging them to purchase bigger and better armaments on easy credit terms. The Senate should not endorse a "hard-sell" policy for peddling arms to the poor nations; arms which will be paid for at the expense of economic and social development.

Now, to the second part of the amendment of the Senator from Pennsylvania. The Foreign Military Sales Act imposes a ceiling on the amount of U.S. Government military aid and sales and the value of ship loans that can be furnished to Latin America and Africa each year. The ceiling was initiated by the Foreign Relations Committee a number of years ago in an effort to limit United States encouragement of unnecessary spending on arms by the nations of Latin America and Africa. The ceiling does not cover commercial sales or government grants for training. Before the enactment of the foreign aid bill for the 1972 fiscal year, the annual ceiling was $75,000,000 for Latin America.

At the Administration's urging, the Committee last year approved an increase in the ceiling for Latin America from $75,000,000 to $100,000,000. In the conference agreement was reached to allow the President to waive the ceiling up to 50%—for a total allowable ceiling of $150,000,000 a year—if he found that "overriding requirements of the national security" justify an increase in the ceiling. That is the state of the law today. The President has made such a finding for the 1972 fiscal year, and I am sure that he will do so for 1973 when the total nears the statutory ceiling.

The Senator's amendment would make the ceiling meaningless. According to the information furnished to the Committee by the Department of Defense, only $147,000,000 in military grants (excluding training), government sales, and ship loans are scheduled for Latin America in the 1973 fiscal year. This is $3,000,000 less than the allowable total if the President again exercises the waiver authority available. The Senator's amendment would add an additional $50,000,000 to the ceiling which, with use of the waiver authority, means an *effective* ceiling of $225,000,000—$78,000,000 more than what the Administration listed in its program.

There is nothing to prevent the countries of Latin America from buying as many planes or tanks here as they want—as long as they do it through regular commercial channels. The ceiling applies only to transactions by the U.S. Government. The Committee believes that these countries already spend too much on arms. Although we cannot prevent their diverting even more of their scarce resources to useless military spending, at least Congress can impose some practical restraints on our government's involvement in this waste of their resources.

Mr. President, the Committee believes that the restrictions in the law concerning military sales and grants to these poor countries are already too generous. It would prefer to see them tightened, not made meaningless as the Senator from Pennsylvania's amendment would do.

I urge the Senate to reject the amendment.

Latin America, fiscal year 1973

[In millions]

Miltiary assistance grants	$20.3
Military credit sales	75.0
Government cash sales	60.0
Excess defense articles	2.5
Ship loans	.9
Total	158.7
Less MAP training	10.9
Cover by ceiling	147.8
Commercial sales	43.5

Mr. President, I wish to emphasize that the foregoing is the statement of the Senator from Arkansas (Mr. FULBRIGHT) and not my statement.

Mr. BROCK. Mr. President, the pending amendment is worthy of the support of every Member of this body. Each of us is all too familiar with the shortcomings of direct grant weapons programs. The pending amendment on Foreign Military Sales Credit extends the administration's authority to foster the goals of reduced U.S. profile overseas and transition of friendly nations from grant weaponry programs to cash sales.

By raising Foreign Military Sales program's new obligational authority for fiscal year 1973 to $435 million and in-

creasing the program level to $600 million for the same period, we can realize yet another advantage to the United States. This is in the area of improving our balance-of-payments deficit. As a member of the Banking, Housing, and Urban Affairs Committee, I am particularly interested in this third benefit. While we are certainly not in the business of selling arms and equipment to improve our balance-of-payments position, it is clear that an increased credit program will have a salutory effect on our economy. If we fail to make arms available to our allies, through such a program, we run the distinct risk of losing a good portion of this market.

It cannot be denied that this country's excellence in military technology has had significant effect not only on our own domestic economy with all the direct spinoffs that have been used to benefit the civilian sector, but also on our international payments deficit. Unlike traditional foreign military assistance programs, we stand to gain on any number of counts through expansion of the FMS program. While FMS has existed as a tool of foreign policy, it has never been fully utilized by any previous administration.

President Nixon has made a compelling case for foreign military sales credit. As an integral part of the administration's security assistance program, credit sales is an essential vehicle for insuring the success of efforts by friends and allies to assume an increased share of their own defense burden. For those of my colleagues who are anxious to see the termination of grant military assistance to many nations, I must point out that credit sales also is an extremely useful tool for insuring that the transition is both orderly and coherent.

As I stated earlier, FMS is not a new instrument of foreign policy. It has been used throughout much of the past decade to move a number of countries out of the grant military aid category. Iran, Greece, Taiwan, Morocco, Zaire, and a host of Latin American countries rely heavily, if not entirely, on our foreign military sales program. Others, including Turkey, Korea, and Jordan also rely on credit arrangements to upgrade the effectiveness of their armed forces. In the case of Israel, foreign military sales is one of the most effective means available for the maintenance of the delicate military balance in the Middle East.

To cut as deeply into the administration's request as has been proposed is exceedingly imprudent. The President had originally requested $527 million in NOA for fiscal year 1973, and a program ceiling of $629 million—for which $300 million is to be reserved for Israel. The pending bill would reduce these amounts drastically. What I am supporting today is a partial restoration of funds—at a level that proportionately is closer to the amount approved by the Congress for fiscal year 1972.

Given the demonstrated success of the FMS credit programs in the past, given the increasing number of countries willing to make the effort toward self-help, given the interest of the United States in progress toward free world security, a modest increase in the FMS credit program is wholly warranted. The program is well managed; the needs of our friends and allies for new aircraft, ships, and ground force equipment are readily apparent. The importance of exporting the products of American industry, together with the impact of these exports on our employment levels and balance of payments, is equally evident.

As for the second part of the proposed amendment, I believe the Senate should take action to approve the President's request to raise the Latin American ceiling for military assistance and sales to $150 million in fiscal year 1973. The reasoning supporting this move is persuasive both in terms of U.S. interests and Latin American convictions as to defense needs.

From a U.S. point of view, it is clear that a number of Latin American nations are deciding to modernize their equipment inventories with the only real question being the source of supply. Furthermore, our Latin American allies have made clear their dislike at being told that they cannot acquire certain military equipment from the United States, even when they pay cash, because a U.S.-imposed ceiling will not permit it. Such an arbitrary ceiling appears overly restrictive and paternalistic. During 1972, the present statutory ceiling of $100 million caused a continuation of the pattern of Latin American countries turning to European suppliers. A large part of these purchases were for air defense equipment the sale of which were in direct competition with U.S. suppliers.

It is reasonable to expect our Latin American neighbors to wish to replace outdated, largely World War II, military equipment. Not only will the old items not meet the need today, but they are both difficult and costly to maintain. Decisions to abandon such obsolete equipment are to be expected, both as a consequence of sound fiscal policy and prudent management. It is one of the tenets of U.S. policy to encourage friends and allies to make their own decisions on military matters with the United States in a supportive role. The present ceiling appears to impose our judgments rather than theirs.

Of course, the United States is not compelled to sell everything that is requested. It is intended that we continue to carry out a program of controlled sales. In sum, the establishment of a revised ceiling of $150 million in lieu of the present $100 million, and with a continued Presidential waiver authority of 50 percent would:

Allow the United States to make those sales that are reasonable and justified.

Permit the United States to become more competitive with foreign suppliers in meeting sound needs.

Allow the United States to exercise valuable and appropriate influence in an important region so politically and geographically proximate to the United States.

Mr. President, I urge the adoption of this amendment. The President's request for additional authority in these two areas is justified and necessary if we are to realize our desire to alter defense burdens and continue our commitment to world peace.

The PRESIDING OFFICER. The question is on agreeing to the Scott-McGee amendment No. 1332. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGOVERN) and the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent, and, if present and voting, would vote "nay."

The result was announced—yeas 48, nays 42, as follows:

[No. 305 Leg.]

YEAS—48

Aiken	Cotton	Packwood
Allen	Dole	Ribicoff
Allott	Dominick	Schweiker
Baker	Eastland	Scott
Beall	Ervin	Smith
Bennett	Fannin	Sparkman
Bentsen	Fong	Stafford
Bible	Griffin	Stennis
Boggs	Gurney	Stevens
Brock	Hansen	Taft
Brooke	Hollings	Talmadge
Buckley	Jackson	Thurmond
Byrd, Harry F., Jr.	Long	Tower
Byrd, Robert C.	McGee	Weicker
Cannon	McIntyre	Young
Cook	Miller	
	Montoya	

NAYS—42

Bayh	Hartke	Mondale
Bellmon	Hatfield	Nelson
Burdick	Hruska	Pastore
Case	Hughes	Pearson
Chiles	Humphrey	Pell
Church	Inouye	Proxmire
Cooper	Javits	Randolph
Cranston	Jordan, Idaho	Roth
Curtis	Kennedy	Saxbe
Fulbright	Magnuson	Spong
Goldwater	Mansfield	Stevenson
Gravel	Mathias	Symington
Harris	McClellan	Tunney
Hart	Metcalf	Williams

NOT VOTING—10

Anderson	Jordan, N.C.	Muskie
Eagleton	McGovern	Percy
Ellender	Moss	
Gambrell	Mundt	

So the Scott-McGee amendment (No. 1332) was agreed to.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I send an amendment to the desk, which I call up.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

Chapter 4 of part 2 of the Foreign Assistance Act of 1961, relating to securities supporting assistance, is amended by adding at the end thereof the following new section:

"SEC. 535. CENTER FOR PLASTIC SURGERY IN SAIGON.—Of the funds appropriated pursuant to Section 532 of the Fiscal Year 1973, not less than $715,000 shall be available solely for furnishing assistance to the Center for Plastic and Reconstructive Surgery in Saigon."

Mr. SPARKMAN. Let the Senatcr explain the purpose of his amendment. I am prepared to accept the amendment, but I want an explanation of it in the RECORD.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 3 minutes.

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

Mr. CHILES. Mr. President, I am offering an amendment today which would earmark funds for the furnishing of assistance to the Center for Plastic and Reconstructive Surgery in Saigon.

I first became acquainted with the Children's Medical Relief International—CMRI—through an editorial in the Gainesville Sun newspaper. Later, in an article in Time magazine, I learned that the center was the only facility in South Vietnam dedicated to providing plastic and reconstructive surgery for children. I met with the executive director of the hospital, Mr. Tom Miller, and was delighted to introduce him when he appeared recently before the Senate Subcommittee on Foreign Aid Appropriations.

Mr. President, I wish every Member of this body could have seen the film I showed last May in the Senate auditorium. The movie told the story of some of the children in South Vietnam, the innocent victims of war who desperately need our help. The photographs of youngsters unable to close their eyes, without ears or limbs or with large portions of facial tissue destroyed due to noma, the disease that attacks malnourished children, were gruesome to look at. And they linger in your mind, long after the film is over—the outstanding work the center accomplishes gives us some ray of hope—some channel for the expression of something positive, constructive.

In 1967, Arthur J. Barsky, M.D. and Thomas R. Miller established Children's Medical Relief International, a nonprofit New York-based agency. In 1968, in cooperation with the South Vietnamese Medical Community, they founded the center to care for Vietnamese civilians. At first patients were seen in an apartment building in Saigon, but with the dedication of the new, modern structure in 1969, full scale operation of the hospital began. During the first year 400 children were served. Today the center treats more than 1,200 children annually and has already taken care of nearly 5,000 patients. The average patient's age is 8.

Rather than give a more technical description, let me quote from a letter Tom Miller received recently from American plastic surgeon, Richard Dakin, who served there:

Nothing in my training prepared me for the shock of my first visit to the center for plastic and reconstructive surgery. It's like going to the pound, where the puppies cluster around the visitors, playful but shy, and very appealing in their attempts to be chosen—but these puppies are really children and they are asking, they are really asking, for operations! Then one notices that eyes and noses and ears and cheeks are missing. And one sees the incredible burn contractures, heels fused to buttocks, and ears plastered down onto shoulders, and fingers locked back onto little wrists. Keloids are part of nearly every burn injury, and mountains of scar tissue cascade from forehead to chin to breast bone and across brown bellies. Old skin graft donor sites look like deep burns that had never been grafted.

They are so confident that the surgeons can help them, and their quiet brown eyes follow us as we make rounds. And I wish that I had memorized every text book I had ever read and could repeat flawlessly everything my teachers had ever shown me.

AID has signed a contract to give the center $163,000 this year, but more help is needed. Burns are a major problem in Vietnam, not only from the war but from war-related causes. Yet, in all of South Vietnam there is no adequate burn treatment facility. The Ministry of Health has repeatedly and urgently requested Children's Medical Relief International to help it establish a burn treatment facility. Even now, in spite of the fact that the center is not equipped to treat severe fresh burns, the present medical emergency has forced it to accept many fresh burn cases, forcing it to discontinue its other important work. Construction of a burns facility could begin immediately and be completed in 9 to 12 months. Badly needed burn treatment equipment could be ordered and used immediately.

I am sure most of you saw the pathetic photograph that was plastered on nearly every front page across the Nation of a little girl caught in a raid of South Vietnam planes that missed their targets and mistakenly dropped napalm on civilians and their own soldiers. The picture showed the girl who had ripped off her burning clothes and with others in the village fled down the road in terror. Ten-year-old Samkin Toc will live to remember that awful day. In fact, her third-degree burns and serious complications are being treated now at the center. She has already undergone one operation and faces more. But with all her suffering, Samkin Toc is still one of the lucky ones who at least is getting some treatment—and still has a chance to survive. Walter Cronkite's news report on June 27, 1972, put it well when it said:

The people who run this hospital will not even estimate how many children die every week because they cannot get to this place or because there is no room for them. The motto Dr. Barskey chose for his hospital comes from the old testament: "Better to light a candle than curse the darkness."

We all know only too well by today's votes that viewpoints continue to vary on what our course of action should be in Vietnam. But I do not believe that concern for these unfortunate children is any matter for debate among men of compassion. CMRI deserves our support because it is an organization bent on repairing, rebuilding, and healing—on the activities man performs when he is really most human.

I strongly urge the Senate to give my amendment its strong support. As Mr. Miller put it:

Now we have decided we should not be fighting there. Is it right to leave before helping to pick up the broken pieces of so many innocent lives?

Mr. President, I would like to add that this amendment was put into the House version of the Foreign Assistance Act in executive session this afternoon. Accepting this amendment in the Senate version of the bill will be an aid in eliminating any unnecessary differences between the House and Senate versions of the bill.

Mr. SPARKMAN. Mr. President, the amount involved is $715,000; is that correct?

Mr. CHILES. Yes.

Mr. SPARKMAN. A few days ago we accepted the Kennedy amendment for humanitarian assistance in South Vietnam and earmarked $70 million. This project could be funded from that earmarking. Is that correct?

Mr. KENNEDY. Mr. President, the Senator is correct, and I hope it would be. It is terribly important.

Mr. SPARKMAN. Mr. President, I am willing to accept this amendment, but with the understanding that it does not call for any additional earmarking, that it will be taken out of the funds already earmarked. Is that correct?

Mr. CHILES. Yes.

Mr. SCOTT. Mr. President, will the Senator yield me 1 minute?

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, in view of the state that the bill now is in, in view of the action of the Senate this afternoon, for the first time since I have been in Congress I am going to be impelled to vote against a Foreign Assistance Act.

I hope it will come back differently from conference, but I am personally convinced that unless the action of the Senate today is reversed before it comes back, it is inviting a veto.

I want to make it perfectly clear that I think the bill has been made unacceptable and has been put into a condition whereby it cannot help chances for peace or the negotiations toward peace in Paris.

Therefore, very reluctantly, I am going to vote against the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. HARTKE. Mr. President, for the information of the Senate, I have two amendments. One deals with the suspension of all economic and military help to Thailand.

I ask unanimous consent that the reading of the amendment, which I now call up, be dispensed with.

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

The amendment is as follows:

On page 9, line 7, strike out "subsection" and add in lieu thereof "subsections";

On page 9, line 14, strike out the quotation marks;

On page 9, line 14, add the following:

"(y) No assistance shall be furnished under this Act (other than chapter 8 of part I, relating to international narcotics control), and no sales shall be made under the Foreign Military Sales Act or under title I of the Agricultural Trade Development and Assistance Act of 1954, to Thailand. This restriction may be waived when the President determines that the government of Thailand has taken adequate steps to carry out the purposes of chapter 8 of part I of this Act, relating to international narcotics control."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 5 minutes, 3 minutes to be under the control of the Senator from Indiana (Mr. HARTKE) and 2 minutes under the control of the manager of the bill.

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

Mr. COOK. Mr. President, a parliamentary inquiry.

Mr. HARTKE. Mr. President——

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator from Indiana yield for a parliamentary inquiry?

Mr. HARTKE. I would except for the time situation. If I could have a clarification of that on the part of the manager of the bill, I will yield. Otherwise I want to proceed.

Mr. MILLER. Mr. President, could we have an explanation of the amendment, before the Senator asks for the yeas and nays?

Mr. HARTKE. Mr. President, this amendment cuts off all military and economic aid to Thailand, because of its role in the international narcotics traffic.

The only assistance which would be permitted under the terms of this measure would be funds appropriated under the international narcotics control program.

This amendment which was originally introduced in the other body by Congressman WOLFF, of New York, has already been adopted by the Foreign Affairs Committee with only one dissenting vote and will be reported to the floor as part of this bill. Furthermore, 85 Members of the other body had previously cosponsored Congressman WOLFF's resolution to suspend aid to Thailand.

This kind of support certainly indicates a commitment on the part of many legislators to act against the increasing traffic in heroin which is originating in the Far East. Despite a provision in the current Foreign Assistance Act which allows the President to suspend aid to any nation which does not take adequate steps to interdict the flow of narcotics, no action has been taken by the Executive in the face of hard evidence that Thailand serves as the major conduit for the transshipment of opium produced in Southeast Asia, the largest opium growing in the world. It now falls to the Congress to adopt legislation which would bring constructive pressure to bear upon the Thai Government to make a serious and effective effort to control the massive traffic in drugs.

Let us look briefly at the situation in Thailand. Several congressional study missions have returned to the Congress with reports that Thailand serves as the major conduit for drug traffic in the Southeast Asia region. As a result of these investigations, we have learned that opium-bearing caravans continually bring substantial amounts of raw opium and some refined morphine derivative down to Bangkok for shipment to Hong Kong. An NBC camera crew photographed such a caravan within the past 4 months.

After the opium reaches the port of Bangkok, it is placed aboard Thai-registered fishing trawlers. These trawlers can carry about 3.3 tons of opium per voyage. Until last year, these trawlers operated only during the summer months. Currently, they carry their deadly cargo year round. There is enough opium on each ship to supply 6 percent of the annual United States demand for heroin.

From Bangkok, the 11 trawlers fleet sails to Hong Kong where they unload the opium onto junks in Chinese Communist waters. These junks are then able to slip into Hong Kong unmonitored. The opium is then refined and shipped to the United States. This has come to be known as the Thai connection.

I am informed that American intelligence and narcotics personnel are aware of high level official complicity in the Thai drug trade. Not only do our people have the names of those involved, but they also have positive identification on the Thai trawlers which carry the opium to Hong Kong.

I find it shocking that with this kind of hard evidence and with the so-called cooperation of the Thai Government and its security personnel only 97 pounds of heroin and 645 pounds of opium were seized during all of 1971.

I ask my colleagues to compare this to the burning of some 26 tons of opium in one night by the Thai Government which the Thais said was in "response to a New York Congressman's charge that Thailand is not doing enough to stop illegal drug traffic." The amount of opium destroyed if refined into heroin would have been worth $1 billion and would have supplied nearly half the U.S. market for 1 year. This remarkable incident clearly demonstrates that we need to make the strongest possible representations to Thailand to win their true cooperation.

Unfortunately, while the Congress has been attacking the ever-increasing traffic from this area, the administration has been giving plaques to the Thai Government for its cooperation. No wonder we have not been able to stem the traffic. Only by the kind of direct action which my amendment proposes will we serve notice, not only to Thailand, but to other nations of the world as well, that halting the flow of heroin into this country is our No. 1 priority.

Mr. President, I am deeply troubled that our Government seems to be satisfied with telling the people that progress is being made, when it is not, and that not enough of an effort is being made to achieve progress in our antidrug efforts.

An article which appears in today's New York Times merely confirms the accuracy of Congressman WOLFF's findings and the necessity for congressional action in this matter. According to the Times account, a high-level report by a study team dispatched to study the drug problem in Southeast Asia is being kept under wraps, because it indicates that corruption and indifference are preventing any serious action against drug smuggling.

Such efforts to hide the truth from the American public on the critical issue of heroin traffic is not without precedent. During hearings of the Foreign Affairs Committee on this bill, this same kind of attitude was evidenced when Secretary Rogers responded to a query by Congressman WOLFF:

From my standpoint, I would appreciate, when you have information of this kind, let us have it privately.

I think it is time to make this public and to put the necessary pressure on the Thai Government to take definitive action against drug smuggling.

Knowing of the widespread suffering which heroin addiction causes in our society, both for the user and the victims of drug-related crimes, and understanding the necessity of cutting off the supply at its source, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. All I ask, Mr. President, is that I think the Government of this Nation should go on record and simply say——

The PRESIDING OFFICER. The Senator from Alabama has 2 minutes.

Mr. SPARKMAN. Mr. President, just last week the President signed into law a measure that we put through the Senate here, which says the President shall suspend economic and military assistance furnished under this or any other act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development Assistance Act with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent illegal trade in narcotic drugs.

The President signed that measure just last week. There was also a similar provision in the law last year designed to meet this issue.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. It says he shall cut it off, as I read it, and shall suspend sales under all of these different acts, and shall not let aid resume until he is convinced that they have straightened up and are taking care of things.

I will say we have acted on this—there is a provision in the law concerning this problem. I do not believe we ought to come along now and put another law on the books saying virtually the same thing, except just changing it around a little.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SPARKMAN. Well, if I have time I will.

Mr. ALLOTT. Thirty seconds.

Apropos of the subject the Senator from Indiana has raised, in the last 3 weeks two cases have come to my attention. One of them was given 20 years and the other 30 years for drug traffic violations in Thailand. I suggest that the law on the books now is sufficient to handle the situation.

The PRESIDING OFFICER. All time has expired.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The question is on agreeing to the amendment of the Senator from Indiana (Mr. HARTKE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[No. 306 Leg.]

YEAS—22

Bayh	Hartke	Nelson
Bible	Hughes	Pastore
Burdick	Humphrey	Pell
Byrd, Robert C.	Mansfield	Proxmire
Cranston	McIntyre	Randolph
Fulbright	Metcalf	Ribicoff
Gravel	Mondale	
Harris	Montoya	

NAYS—68

Aiken	Dominick	Miller
Allen	Eastland	Packwood
Allott	Ervin	Pearson
Baker	Fannin	Roth
Beall	Fong	Saxbe
Bellmon	Goldwater	Schweiker
Bennett	Griffin	Scott
Bentsen	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hart	Spong
Brooke	Hatfield	Stafford
Buckley	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
	Inouye	Stevenson
Cannon	Jackson	Symington
Case	Javits	Taft
Chiles	Jordan, Idaho	Talmadge
Church	Kennedy	Thurmond
Cook	Long	Tower
Cooper	Magnuson	Tunney
Cotton	Mathias	Weicker
Curtis	McClellan	Williams
Dole	McGee	Young

NOT VOTING—10

Anderson	Jordan, N.C.	Muskie
Eagleton	McGovern	Percy
Ellender	Moss	
Gambrell	Mundt	

So Mr. HARTKE's amendment was rejected.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. HARTKE. Mr. President, I have another amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

PROHIBITION AGAINST FINANCING DEFENSE ARTICLES FOR FOREIGN GOVERNMENTS AND PERSONS

SEC. 17. (a) Unless specifically authorized by law enacted on or after the date of enactment of this Act—

(1) neither the Export-Import Bank of the United States or any other agency of the United States Government shall lend, guarantee, insure, extend credit, or participate in the extension of credit with respect to the purchase of any defense article by or on behalf of any foreign government or any person; and

(2) financial assistance provided by the United States Government to any business entity shall be terminated if that entity engages in providing or servicing any defense article to be used in any foreign country unless such article is to be used directly and exclusively by the United States Armed Forces.

(b) For purposes of this section, the terms "defense article" and "agency of the United States Government" have the same respective meanings given those terms by section 644 of the Foreign Assistance Act of 1961.

Mr. HARTKE. Mr. President, I realize the lateness of the hour, but I do want a yea and nay vote on this amendment, and I ask for the yeas and the nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, could we have an explanation of the amendment?

Mr. HARTKE. I will be glad to explain it.

Mr. ALLOTT. Before we get the yeas and nays.

Mr. HARTKE. Mr. President, I asked for the yeas and the nays. Have they been ordered?

The PRESIDING OFFICER. The yeas and the nays have been ordered.

Mr. HARTKE. Mr. President, I wish I had more time. I have been waiting all day, too, as has everyone else.

This amendment to the Foreign Assistance Act of 1961 is designed to close yet another loophole through which taxpayers' funds have poured in violation of the expressed will of Congress.

In recent years, Congress has increasingly undertaken to fulfill its constitutional responsibilities in the field of foreign affairs by carefully delimiting the uses of money appropriated for foreign military and economic aid. It has shown a special interest in making certain that such aid shall promote, rather than hinder, the preservation of those conditions of international peace and freedom which must remain the essential goals of American policy. And it has sought to prevent the frustration of these goals by short-sighted decisions anonymously reached and irresponsibly implemented somewhere within the executive department.

Yet, in many instances Congress ability to exercise its authority over the use of appropriated funds has been undermined by the existence of autonomous agencies whose allocation of Government funds, granted for the implementation of ostensibly nonpolitical goals, has not been subject to the restrictions which it was the intent of Congresss to impose. Funds from such agencies have been diverted to purposes incompatible with the expressed will of Congress, taking the place of funds which Congress has expressly refused. Similar results have followed from the misuse of funds supplied to private companies under various programs intended to achieve specific limited goals. Indeed, in some cases one must wonder whether the executive department is using these indirect devices to circumvent the will of Congress, or whether it has itself lost control of the use of public funds by autonomous Government agencies and the corporate beneficiaries of Government assistance.

Thus it was recently announced in Athens that a consortium consisting of Lockheed, the French aircraft manufacturer Dassault, and Olympic Airways was to construct a factory for military aircraft in Greece. Financing of the construction of this plant was to be done in part with a loan of approximately $50 million from the Export-Import Bank. One of the major purposes of this facility was to service the Libyan Air Force, whose pilots are already being trained in Greece—indirectly with funds supplied to the Greek junta under the U.S. military aid program. A subsidiary purpose is to perform work for the U.S. Air Force which is now being done in the United States.

Is it really the intent of the Nixon administration to assist the Libyan regime with U.S. Government funds in its efforts to develop an air force which Libya has made abundantly clear has only one purpose—use against Israel? Certainly Congress has left no room for doubt that it considers the defense of Israel to be an integral part of American policy. Yet this proposed project involves the use of Government funds directly through the Export-Import Bank and indirectly through Lockheed, whose capital deficiencies have been supplied through Government assistance, in a way that can only undermine that defense.

Another aspect of this project is also worth looking at. The major argument for assistance to Lockheed was that it was necessary in order to preserve jobs in this country which would otherwise cease to exist. Certainly one purpose of the Export-Import Bank is also the expansion of employment within the United States. Yet this project actually involves the use of funds supplied for this purpose to diminish employment opportunities in the United States by constructing facilities for the performance in Greece of work for the U.S. Air Force which is now being done in this country. Under certain circumstances, such a sacrifice of the interests of American

workers might be required by the necessities of national defense; but no such claim has been advanced or could be supported in this case.

Another case in which the United States is involved, through the use of the funds of an autonomous agency, in activities hard to reconcile with its professed policies, is that of Middle East Airlines. It will be remembered that when Israel attacked planes of that airline in reprisal for the hijacking of a plane, the U.S. Government hastened to arrange for TWA to lend Middle East Airlines planes to take the place of those which had been damaged. To what extent was that U.S. action whose political implications were obvious, a reflection of the fact that Middle East Airlines is approximately half-owned by Intra Bank of Lebanon—and that the U.S. Commodity Credit Corporation, with about a fifth of the stock of Intra Bank, is much the largest stockholder of that bank?

These two examples are not isolated instances, but they are sufficient to demonstrate that it is necessary to bring the use of Government funds by autonomous agencies and by the corporate beneficiaries of Government assistance under the same controls which already apply to funds directly appropriated for foreign aid. Otherwise policies determined by Congress will be merely meaningless expressions of opinion, subject to frustration at the hands of any administration so inclined, or even of some anonymous bureaucrat or private entrepreneur operating with Government funds.

Mr. President, the amendment I offer today will restore Congress' ability to control at least this aspect of foreign policy uses to which its appropriations have been put. I strongly urge its adoption.

This amendment would prohibit utilization of American funds, and the answer to this is that it would interfere with some of our defense projects. Very simply, this amendment says that any money directly or indirectly coming from the United States shall not be used in foreign countries for the purpose of building military equipment which is not going to be used for the United States of America directly or indirectly. Certainly, no one can disagree with that.

I recognize the lateness of the hour, and I yield the floor at this time.

Mr. SPARKMAN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes.

Mr. SPARKMAN. Mr. President, the Senator from Indiana has presented something here that is completely new to us. This is the kind of proposal that ought to come before the committee to be analyzed, to be studied.

While it is true that the Senator from Indiana has pointed out an example that perhaps would be objectionable to all of us, this amendment is much broader than that. It provides, in part, as follows:

(2) financial assistance provided by the United States Government to any business entity shall be terminated if that entity engages in providing or servicing any defense article to be used in any foreign country unless such article is to be used directly and exclusively by the United States Armed Forces.

Remember, this applies to every country, not just to Greece, not just to a single project to which he objected. Had the Senator wanted to take care of that, he should have couched his language in different words, so as to cover that particular and peculiar situation.

He cuts off Export-Import Bank assistance from the United States or any other agency of the U.S. Government, everywhere in the world.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. SPARKMAN. No. I do not have time to yield. The Senator had more time than I, and I want to explain this matter.

It covers the whole world and says that for these articles to be used in any foreign country, unless they are also used for the Armed Forces of the United States, we cannot lend any assistance. I do not believe that is good policy. Certainly, we ought not be called upon to enact that kind of legislation at the last moment, on the floor of the Senate, without any reference to the committee to give us a chance to consider it.

Mr. HARTKE. Mr. President, the Senator has not pointed out a single case in which this would be detrimental to the interests of the United States.

The Senator says it should be brought before the committee. It is impossible to bring something before the committee unless one knows about it. I have had it here all day. I talked to the Senator about it before. He said, "Why not bring it up sooner?" It is impossible. I could not bring it up sooner, because I could not get the floor, even though I had assurances from the Chair at 11 o'clock that I would have the floor. That is not my fault.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). All time has now expired.

The question is on agreeing to the amendment of the Senator from Indiana (Mr. HARTKE).

On this question the yeas and nays have been ordered——

Mr. ALLOTT. Mr. President, I move to table the amendment of the Senator from Indiana (Mr. HARTKE) and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Indiana (Mr. HARTKE).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 66, nays 24, as follows:

[No. 307 Leg.]

YEAS—66

Aiken	Dominick	Montoya
Allen	Eastland	Packwood
Allott	Ervin	Pearson
Baker	Fannin	Roth
Beall	Fong	Saxbe
Bellmon	Goldwater	Schweiker
Bennett	Griffin	Scott
Bentsen	Gurney	Smith
Bible	Hansen	Sparkman
Boggs	Hatfield	Spong
Brock	Hruska	Stafford
Brooke	Humphrey	Stennis
Buckley	Inouye	Stevens
Byrd, Harry F., Jr.	Jackson	Taft
Cannon	Javits	Talmadge
Case	Jordan, Idaho	Thurmond
Chiles	Kennedy	Tower
Cook	Mathias	Tunney
Cooper	McClellan	Weicker
Cotton	McGee	Williams
Curtis	McIntyre	Young
Dole	Miller	
	Mondale	

NAYS—24

Bayh	Hart	Nelson
Burdick	Hartke	Pastore
Byrd, Robert C.	Hollings	Pell
Church	Hughes	Proxmire
Cranston	Long	Randolph
Fulbright	Magnuson	Ribicoff
Gravel	Mansfield	Stevenson
Harris	Metcalf	Symington

NOT VOTING—10

Anderson	Jordan, N.C.	Muskie
Eagleton	McGovern	Percy
Ellender	Moss	
Gambrell	Mundt	

So the motion to lay Mr. HARTKE's amendment on the table was agreed to.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

Mr. SPARKMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. Mr. President, is this vote on final passage?

The PRESIDING OFFICER. No. The question is on agreeing to the committee amendment in the nature of a substitute, as amended. [Putting the question.]

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. SPARKMAN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

VOTE ON MILITARY ASSISTANCE

Mr. CHURCH. Mr. President, the total tab that American taxpayers will pay during fiscal year 1973 for military and military-related assistance, together with subsidized arms sales to foreign governments, will amount to more than $7½ billion. Approximately a third of this huge expenditure is to be authorized

for appropriation in the bill (S. 3390), on which the Senate will soon vote.

In recent years, whenever the opportunity presented itself, I have voted against the military assistance parcel of our foreign aid package. Our indiscriminate donation of arms, whether of grants or by subsidized credit sales, has not only involved the United States with governments that have little or no relevance to our national security, but has also identified us with many dictatorial regimes that represent the very antithesis of everything we stand for as a nation. As long as a foreign government was "anti-Communist," it automatically qualified for the gift of arms from the United States.

This kind of military assistance, doled out on a global scale, is a remnant of the cold war. With President Nixon's summit talks in Peking and Moscow, and with a changing world alinement underway, the program has become obsolete. It should be reviewed and revised.

The administration, apparently, while testing the winds of change, has not yet managed to adapt old programs to new realities. The fact is that much of our military aid should be terminated outright. Other parts should be phased out in an orderly way, with military assistance retained only in those cases where it is given in support of free governments, like Israel, or where the actual security interests of the United States plainly require it.

This assessment would normally lead me to vote against this year's military assistance bill, and I would do so but for certain provisions in the bill which I regard as having overriding importance.

The first of these is the "end the war" amendment, the final version of which was proposed by Senator BROOKE of Massachusetts, and retained by a vote of 46 to 49. This amendment, the bill would furnish a legislative formula for terminating American participation in the Vietnamese war. Just 2 weeks ago, the Democratic Party nominated for the highest office in the land, our eminent colleague from South Dakota, Mr. MCGOVERN, a man who stands unequivocably opposed to the further participation on our part in that tragic and mistaken war. Enactment of the Brooke amendment, even at this late date, would restore Congress to its rightful role in ending our part in the hostilities, and help assure the prompt withdrawal of our remaining forces in South Vietnam. It would offer to Hanoi an end to our part in the war in exchange for our prisoners of war and an accounting for Americans missing in action. Inasmuch as the Brooke amendment has been affixed to this bill, I feel obliged to vote for it on final passage.

Another consideration which leads me to this decision, relates to Israel, a country which respects civil liberties and upholds political principles similar to our own. The military support we extend to Israel, necessary to defend its independence against hostile neighbors, is consistent with our own beliefs and national values. Because Israel continues to be threatened and must of necessity support an adequate military posture. American aid is essential in maintaining a viable Israeli economy and in deterring any military threat posed from without. The committee thus earmarked certain security-aid programs for Israel, $300 million in military credit sales and $50 million in supporting assistance programs.

On June 23, I sponsored an amendment increasing the supporting assistance level to Israel to $85 million, which the Senate approved by a vote of 54 to 21. The Israeli example pledges our military assistance in support of a free government, and is thus consistent with my personal views as to the way we should administer our overall military assistance program in the future. It therefore constitutes another reason why I have decided to vote in favor of the bill on final passage.

The third reason relates to section 7 of the bill which bars both military grants and subsidized credit sales to the nations of South Asia. Commercial transactions between private American munitions industries and the governments of the area are not prohibited. The Senate upheld this important policy revision, which I authored, and I hope that the House will do likewise, thus ending an 18-year military disbursement policy toward the subcontinent that has proved an utter failure. Such an embargo on weapons supplied by our Government may help to discourage a new arms race between Pakistan, India, and Bangladesh, where inflated defense budgets and periodic warfare have taken a high and tragic toll. The arms ban also coincides with the new spirit displayed by the leaders of India and Pakistan at the recently concluded Simla Summit, whereby both governments denounced the use of force and pledged themselves to respect each other's sovereignty. The failure of the past and the hope of the future make it pertinent, then, to end our part in furnishing weapons of war to the nations of the subcontinent. The fact that the bill retains this arms embargo constitutes still another reason why I shall vote for it.

Finally, I am encouraged by the fact that, apart from the adoption of my own amendment increasing our aid to Israel by $15 million, the Senate has generally refused to overturn the committee's recommended cuts in the size of the overall military assistance program. The Senate version of the bill is about $500 million below the amount requested by the administration. Such a cut is not only fully justified, in my judgment, but nighly appropriate in a year when our projected budget deficit may reach a staggering $40 billion.

For these reasons, then, and with the hope that a MCGOVERN administration will make possible a new approach to the whole question of military assistance next year along the lines I have suggested, I will cast my vote in favor of S. 3390, the military assistance authorization bill.

Mr. SPONG. Mr. President, during the course of the debate, another $170 million has been authorized, and no reductions have been made.

Accordingly, despite many features of the bill which I support, I must vote against it.

I ask unanimous consent that my additional views in the report on S. 3390 be printed in the RECORD.

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

ADDITIONAL VIEWS OF SENATOR WILLIAM B. SPONG, JR.

I voted against reporting the Foreign Aid Authorization Bill for Fiscal 1973. The bill, as reported from Committee, carries an authorization of $1.7 billion, most of which is for military assistance programs. I recognize the need for some of these programs, including the military sales credits and supporting assistance for Israel. I do, however, believe that in view of the projected budget deficit of $25 billion for this year we cannot afford a large-scale foreign aid program.

My vote is consistent with votes cast last year. In 1971 I voted against reporting H.R. 9910, although I did support the Committee version of S. 2819 which authorized $1.2 billion for military assistance type programs. I believed then and believe now that that was the maximum amount which should be spent on these programs in a time of financial difficulties for our country.

Our nation is overcommitted in many parts of the world. As I have noted a number of times, we cannot be the world's financier or the world's policeman, especially at a time when there are so many pressing domestic needs.

On the other hand, I do not believe we can withdraw from the world or that we should pursue a neo-isolationist policy. Indeed, we cannot do that. As a result I have supported the regional development banks, certain programs to provide humanitarian assistance and selected aid programs, including the amendment to the State Department-USIA authorization bill expanding our participation in international narcotics control programs.

What we need at this time in our history is a middle course between our present overcommitment and a potentially dangerous policy of isolation. Instead of representing such a balance, however, the reported bill represents only a continuation of the current policy of overcommitment.

Mr. BUCKLEY. Mr. President, I strongly favor the underlying purposes of the bill, but I cannot support it so long as it contains the Cooper amendment, as amended. As it now stands, it will severely undercut the President's efforts to negotiate a peaceful settlement of the Vietnam conflict. I will therefore vote against the bill on final passage.

Mr. MANSFIELD. Mr. President, may I ask that the well be as clear as possible so that the rollcall can get underway?

The PRESIDING OFFICER. The Senate is not in order. The vote on final passage cannot be taken until the Senate is in order.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. Moss) would vote "yea."

I further anounce that if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 42, nays 48, as follows:

[No. 308 Leg.]

YEAS—42

Allott	Harris	Pastore
Bayh	Hart	Pearson
Bentsen	Hatfield	Pell
Boggs	Hollings	Proxmire
Brooke	Hughes	Randolph
Cannon	Humphrey	Ribicoff
Case	Inouye	Schweiker
Chiles	Jackson	Smith
Church	Javits	Sparkman
Cooper	Kennedy	Stafford
Cranston	Mathias	Stevenson
Ervin	McIntyre	Taft
Fong	Mondale	Tunney
Gravel	Nelson	Williams

NAYS—48

Aiken	Dominick	Miller
Allen	Eastland	Montoya
Baker	Fannin	Packwood
Beall	Fulbright	Roth
Bellmon	Goldwater	Saxbe
Bennett	Griffin	Scott
Bible	Gurney	Spong
Brock	Hansen	Stennis
Buckley	Hartke	Stevens
Burdick	Hruska	Symington
Byrd, Harry F., Jr.	Jordan, Idaho	Talmadge
Byrd, Robert C.	Long	Thurmond
Cook	Magnuson	Tower
Cotton	Mansfield	Weicker
Curtis	McClellan	Young
Dole	McGee	
	Metcalf	

NOT VOTING—10

Anderson	Jordan, N.C.	Mundt
Eagleton	McGovern	Muskie
Ellender	Moss	Percy
Gambrell		

So the bill (S. 3390) was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the bill was rejected.

Mr. DOLE. I move to lay that motion on the table.

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

Mr. MANSFIELD. Mr. President, will the Senator reconsider that action? Some Senators have gone home on the reassurance there would be no further votes.

Mr. COTTON. Mr. President, if we are going to go home after this, with a vote as close as this one, unless permission is given by the majority leader, we should vote from our seats and the Senate is entitled to hear our votes.

Mr. BROOKE. Can we vote tomorrow?

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays have been ordered. The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is the vote on the motion to table?

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

I also announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would note "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is necessarily absent and, if present and voting, would vote "nay."

Also, the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 37, nays 30, as follows:

[No. 309 Leg.]

YEAS—37

Aiken	Curtis	McClellan
Allen	Dole	McGee
Baker	Dominick	Montoya
Beall	Fannin	Packwood
Bellmon	Fulbright	Roth
Bennett	Griffin	Scott
Bible	Hansen	Smith
Burdick	Hartke	Spong
Byrd, Harry F., Jr.	Hruska	Stevens
Byrd, Robert C.	Jordan, Idaho	Thurmond
Cook	Long	Tower
Cotton	Magnuson	Young
	Mansfield	

NAYS—30

Boggs	Harris	Pastore
Brooke	Hart	Pearson
Case	Hatfield	Proxmire
Chiles	Hollings	Randolph
Church	Hughes	Schweiker
Cooper	Inouye	Sparkman
Cranston	Javits	Stafford
Ervin	Mathias	Taft
Fong	Metcalf	Tunney
Gravel	Nelson	Williams

NOT VOTING—33

Allott	Ellender	McIntyre
Anderson	Gambrell	Miller
Bayh	Goldwater	Mondale
Bentsen	Gurney	Moss
Brock	Humphrey	Mundt
Buckley	Jackson	Muskie
Cannon	Jordan, N.C.	Pell
Eagleton	Kennedy	Percy
Eastland	McGovern	Ribicoff
Saxbe	Stevenson	Talmadge
Stennis	Symington	Weicker

So the motion to lay on the table the motion to reconsider the vote by which S. 3390 was rejected was agreed to.

Mr. SCOTT. Mr. President, would the distinguished majority leader state what is the next order of business?

Mr. MANSFIELD. Yes. The military procurement bill.

Mr. METCALF. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. Will the majority leader delay until order is restored?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, on the first track this morning, until about 1 o'clock, was Calendar No. 917, H.R. 15495, an act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the selected reserve of each reserve component of the Armed Forces, and for other purposes.

I anticipate we will be some days on that bill, which will be managed by the Senator from Mississippi (Mr. STENNIS). Hopefully, that will be followed by the SALT Treaty. Hopefully, that will be followed by the revenue bill, and hopefully, that will be followed by H.R. 1.

Mr. SCOTT. What about the interim agreement on offensive weapons?

Mr. MANSFIELD. That will come in there somewhere. We will operate on at least a couple of tracks, maybe a multiple track basis, to try to clear the Calendar and dispose of as much of the President's program as possible.

Mr. SCOTT. We disposed of some of it a few minutes ago. [Laughter.]

I thank the distinguished majority leader. Is there any more business tonight, or any more rollcalls tonight?

Mr. MANSFIELD. As of this time, no.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BROOKE. 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. BROOKE. Mr. President, I ask unanimous consent that the bill just rejected be printed as an amendment to the pending military procurement bill.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. MANSFIELD. Just printed?

Mr. ROBERT C. BYRD. I shall not object, but I wonder if the Chair will lay before the Senate the unfinished business.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Chair lays before the Senate H.R. 15495, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFICER. H.R. 15495 will become the unfinished business beginning tomorrow.

Is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. GRIFFIN. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. Will the Senator restate it?

Mr. BROOKE. Mr. President, I ask unanimous consent that the Cooper amendment, as amended by the Brooke amendment, be printed as an amendment to the pending bill.

Mr. MANSFIELD. Just printed.

Mr. GRIFFIN. No objection.

Mr. MANSFIELD. The reason for that is that this is within the jurisdiction of the Foreign Relations Committee, and I think that is a matter we have to go into quite carefully.

I would have no objection to having the bill as it was finally rejected printed.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BROOKE. I did not ask for a printing of the entire bill that was defeated. I asked only for a printing of the Cooper amendment as amended by the Brooke amendment. I asked that that be printed as an amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the bill as rejected be printed.

The PRESIDING OFFICER. First, is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. MANSFIELD. Mr. President, would the distinguished Senator just have the Cooper substitute, as amended by the Brooke amendment, printed, without asking that it be printed as an amendment? It can be offered later as an amendment.

Mr. BROOKE. I have tried to take it out of the jurisdiction of the Foreign Relations Committee. I thought that was the intention.

Mr. MANSFIELD. That was talking about the whole bill.

Mr. BROOKE. Yes.

Mr. MANSFIELD. But I ask that the Senator not ask that it be printed as an amendment until the appropriate Senate amendment is considered.

Mr. BROOKE. Even the Cooper amendment as amended?

Mr. MANSFIELD. Yes. Just printed.

Mr. BROOKE. All right. Since the majority leader so requests, I amend my unanimous-consent request to ask that the Cooper amendment, as amended by the Brooke amendment, be printed.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, just to determine the intention of the Senator, does he intend to offer it as an amendment to the pending bill?

Mr. BROOKE. Yes.

Mr. DOLE. I do not know what is pending; probably that is my problem.

Mr. MANSFIELD. The military procurement bill.

Mr. DOLE. Military procurement?

Mr. BROOKE. I intend to offer it as an amendment to the military procurement bill.

Mr. DOLE. And if so offered, of course, it will be open to amendment and modification?

Mr. BROOKE. Oh, yes, open to amendment and debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the foreign assistance bill just rejected be printed.

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

What is the will of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MILITARY PROCUREMENT AUTHORIZATIONS 1973—AMENDMENT

AMENDMENT NO. 1347

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

Mr. BROOKE submitted the following amendment intended to be proposed by him to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes:

AMENDMENT No. 1347

At the end of the bill insert a new section as follows:

SEC. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act: *Provided*, That there has been a release of all American prisoners of war held by the government of North Vietnam or any government allied with them.

ADDITIONAL COSPONSOR OF A BILL

S. 3759

At the request of Mr. JAVITS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 3759, a bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, and for other purposes.

ORDER FOR RECOGNITION OF SENATOR HUGHES ON TOMORROW VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered recognizing the distinguished Senator from Iowa (Mr. HUGHES) for not to exceed 15 minutes on tomorrow be vacated.

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

ORDER FOR RECOGNITION OF SENATOR HUGHES ON WEDNESDAY, JULY 26

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Iowa (Mr. HUGHES) be reinstituted for the day after tomorrow, immediately following the remarks of the two leaders under the standing order.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

ORDER TO LAY BEFORE THE SENATE THE MILITARY PROCUREMENT BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the

Senate the unfinished business, H.R. 15495.

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

ORDER FOR TIME LIMITATION ON S. 2871, A BILL TO PROTECT MARINE MAMMALS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 2871 is called up and made the pending business before the Senate, there be a time limitation on the bill of 1 hour, to be equally divided between the distinguished manager of the bill and the distinguished Republican leader or his designee.

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. This is the bill to protect marine mammals.

Mr. ALLEN. I have no objection.

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

ORDER FOR TIME LIMITATION ON THE BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Agriculture is called up and made the pending question, there be a limitation thereon of 3 hours on the bill, 1 hour on any amendment, and one-half hour on any amendment to an amendment, debatable motion, or appeal, provided that the Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

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

ORDER FOR S. 2871, A BILL TO PROTECT MARINE MAMMALS, TO BE MADE THE SECOND TRACK ITEM TOMORROW, AND FOR THE MILITARY PROCUREMENT BILL TO BE TEMPORARILY LAID ASIDE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow it be in order, no later than 5 p.m., for the distinguished majority leader to be recognized to call up S. 2871, a bill to protect marine mammals, making it the second track item, and that the then unfinished business, H.R. 15495, the military procurement bill, be temporarily laid aside and remain in a temporarily laid-aside status until the close of business on tomorrow.

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

Mr. ROBERT C. BYRD. Mr. President, I wish to present a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. With reference to S. 2871, a bill to protect marine mammals, will the Chair inform me as to whether or not some days ago an order was entered agreeing to time on any amendments, the time to be limited to 1 hour on any amendment and one-half hour on any amendment to an amendment, debatable motion, or appeal?

The PRESIDING OFFICER. On July 20, an agreement was entered into providing for 1 hour on the bill, and 1 hour on the amendments and amendments in the second degree, debatable motions, and appeals.

Mr. ROBERT C. BYRD. I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

Immediately following the remarks of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the then unfinished business, H.R. 15495, the so-called military procurement bill. Debate will continue on that bill, amendments will be in order, and the leadership expresses the hope that Senators who have amendments will be prepared to call up their amendments.

At no later than 5 p.m. tomorrow, the distinguished majority leader or his designee will temporarily lay aside the military procurement bill; and the Senate will proceed to the consideration of the so-called marine mammals bill, S. 2871, for the second track, on which there is a time agreement. Rollcall votes on amendments thereto and on the bill itself undoubtedly are in the offing.

So there will be yea-and-nay votes tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 9:56 p.m. the Senate adjourned until tomorrow, Tuesday, July 25, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 24, 1972:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. For permanent promotion:

To be medical director

Henry V. Belcher	William Pollin
Charles H. Boettner	Alan S. Rabson
George G. Browning	Paul J. Schmidt
Claude R. Garfield	David J. Sencer
Marilyn K. Hutchison	Nicholas P. Sinaly
Leon R. Jellerson	Eleanor F. Smith
Robert Y. Katase	Paul G. Smith
William S. Lainhart	Robert J. Trautman
Louis Levy	James L. Wellhouse
David P. Michener	

To be senior surgeon

David L. Aronson	Charles L. Donaldson
Jacob A. Brody	H. Bruce Dull
Peter G. Contacos	Arvo B. Ederma
Robert R. Fletcher	Kurt W. Kohn
William B. Fergerson, Jr.	Robert E. Markush
John R. Gill, Jr.	Philip R. B. McMaster
Ferdinand R. Hassler, Jr.	Robert E. G. Norton
Jimmie D. Hawthorne	Joseph P. O'Malley
Edward J. Hinman	Harold E. Ramsey
Axel W. Hoke	James A. Richardson
Isao Hoshiwara	Saul W. Rosen
Robert C. Hoye	Robert E. Streicher
Albert Z. Kapikian	Norman C. Telles
	Fred E. Tosh
	James R. Warbasse

To be surgeon

David A. Cooney	Howard E. Kulin
Laurence S. Farer	David M. Neville, Jr.
William T. Friedewald	Gary R. Noble
James B. Halligan	Robert F. Read
Ralph H. Henderson	Kenneth C. Schneider
Barry J. Hoffer	Robert W. Sullivan
Luverne A. Husen	Stephen P. Swersie
Donald R. Jasinski	Gerold V. Vandervlugt
Michael J. Kinney	

To be dental director

C. Larry Crabtree	Kenneth C. Potter
Winston W. Frenzel	Jack D. Robertson

To be senior dental surgeon

Ray W. Alcox	Richard S. Law
George L. Crocker	Thomas E. McClellan
Reginald N. Edwards	Richard B. McDowell
Clair L. Gardner	James W. Miller
Russell O. Glauser	Jerry D. Niswander
Stanley B. Heifetz	John W. Vitamvas
James R. Hull	Keith G. Winkler
Wayne R. Jameson	

To be dental surgeon

Thomas L. Austin	Henry J. Vanhassel
Louis F. Cannavale	Richard G. Weaver
William P. Hussman	Richard L. Webber
Francis Y. Kihara	William E. Wright
James E. Standifer	

To be nurse director

Dolores R. Basco	Marie M. Lech
Mary L. Brown	Ruth J. Metka
Evelyn A. Eckberg	Ann C. Rooney
Janet L. Fitzwater	Doris A. Tansley
Jane W. Hay	

To be senior nurse officer

Alice E. Duncan	Carol M. Larson
Marcella R. Dwyer	Margaret M. Resnick
Patricia P. Grimaila	Virginia K. Saba
Alice M. Haggerty	Billee Vonfumetti
Alice R. Harmon	

To be nurse officer

Ray Cameron	Sidney S. Louis
Sandra J. Eyres	Richard A. Morris

To be sanitary engineer director

Ralph J. Black	Herbert H. Jones
Clarence E. Cuyler	Edwin M. Lamphere
Theodore C. Ferris	Ralph I. Larsen
Raymond R. Goldberg	Roger D. Lee
Lawrence C. Gray	Donald J. Nelson, Jr.
John L. S. Hickey	Donald T. Townley
Theodore Jaffe	

To be senior sanitary engineer

Perry C. Brackett	Julius J. Sabo

To be sanitary engineer

Robert L. Ajax	Thomas M. Moore
William E. Barkley	Donald G. Myer
Peter Y. Bengtson	James L. Oser
David E. Bernhardt	Allen H. Palmer
Denis E. Body	George L. Pettigrew
Richard F. Boggs	Charles R. Phillips
Jerry L. Butler	Maris Pubulis
George A. Carson	Stanley J. Reno
John K. Carswell	Marvin Rosenstein
Robert M. Clark	Fred G. Rueter
Ronald F. Coene	John L. Russell
William D. Conroy	William L. Ryan
Charles F. Costa	Francis L. Schulte
William A. Felsing, Jr.	Keith R. Sherer
Barry L. Johnson	Morris G. Tucker
Herbert F. Klein	William J. Wandersee
Kenneth J. Kronoveter	James V. Waskiewicz
Robert E. Landreth	Robert B. Weidner
Pong N. Lem	Charles H. Wentworth III
Howard D. Metz	Richard F. Wromble

To be senior assistant sanitary engineer

Joseph F. Harrison — Gale A. Wright
David C. Sanchez — Gary D. Young

To be scientist director

Thomas E. Anderson — Rias H. Majors
Frank P. Brancato — Richard E. Marland
Samuel L. Buker — James V. Smith

To be senior scientist

Kenneth A. Borchardt — Malcolm D. Hoggan
Frank L. Bryan

To be scientist

Pantelis G. Rentos

To be sanitarian director

Bayard F. Byornson — Arthur E. Kaye
Francis J. Goldsmith — John W. Kilpatrick
Robert P. Hayward

To be senior sanitarian

George J. Brittain, Jr. — James L. Shoemake
Norman A. Geiger — Lee W. Smith
Robert A. Kay — Richard E. Stedman
Arthur L. Kenney — Dale H. Treusdell
Richard A. Moats — Calvin C. Vaughn
Roger O. Olmsted

To be sanitarian

Theadore H. Ericksen, Jr. — Thomas C. Jones
James F. Lawler
Larry O. Garten — James M. Stewart
Edwin O. Goodman — Charles J. Wells
Edwin J. Heidig

To be senior assistant sanitarian

Royce L. Gragg
Thomas J. Hartrich, Jr.

To be senior pharmacist

Mark H. Barnett — Paul J. Lesage
John H. Herath — M. Thomas Wagner, Jr.
Thomas H. Hodges
Gene G. Knapp

To be pharmacist

Richard R. Ashbaugh — Daniel Hausman
Robert L. Ashmore — William P. Heffernan
Thomas S. Bozzo — Walter Jakubowski
Edward C. Brennan — Michael J. Kopcho
Robert Brotman — Edward L. Kruger
Robert L. Childress — Philip G. Lawrence
James V. Christian — Dan Y. Miura
George E. Conley — Laurence D. Sykes
Raymond J. Farkas — Jeremiah R. Toomey
Paul T. Farrell — Leighton H. Tooms

To be senior assistant pharmacist

Earl L. Wunder.

To be veterinary director

Joe W. Atkinson.

To be senior veterinary officer

Everette F. Baker, Jr. — William T. London
Fritz P. Gluckstein — Richard A. Tjalma
Gerald A. Jacobson — Gordon D. Wallace

To be veterinary officer

Richard A. Mason
James D. Small

To be dietitian director

Alice M. Stang
Letitia W. Warnock

To be senior dietitian

Louise L. Boyer
Jane A. Davidsaver
Molette M. Jacobson

To be dietitian

Carol J. Bresley

To be senior therapist

Melvin Bader — Martha M. Lasche
Vincent J. Barbato — Mario L. Salvanelli
Riley B. Bingham — Lawrence Sidel
William E. Cox — Lennes A. Talbot

To be therapist

Maurna E. Complito — Robert N. Parrette
Neil O. Hartman — Dale E. Swett

To be senior assistant therapist

Gerald L. Rogers

To be health services director

Rebecca C. Chavez — Alice B. Frazer
Roy L. Davis, Jr. — Henry P. James
Delbert L. Nye — Harry V. Spangler
James G. Paine — Joel Vernick
Gloria M. Russo

To be senior health services officer

Robert M. Beauregard — Paul E. Jones
Paul Blank — Robert J. Mahon
Gloria S. Burich — Kenneth R. Nelson, Jr.
Charles P. Froom — Robert Sullivan
Clifton R. Gravelle

To be health services officer

Erich W. Bretthauer — Charles W. Roach
Neil S. Goldstein — Joseph Scotto
Kenneth D. Howard — Ralph E. Shuping
Thomas J. Keast — Robert F. Swiecicki
Stanley J. Kissel, Jr. — Elizabeth S. Trever
David N. McNelis — John B. Wiggins, Jr.

To be senior assistant health services officer

Joseph E. Brantley, Jr. — James J. Polkabla
George B. Elder — Richard A. Tell
William J. Gregory, Jr. — David T. Tingey
Joan E. P. Holloway — Peter K. Vaslow
William H. Oates, Jr.

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Herbert Eric Wolff, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Kirk Singlaub, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sam Sims Walker, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. William Roy Wolfe, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Robert Myer, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Gordon James Duquemin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Everett Emerson, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Herbert Ardis Schulke, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles James Simmons, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Echols Spragins, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Magoun Wallace II, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. DeWitt Clinton Smith, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Jonathan Rowell Burton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Aaron, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilbur Henry Vinson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Royster Thurman, III, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Banks Cooper, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Peter George Olenchuk, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Maurice Hall, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Orrin Graham, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John Murphy Dunn, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig Gen. Eugene Priest Forrester, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William Johnston Maddox, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Howard Tackaberry, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George Anthony Rebh, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Homer Duggins Smith, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Richard Edward McConnell, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Patrick William Powers, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Corbett McDonough, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Donn Albert Starry, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Cecil Walton Hospelhorn, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. James Frank Hamlet, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Chester M. McKeen, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Sylvan Edwin Salter, [redacted] Army of the United States (colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. John Kirk Singlaub, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Anthony Rebh, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Louis Klingenhagen, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Jonathan Rowell Burton, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Aaron, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. James Joseph Ursano, [redacted] Army the United States (colonel, U.S. Army).

Maj. Gen. Jeffrey Greenwood Smith, 257–30–8277, Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Arthur Kissinger, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Burton Gibson, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Cecil Walton Hospelhorn, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. George Monroe Bush, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Hulbert Groves, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Charles Bennett, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Patrick William Powers, [redacted]

[redacted] Army of the United States (colonel, U.S. Army).

Maj Gen. Thomas Edward Fitzpatrick, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George Magoun Wallace II, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Neale Mackinnon, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Harold Gregory Moore, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Echols Spragins, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. John Terrell Carley, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Peter George Olenchuk, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Frank Anton Hinrichs, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Curtis Wheaton Chapman, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Chester M. McKeen, Jr.; [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Dean Van Lydegraf, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Banks Cooper, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Dennis Philip McAuliffe, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Edward McConnell, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert Carter McAlister, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Herbert Joseph McChrystal, Jr., [redacted] Army of the United States (colonel, U.S. Army).

EXTENSIONS OF REMARKS

SPEEDY TRIAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1972

Mr. KEATING. Mr. Speaker, last November I introduced a bill designed to insure the prompt disposition of criminal cases arising in Federal district courts, and this legislation was drawn up in light of evidence of increasing time intervals between the arrest of criminals and their trials.

Nevertheless, steps are being taken in many areas throughout the country to correct the problems caused by backlogs in courtroom dockets. An article recently appearing in the Cincinnati Enquirer helps to illustrate what is being done in my own congressional district, where judges are under strict orders from Chief Justice C. Williams O'Neill of the Ohio Supreme Court to expedite the disposition of criminal cases.

Mr. Speaker, it is highly gratifying to note this kind of response from State and local officials to insure the guarantee of criminal defendants to a "speedy and public trial." Properly implemented across the land, speedier trials will certainly help to reduce the overall crime rate, as well as help to restore a measure of lost confidence in the ability of our judicial institutions to deliver a fair and prompt application of the law to all offenders.

Mr. Speaker, I insert this article from the Cincinnati Enquirer into the RECORD at this point:

JUDGES REDUCE BACKLOG OF CASES

Under the watchful eyes of the Ohio Supreme Court, local Common Pleas Court judges have reduced their backlog of pending cases this year.

Cases awaiting final disposition dropped from 6089 in January to 5546 in June, according to statistics released by the Supreme Court this week. During this period, 3424 new cases were filed.

The figures used by the high court were supplied by the 11 local judges, who, for the first time, are individually accountable for all matters before them.

Previously, the 11 judges combined their figures into a single report which was submitted to the Supreme Court.

Ohio Supreme Court Chief Justice C. William O'Neill believes the new system making each judge responsible for his docket has speeded up case disposition throughout the state.

Many local Courthouse observers agree and say Hamilton County Common Pleas Court judges are working harder and disposing of more cases than ever.

According to the figures, in the first six months of his year, judges disposed of an average of 362 cases, including 145 criminal cases. They had an average 504 cases pending, including 76 criminal cases. During this time there was an average of 311 new cases filed per judge.

Here are the actual figures released by the Supreme Court showing cases disposed of during the first six months of 1972 and cases pending as of June 30:

Judge Gilbert Bettman, cases disposed, 381; cases pending, 439.

Judge Lyle Castle, cases disposed, 407; cases pending, 486.

Judge Frank Gusweiler, cases disposed, 296; cases pending, 552.

Judge John Keefe, cases disposed, 292; cases pending, 589.

Judge Ralph Kohnen, cases disposed, 302; cases pending, 499.

Judge Robert Kraft, cases disposed, 441; cases pending, 510.

Judge William S. Matthews, cases disposed, 321; cases pending, 496.

Judge William R. Matthews, cases disposed, 463; cases pending, 601.

Judge William Morrissey, cases disposed, 409; cases pending, 470.

Judge Melvin Rueger, cases disposed, 387; cases pending, 424.

Judge Robert Wood, cases disposed, 290; cases pending, 480.

EFFECTS OF NUCLEAR TEST AT AMCHITKA, ALASKA, A YEAR AGO

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Monday, July 24, 1972

Mr. GRAVEL. Mr. President, the data and evidence of the effects of the AEC underground nuclear test at Amchitka, Alaska, a year ago are still trickling in. At the time I opposed the test on the grounds that it was unnecessary from a weapons standpoint, it was hurtful to our international relations and was unduly destructive environmentally. A news story in the Washington Post of July 23, 1972, presents further information on the ecological damage reported. The number of sea otters killed in that blast was at least 1,000 as opposed to the AEC claim that only 18 otters died. In the interest of sharing this information with Senators who may have missed the informative news item, I ask unanimous consent that it be printed in the RECORD.

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

AMCHITKA OTTER KILL HELD 1,000

(By Dennis Cowals)

AMCHITKA, ISLAND, ALASKA.—A month-long survey on this remote Aleutian island has convinced biologists that shock waves from last November's underground test of a prototype anti-missile nuclear warhead killed as many as 1,000 sea otters.

But Alaska State game Biologist Karl Schneider, a sea otter specialist who had claimed earlier that the five megaton hydrogen bomb killed more otters than the Atomic Energy Commission admitted or had predicted before the Nov. 6 blast, says there is "no significant long-term damage" to the island's otter population.

Scientists believe 6,000 to 8,000 sea otters inhabit this rocky, treeless island, 1,200 miles southwest of Anchorage, Alaska.

Schneider said recently completed population surveys "didn't change our opinions of what happened a great deal."

AEC CLAIM CHALLENGED

A week after the detonation of project Cannikin more than a mile underground, Schneider and other state biologists challenged the AEC's claim that only 18 otters died, suggesting instead that 800 to 1,000 had been killed along a seven-mile stretch of Bering Sea beach.

Dr. Melvin R. Meritt, the AEC's top environmental effects scientist for Cannikin and the island's 1969 Milrow test, doubted the charge, saying he "couldn't believe 800 otter were killed." A month before the blast, AEC scientists had predicted that perhaps 240 otters would die as a result of the test.

But a savage, 100-mile-an-hour Aleutian storm swept the island the night before the test. Its dying gusts would have removed the evidence, carrying away nearly all of the otters that were killed by the blast, Schneider and others countered.

Only comparison studies requiring a new otter census this year would settle the matter, the scientists agreed.

From the Las Vegas test headquarters of the AEC, an agency spokesman admitted the discrepancy between otter counts made this summer and last.

The highest otter tally along the area showed 1,215 animals in the area. "This year the count was 452," the spokesman said. "It is assumed there are fewer sea otters there because of Cannikin," he allowed.

An official report is expected this fall, he said, following yet another autumn otter census which will be compared with a similar study made a month before the test.

This summer's work, involving researchers from federal, state and university laboratories under contract to the AEC, revealed "a clear pattern of otters coming into the area from both sides," said biologist Schneider.