icans Act, for enlarging the scope of that Act and for other purposes. March 15, 1972.

H.R. 14626. A bill to provide the secretary of Health, Education and Welfare with the authority to make grants to States and local communities to pay for the costs of eye examinations programs to detect glaucoma for the elderly. April 26, 1972.

H.R. 14880. A bill to provide for the comprehensive development of correctional manpower training and employment and for other purposes. May 10, 1972.

H. Res. 1033. A bill authorizing senior citizens as interns for members of the house of representatives. June 29, 1972.

H.R. 12708. A bill to establish a commission on penal reform. January 27, 1972.

H.R. 12842. A bill to amend the Community Mental Health Centers Act to reorganize certain grant programs and for other purposes. Feb. 22, 1972.

H.J. Res. 1242. A bill designating the month of September, 1972 as "National Voter Registration Month". June 28, 1972.

AN ARGUMENT AGAINST THE GSA GRANTEE PROGRAM

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1972

Mr. KEATING. Mr. Speaker, today I joined Congressman WYMAN in cosponsoring legislation to limit Government competition with small business. The enactment of this bill is a step which must be taken to insure the permanent prohibition of unnecessary and unwarranted Federal competition with small firms.

The problem precipitating this legislation surfaced in 1969, when the General Services Administration proposed to use the newly enacted Intergovernmental Cooperation Act of 1968 as a basis for extending its services to all State and local governments. This was the first time GSA openly extended its services beyond the scope of the Federal agencies and bureaus it was designed to serve.

The Nixon administration immediately recognized the detrimental implications of such a proposal. By offering its procurement and supply services to nongovernment institutions, GSA would be using taxpayers money to the disadvantage of small businesses.

Under the "grantee program" GSA is able to sell directly through its self-service stores and indirectly through its procurement and supply schedules.

With the recognition that government marketing is contrary to our free enterprise system, the administration ordered GSA to discontinue its plans, and to reserve its services exclusively for the giant Federal system.

However, GSA decided to recreate the same program under the assumed authority of the Federal Property and Administrative Services Act of 1949, as amended.

After further expression of public and governmental objection to this provision, GSA has begun the process by which it may withdraw the program.

To insure this recent step taken by GSA is followed through, and to prohibit its occurance in the future, I believe that legislation placing a permanent prohibition on this types of program is in order.

The express purpose of the bill is to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors.

It is the Government's job to protect the rights of small business in the preservation of free competitive enterprise—not to jeopardize its success as a contributor to the community, the people of that community, and our Nation as a whole.

This is a job we must recognize and take the responsibility for. I urge my colleagues to give careful consideration to this legislation.

UNION CARBIDE CORP. ADVANCES EDUCATION OF TODAY'S YOUTH

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1972

Mr. JONES of Alabama. Mr. Speaker, throughout the year Washington is visited by thousands upon thousands of our Nation's young people. It is heartening indeed to see these young Americans visiting their halls of National Government and gaining a better understanding of the processes of government and the men and women who are their representatives in this Nation's Capitol. One such unique group of students from the Washington Workshops Foundation has been with us again recently. During the seminar they attended, these young people visited with many Senators, Congressmen, members of the press, and executive department officials.

It is my sincere pleasure to note that Mark Caudill, who is a constituent of mine and lives in Sheffield, Ala., was among those attending. Mark's presence here in the District was made possible through the citizenship education award by the civic-minded Union Carbide Corp. Every year Union Carbide grants numerous scholarships of this nature to students of their plant communities across the Nation, who have displayed outstanding merit and ability in their search for knowledge and creativity.

Mr. Speaker, may I commend wholeheartedly the Union Carbide Corp. for the faith they have displayed in the leaders of tomorrow. In this world of mistrust and strife, it is extremely refreshing to observe the willingness of Union Carbide to preserve the spirit of young citizenship manifested in the Washington Workshops and displayed so readily by Mark Caudill.

SENATE—*Wednesday, August 2, 1972*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Almighty God, from whom every good prayer cometh, and who pourest out on all who desire it, the spirit of grace and supplication, deliver us as we draw nigh to Thee, from all coldness of heart and wanderings of mind, that with steadfast thoughts and kindled affection we may commit our ways to Thee. Look upon our inmost longings and our deepest needs and hear our prayers both uttered and unexpressed. Grant that we may sincerely, faithfully, and honestly serve Thee this day, in obedience to Thy law and in love and fellowship with our colleagues. In our speaking and in our silence so guide us by Thy spirit that we may ever remain Thy faithful servants and finally know the peace of those whose minds are stayed on Thee.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 1, 1972, be dispensed with.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

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

ATOMIC ENERGY COMMISSION

The second assistant legislative clerk read the nomination of Dixy Lee Ray, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. DISTRICT COURTS

The second assistant legislative clerk read the nomination of Marshall A. Neill, of Washington, to be a U.S. district judge for the Eastern District of Washington.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate resume the consideration of legislative business.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

TOM EAGLETON

Mr. MANSFIELD. Mr. President, this past week, a Senator has been in a pressure chamber of public attention. The restless lights of a searching press have played on every recess of his life. His health, habits, and history have been examined from every conceivable angle. What was found, Mr. President, was little more than what was told with candor by the Senator himself at the outset. That, in itself, reveals a great deal of the caliber of the Senator from Missouri (Mr. EAGLETON).

We might well ask ourselves, within the Senate and without, who among us could have stood up at all under an ordeal of this kind? Let alone with his decency and dignity. Let alone with his unfailing sense of humor.

Perhaps, Mr. President, it takes an experience of this kind and a response such as has come from the Senator from Missouri to remind us that men and women in public life are not gods but humans. Sometimes, Mr. President, I think too much is asked of those who dare to offer themselves for election to the highest offices of the Nation.

In the ruthless search to find out everything about one Senator, it is to be hoped that, as a nation, we may have found out a little more about ourselves. Perhaps out of this harrowing experience on the part of one American there may come a degree of humility on the part of the rest of us.

Pride is a word which I do not often use. If I do so now, it is because the reactions of the Senate in this situation have kindled in me a great deal of pride. There were no wolves in this Chamber; there was no political blood lust. There were only human beings here, fully cognizant of their limitations. From both sides of the aisle, there has come only restraint, decency, understanding, and support for the Senator from Missouri in this situation.

Senator EAGLETON needs no praise from me, but he has my respect. He was a dedicated and able Senator when he entered this pressure chamber a week ago: He emerges from it as a Senator who towers in courage, strength, sensitivity, and wit. Whatever else, his comportment during this distressing episode reflects an immense credit on the people of his State, the Senate, and the Nation.

Mr. SCOTT. Mr. President, there is not a Member of this body whose heart does not go out to the Senator from Missouri, whose sympathy does not extend to him in one way or another. His courage and his demeanor, his valiant support of his point of view, all do him immense credit. I think the Senator from Missouri (Mr. EAGLETON) knows that he has the high regard of his colleagues, that we are glad to have him in this Chamber, and that we are glad to have him free of the furor and of the ferment which surrounded a very unhappy episode.

I think it only fair to make clear that in the Senate of the United States we are good judges of our colleagues and that all of us respect and have the highest regard and the warmest friendship for the Senator from Missouri.

If I were to say more at this point, I think it would be wrong; because anything further I would say would have to do with the behavior of others and certainly would not in any sense be critical of the Senator from Missouri. So I will separate what criticism I have as to the behavior of others for some more suitable occasion.

I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I thank the distinguished Republican leader for his kind remarks on this occasion and assure him that I, personally, appreciate very much what he has said.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the following committees be authorized to meet during the session of the Senate today: the Subcommittee on Health of the Committee on Labor and Public Welfare, the Committee on Finance, the Committee on Foreign Relations, the Committee on Interior and Insular Affairs, the Committee on Commerce, and the Committee on Agriculture and Forestry.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I excuse myself to attend a Democratic caucus, I want to say that, after talking the matter over with the distinguished Republican leader and the distinguished senior Senator from Delaware (Mr. BOGGS), it is my understanding that at the conclusion of the latter's remarks and the time allocated to the distinguished Senator from New York, the distinguished Senator from Delaware will make a motion that the Senate stand in recess until 10:15 a.m. today.

Mr. SCOTT. Mr. President, I assure the distinguished majority leader that while all Members of his party will be engaged in this caucus and, therefore, absent from the Chamber, the Union will be the better for it. [Laughter.]

The PRESIDENT pro tempore. Under the previous order the Senator from Delaware (Mr. BOGGS) is recognized for not to exceed 15 minutes.

(The remarks made by Mr. BOGGS on the introduction of S. 3871 and the remarks made by Mr. JAVITS on the introduction of S. 3872 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

RECESS TO 10:15 A.M.

Mr. JAVITS. Mr. President, I move that the Senate stand in recess until 10:15 a.m. today.

The motion was agreed to; and, at 10:05 a.m. the Senate took a recess until 10:15 a.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. GRIFFIN).

The PRESIDING OFFICER. In my capacity as a Senator from Michigan, I suggest the absence of a quorum, the time not to be charged to either side. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. WEICKER. Mr. President, I move that the Senate take a recess subject to the call of the Chair.

The motion was agreed to; and at 10:19 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 10:45 a.m., when called to order by the Presiding Officer (Mr. STEVENSON).

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Chair lays before the Senate the unfinished business, H.R. 15495, which the clerk will state.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take seats and desist from conversation.

Mr. MANSFIELD. Mr. President, before the unfinished business is laid before the Senate, I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Chair lays before the Senate the unfinished business, 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, for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON), on which there will be a limitation of 4 hours of debate, to be equally divided between and controlled by the Senator from California (Mr. CRANSTON) and the manager of the bill (Mr. STENNIS).

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute out of his time?

Mr. CRANSTON. I am glad to yield 1 minute to the majority leader.

Mr. MANSFIELD. And will the Senator from Arizona yield me 1 minute out of the manager's time?

Mr. GOLDWATER. I yield.

COMMITTEE ASSIGNMENTS

Mr. MANSFIELD. Mr. President, I submit three resolutions, and ask unanimous consent that they be considered in sequence immediately.

I ask for a voice vote on each resolution separately.

The PRESIDING OFFICER. The clerk will report the first resolution.

The assistant legislative clerk read as follows:

S. RES. 337

Resolved, That the Senator from Arkansas, JOHN L. MCCLELLAN, be and is hereby elected chairman of the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the first resolution.

All those in favor say "aye." All those opposed say "no."

The "ayes" have it. The resolution is agreed to.

The clerk will report the second resolution.

The assistant legislative clerk read as follows:

S. RES. 338

Resolved, That the Senator from North Carolina, SAM J. ERVIN, JR., be and is hereby elected chairman of the Committee on Government Operations.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the second resolution.

All those in favor say "aye." All those opposed say "no."

The "ayes" have it. The resolution is agreed to.

The PRESIDING OFFICER. The clerk will report the third resolution.

The assistant legislative clerk read as follows:

S. RES. 339

Resolved, That the Senator from Indiana, BIRCH BAYH, be, and he is hereby, assigned to service on the Committee on Appropriations to fill a vacancy on that Committee.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consideration of the third resolution.

All those in favor say "aye." All those opposed say "no."

The "ayes" have it. The resolution is agreed to.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of 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 anti-ballistic-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.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that two members of my staff, Ellen Frost and Murray Flander, have the privilege of the floor today throughout the consideration of this amendment and other amendments relating to Vietnam.

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

Mr. CRANSTON's amendment reads as follows:

At the end of the bill, add a new section as follows:

SEC. . (a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than October 1, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after October 1, 1972.

(b) The involvement of United States military forces, land, sea, or air, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after an agreement for—

(1) 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.

Mr. CRANSTON. Mr. President, Theodore Glen Feland of Sonoma, Calif., died in Vietnam at the age of 27. Today he would be approaching 40.

Today I am offering an amendment which is identical to the one proposed by the distinguished majority leader, Senator MANSFIELD, last week. The distinguished Senator from Massachusetts, Senator BROOKE, is offering a substitute amendment which is identical to the Cooper-Brooke amendment, which passed last week by a vote of 50 to 45. But the defeat of S. 3390 on final passage left us in the same position as before.

Mr. President, Specialist Feland died more than 11 years ago. If this group of Senators does not stop paying for the carnage, we may still be fighting this war 11 years from today.

We have more than lived up to our commitment, whatever it was, to South Vietnam. According to an article written by Earl Ravenal and published in the July 1972 issue of Pacific Community, by 1973 the United States will have endowed South Vietnam with at least $20 billion worth of armaments. This figure represents at least three times the level of military aid given to North Vietnam by the Soviet Union and China. In fact, we give the Thieu regime over three times as much military aid as it spends for its own defense. And Saigon already spends two-thirds of its budget on defense.

The South Vietnamese Air Force includes at least 275 combat aircraft, including the A–37 light jet ground support aircraft, the A–1 propeller driven aircraft, and 120 helicopters. As yet I have been unable to determine what has been turned over to South Vietnam in the form of surplus artillery. Meanwhile, South Vietnam has almost 1 million men under arms, including 16 divisions of the South Vietnamese Army. These men have been trained by American advisers who are still risking their lives in the field.

I say we have done enough.

We have not only lived up to whatever commitment we had, we have exceeded it. The fruit of this long war, on both sides, is well over a million corpses. The progeny of this long war, on both sides, are hundreds of thousands of people whose minds and bodies have been permanently scarred and twisted and maimed.

I think it is time we stopped talking about which side has been more humane and restrained. Morality has long since disappeared from this war.

I think, too, that it is time we stopped talking about infringing on the powers of the President. That power has been wielded singlehandedly by three different occupants of the White House.

Abraham Lincoln would have had something to say about that. On the occasion of the Mexican War in 1848, he said:

The provision of the Constitution giving the warmaking power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention took to be the most oppressive of all kingly oppressions; and they resolved to frame the Constitution that no one man should hold the power of bringing this oppression upon us.

One hundred and twenty-three years later, in DaCosta versus Laird, the U.S. Court of Appeals for the Second Circuit held that any future escalation of American hostilities would have to receive legislative approval in order to satisfy the Constitution. But instead of extending our approval, we withdrew the Tonkin Gulf resolution and expressed our opposition to the recent escalation in many different ways. All of them fell short of a fund cutoff—until last week.

Mr. President, history offers some valuable glimpses of the mentality shared by our current leaders. In April 1954, Richard Nixon stated that:

It should be emphasized that if Indochina went Communist, Red pressure would increase on Malaya, Thailand, and Indonesia, and other Asian nations. The main target of the Communists in Indochina, as it was in Korea, is Japan. Conquests of areas so vital to Japan's economy would reduce Japan to an economic satellite of the U.S.S.R.

Nowadays we do not have to be so solicitous about Japan's economic inter-

ests. The Japanese are doing quite well for themselves. So Mr. Nixon has simply shifted the framework of his domino theory to other parts of the world. On May 8 he claimed that if South Vietnam collapsed, other countries would be encouraged to conquer their neighbors in the Middle East and in Europe.

So we can see that President Nixon's domino theory, like Johnson's before him, has survived virtually intact since the Dulles era. And like Dulles, Mr. Nixon warned in 1956 that uncommitted nations must choose between the United States and communism.

Mr. President, it is that kind of black-and-white frame of mind that led us into this war. But by now we should know that the reality of Asian politics is woven in many different ways.

Mr. Nixon refuses to accept that reality. And so, 6 years ago, he was quoted as predicting that victory in Vietnam would take 3 or 4 years and urging both the bombing of Hanoi and the blockade of Haiphong. That was in September 1966. Interestingly enough, a week later a man who said that President Johnson was in error for getting us deeply involved in Vietnam was none other than Melvin Laird.

As my distinguished colleagues know, these two men managed to get together. They also managed to reconcile their differences, largely, it appears, in Mr. Nixon's favor. Their combined wisdom, has added another 350 or so to the ranks of the POW's in Hanoi and roughly 20,000 to the American combat toll. That toll has now exceeded 56,000 men.

Mr. President, Mr. Nixon has complained that opponents of the war never say a word about casualties inflicted by the other side. I have said and will say now and in the future plenty of words about that. It may well be true that the recent North Vietnamese offensive swallowed up some 45,000 civilian lives. It is certainly true that Vietcong methods have often been cruel and brutal. It is true that North Vietnamese troops crossed the DMZ in April in direct violation of the 1954 Geneva Agreements. It is true that North Vietnam is not a free society. All these things are true.

But do they justify what we are doing to Indochina?

I want to emphasize strongly that voting for my amendment by no means whitewashes the facts that I have just listed.

But I do say that the very sophistication and power of our weapons technology places an extra responsibility on our side. The war has become increasing automated. Americans are increasingly removed from their targets. Our operations depend more on computers and chemicals than they do on muscles and manpower. As General Westmoreland put it,

> We are making unusual efforts to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball, or even rifle-to-rifle with the enemy.

And in the words of a veteran of the electronic war:

> We got the Ho Chi Minh trail wired like a pinball machine.

At the peak of the war in May 1968, the United States made about 400 bombing sorties daily. Last January, the figure had dropped to just over four. But by last May it had climbed back to the point where 426 sorties were flown in a single day. And in June, after we had already neutralized the Case-Church amendment, American bombing was the heaviest for any month in two and a half years. On the average, every day took another American life. Every day another American joined the list of those missing in action.

There is nothing inviolate, said one ranking officer responsible for the air war:

> If someone says we want that target up there—we go get it.

Mr. President, an Air Force manual defines a military target as:

> Any person, thing, idea, entity, or location selected for destruction, inactivation, or rendering nonusable with weapons which will reduce or destroy the will or ability of the enemy to resist.

The manual says that attacks on such threats are designed to:

> Dispel the people's belief in the invincibility of their forces, to create unrest, to reduce the output of the labor force, to cause—fear, panic, hunger, and passive resistance to the government.

No wonder there is nothing inviolate. No wonder we have already dumped no less than 23 billion pounds of munitions in Indochina since 1965.

American bombing has become both more massive and more selective. A typical mission of three B–52's leaves a carpet of devastation 1¼ miles long and six-tenths of a mile wide. Four missions of six B–52's each drop the equivalent of the A-bomb which blasted Hiroshima. Civilian casualties have risen from a monthly total of 95,000 under President Johnson to an average of 130,000 under President Nixon; 32 6 million acres are pockmarked by bomb blasts or embedded with bomb fragments. Twenty-six million bomb craters later, we still see no end to this war.

According to a former senior Air Force reconnaissance officer assigned to Laos, restrictions on bombing after March 1969:

> Appear to have been discarded and are only cited to placate Congressmen in Washington.

I am certainly not placated. I am sure that my colleagues in this Chamber are not placated either. Last Thursday President Nixon said with apparent pride in American restraint that:

> We are not using the great power that could finish off North Vietnam in an afternoon, and we will not.

But an unnamed Pentagon official quoted by CBS news in May asserted bluntly that:

> Unless they accept the President's peace plan, we will methodically destroy their ability to make war.

Despite our restraint the war has created 30,000 widows and 80,000 surviving parents of American servicemen killed. I am constrained to ask: What price restraint?

PRISONERS

Mr. President, supporters of Mr. Nixon's Vietnam policies have raised doubts about the North Vietnamese record on prisoners of war. The distinguished minority leader, for example, stated recently that a large number of French prisoners were never accounted for after Dien Bien Phu. But I have a copy of a letter from the First Secretary of the French Embassy here in Washington, reporting that:

> The last French prisoners [were] returned by the North Vietnamese less than 3 months after the conclusion of the Geneva Agreements of 1954.

And speaking of the Geneva Agreements of 1954, article 118 of the Geneva Convention of 1949 provides that Hanoi is not required to release the POW's until "after the cessation of all active hostilities."

I fully realize that North Vietnam has violated some of the provisions of that convention. I see no excuse, for example, for Hanoi's refusal to furnish a complete list of the prisoners. But I think that what Americans want most is not to draw up lists of accusations against North Vietnam but to get our men back. And the record here gives us no solid reason for believing that Hanoi wants to hold onto them forever.

I would like to remind my colleagues that the interim report of the International Commission for Supervision and Control in Vietnam stated in February 1955 that:

> Despite difficulties—the provisions of the agreement which are of a military or semi-military nature have on the whole been carried out according to the time schedules and directions given in the agreement—As regards POW's and civilian interness—by and large, the parties have and are carrying out the directions under Article 21, and the bulk of the exchanges have been completed.

But if we cling to our present course, where wil we be? The President has already pushed the number of POW's in North Vietnam over the 500 mark. And unless we change our course, we will stay mired in the same quicksand, losing more men to Hanoi's prison camps with no sound and workable plan to get them back safely.

Mr. President, my amendment would get us out of this bottomless trap.

Incidentally, so would the substitute amendment of the distinguished Senator from Massachusetts (Mr. BROOKE).

In conclusion, Mr. President, a member of the Vietcong delegation in Paris commented recently that:

> The tragedy of Mr. Nixon is that—he does not understand the capacity of the Vietnamese to defend our land.

I think we have all underestimated that capacity.

As Clark Clifford has stated so succinctly:

> We are in Vietnam today only because we got into Vietnam yesterday.

We must get out before too many more tomorrows.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield myself 15 minutes or so much thereof as I may use.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, we have had this matter for consideration by the Senate before. It is already understood. This is the amendment that provides, in paragraph (a) thereof, that by October 1, 1972, without any exceptions, regardless of conditions, and without any reference to prisoners of war being released or not released, all of our military forces including combat forces shall be withdrawn from South Vietnam not later than October 1, 1972.

That is an unconditional mandate, regardless of all other circumstances so far as this wording is concerned, and, irrespective of all other circumstances that might develop or cause a change in the situation that, come that date, we would have to be out or we would be in violation of this mandate.

Without any exceptions, without any reference to the prisoners of war and whether they are released or not, and those who are in similar situations as that of the POW's, the second sentence is a final, complete, additional cutoff of funds for support of the U.S. military forces in South Vietnam after October 1, 1972. A full reading of that sentence is:

> No funds shall be authorized, appropriated or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after October 1, 1972.

Mr. President, I warn again that this is striking language. It is unconditional. It is without precedent in all American history that the legislative branch of the Government would move in and actually and unconditionally cut off appropriated funds for use to back up its own military forces that are engaged in a war.

There is no other amendment that we have had up for consideration this year, last year, or any other time, except this one which we had up previously here, that goes that far. It is without precedent, and it is irrevocable. And I personally think it is a result of this war, which we all want to get out of. It would be dangerous precedent to set even under those circumstances. However, the part that it is unthinkable to me is that all of this would be written into the law and mandated, without any kind of release of prisoners or even a promise to release the prisoners of war, or any kind of condition or anything that might be helpful in that respect, except throwing us on the mercy and the liberality and the generosity, if I may use that word, of the North Vietnamese.

Under subsection (b) that follows, there is left the idea that they could be bombed. That is the main thing that it is directed toward, I believe. There could be bombing in Indochina, which in a way would be not a protection for the prisoners of war. However, it could be used as a coercive force that might benefit the prisoners of war in some way.

However, it is very vague and uncertain. Its impact is almost unknown in the realm of those with whom we are dealing.

Mr. President, even that is terminated after an agreement for a verified ceasefire between United States and the National Liberation Front and those allied with that front, and the release of all U.S. prisoners of war held by the Government of North Vietnam and forces allied with such Government.

As to the withdrawing of all of our troops from South Vietnam and permitting the bombing to continue, I really do not know how that will bring about a release of our prisoners of war when both the continued bombing and the troops over there for all of this time have not been able to bring about that result.

To me the logic and the reason and the commonsense that we apply to this amendment makes it fall short of meeting any practical results. And even though not intended by its author and those associated with him, it seems to me that it is bound to leave the North Vietnamese more free to do as they please than they are now.

This is offered at a time when, unmistakably, the South Vietnamese have developed and are showing day after day that they have the capacity to protect their country, a capacity to counterattack, and a capacity to help make things hard on Hanoi and make Hanoi hurt and make the North Vietnamese want to have some kind of a settlement of this highly unfortunate war.

I think those developments are reflected in the things now going on—the resumption of the peace talks and the resumption of the secret talks. And I do not totally discount those matters. It has been very slow, and I think it will be slow for a while. But I think the best proof and the strongest evidence we have ever had that anything is in progress is that which exists today. There is no doubt about that.

Mr. President, there is a constitutional principle, based on commonsense, that I want to repeat in making clear what my position is. Under our system of government, this is no time to dilute or to try to defeat the authority of the United States in dealing with this problem.

If we are going to divide up and have two policies, and the President has one policy and Congress has the other policy, certainly the consequences would prove conclusively that we are playing into the hands of our enemy, whether intended or not. That is exactly what this would do.

As to the executive branch of the Government and the responsibilities carried now by Mr. Richard Nixon, who was chosen President, we should keep the responsibility where the power is and keep the responsibility on him. This is where it is vested in the Constitution of the United States. It is vested there because of commonsense and reason, because a government cannot have two heads, two voices, two positions. It must have one, right or wrong.

We do not have any negotiating team. We do not have anyone to deal with Hanoi and to get better terms than the President. If we were going to take it away from him and try to appoint someone else, that would be a different question. However, the pending amendment would not affect one iota—except to put limitations on him—his power and the responsibility. It would not affect the responsibility of the President of the United States to represent this Government in policy questions.

However, it would take away from the power what is necessary to be effective, and that is the power of the purse. So we take away, whether we intend to do so or not, that power and we jerk the rug out from under him when we pass legislation of this kind.

Mr. President, how much time have I used?

The PRESIDING OFFICER (Mr. INOUYE). The Senator from Mississippi has used 11 minutes.

Mr. STENNIS. Mr. President, I yield back the time I have remaining. And I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 15 minutes.

Mr. GOLDWATER. Mr. President, at his press conference last Thursday, President Nixon said that legislators who introduced proposals of the kind before us today really should name their amendments "Prolong the War" resolutions. And he might well have described such legislation as an example of how to lose a war in one easy amendment.

Mr. President, I never thought I would see the day when the Congress of the United States would openly challenge the actions of our President and the course of our Government at a time when we are conducting armed conflict with an enemy. But that is what is happening today, when with the falsely named "End the War Amendments," the Senate is being asked to take legislative action which would directly usurp Presidential authority to negotiate the peace in Indochina, and would take over his authority to negotiate the release of American prisoners of war and an accounting for those missing in action. I am particularly unhappy with this because we are in effect announcing to the whole world during the existence of a state of war that we question the wisdom of the President's policy and the course of action being followed by the United States in a situation which the President has inherited because of decisions taken by his predecessors.

Mr. President I wish to repeat: This is a situation which the President has inherited because of decisions taken by his predecessors.

Mr. President, the pending amendments would cut off all funds authorized or appropriated by not only the military procurement bill but also by any other act of Congress which provides support for U.S. military forces with respect to military action in Indochina. It is worded broadly enough to ban for all time in the future any military action on the part of American forces in the entire area of Indochina, including Cambodia, Thailand, Laos, and Malaysia, as well as South Vietnam. What is more, the amendments specifically apply to ground, naval, and air forces and not merely to ground combat forces, as some earlier proposals have done.

Mr. President, these kinds of restrictions are extreme invasions of the Pres-

ident's powers as Commander in Chief and as the supreme negotiating authority of the United States. They represent unheard of grasps for power on the part of the Legislature and reflect a swollen sense of position for the Congress that has been building since 1969 when all kinds of riders and limitations have been introduced to shackle, cripple or halt Presidential decisions relative to U.S. activities in Indochina. The most incredible part of the effort to pass these amendments is that they come at a time when the President has made a most generous offer for a negotiated settlement when the enemy is visibly failing in its military offensive, and when the chances for a negotiated peace have never been greater.

I might add that we read in the morning newspaper that Dr. Henry Kissinger has just returned from a very intimate conversation with a man who could do more to bring an end to this action than any other man belonging to the enemy.

These circumstances attest to the wisdom of the constitutional arrangement made by the Founding Fathers which vested in the President the supreme authority over negotiations of international agreements and the exclusive command of the Armed Forces in time of war.

Mr. President, I emphasize that because while Congress certainly has the right and the power to limit or prohibit funds for the purposes of conducting a war, Congress has absolutely no power in the conduct of a war or even the opening of a war. It is true Congress can declare a war but out of the 192 odd engagements this country has had in its nearly 200-year history, only five have carried declarations of war by Congress and two of those involved one war.

We could in this body, or in this Congress, literally declare war every 5 minutes, but only the President can send troops into action. This is something we seem to forget in this body.

Again, I am not speaking against the right of Congress to limit funds, but I am speaking against the thought carried by some Members of this body and the other body that Congress was given power by the Constitution to actually conduct war, wage war, and settle peace. Only the President has these powers. Whether we like it or not, that is the Constitution.

I have also said on the floor, and I have said it in papers I have written for law journals, that if we want to change this, and maybe the American people might want to change it, it should be by a constitutional amendment offered from this body to the American people, or initiated by the American people as provided by the Constitution.

But it would be a very dangerous thing, in my opinion, for Congress ever to be given the controlling powers over war. I would much rather place my faith in one man, whether he be a Democrat or a Republican. I naturally have my preferences, but he is the President of the United States and I do not care which side he is on. I would much rather place my faith in one man than in 500 people who are regulated chiefly by politics. We see this every day on the floor of the Senate.

We have a resolution introduced to send aircraft to Israel. It passes overwhelmingly. Why? Not just because Israel is an important part of this world's consideration, but there are a lot of Jewish voters in this country. I have a hunch that if the Italians needed help they would get it because there are a lot of Italian voters; and if the Irish needed some help they would get it because there are a lot of Irish voters.

But we do not have a lot of Vietnamese voters in the United States so they catch a little bit of the rough end of it. That is one of the reasons I do not think Congress should ever begin meddling in the affairs of war because we 500 Members are governed more by the desire to be reelected and get favors from blocks of voters than determining what is right or wrong in the conduct of the war.

By setting themselves up as a congressional command center issuing the highest orders governing military tactics and negotiating strategy, as the proponents of these amendments in effect would do, there is a very real possibility that the war in Vietnam will be prolonged. Imagine the joy that it must bring to the headquarters of Madame Nuygen Binh, chief Vietcong negotiator at the Paris talks, when she hears there is presented to the U.S. Senate a substitute peace plan drafted by certain Members of this body in place of the official peace offer being negotiated by our President and his authorized representatives. Is it any wonder that the Communists will not soften their own peace terms so long as Senators and Congressmen keep proposing legislation that would give them what they want regardless of what the President has offered?

In this connection, while it has no direct bearing, any man in this body who has ever served in command or whoever served in any position in war knows that the knowledge of what the enemy is going to do is the most valuable bit of information that the commander can have, and this applies to the enemy, as well as our own forces.

I can think of no way to make the commanders of the North Vietnamese army happier than to have this body set a day certain that the war is going to end. The winning of the war, in effect, would be guaranteed to the enemy when we take that action. I do not think it is a wise one.

Mr. President, I am very concerned that legislative provisions of the kind before us will jeopardize the Paris peace negotiations. I frankly believe it is time for all of us to stop meddling in affairs which are better left, and are constitutionally meant to be left, with our President and his representatives.

Mr. President, none among us can fail to believe that President Nixon is totally sincere in his intent to attain a complete American withdrawal from Vietnam in a way that would bring our prisoners of war home and would end the war with a genuine peace. As President Nixon mentioned at his press conference last week, we are still negotiating, both in public and in private conferences. We have made fair offers and have not made them on a take-it or leave-it basis. But we are not going to take the immoral and unwise action of joining with our enemy to install a Communist government in South Vietnam. We are not going to shame the United States in the eyes of the world and to jeopardize future world peace by simply pulling out and imposing on the 17 million people of South Vietnam a Communist regime, with the bloodbath that would follow.

If some of our legislators and newscasters would just focus their sights on the Communist record in this unfortunate war, they would notice that since 1965 there have been 600,000 civilian casualties in South Vietnam caused as a direct result of deliberate policies of the Communists. They would recall that a minimum of a half million people are believed to have died in slave labor camps in North Vietnam during the reign of the hippie folk hero, Ho Chi Minh. They might see that there have been over 45,000 civilian casualties in South Vietnam, since the barbaric invasion of that country by North Vietnam on Easter weekend, as a result of the deliberate shelling of cities and the slaughter of refugees by the North Vietnamese in wanton disregard of human life. And then they might ask themselves the fundamental question of how wise and how moral and how in keeping with the best American traditions it would be to expose the 17 million people of South Vietnam completely to the mercy of the Communists and their policy of deliberate murder and assassination of civilians.

And I can hear now this suggestion being answered by people saying, "Well, we bombed the dikes." So we bombed the dikes. The dikes happened to be in places that we could not help hitting if we tried, and, frankly, I have advocated bombing of the dikes since 1960. So have members of the military. There has been a different feeling on the part of Presidents who have been in power, including, apparently, President Nixon. But I will be told that the tens of thousands of tons of bombs we are dropping on North Vietnam are killing civilians. They are, but we did not start this war. We want to end the war, and the war can be ended only by the country that started it, North Vietnam.

To repeat, they might ask themselves the fundamental question of how wise an how moral and how in keeping with the best American traditions it would be to expose the 17 million people of South Vietnam completely to the mercy of the Communists and their policy of deliberate murder and assassination of civilians.

If we do any such thing, Mr. President, it will leave a legacy of humiliation and despisement of the United States throughout the world. It would be the utter collapse of American honor. It would be treachery toward a people and an area of the world to which three Presidents have given their pledges of assistance. It would mark the United States as an instable, inconsistent and weak nation who could not be relied upon

by its other allies to honor its commitments to them, or indeed even to protect its own interests. It would shatter faith and respect in the United States which might well encourage aggression around the world, in which smaller nations armed and urged on by the Soviet Union or Red Chinese will attack their neighbors at will in the Middle East, in Europe, or other areas of the world.

Mr. President, I strongly believe for these reasons that the pending amendments would give false encouragement to our enemies, would incite a prolongation of the war in Indochina, and would create a situation of instability that would result in new aggressions and new wars around the world as our adversaries conclude that the United States will not respond to threats to world peace because of legislative restrictions on the Executive.

Mr. President, I urge the defeat not only of the Cranston amendment, which I think will be so radically changed that it will be unrecognizable by the time we come to a final vote on it, but the defeat of all amendments that would try to force upon the President a decision that is his, and his alone, by the Constitution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CRANSTON. Mr. President, I yield myself such time as I may need.

If the Senator from Arizona would respond, I would like to ask him a question or two.

First, as I understood it, the Senator implied that since Senators are elected, it is inappropriate for them to end the war. It has always been my understanding that the President of the United States is also elected. Do we coronate him or annoint him, or what?

Mr. GOLDWATER. Mr. President, I do not see any relevancy in that question. That is not the point I was trying to make. The point I was trying to make is that the Constitution does not give Congress the powers of war; that is given to the President; nor does it give to Congress the powers of peace.

I recognize that what the Senator is trying to do is perfectly within his rights. We can control moneys. That is about the only power we have when we get right down to it. That was the point I was trying to make, and I see no application to the question asked.

Mr. CRANSTON. Well, I trust that the President, in his way, is seeking to end the war. I believe he is. I think he is wrong in the way he is going about it. But he is also elected and he is seeking reelection this year, and like some Members here, he must take into account many other matters, including the public interest. I think those who favor my amendment take into account the many factors involved, just as the Senator from Arizona does. I do not think the fact that we are running for election, as I am not, and as the Senator from Arizona is not, this year, is the principal factor in bringing up this proposal and making this appeal to the Members of this body or the people of our Nation.

Mr. GOLDWATER. I do not believe I made that allegation. I used as an example amendments that carry unanimously and that are voted for even by people openly opposed to war of any kind, for one reason—I do not say that is the total reason—because it is supported by people in their States who represent large blocs of voters.

My total purpose was in emphasizing the constitutional question. Yes, the President is running for reelection, and I might add—and I did not bring this into it—the President took office with 550,000 men in South Vietnam, which he has reduced to the point that there are no ground forces fighting there, and we do have, I would guess, something close to 100,000 men, which is a more accurate figure than 50,000 because we do not take into account naval forces that have been brought to bear off the coast of Vietnam. I think the figure would be closer to 90,000 or 100,000. But President Nixon did not start that war, and President Nixon is the only President we have had in the past 10 years who has made any move at all to end the war and bring the men home. I think he is doing a very good job, and, if it is going to be put on a political basis, I would rather have a man in the White House who knows what he is doing to bring that war to an end than a President who does not.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. CRANSTON. I am delighted to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I am very sorry that the Senator from California has brought into this debate a reference to the fact that President Nixon is running for election. But he has. He has made that reference and since he has done so, the junior Senator from Michigan would like to point out that the President has an opponent who is also running for election.

Without necessarily questioning the motives of anyone who supports the amendment of the Senator from California, it is a rather unfortunate fact, in terms of the national interest, that his opponent's chances of being elected will be better if the war continues until after the election.

President Nixon said in a press conference last week that we have the best chance ever to reach a negotiated settlement with the enemy.

The amendment of the Senator from California, if adopted, would not end the war; it would not achieve a negotiated settlement. His amendment only provides for a time when all U.S. troops must be out of Vietnam.

But an amendment like that will not end the war, necessarily. The war could continue if Hanoi wants to fight on—and if Saigon wants to fight on.

The military situation over there is such that it is altogether possible that we could pull out all of our troops—and the war—the killing—would still continue. Furthermore, adoption of the Senator's amendment would not get our prisoners of war back.

The Senator from California mentioned that the President is running for reelection. He has an opponent who is also running for election. His opponent has promised that all U.S. troops would be withdrawn 90 days after inauguration day next January 20. Like the Senator's amendment, that would not necessarily end the war, if Hanoi and Saigon decide to fight on; that would not get our prisoners of war back.

At the present time, we do have a good chance of reaching a negotiated settlement—a negotiated settlement that will end all the killing in Vietnam and Indochina; an agreement that will get our prisoners back. But with all deference to the Senator from California—and I realize it is not his intention and purpose—the effect of the Senator's amendment, if it were adopted by the Senate, would be to encourage the enemy and prolong the war. I cannot believe that the Senate wants to do that. Surely the American people do not want us to do that. For that reason we should vote these amendments down.

I thank the Senator for yielding.

Mr. CRANSTON. Mr. President, I would like to say to the Senator from Michigan that it was the Senator from Arizona, not the Senator from California, who first brought the matter of people running for election into this discussion today. I will grant that the amendment I have offered and the amendment that the Senator from Massachusetts (Mr. BROOKE) has offered as a substitute will not necessarily end the war. I do believe that the adoption of either of the amendments and its implementation, would end the war for the United States and would end the killing of Americans, and that is my first interest. I would like to see the killing of Asians ended also, but my first interest lies in ending the killing of Americans and ending a war in which America is involved.

I would like to ask the Senator a question, if I may. What evidence is there, what real evidence, that we are on the verge of a negotiated settlement at long last, after so many years of frustration at Paris and elsewhere?

Mr. GRIFFIN. Well, if the Senator from California is saying he does not believe the President of the United States, I guess he is entitled to his opinion.

Mr. CRANSTON. I have not said that.

Mr. GRIFFIN. The President of the United States, last week in a press conference, indicated that we have the best chance ever of achieving a negotiated settlement.

It is well known that the President's personal representative, Dr. Kissinger, has just returned from Paris where he has been engaged in secret negotiations. This is known all over the world. Still I cannot say that an agreement will be reached tomorrow or next week.

However, I believe that whether an agreement is reached could very well depend on how many Senators follow the lead of the Senator from California. The chances for a negotiated settlement could be destroyed right here in the Senate today.

Mr. CRANSTON. The President has said repeatedly that the hopes are great for a negotiated settlement. I do not question the President's sincerity. I do

question the President's judgment. I see no sign that we are anywhere close to a negotiated settlement, and let me say that we——

Mr. GRIFFIN. I wonder if the Senator from California knows as much about the negotiations as the President and Dr. Kissinger. That seems to be the position he is taking.

Mr. CRANSTON. I make no such claim, of course. But I have watched the negotiations go on endlessly. I know the President said 4 years ago that he had a plan to end the war. He must have felt that negotiations would work successfully, but I see no evidence that that is occurring. If it does, great; I hope it does.

Mr. GRIFFIN. All I can say is that there are many other observers of the scene who disagree and think otherwise. I am sure the Senator from California is well aware of that since he reads the newspapers. Those who disagree are not necessarily people who have agreed with the President in the past.

I am thinking now, for example, of John Knight of the Knight newspapers, who has disagreed with President Nixon on his Vietnam policy, who disagreed with President Johnson on his Vietnam policy, and who disagreed with President Kennedy on his Vietnam policy. Mr. Knight recently wrote—and I put it in the RECORD a few days ago—a very thoughtful and incisive article which, in effect, made some of the points I have tried to make here on the floor of the Senate today.

I would appeal to the Senator from California and other Senators to give the only person who does have a chance to negotiate between now and next January 20 an opportunity to negotiate. We wish him well, whoever the President in that situation might be. I am sure that the Senator from California wants to do that and intends to do that.

Mr. CRANSTON. I, of course, wish the President well. The Senator from Michigan said that the effect of my amendment would be to prolong the war. The fact is that the Vietnam war has already been prolonged for more than a quarter of a century without the benefit of my amendment or any other amendment like it.

It seems to me that the administration uses threats of war and peace to manipulate Congress to do its bidding. Every time Congress considers a defense budget, we are barraged with threats of reported buildups in Soviet arms. A new missile buildup or a missile advance is consistently and miraculously uncovered at just the right moment, when Congress is debating whether or not to approve the higher and higher military outlays that the Pentagon demands.

The administration follows the same transparent manipulative technique on the matter of peace. Each time Congress considers steps to bring about, finally and at long last, an end to the endless horrors of Vietnam, we are threatened with peace.

"Be quiet," Congress is told, "Peace is about to break out at any moment."

"Be quiet," Congress is told, "You may upset delicate negotiations."

"Be quiet," Congress is told, "You are undercutting our bargaining position."

Mr. President, I say, "Enough." Congress will not be quiet. I will not be quiet. We have been led and deluded with promises of instant peace for 3½ years, and where is it? Where is the peace that President Nixon promised us 3½ years ago? Where are the 20,000 Americans who were killed in Vietnam while we were waiting for the President to deliver us the peace he promised? Where are the billions of dollars we have continued to waste on this war, while waiting for the peace that President Nixon promised us 3½ years ago?

I say Congress must stop being the manipulatee and become the manipulator. Congress must take the war into its own hands and end it.

The Senator from Arizona stated that the Constitution did not give Congress the power to conduct war. Congress was not given the power to wage war, said the Senator from Arizona.

I, of course, concur in that, and there is no effort here to dictate the manner of waging or the conduct of the war. There is an effort here to exercise the responsibility given us in the Constitution to end an undesired war.

Prof. Alexander Bickel of the Yale Law School, a constitutional lawyer with basically conservative leanings, said in the current issue of Commentary, after an examination of the warmaking powers under the Constitution:

> President Lyndon Johnson did launch an unconstitutional war, and President Nixon, though entitled to wage *de facto* war until Congress stops him, should know, conservative lawyer that he is, that the war he wages was unconstitutional in its inception.

Let me make plain that I am not making any partisan statement here. I am talking about a Democratic President who helped get us into this quagmire.

The New York Times commented upon this just the other day, on Monday, July 31:

> The Constitution, in giving to Congress, and not to the President, the power to declare war, intended to prevent such hasty action.

This comment referred to the hasty action that landed us in Vietnam.

> It sought to create permanent institutional safeguards which, by demanding the approval of both houses of Congress, would eliminate the risk that the country might be led into wars by Presidential command decisions reached in secret agreement with advisers who are not responsible to the electorate.

The Senator from Mississippi also questioned the precedent for this sort of action. But does the Senator from Mississippi, I ask, question our constitutional right, our power, if we wish to do it, to do what this amendment would have us do?

Mr. STENNIS. No. I have said many times that there was no question about the power of Congress to withhold funds. Certainly, we have that authority. I do not question that at all. That is very clear to me. But I do say that just because we have a problem is not enough reason. There is no way to solve it, as I see it, except to provide the voice of our Nation in the negotiations—particularly the negotiations.

Mr. CRANSTON. I thank the Senator.

The Senator also said there is no precedent for action such as this by Congress. I grant that there is no precedent, although there is the power, if we wish to exercise it.

I ask the Senator, however, if there is any precedent, except for brief forays of short duration, where the constitutional power of the President has been used for military purposes overseas without consulting Congress. I make exceptions for brief expeditions and for Korea, which was done under mandate of the United Nations, with the United States voting in the United Nations for that mandate. Is there any other precedent for an undeclared war that has lasted as long as the Vietnam war, with all of its many casualties and tragic consequences?

Mr. STENNIS. Going back to the original step-by-step entry that we made into this war, frankly, not realizing fully that it was going to be a war—but I think this is an undeclared war—the issues should have been drawn very sharply and a "yes" and "no" vote given. There is no full precedent, as I see it, for the way we got into this war. The Korean war did have the action of the Security Council of the United Nations.

All this came out, as the Senator may recall, when we were debating here the bill defining the powers and the responsibilities of Congress—the bill we passed this year.

But after you are in a war and that has been accepted, more or less, I think that, then, as to the matter of the operation of the war and the termination of it, the usual rules as to executive functions have to apply, of necessity.

Mr. CRANSTON. I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. GOLDWATER. I should like to clarify the situation.

We have had about 192 engagements of various types in the history of our Nation, and there have been only five in which Congress has made a declaration of war.

The Mexican War was a large war. I do not think the length of the war had anything to do with the President's determination to go to war. I can recall President Roosevelt, prior to our official entry—if that is what it is to be called—into World War II giving weapons of war to the English. When we were attacked at Pearl Harbor, we were fighting back very strenuously. We were in war before Congress declared war.

I should like to remind the Members of Congress that when the Founding Fathers were attempting to set up our form of government, the original concept was that Congress would have the right not only to declare war but also to supervise—if that be the word—the conduct of war. The effect of this upon Washington's efforts in the revolution was so bad, with the legislative branch interceding here and interceding there, that the Founding

Fathers very wisely decided not to leave the conduct of the war up to Congress but to leave it up to the President, but to retain in Congress the right of declaration. But it never said that we must make a declaration to go to war.

As I have suggested to the Committee on Foreign Relations and on this floor, if we want to change this, if the American people would feel safer with their elected officials not only declaring war but actually sending troops to war and conducting war, then it should be done through a constitutional amendment which would change the present situation.

This is what I keep getting back to—that amendments such as the Senator is proposing, while, in effect, proper and under our rights, do interfere with the constitutional prerogatives given to the President, whether we like it or not.

The Senator asked for precedents. We have far, far more precedents of a President using his power of war than Congress using its power to declare war—not that it might make any difference one way or the other. I think that when we have needed a declaration, to indicate to the world or to our enemies united action of the American people, Congress has come through without any question.

While some will question it, and I question whether the Tonkin Gulf Resolution was actually a declaration—I do not think it was—nevertheless, some people feel that it was and feel that it gave warning to the world that Congress stood behind the President.

I thank the Senator for yielding, because that is the point I wanted to make.

Mr. CRANSTON. I thank the Senator. I know that he has studied the matter of presidential power and its use in foreign conflicts very deeply. The Senator graciously gave me the benefit of some of those studies in the past, for which I thank him.

The unprecedented situation about this war is its long, long duration together with the inability of our Nation and our executive leaders to find a way to end it. I respect the President's sincerity, and I know of his desire to get us out of the war; but I do question his ability to do so. I know that he apparently has been quite successful in opening negotiations in Peking and Moscow, for which I applauded him the moment he announced those trips. I think it is very fine that he has carried through such successful negotiations as the Strategic Arms Limitation Talks. But when it gets around to the Vietnam conflict we see no signs thus far convincing us that negotiations, carried on by Dr. Kissinger or anyone else, have led to a successful resolution of this particular conflict. The President's greatest failure, it seems to me, is his inability up to this point to make this great announcement that peace is in our hands. But until we see that announcement and have convincing evidence that that has happened, the time has come, it seems to me, for the Senate to exercise some responsibility. That responsibility was given to us by the Founding Fathers in case the Nation ever found itself in exactly the same tragic situation we have landed in.

Mr. GRIFFIN. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Michigan.

Mr. GRIFFIN. I was interested in the fact that the Senator from California conceded, during an earlier colloquy, that even if his amendment were adopted, it would not end the war—that the war could go on.

I wonder whether the Senator from California, since he has followed the negotiations closely, as he has indicated, would also concede that what the Senate may or may not do today with respect to his amendment could have an effect on the negotiations now taking place in Paris?

Mr. CRANSTON. Certainly, any action taken by the Senate may have an effect on the negotiations. It might have a beneficial effect.

Mr. GRIFFIN. If we were to pass his amendment which would require unilateral acton without regard to an agreement, is the Senator saying that such action would be beneficial in terms of the negotiations? Would that be beneficial to the United States?

Mr. CRANSTON. Yes; because it would serve notice to President Nixon and the world that we will not forever spill American blood in defense of President Thieu and his corrupt regime, that we will not forever commit that regime to having veto power over how long Americans shall die in Vietnam. We are not suggesting by this amendment a unilateral end to participation. There are still negotiations, to insure that if this amendment is enacted into law, that can well set the stage for successful negotiations, leading to the release of our prisoners of war which, I take it, is one of the objectives that the Senator from Michigan and I and most other Americans share.

Mr. GRIFFIN. In my view, Senator, that is an incredible position. I understand that the Senator really believes he is helping negotiations; but I believe that what he is doing is destroying them.

Mr. CRANSTON. We are seeking to get negotiations on a sensible track. Incredibly, the President, the Senator from Michigan and other Members of this body, pursue a policy that bears no promise of success. We are seeking to get negotiations at a level where they might well be successful.

Mr. GRIFFIN. The Senator from California takes a very heavy responsibility upon his shoulders when he passes judgment that there is no prospect for the success of these negotiations. Of course, he is entitled to his opinion, but let me say for the record that many others believe that the prospects for success are good enough to give the President a chance.

Mr. CRANSTON. Plainly it is our responsibility. What I have done unilaterally is to offer the Senate an opportunity to make a decision that this amendment, or the Brooke substitute, would indeed increase the hope for putting an end to the killing of Americans in Vietnam. That is a decision which the Senate will make today.

Mr. DOLE. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Kansas.

Mr. DOLE. As the Senator knows, we have discussed this conflict before on the Senate floor, and sometimes we have disagreed. I have read the Senator's amendment and am familiar with it.

It has been my purpose, at some time, in the event the amendment should be adopted, to offer a further amendment. I understand, though, that I may be precluded from doing that because of the parliamentary situation. But this proposed amendment simply states that the Congress of the United States hereby accepts and assumes full responsibility for the consequences of policies established by this section.

If the Senator from California does not see any problem with that amendment, would he accept it as an amendment to his amendment?

Mr. CRANSTON. No. I think it is redundant. Plainly, when this body acts, it assumes responsibility for its acts. But the implication of the language proposed is negative and therefore I do not accept it.

Mr. DOLE. Is the Senator then opposed to accepting the responsibility, if the Senator wishes to take away from the President the authority for dealing with the situation?

Mr. CRANSTON. I would like to share responsibility with the President, as he has refused to do up to this point, in seeking an end to the war. It is plainly a responsibility that will rest on the shoulders of the majority of this body, if we exercise it. We will be responsible for the consequences, which I believe will be highly beneficial to our Nation and our world.

Mr. DOLE. But assuming that war conflict should be prolonged and it should become evident that it is being prolonged because of what the Congress has done, what I suggest is that we make it very clear to the American people that we are taking the responsibility away from President Nixon, or whoever the President may be, and we are accepting that responsibility as we should. If we seek to deny the President or want to rob him of his responsibility—which he did not request but which he accepted upon taking office—then we should be willing to accept that full and complete responsibility for all the consequences, should we not? Should we not accept responsibility for the prisoners of war, responsibility for our credibility around the world, responsibility for failure in South Vietnam itself either militarily or at the negotiating table? I think, perhaps, that we should accept this responsibility 1,000 percent. I would hope the Senator might be willing to incorporate this suggestion into his amendment. I will not vote for it, of course, but I wish the Senator would incorporate it into his amendment.

Mr. CRANSTON. Let me say that on July 27, President Nixon declared:

> At this point the chance for a negotiated settlement is better than it has ever been before.

What evidence, really, is there for that statement, or for more recent statements made on the floor today by those opposed to this amendment? On the very

same day that he made that statement, July 27, a U.S. press aide, representing the administration in Paris at the talks, said:

Polemics were read to us in a reasonably nonpolemic way at the latest meeting.

Is that all we have to go on? Is there anyone who knows for certain that this time is different from all the other earlier times when we were told that if Congress takes any action we will be jeopardizing the negotiations? I have 3½ years of failure to point to. Can the Senator point to one bit of evidence of success in the 3½ years in negotiation?

Mr. DOLE. I appreciate the statement by the Senator and appreciate his yielding to me for questions, but I wish he might respond to my question.

Mr. CRANSTON. Let the Senator respond to my question and I will respond to his.

Mr. DOLE. That is fair enough. I am not the President of the United States. Neither is the senior Senator from California. I have followed what President Nixon has said throughout his administration rather carefully and closely. He has not been given to statements he could not support. He never tried to say, as past administrations have said, that we are turning the corner on Vietnam, or that we are about to see the light at the end of the tunnel, as I recall was said in 1965 and 1966. He has always indicated there would be hard choices to make. He has always indicated, as he has pursued the policy of Vietnamization, that he would not make commitments he could not keep. And he has withdrawn over half a million American troops from South Vietnam—in full accordance with his promises and commitments.

There has not been any gain at the negotiating table. That is true. In fact, the negotiations were broken off. But now they have started up again and the President has made the statement that the chance of negotiations is better than ever.

I do not know what evidence he has. I assume he has some. I do not assume that I should be privy to what information the President has, because if we all knew the information he had, the chances for negotiations would not be better, but much worse, presumably. I do not know.

So I take the President's word. He is a man of credibility and honesty, who has been winding down a war which he inherited from other administrations. The American people, by and large, support President Nixon, not because they like war but because they want peace, and because they believe he has pursued an honest and highly successful policy in Southeast Asia—and elsewhere.

I do not have any specifics. I cannot give the Senator a laundry list of what North Vietnam may have said or what President Nixon may have reviewed in making his judgment.

Mr. CRANSTON. Mr. President, I do not exactly understand the answer of the Senator from Kansas to my question. I think that perhaps I can make my answer to what I think his question was somewhat clearer.

I accept the responsibility for what this amendment means. And it will be up to the Senate to accept the responsibility for what it means and for the consequences—beneficial, I think—flowing from it if adopted. I see no reason to amend my amendment as suggested.

Mr. DOLE. Mr. President, there is no question that the President understands the seriousness of the situation in Indochina and everywhere else in the world. He understands his responsibility as Commander in Chief in this respect. I assume that it might be suggested that if the President were inclined to do so, he might say, "Let them pass this amendment. I will wash my hands of the responsibility. And if anything happens, I will say that it was the Congress that passed the amendment and did away with my right to negotiate an end to the Indochina conflict."

I know that the war has dragged on. And I do not know of anyone who wants the war to last one more day. Certainly the Senator from Kansas does not.

We have had so many amendments like this, amendments called end the war amendment or amendment for peace. They have a great ringing appeal for the American public. However, I know that as legislators we cannot end the war by this amendment or by any other amendment. I do not care how many laws we pass; the negotiations will be for the President of the United States to conduct. The Senate cannot negotiate with North Vietnam. The President can.

Mr. President, if the President had done nothing over the past 3½ years, if he had not withdrawn a single American and had not kept his word with the American people, I suppose we might have some justification for offering an amendment such as the Senator from California suggests. However, if we are going to impose our will on the President and strip or take away from the President the matter of foreign policy and making a decision, that is one thing. However, at the same time we should accept the resopnsibility.

Some Members of this body want to blame the President if he fails and take credit if he succeeds. We cannot have it both ways. The Senator from California knows that. The Senator from Kansas knows that. And I believe that every American knows that.

Let us face it. Everyone in the Chamber knows what year this is. This is 1972. Eveyone knows that something will happen this year; there will be an election. Everyone knows, whether we like it or not, that Vietnam will be an issue in that election. Maybe what we do today will be somewhat inspired by politics. I do not know. However, I think the American people will read it that way. The Democrats want to do one thing. The Republicans want to do another thing. And some others want to do still another thing. Perhaps it cannot be divorced from the election itself. However, it seems to me that as a matter of objectivity and fairness to the President—not President Nixon, but to the office of the President—if we wish to strip the President of his power to negotiate, then we ought to strip him of his responsibility. In the amendment we say that we will trust the North Vietnamese because they can be trusted and they will accept the responsibility. I do not see anything in the amendment that says we trust the President of the United States—or that we recognize that by this amendment we would strip him of his authority—or that the Congress assumes and accepts the responsibility for doing so.

Mr. CRANSTON. The Senator from Kansas may be concerned about who gets credit for ending the war, if indeed it is ended. The Senator from California is not. The Senator from California is interested in seeing this war ended. If it takes a joint exercise of constitutional power between the President and Congress, then so be it. And I believe that is what is required.

The Senator from California is not at all concerned about being fair to the President in this war. He is concerned about being fair to the Americans who are dying in Vietnam. Our objective is to get them out and to get the prisoners back.

Mr. DOLE. Mr. President, will the amendment stop the dying?

Mr. CRANSTON. Mr. President, the amendment, I believe, will stop the dying in Vietnam. It might or might not speed the end of the dying of Vietnamese in Vietnam.

Mr. DOLE. Mr. President, the Senator from Michigan earlier indicated a question, and I believe we have a right to raise this question without impugning the motives of the Senator from California. In the event the amendment should not have the effect the Senator hopes and if it were to protract the war and extend the dying and extend the tragedies in Indochina—not only for Americans but also for all of those who live there, South Vietnamese, North Vietnamese, Laotians, or whatever—and I am certain that is not the intent of the Senator from California and I do not charge that at all, but we have the right to raise that question. If we raise the question about the President not caring or about the President not keeping his word or about the President not ending the war, and we have a right to examine this amendment in that light—then who assumes the responsibilities? Does the Senator from California, or does he then say that the President should have done something?

Mr. CRANSTON. Mr. President, this war has gone on for more than 25 years without the benefit of my amendment or any amendment like it. There is no sign that I see that the end of the war is in sight for Americans without this amendment.

The President has had 3½ years to stop the war. And I recognize that the war was not started by President Nixon. The President has wound it down in some respects, and he has wound it up in some respects. However, after 3½ years he has failed to get us out.

I believe it is up to the Senate to exercise our constitutional power. We must share responsibility to end the war, which is something that we have shrugged off up to this point.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Alabama

and will yield more time to him if he desires.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. ALLEN. Mr. President, I thank the Senator from Mississippi for yielding to me at this time.

Mr. President, there will be at least three amendments offered today dealing with this general subject. The first amendment is an amendment offered by the distinguished Senator from California (Mr. CRANSTON). The next amendment will be a substitute offered by the distinguished Senator from Massachusetts (Mr. BROOKE). And the next amendment will be a perfecting amendment offered by the distinguished Senator from Vermont (Mr. AIKEN) to the Cranston amendment.

Four hours have been allotted for a discussion of the Cranston amendment, 2 hours for the Brooke amendment, and 1 hour for the Aiken amendment. Yet the Aiken amendment is going to be the amendment that is voted on first.

For that reason, I am going to use some of the time allotted to me to discuss the Aiken amendment because the first question to be determined by the Senate in its votes today will not be whether the Cranston amendment should be agreed to. It will be whether the Cranston amendment should be perfected as provided by the Aiken amendment. So, the two amendments would be weighted, not so much on the merits of the Brooke amendment as on a comparison of the merits and demerits of the Cranston amendment and the matter in which the Cranston amendment can be perfected or improved by the Aiken amendment.

Mr. President, the Cranston amendment, the Senator from California stated in his introductory remarks, is the same amendment as the Mansfield amendment, which was defeated just last week by a substitution in its stead of the Cooper amendment as perfected by the Brooke amendment. So this amendment already has been rejected by the Senate, and well it might have rejected this amendment because an analysis of the amendment would show that it does not represent the thinking of a majority of the Members of the Senate.

In the first place, it divides the question of withdrawal from Indochina into two phases, the first being a withdrawal of American forces from South Vietnam, to be accomplished by October 1 of this year. Not only is there a direction that there shall be a withdrawal of American forces from South Vietnam by October 1, 1972, but it is provided that all funds to support the military operation of those forces shall cease on and after October 1, 1972. Whether they are withdrawn by that date or not, all funds to support them would be withdrawn under this amendment.

Is North Vietnam required to do anything? Are any preconditions provided by this phase of the amendment for them? None whatsoever. Not one single prisoner of war is to be returned; not one single soldier who is missing in action is to be returned. We pick up lock, stock, and barrel and pull out of South Vietnam by October 1 of this year, and if we are not out no funds would be provided for the support of the troops. North Vietnam is not required to do one single thing in that time.

Mr. CRANSTON. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I am glad to yield to the Senator from California.

Mr. CRANSTON. The amendment in its entirety does not really call for our getting out lock, stock, and barrel by October 1, because it leaves in the President the power for action in and over and around South Vietnam through naval and air action of the sort now going on in the north as well as the south. So we would provide that. That is a form of war now being conducted, incidentally, on a larger scale than before.

We would not by this amendment stop all military action without regard to the POW's and the missing in action.

Let me ask this question. Does the Senator know of any instance in history, and I have looked for it and others have looked for it and could not find it, of any war where prisoners of war were exchanged before hostilities were ended?

Mr. ALLEN. I would not know that. I would not be willing to vote for any provision that would call for the withdrawal of our troops from South Vietnam without, not just a promise of the return of our prisoners of war, but the actual return to the safety of their homeland.

Mr. CRANSTON. This amendment does not call for an end of hostilities on our part until the prisoners of war are out and the missing in action are accounted for.

Mr. ALLEN. I disagree with the distinguished Senator on that statement. I will, if the Senator would permit me, read into the record at this time the exact provisions of section (a) which is entirely different and distinct from section (b):

> Notwithstanding any provision of this or any other Act all United States military forces, including combat and support forces, stationed in South Vietnam—

That is every single one of them. I add parenthetically—

> shall be withdrawn in a safe and orderly manner from South Vietnam no later than October 1, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after October 1, 1972.

Mr. CRANSTON. Mr. President, will the Senator yield

Mr. ALLEN. Yes, I am delighted to yield.

Mr. CRANSTON. The Senator read section (a) very accurately. Will the Senator now read section (b) into the record?

Mr. ALLEN. Yes, I will read that section, and I point out that it provides for an entirely different set of facts covering an entirely different area of the globe:

> (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 an agreement for—
>
> (1) a verified cease-fire between United States forces and the National Liberation Front and those allied with the National Liberation Front, and

I add parenthetically that it seems passing strange to the junior Senator from Alabama that this cease-fire is not just between North Vietnam and the American forces, which would be a separate peace in itself and an abandonment of our allies, but it makes provision, and pushes the National Liberation Front out in front. We would have provision for a verified cease-fire between U.S. forces and those allied with the National Liberation Front, as if this were merely a civil war between the South Vietnamese and the Vietcong rather than emphasizing the role of the invaders from North Vietnam.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. AIKEN. The Senator from California expressed great disappointment that the President of the United States has not kept all promises which he may have made. But apparently he has full confidence in the Government of Hanoi would keep any promises or agreements which they entered into.

There is somewhat a difference, however. The President of the United States can make a promise and a politically hostile Congress can prevent his keeping that promise.

Does the Senator from California understand that or does he claim that the government of Hanoi has no opposition congress which would prevent the leaders of that government from keeping their promise?

I think it is most unusual to say we can rely upon the word of the leaders of the Hanoi government, but we cannot trust the word of a President of the United States.

Mr. ALLEN. Yes.

Mr. AIKEN. I think it is very unusual to have anyone say that or, particularly, to put it in writing, as this calls for. After they promise they will do all these things we would immediately stop all hostile action and get the heck out of there.

Mr. ALLEN. The Senator is correct.

Mr. AIKEN. But the President of the United States can promise he is going to withdraw 500,000 troops from Vietnam, and he does withdraw 500,000 troops, but his words cannot be relied upon.

I do not understand why the word of North Vietnam should be so much more reliable than the word of the President of the United States.

Mr. CRANSTON. Mr. President, will the Senator from Alabama yield so that I may reply to that statement?

Mr. ALLEN. I have no objection to yielding, but I would ask that the Senator reply on his time, because I am on limited time. Does the Senator have objection to that?

Mr. CRANSTON. I thank the Senator. My reply will be on such time as I need, and it will be brief.

I do not doubt the President's word. I do not doubt his sincerity. I do doubt his capacity to keep one promise he has made, and that was the promise he made

when he was campaigning in 1968 that he would end this war. I do not see that he has been successful in doing that.

I do not credit the word of Hanoi over the word of the President of the United States. I do not trust them to keep all agreements. Frankly, I am actually supporting the substitute amendment of the Senator from Massachusetts, which will come up as a substitute for this amendment, because in this respect it has superior language. It provides that we will not rely simply on trust. It provides that there will be a concurrent withdrawal of troops as the prisoners are released. We will not be relying on their good word; we will be relying on their act.

Mr. AIKEN. And we ought not to believe in promises being made over the next 3 months in this country by any candidate who might not be able to keep them, although the desire might be there. Nevertheless, I think there is quite a distinction on our part between taking the word of the President of the United States to do the best he can to keep his promise and taking the word of the Hanoi government.

Mr. CRANSTON. I am sure the President will do the best he can. I think his best is not good enough.

Mr. AIKEN. I think he has done the best he can. If he deserves a gold medal for anything whatsoever, it is for getting our troops out of Southeast Asia to the extent which we have accomplished so far.

Mr. CRANSTON. I would grant that the President of the United States might be given a gold medal for getting as many American troops out of Vietnam as he has. I do not suggest that he should be given the Nobel Peace Prize.

Mr. AIKEN. I notice that some people in California made that suggestion.

So in the amendment the Senator is proposing, he is not questioning the word of the President.

Mr. CRANSTON. Absolutely not.

Mr. ALLEN. Mr. President, going on with my remarks, the conditions for ending all hostilities in all of Indochina are as follows, as I read the language of the amendment by the Senator from California: It provides for a cease-fire between U.S. forces and the National Liberation Front, which is the Vietcong, indicating that the Vietcong is the chief actor in the war, rather than the Government of North Vietnam. I do not like that because I do not feel that is correct. I feel that the Government of North Vietnam directs the Vietcong, and not the other way around.

The second condition is the release of all U.S. prisoners of war held by the Government of Vietnam and forces allied with such government.

The third is an accounting for all Americans missing in action who have been held by or known to such government of such forces.

Then it provides for an accounting by the International Red Cross.

The amendment offered by the distinguished Senator from Vermont, of which I have the honor to be a cosponsor, would perfect the amendment offered by the distinguished Senator from California and make it a better amendment.

Let us see in which way that will be done. It eliminates the provision for a withdrawal from South Vietnam without precondition, and it knocks out all of the Cranston amendment starting on line 1 of page 1 down through line 11 of page 2, and it preserves in the amendment sections (2) and (3), and then the accounting by the Red Cross, but it makes the very same proposal made by the President of the United States on May 8.

The PRESIDING OFFICER. The 15 minutes of the Senator from Alabama have expired.

Mr. ALLEN. Mr. President, I yield myself 3 additional minutes, on behalf of the Senator from Mississippi.

Mr. STENNIS. Yes, Mr. President.

Mr. ALLEN. It makes the very same proposal made by the President of the United States.

Mr. President, I want to introduce at this time, and ask unanimous consent to have inserted in the RECORD, newspaper articles from the Washington Post and New York Times appearing this morning having to do with negotiations between Mr. Kissinger and representatives of North Vietnam.

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

[From the Washington Post, Aug. 2, 1972]

KISSINGER, THO MEET IN PRIVATE

(By Murrey Marder)

White House security advisor Henry A. Kissinger met privately again with Hanoi Politburo member Lo Duc Tho in Paris yesterday, pressing President Nixon's call for a cease-fire to permit withdrawal of U.S. troops and release of prisoners of war.

There was no indication if any progress was made in this second Kissinger-Tho meeting in two weeks. Their talks now appear to be part of a prolonged probing exercise on both sides while U.S. air power pounds North Vietnam and a new Communist offensive is awaited in South Vietnam.

The only roundabout comment about the issues at stake in secret diplomacy came in an expression of concern voiced in Saigon by South Vietnamese President Nguyen Van Thieu.

Thieu told a South Vietnamese military graduating class yesterday that. "A cease-fire for South Vietnam only between the Americans and North Vietnamese with the release of prisoners of war, is a great danger for South Vietnam." His comments indicated a fear that the United States may be tempted into a separate cease-fire through political pressures on President Nixon before the November election to fulfill his pledge to end American involvement in the war.

Any cease-fire must apply to "all of Indochina," Thieu said. President Nixon, on May 8, did propose an Indochina-wide cease-fire, and a release of American prisoners of war, which he said would be followed by a complete withdrawal of all American troops within four months.

But the President, last Thursday, also said the United States is not negotiating on a "take-it-or-leave-it basis," and also that "the chance for a negotiated settlement is better now than it has ever been."

Both of these presidential themes arouse apprehension in Saigon. What the United States should do, Thieu said yesterday, is to "continue to destroy all of North Vietnam's military installations and economic power" with U.S. air attacks for "six or seven months more" and then, he said, North Vietnam would be obligated to accept a total cease-fire.

That timetable would, of course extend the fighting well past the November presidential election in the United States, the period of special concern for the Saigon government.

In any event, current forecasts on all sides of the Vietnam war, in Saigon, in Hanoi and in Washington, project intensified fighting in the months ahead. Thieu predicted new Communist offensives in the Hue-Quangtri area, which U.S. officials also anticipate, plus thrusts to try to isolate Saigon.

In Hanoi yesterday, North Vietnamese Defense Minister Vo Nguyen Giap also forecast increasing Communist military activity in the South.

Giap, speaking at a Chinese embassy reception in Hanoi on the 45th anniversary of the Chinese People's Liberation Army, said, "The South Vietnam resolution is now provided with favorable conditions to push forward its offensive and win complete victory."

In attempting to avoid the "imminent collapse" of allied forces in South Vietnam, Giap said, the United States has raised its "war of destruction against North Vietnam" to "a high degree of fierceness, ruthlessly bombing and shelling many heavily populated areas and many cities including Hanoi capital and Haiphong city, deliberately destroying dikes and irrigation works, mining and blockading our ports."

The latest Kissinger-Tho meeting was the 15th announced private talk that President Nixon's national security adviser has had in Paris since 1969 with Tho, or North Vietnam's official delegation chief, Xuan Thuy, and, more usually, both of them. Thuy participated in yesterday's meeting also, said White House press secretary Ronald L. Ziegler.

That announcement was made by Ziegler at 10 a.m., while the Paris meeting was under way. But the North Vietnamese delegation in Paris made no parallel disclosure of the meeting, as it did the last time Kissinger and Tho talked, on July 19. That meeting lasted six hours.

Kissinger flew back to Washington late last night from his Paris talks. The White House said that it would not have further comment on the talks until this morning.

No claim has been made by the Nixon administration that the July 19 meeting produced any breakthrough or any specific progress.

President Nixon said on July 27 that there is "one hang-up," and that is "the demands of the enemy" for the United States "directly or indirectly to do what they cannot accomplish themselves, impose a Communist government in South Vietnam."

This, in fact, is the central issue in the war: the control of power in Saigon.

"Cease-fire is the key" to a solution, U.S. Ambassador William J. Porter said at last Thursday's session of the formal Paris peace talks. Hanoi's Xuan Thuy countered that a cease-fire can only be achieved "once both the military and political problems are settled."

The United States is attempting to separate the military from the political issue so it can withdraw its troops and obtain the release of prisoners held by North Vietnam.

The Communist side has insisted that in addition to total withdrawal, the United States must halt all support for the Thieu regime so it can be replaced by a "government of national concord" composed of the Vietcong representatives, portions of the Saigon administration, and a third segment of "progressive forces, in triangular coalition.

In a restatement of position last week, Hanoi said that what President Nixon calls his "generous terms" really "boils down to maintaining the Saigon administration and army, removing the Provisional Revolutionary Government of the Republic of South

Vietnam, and demanding that the People's Liberation Armed Forces lay down their arms."

[From the New York Times, Aug. 2, 1972]

KISSINGER MEETS PRIVATELY WITH HANOI AIDES AGAIN

(By Robert B. Semple, Jr.)

WASHINGTON, August 1.—The White House disclosed this morning that Henry A. Kissinger, President Nixon's national security adviser conferred privately today for the second time in less than two weeks with top North Vietnamese negotiators in Paris.

[In Saigon, a United States Navy spokesman reported that American planes had bombed a shipyard at Haiphong that had built and repaired shallow supply boats.]

According to Ronald L. Ziegler, the White House press secretary, Mr. Kissinger conferred during the day with Le Duc Tho, a member of the North Vietnamese Politburo, and Xuan Thuy, head of the North Vietnamese delegation to the peace talks.

Mr. Kissinger returned tonight to brief the President.

No further details on the length or substance of the conversation were provided here and both the United States and North Vietnamese delegations in Paris kept complete silence.

The meeting was Mr. Kissinger's 15th private talk with Hanoi's chief negotiators in the last two years. The most recent was on July 19, after Mr. Kissinger had flown to Paris from the summer White House in San Clemente.

In the absence of any further report from Mr. Kissinger or the White House, officials here preferred to reserve judgment on whether today's meeting had narrowed differences between the two sides. But they were not optimistic.

Publicly, they noted, both sides have recently seemed to harden their positions. There has been no indication that the North Vietnamese are willing to move toward Mr. Nixon's basic proposal for an internationally supervised cease-fire, an exchange of prisoners, and withdrawal of American troops four months after a settlement is reached.

On the contrary—at least in public—Hanoi has clung to its basic seven-point proposal, the key elements of which would involve an American withdrawal, the removal of support for President Nguyen Van Thieu, and the establishment of a three-part coalition government before a cease-fire or an exchange of prisoners.

PRINCIPAL "HANGUP"

Mr. Nixon, at a news conference last Thursday, described Hanoi's insistence on a prior political settlement as the principal "hangup" in the negotiations, and said that he could not accede to any plan that would "impose a Communist government on South Vietnam."

This obstacle would also seem to threaten not only the achievement of a larger settlement but Mr. Nixon's hope of providing the voters with tangible evidence of diplomatic progress before the November election.

Some White House aides have been saying privately that, at a minimum, Mr. Nixon ought to obtain a cease-fire by November. But such an interim agreement would require a change in Hanoi's demands for a political settlement before a cease-fire and—despite a few hopeful hints—most officials here do not think the Communists are now prepared to make such a change.

NIXON IS HOPEFUL

At the same time, however, Mr. Nixon insisted that the chances for a peaceful settlement were better than ever and implored his critics in the Democratic party and on Capitol Hill to give him three months, unobstructed by competing proposals, to achieve a bargain.

He was particularly critical of various end-the-war resolutions that would, in effect, extract a prisoner exchange but not a cease-fire in return for withdrawal of American troops by a certain date.

Mr. Nixon said he thought the chances were better now because the enemy was suffering under heavy and continuous American bombing and was hurt on the battlefield. Other analysts here have derived hope from reports that North Vietnam's rice supply has dwindled badly and from hints in Paris that Hanoi might be willing to drop its insistence on the removal of Mr. Thieu as part of an initial settlement.

These hints gave rise to expectations here that the North Vietnamese might be prepared—as is Mr. Nixon—to work out a political solution after, and not before, an end to the fighting.

But these are frail reeds on which to base hopes for a major breakthrough, most analysts here acknowledge. Moreover, it is conceded among diplomats that Hanoi will be in no hurry to change its terms appreciably until it has a clearer picture of the outcome of the American election in November.

Hanoi has made no secret of its preference for the Democratic candidate, Senator George McGovern of South Dakota. Mr. McGovern has offered to end the bombing on Inauguration Day, withdraw all troops within three months and end support of the Saigon regime. He has said that the North Vietnamese would inevitably release American prisoners of war after these two steps were carried out, even though his plan does not meet Hanoi's demand for the creation of a coalition government acceptable to the Communists.

Mr. ALLEN. Mr. President, the articles call attention to the fact that Mr. Kissinger has been pressing President Nixon's call for a cease-fire to permit withdrawal of U.S. troops and release of prisoners of war. That simply is the plan or the offer of the President of the United States. This is inserted at the start of the Cranston amendment:

SEC. . Notwithstanding any provision of this or any other Act, a complete withdrawal of all American forces from Vietnam shall be accomplished at a time certain not later than four months following:

(1) the establishment of an internationally supervised cease-fire throughout Indochina, and.

That is differentiated from the Cranston amendment, which would call for a cease-fire between the United States and the Vietcong and forces allied with them.

Mr. President, how could we have a split cease-fire? How is a rocket sent by the North Vietnamese in the direction of a village containing South Vietnamese soldiers and American soldiers going to pick out whom to hit? How is it going to decide to hit an American or a South Vietnamese, because under the Cranston amendment the war will continue, with no cease-fire between North Vietnam and South Vietnam? The Aiken amendment provides for a cease-fire throughout all of Indochina, and then takes the remainder of the Cranston amendment, starting with subparagraph 2 on page 2, going on down through the remainder of his amendment.

So, it would not provide, as the Cranston amendment does, for withdrawal by October 1 of all American troops from South Vietnam without precondition. It says there shall first be a cease-fire. The Cranston amendment does not say that. Are our troops going to fight their way out? Under the Cranston amendment, they would have to. There is no precondition, no cease-fire, no return of prisoners provided for.

The proposal of the President of the United States provides for a cease-fire throughout all of Indochina and a return of American prisoners of war.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ALLEN. I yield myself 3 additional minutes.

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

Mr. ALLEN. And an accounting for our mission in action.

That is what the Aiken amendment does, and for those reasons I support it.

I think that the United States and the Government of the United States should talk with one voice in these critical times. We should not be talking with 100 voices of 100 Members of the Senate.

Last week when this matter was under discussion in the Senate we had an amendment by the distinguished Senator from Montana (Mr. MANSFIELD) setting October 1st as the pullout date. We had an amendment by the distinguished Senator from Nevada (Mr. CANNON) that would have left in, I believe, the August 15 date provided in the substitute. Then later we had an amendment by the distinguished Senator from California (Mr. CRANSTON), and Mr. CANNON, and Mr. HUMPHREY, providing something else. Then an amendment by the Senator from Kentucky (Mr. COOPER) providing for a pullout without precondition. Then an amendment by the Senator from Massachusetts (Mr. BROOKE) providing for a pullout over a 4-year period and the release of prisoners of war over that 4-year period.

The United States was talking with seven or eight different voices. How many voices does North Vietnam talk with? They talk with just one voice.

If they get the notion that the United States and the Members of the Senate talk with seven or eight different voices, and have seven or eight different plans, they are never going to come to an agreement. But if we stand foursquare behind the President's proposal as represented in the Aiken amendment—and that will be the first vote to come up; it may be several hours off, but it will be the first vote—we shall say to the negotiators in Paris that we back the President's plan, that we back a nonpartisan and nonpolitical approach, that we stand behind him and we support him.

If by agreeing to the Aiken amendment we endorse the President's proposal, it will strengthen his hand. It will strengthen the hand of Dr. Kissinger in his secret meetings with the North Vietnamese. I hope that it will be received and accepted by the Senate in lieu of the Cranston amendment, and that it will then be received and accepted further through a defeat of the Brooke substitute, which will be voted on second.

Mr. President, I condemn the Cranston amendment as impractical. I condemn it as not supporting the President at this critical time.

The PRESIDING OFFICER. The Senator's 1 additional minute has expired.

Mr. ALLEN. I condemn it as being one of many voices, many separate plans, when the U.S. Senate ought to be speaking with one voice.

I yield back the remainder of my time, if I have any left.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STENNIS. Mr. President, I yield 15 minutes, or so much thereof as he may use, to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from California (Mr. CRANSTON) should be defeated soundly.

This amendment sharply undercuts delicate negotiations currently being carried out by President Nixon. If passed, it would liquidate the President's present position at the Paris peace talks and in my opinion would lengthen U.S. involvement in the Vietnam war.

This amendment would set a formal and fixed deadline of October 1, 1972, for the deployment of U.S. Armed Forces in South Vietnam. That date is less than 2 months away.

This amendment would also terminate the deployment of U.S. forces and the conduct of combat or support operations by U.S. forces in South Vietnam effective October 1, 1972.

It also provides for a prohibition against the expenditure of funds to support such a force after October 1, 1972.

Amendment 1349 also stipulates that the use of U.S. military forces for the purpose of maintaining, supporting or engaging in hostilities in or over Indochina shall terminate after an agreement has been reached for a verified ceasefire, the release of U.S. prisoners, and an accounting of all U.S. missing in action. This latter accounting would have to be verified by the International Red Cross or some other international body mutually agreed to by the United States and the North Vietnamese Communists.

Mr. President, taking this amendment as a whole, it appears that the Senate is being asked to negotiate through congressional mandate a solution to the Vietnam war which has defied the intensive efforts of our last two Presidents.

Of course the Senate is anxious for peace to be restored to Vietnam and for a total return of all U.S. forces. But it takes two to negotiate. I repeat, it takes two to negotiate, and the North Vietnamese Communists have never seriously negotiated although peace talks were initiated by President Johnson way back in 1968.

It appears that President Nixon has made some progress in the past 6 months. His visits to Moscow and Peking have apparently improved our negotiating position. Hopes for some success are perhaps at the highest level since the talks began. However, if the Senate starts jumping into the negotiating picture with amendments such as this one all the careful work of the President will be laid to waste.

The Senate should further bear in mind that although President Nixon has been negotiating since he came to office he has not depended on these efforts alone to reduce our involvement in Indochina.

In 1968, American troops in Vietnam reached a level of 549,000. During this month our ground troop level there will be reduced to 39,000 American military personnel. The President has succeeded in removing more than one-half million men from Vietnam. In addition, the United States is now spending less than one-third of that amount expended in the 1968 budget for our Vietnam effort.

Mr. President, it is also noteworthy that no draftees are currently being sent to Vietnam, and draft calls for 1972 have averaged less than 5,000 men a month. It is indeed 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 negotiating work and the extremely effective Vietnamization program.

Mr. President, Vietnamization is not something you can turn on and off like a spigot. This program has gained momentum and is working. The South Vietnamese, with our help, are rapidly improving their armed forces. Their readiness to successfully defend themselves without U.S. support cannot be made to coincide with a predetermined and arbitrary timetable. Achievement of this goal will certainly come soon but we cannot legislate it to be accomplished on October 1, 1972.

Our efforts in Vietnamization have reaped their harvest in that the South Vietnamese have thwarted the massive invasion by the North Vietnamese through the DMZ. With a small number of U.S. men on the ground this program can easily be guided to total success.

Further, Mr. President, the administration must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide materiel and maintenance support through a military advisory mission of some sort.

In all of these matters the will of the Congress has been clear. The Congress desires an early withdrawal of U.S. forces but in a way as not to jeopardize the chances of our allies to repel the Communists' assaults which shall surely follow our exit.

Also, we must be in the strongest negotiating position possible until our prisoners and missing in action are returned and accounted for by a reputable international agency. This issue is of paramount importance.

In conclusion, Mr. President, the amendment boils down to another attempt to bring the Senate into the negotiating action. Rather than pass amendment No. 1349 the Senate should be considering an amendment to support the President in his present position. Such an action would bring the result we all desire much faster than amendments such as the present one.

I urge my colleagues to reject this amendment and proceed with legislating on this bill rather than trying to negotiate in Paris.

Mr. President, for a number of months we have had discussions of this matter; we have had amendments offered here. It is my judgment that these discussions about withdrawing from Vietnam and Congress setting a date to withdraw—and matters of that kind—have merely tended to lengthen this war. If the Communists know that we are there to wind up this war, that we are there to get our prisoners of war back, that we are there until we get a cease-fire, then, in my judgment, the war will end. But so long as we have attempts such as this by the Congress of the United States to fix a definite date, that is exactly what Hanoi wants.

I take the position that amendments of this kind have extended the war and consequently have been detrimental to the best interests of the United States.

Why not give President Nixon a little longer on this matter? He has withdrawn 510,000 men from Vietnam. The fighting forces are back. Only 39,000, mostly support personnel, are left there. He is doing everything he can to bring the war not just to a close but to an honorable close; and if we do not achieve an honorable close, we will have another war. He is trying to bring this war to an end in such a manner that we will not be forced into another war in the next few years.

The kind of amendment offered here today, just to withdraw, in my judgment will encourage the Communists to continue fighting there. The North Vietnamese are hoping that Congress will enact such an amendment and that then we will have to withdraw, and they can then step in and take over.

When President Nixon went into office, we had about 550,000 fighting men in Vietnam. The South Vietnamese had not been given modern weapons and equipment. They had not been given proper training. The American men were doing the fighting. I congratulate our President on taking the position that this is South Vietnam's war, that it is mostly their responsibility, and that we should let the South Vietnamese fight this war themselves. Yes, we will give them the equipment and we will train them, but let them do the fighting. That is what President Nixon has tried to do. He has tried to handle this war in a way that will save American lives and yet wind it up in an honorable way that will not bring on another war. But when amendments such as this come before the Senate—and they have been coming before the Senate now for a good while—they merely extend this war.

I repeat: Amendments of this kind are extending this war and delaying a final showdown that would bring peace over there—and would bring an honorable peace.

Mr. President, I hope the amendment will be rejected, and I hope that we can give the President time to continue his negotiations to wind up this war in a

way so that we will not have another war started soon.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield.

Mr. CRANSTON. The Senator and other opponents of my amendment praise the President for reducing the number of ground troops in South Vietnam. I do not quite understand why they then criticize this amendment, which, in effect, would bring about a further reduction.

Mr. THURMOND. For the simple reason that the President is negotiating to try to bring this war to a close in an honorable manner; and if this amendment is adopted and he is forced to withdraw pronto, it will not be brought to a close in an honorable manner, and I predict that another war will result further.

Mr. CRANSTON. The Senator said we should give the President more time. Four years ago, the President said he had a plan to end the war. How much time does the Senator feel we should give the President?

Mr. THURMOND. I think President Nixon would have ended this war before now if amendments such as this and the debate along this line had not taken place in this Congress.

Mr. CRANSTON. Nonetheless, how much more time should the President have?

Mr. THURMOND. A reasonable time to wind up this war in an honorable manner. But when amendments such as this are offered, Hanoi hopes that Congress will adopt proposals like this and force us out, so that they can come back and take over. President Nixon is not going to permit that, and I do not believe this Senate and this Congress are going to permit it.

Mr. CRANSTON. Let me ask the Senator this: Just to imagine a hypothetical situation, suppose that President Nixon is reelected this November. I do not say he will be or will not be, but let us suppose he is. Suppose that at this time next year the war is still going on. Would the Senator still say we must give President Nixon more time?

Mr. THURMOND. In my judgment, if Congress does not take some steps to tie the hands of the President in the negotiations he has carried on, the war will come to an end. It may not come to an end before this election, because the Democratic candidate has said he would tuck tail and run; he would disgrace America. I say to the Senator from California that I hope to God that a man running on that platform will not be elected.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. I yield myself such time as I may require.

There have been many years of this war without amendments such as this. The war went on and on before those of us responding to our consciences and to the concern of the country decided that Congress should exercise its constitutional responsibility to seek an end to this war. I make the point that the war went on and on for a long time, with America deeply involved, before debates such as this and before amendments such as this. The President still was unable to bring this war to a conclusion.

The Senator referred to this amendment as delaying "a final showdown." What does the Senator mean by that phrase?

Mr. THURMOND. I mean that amendments such as this are encouraging Hanoi to hold out. If Congress will back up our President in his position, Hanoi will have to give up. They know they cannot win. Yet, they are going to hold out because of amendments such as this and discussions on the part of some people in this country that are lending them hope. They are just hoping that such an amendment as this will be adopted. They are hoping that the Democratic candidate for President will be elected in November.

They are hoping that something will happen so that they can go back in. As soon as they are convinced that we are firm in our position, that we are backing up the President, this war will end.

Mr. CRANSTON. What is the evidence of that? The Vietnamese and the Vietcong have been fighting for more than 25 years. There never has been a sign that they were willing to give up. The French found that out. I see no signs at the present time that negotiations are on the verge of success. I hope they are. I share the hope of the country, the hope of the Senator from South Carolina, and the hope of the President, that negotiations are about to succeed. But what shred of evidence is there that they are about to succeed?

Mr. THURMOND. Well, Dr. Kissinger has been going back and forth working on this matter for some time. Our President is working on it. In my judgment, as I stated, the war would have ended before now if Hanoi had not been given hope. Yes, Hanoi has been fighting for a long time but, after all, let us go back a little bit. Where is the war being fought? In North Vietnam or in South Vietnam? In South Vietnam.

Where did the soldiers come from? They came down from North Vietnam into South Vietnam. If the North Vietnamese soldiers would go back to their own country and stay there, the war would end. This is an aggression by the North Vietnamese against the South Vietnamese. This is not just a civil war. They are different countries now. There are boundaries there just as in North Carolina and South Carolina, and in North Dakota and South Dakota.

When soldiers come down from North Vietnam and cross the DMZ into South Vietnam they are taking the war south.

This war can end tomorrow if North Vietnam would keep its soldiers within its own country, within its own boundaries. The war would end because there would be no fighting on either side. President Nixon is doing all he can. I am proud that he has been bombing as he has, because that is what should have been done years ago and this war could have been wound up in 60 days from the time it began, if our former Presidents had bombed as President Nixon is bombing now, because we have lost 50,000 men over there with 300,000 wounded and all of that could have been avoided, largely, if firm, aggressive action had been taken to nip the war in the bud when it first began.

Mr. CRANSTON. The Senator from South Carolina did not answer the question of the Senator from California. What shred of evidence is there that we are on the verge of any successful negotiation with the other side?

Mr. THURMOND. I am not saying successful negotiations are imminent. I am simply saying that if we back up President Nixon, the North Vietnamese will be convinced that the war will end, and they will be reasonable at the negotiating table. But as long as amendments are offered on the floor of the Senate like this, North Vietnam will feel that there is still some hope and they will hold out a little while longer. They have been doing that.

If only Members of the Senate will let the President be the President and let him handle the war and not try to fix dates and tell him how to fight the war. The President is doing more to bring this war to an end than any other President did before. He is doing more now than many of the people who are offering these amendments. Let us give the President a chance to do it. Let us back him up. He is the spokesman for America. The American people selected him to be their President. He speaks for all America. We cannot have half a dozen or a dozen different voices speaking for America all at the same time.

Let us have one voice. Let that voice be the voice of the President of the United States. He speaks firmly, strongly, and in the best interests of the country.

Mr. CRANSTON. The Constitution specifically gave Congress the power to declare war, to appropriate funds for a war, or to refuse to appropriate funds for a war under whatever circumstances they might deem to be appropriate. If the voice of the Senate speaks, and if the House joins the Senate, then Congress chooses to take action. In acting on the war, Congress would represent the desire of the country for peace and join the President in the search for peace which, despite his very fine intentions, has thus far eluded him.

The Senator from South Carolina has indicated that it takes two to negotiate. Apparently, it takes "Thieu" to negotiate. I say this because the President's policy, and the Aiken perfecting amendment about to be brought up, involves the dictator of South Vietnam in the negotiating process. In effect, this involvement gives the dictator of South Vietnam a veto over President Nixon's efforts to negotiate.

How long should we give a dictator in another land, or even a legitimately elected president in another land, veto power which in effect will determine how long Americans will fight overseas?

All Thieu has to do is to fail to negotiate a cease-fire throughout Indochina and, under present policy, or under the Aiken amendment, we are doomed to go on and on and on fighting there.

Mr. THURMOND. In reply, I would say that President Thieu has agreed to

the proposals of President Nixon. Those terms are generous. President Nixon has said that we will withdraw 4 months after a cease-fire, provided we get our prisoners of war and missing in action back. Those are generous terms. Would the Senator want to withdraw before we get our prisoners back? Would the Senator want to leave our prisoners over there, the men who went there to fight for his freedom as well as mine?

Speaking as dictators, the people of South Vietnam elected President Thieu as President. I want to ask the Senator, where is the greatest dictatorship, in North Vietnam or South Vietnam? The Senator knows full well that dictatorships in Communist countries are prevalent everywhere. He knows full well that elections in Russia are a mere farce. He knows full well that elections in Red China are a mere farce. He knows full well that elections in North Vietnam are a mere farce.

In South Vietnam, the people elected their President. So South Vietnam does have more freedom than the people of North Vietnam.

I am surprised that the Senator would refer to dictatorships, when the Communist countries are known to be the worst in history—the real dictators.

Mr. CRANSTON. Certainly there is a dictatorship in North Vietnam. I am not at all convinced that it is the worst in history. I think the worst in history was Adolf Hitler's dictatorship in Germany. But there is also a dictatorship in South Vietnam.

Yes, they had an election in South Vietnam, with no other candidate, with other would-be candidates thrown in jail. What kind of democracy is that?

Mr. THURMOND. People had a right to run if they wanted to. Members of the United States were over there observing the election, and they came back and made a report and said that the elections were fair and just.

Mr. CRANSTON. What they had the right to do was to run for their lives. If they could not escape, they were thrown into prison when they stood in opposition to the policies of the dictator of South Vietnam.

Mr. THURMOND. South Vietnam is on our side. We are on their side. We are fighting together. Why does the Senator defend North Vietnam against the American side?

Mr. CRANSTON. What have I said in support of North Vietnam or in defense of North Vietnam?

Mr. THURMOND. Well, the very argument the Senator is making about dictatorships——

Mr. CRANSTON. I just said that the Government of North Vietnam is a dictatorship. I grant that. I would say also that we have a dictatorship in our so-called ally in South Vietnam.

Mr. THURMOND. Why not take up for the countries fighting on our side?

Mr. CRANSTON. The basic point that the two of us were seeking to examine, I think, was whether it is wise to tie a cease-fire to the whims of the President of South Vietnam, who the Senator feels is a fine representative of democracy, but who I feel is a dictator. Whatever he may be, he is the president of a foreign land, and a cease-fire which has to involve him before we get out means he has the final say over whether we keep on fighting. I think the representatives elected by the people of the United States, the President, and the Congress, should make that decision, and not yield it to someone in Saigon.

Mr. THURMOND. I deny that. Mr. Thieu will not say when America quits. Our country will say so. President Nixon has laid down the terms. President Thieu did not lay down the terms. President Nixon laid down the terms. He says that we will get out 4 months after we get our prisoners of war and missing in action back and after there is a cease-fire.

Mr. CRANSTON. That is exactly the point. We have to find means whereby Hanoi has to agree and Saigon has to agree, whether we like the terms or not. If President Thieu does not like the terms, or the dictator in the north does not like the terms, there is no general cease-fire and we go on fighting. The amendments offered today provide that only we and the other side will consent to a cease-fire and work out an agreement to get our prisoners of war back. Then we get out and get the prisoners back at the same time.

Mr. THURMOND. I would take a completely adverse position from that, because President Thieu will not make that decision. President Nixon will make that decision.

President Nixon will decide when the cease-fire takes place and when we have our prisoners of war back. What could Mr. Thieu do without our country's support? What could Mr. Thieu do without the backing of President Nixon? Mr. Nixon is going to make this decision. He will not follow Mr. Thieu. Mr. Thieu has to follow Mr. Nixon.

Mr. CRANSTON. Mr. President, is the Senator saying that Mr. Nixon will dictate to the leader of Saigon exactly when he has to agree to the cease-fire? There is no evidence that he has that power.

The Senator from South Carolina says that it is time for the South Vietnamese to carry on their own war. I agree. Perhaps Mr. Thieu does not agree. Perhaps he wishes us to continue protecting them.

Mr. THURMOND. Mr. President, when Mr. Nixon says that we have our prisoners of war and those missing in action back and when he says that we have a cease-fire, Mr. Thieu would have to agree, because he could not carry on the war without the equipment and the American soldiers and the help that this country has given him.

Mr. CRANSTON. Mr. President, President Thieu has not thus far indicated that he is that compliant with the wishes of the President of the United States.

Mr. THURMOND. Mr. President, even on the holidays when we had a cease-fire, the Communists violated the cease-fire. When Mr. Johnson was President and tried to show some consideration because they induced him to stop the bombing then, that was a great mistake. At that time the Communists did not live up to their word. The history of the Communists will show that they do not live up to their word. I do not trust them as far as I can see them.

Mr. CRANSTON. Just this morning, according to a news dispatch from Saigon published in the Washington Post, President Thieu warned, "A cease-fire for South Vietnam only between the Americans and the North Vietnamese with the release of prisoners of war is a great danger for South Vietnam."

That indicates that he may have quite a different feeling about a cease-fire. He may not be willing to go along with what may happen to be the thinking of America to be in the best interests of our country.

Mr. THURMOND. Mr. President, Mr. Thieu may have whatever feelings he wants to have. However, when Mr. Nixon says that we shall have a cease-fire, because we have the prisoners of war and those missing in action back and we will therefore get out, that is what Mr. Nixon says he will do, and that is what Mr. Nixon will do.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia; and

H.R. 15475. An act to provide for the establishment of a National Advisory Commission to determine the most effective means of finding the cause of and cures and treatment for multiple sclerosis.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 2227. An act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library;

S. 2684. An act to amend section 509 of the Merchant Marine Act, 1936, as amended;

S. 3463. An act to amend section 906, of title 44, United States Code, to provide copies of the daily and semimonthly CONGRESSIONAL RECORD to libraries of certain U.S. courts;

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Con-

federated Tribes of the Warm Springs Reservation of Oregon;

H.R. 11350. An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization; and

H.R. 15635. An act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 15475) to provide for the establishment of a National Advisory Commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis, was read twice by its title and referred to the Committee on Labor and Public Welfare.

MESSAGES FROM THE PRESIDENT

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

The message from the President is as follows:

To the Congress of the United States:

Tropical Storm Agnes caused the most widespread destruction and devastation of any natural disaster in the history of the United States. On July 17, 1972, I sent to the Congress a proposal authorizing special disaster recovery measures which would aid victims of Agnes and also of the flood in Rapid City, South Dakota during June 1972.

As I stated in my transmittal message, the need for prompt enactment of these aid proposals, aimed at short and long-term recovery, is extreme and urgent. I asked the Congress then to consider and enact them within seven days. Sixteen days have passed without final Congressional action on the Disaster Recovery Act of 1972. I again urge the Congress to act immediately, because the victims of these disasters desperately need the help these measures would provide. And they need it now.

Today, I am transmitting an amendment which would make private, non-profit educational institutions eligible for disaster relief grants under the Act. I urge that the Congress consider and enact promptly this amendment, which would authorize reconstruction relief for these institutions comparable to the disaster reconstruction relief already available to public educational institutions.

The Office of Emergency Preparedness estimates that property loss and damage at private non-profit educational institutions in the storm affected areas has exceeded $19 million. Many of these institutions have undergone damage so extensive that they would be unable to rebuild facilities or reopen without extraordinary assistance. For example, at one alone, Wilkes College in Wilkes-Barre, Pennsylvania, which is not a large or wealthy institution, the storm caused havoc and destruction estimated at several millions of dollars.

The proposal I am transmitting today would provide financial assistance to restore, reconstruct or replace disaster-damaged education facilities, supplies and equipment used primarily for non-sectarian educational purposes. I believe this temporary authority is required if we are to meet our public responsibilities equitably and in a just manner.

Again, I cannot stress too strongly that it is essential that the Congress immediately enact the pending disaster relief legislation I have proposed. It is imperative that this massive recovery program begin at once. Millions of Americans—individual homeowners, farmers and city dwellers, small businessmen—are struggling to rebuild their lives in the wake of these natural disasters. They need their Government's help. And they need it now.

RICHARD NIXON.

THE WHITE HOUSE, *August 2, 1972.*

REFERRAL OF MESSAGE FROM THE PRESIDENT

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a message from the President of the United States on Tropical Storm Agnes received today be referred jointly to the same committees to which a previous message on the same subject was referred; namely, the Committee on Public Works; the Committee on Banking, Housing and Urban Affairs; and the Committee on Agriculture and Forestry.

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GRAVEL) 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.)

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of 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.

Mr. CRANSTON. Mr. President, I yield such time as may be needed to the distinguished Senator from Iowa (Mr. HUGHES), whom I will replace in the chair.

(Mr. CRANSTON assumed the chair as Presiding Officer.)

Mr. HUGHES. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGHES. 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. HUGHES. Mr. President, I rise today in support of the amendment of the Senator from California. I rise again, as I have so many times before in the last 3½ years that I have been a Member of this body, in support of a move constitutionally based on the Senate's power and right to declare war and to supply the funds to support armies at war or during peacetime, almost unbelieving that so much time has passed since this debate began.

Some of us have been deeply torn by the fact that within our own party many years ago we had to part courses from a President that we dearly loved, a President with legislative prowess and with expressed concerns for peace for this country, who espoused great programs which were jointly brought into being through Congress, who has all but been forgotten because of one failure—a failure to bring an end to a conflict that not only has torn Southeast Asia apart, but also has torn apart this country.

I find myself today in a position of having agreed to time limitations on an amendment, when everything from the very center of my being cries out that we should have filibustered against the passage of this bill until a determination was made once and for all to end this war.

I find myself again listening to the rafters ring as men whom I honor and respect cry out for the blood of our enemies, and say that the only way for justice to prevail is through death, destruction, bombing, and destroying. They seem to believe that little children and civilians, peaceful people, the dying and the aged, are of no concern and of no conscience to the people of this country. I cannot believe that nor can I much longer tolerate it.

The expressed will of these people time and time again has cried out in agony from the very center of their being, saying, "Bring it to an end; do not let it go on."

Yet we fail and we say the same things over and over again: Give the President a little more time; let him negotiate; let him bomb; let him destroy; let him bring them to their knees.

Ten years have passed. Our President has long since gone of his own volition, and we have a new President who 4 years ago said to the American people:

> I have a plan to bring this war to an end. The people of America deserve a new President to make new decisions.

Since that time 22,000 American men have died in combat and other thousands have died for other reasons. There have been hundreds of thousands of civilian casualties, deaths on both sides of the

borders, an invasion of Cambodia, an invasion of Laos, incessant bombing of the north, armies fighting without our knowledge or authorization, paid by the CIA.

How much longer can our consciences cry out, not for truth from our enemies, but for truth from our leadership in our country? How much longer must we consent to time agreements of 4 hours to debate an issue that has brought death to hundreds of thousands of people on the face of this earth?

How much longer must we be asked, in the interest of ending a session of Congress, to sacrifice our right, as Senators, to continue to try to bring this war to an end, if we feel it right to do so, or at least to exhaust every means we have?

We have coaxed, we have tried, and we have appealed. I do not speak in anger toward any Member of this body because of his personal feelings. I speak in anguish from the bottom of my heart and from the bottom of my soul at what this country has done in the name of justice and continues to perpetrate in the name of peace. How long can it go on and how long will the people tolerate it? It seems almost forever.

Since President Nixon came into office more days have passed than from the bombing of Pearl Harbor, the beginning of the buildup of our forces, the conquest of the Continent of Europe, the devastation of Hitler and to the day when peace was signed with those countries involved. Yet we are still at war with a little nation in Southeast Asia. And we were promised a settlement and justice.

Now, they say, "Give us time." They say, "You are aiding and abetting the enemy. You dare to cry out for the right to exercise your constitutional right as a Member of the Senate representing the people of your State."

I say that unless I dare to cry out in that regard, then I have ceased to represent the people of my State and the people of this country. I have not only the right but also the will to use whatever means and devices the forefathers of this country gave in the separation of powers in the constitutional structure of this country to see that civilian control of our military force to exercise justice in the world is derived from the feelings of the hearts and the consciences of the people and not from the heart of the military superpowers who know nothing but to be trained to fight wars.

I do not fault them. They have their purpose in being able to fight, to win, to conquer. But they are the servants of the will of the people of this country, not the rulers of it. Too long has it been the other way around.

The fact is, however, that a real bloodbath has been going on while we have been debating a hypothetical one. By the President's own admission, there have been 600,000 civilian casualties in South Vietnam since 1965. Official statistics now show more than 1 million combat deaths on all sides. In the past 3 months alone, there have been 45,000 additional civilian casualties, according to the President.

With this evidence and with the evidence of our environmental warfare, there can be no doubt now that we have been destroying Vietnam allegedly in order to save it.

How much longer can this continue? We cannot end this war by ourselves, of course; but we can end our contribution to the slaughter. We can halt our massive bombing, and we can bring all of our troops and prisoners home safely.

We have been preaching to the American people about changing the face of this war, and we have been moving forces into Thailand and into the South China Sea and wreaking destruction in the process. Is that bringing the war to an end? It is not bringing the war to an end.

The debate over what kind of government there is in South Vietnam as opposed to what kind of government there is in North Vietnam is interesting. It is interesting to see that Members of this body have no reluctance at all to vote in some instances for military support for dictatorships, but in other instances to condemn them, damn them, and to bomb them. It is curious to me that in some instances men talk as if there is no lid on the amounts of supplies or business we can do with Communist nations, and then on the other hand turn around and say, "I would not trust one as far as I can see them."

It is very interesting to note the policies of this country change so decidedly and favorably in a desire to live compatibly and peacefully on the face of this earth, and then have men stand on the flood in this body and condemn those of us who say there is another and a better way to do it.

The statement was made that the Democratic nominee would tuck tail, turn, and run if he won the election. I refute that as false and absolutely as hogwash. The nominee of our party, as a bomber pilot, served this country in one of the most devastating wars of this or any other age, and has proven his personal courage, ability, and dedication beyond question or doubt. To make such an implication on this floor is, I think, wrong, and an injustice not only to him but to the country.

I might add also no one here is imputing motives to anyone for the reasons they feel as they do. All I would ask is that those of us who believe differently from the others have the same right to express our will without being insulted in the process of doing it. We feel we are right, and I know that history will prove we are right.

My God, I can almost imagine, standing here today, that 4 years from now we will still be debating this question about what we ought to do and how we should do it. I am tired of seeing pictures of little girls running naked with their clothes burned off them. I am tired of seeing pictures of hospitals filled with maimed children and adults. I am tired of total cities and villages being destroyed. I am tired of moving populations from rural areas into the cities. I am tired of buildings being destroyed, rather than buildings being constructed.

In the name of justice, it is time—so long past time—that we examined this question, if at all possible, without the tenor of emotion that we have heard displayed, or without the tenor of the emotion I have displayed myself. But this anguish has torn this country too long. If there is any Member of this body who doubts the division remaining in this country simply because people are not marching in the streets any longer, he is wrong. Their hearts ache and their and their souls cry out and they would like to be pacified, as this injustice continues.

Causes we believed in, whatever they were in the beginning, no longer exist. The reasons why we are there, no matter what they were in the beginning, are no longer the same. As a great, distinguished U.S. Senator, the late Robert Kennedy, once said:

> The danger of this war is that we will become just as our enemy is.

Look at the history. We accuse the enemy of bombing innocent civilians. We accuse the enemy of assassination and we developed the Phoenix program of assassination and destruction. We accuse them of invasion, and they are guilty, and yet we invade ourselves, country after country. We accuse them for torturing the citizens of the countryside, and they have, and yet we have tortured these same citizens of the countryside.

Have we become that which we fight? I think any introspection would cause one to realize that we have.

Mr. President, I think this vote today is a critical vote. We are all tired. We are tired of the same question in a little different way. We know the President is tired and the President wants peace. God knows, we do not want to thwart him in wanting peace and seeking it. But too long have we stayed hitched in the same direction without trying a different means. The hour has come for this body to exercise its full right to answer the call for justice in this country, to adopt this amendment, so, with some finality, we and the people of our country might feel that at some foreseeable time in the future this death and destruction can be brought to an end.

The question of war is a question of how one looks at it and how he describes it. No man or woman in this body would abandon those who are prisoners of war or who may be missing in action and yet living. No man or woman wants to do anything in the exercise of that power not to see that they are returned to their loved ones as rapidly and as conveniently as possible. There is no man or woman in this body who does not want peace. We differ in the methods that we should follow.

I guess what I am saying, Mr. President, is that too long have we followed the other course. Let us try at long last to end not only the division in Asia, but the division in our own country, and the division in this body, that has separated friends, fathers and sons, brothers and sisters, in a way that no other conflict except the Civil War has ever done. Mr. President, we have that opportunity before us today, and it behooves us, those who feel the least inclined to do it, to bring it about by supporting this amendment.

Mr. President, in order to relieve the

Chair, I suggest the absence of a quorum and ask that the time for it be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. HUGHES assumed the chair as Presiding Officer.)

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

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

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from California yield me 3 minutes?

Mr. CRANSTON. Certainly.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 946, 948, and 949, all of which have been cleared on the other side, in that order.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, and I do not expect to object, will the Senator indicate what time that might take, because at the present rate we are already running beyond 6 o'clock.

Mr. ROBERT C. BYRD. Less than 3 minutes.

Mr. STENNIS. All right; I do not object.

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

LANDS IN TRUST FOR CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

The Senate proceeded to consider the bill (S. 2969) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 3, after the word "the", to insert "Federal"; and, on page 3, at the beginning of line 24, strike out "(c) That portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip shall be managed by the Confederated Tribes and shall be open in perpetuity to public use on the same basis and under the same circumstances as adjacent segments administered by the United States Forest Service." and insert "(c) For that portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip, the Secretary of Agriculture shall retain a right-of-way of not to exceed 200 feet in width for continued administration by the Secretary as the Pacific Crest Trail in accord with the provisions of the National Trails System Act (82 Stat. 919, 16 U.S.C. 1241–48).".; 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 title to the Federal lands, together with all improvements thereon, known as the McQuinn Strip, is declared to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon, and a part of the Warm Springs Reservation of Oregon, and such lands are excluded from the Mount Hood and Willamette National Forests. The Secretary of the Interior shall administer such lands in accordance with, and for the purpose of, this Act.

SEC. 2. As used in this Act, the term "McQuinn Strip" means the approximately 61,360 acres of federally owned lands which are within the following described area:

An area bounded by a line beginning at a point in the middle of the channel of the Deschutes River, established as the initial point of the Handley Survey of 1871; thence in a direct line northwestwardly to the seven-and-one-half-mile post of the McQuinn Survey of 1887; thence continuing northwestwardly along the line of the McQuinn Survey to the thirty-mile post thereof at Little Dark Butte in the Cascade Mountains; thence following the McQuinn Survey southwestwardly in a direct line to the summit of Mount Jefferson; thence northeastwardly in a direct line to the western terminus of the northern boundary of the Warm Springs Indian Reservation as established by the Act of June 6, 1894 (28 Stat. 86); thence along said northern boundary to the place of beginning.

excluding any lands which are within the exterior boundaries of the Mount Jefferson Wilderness Area.

SEC. 3. The distributive shares of the respective counties of receipts from the national forests from which the lands described in section 2 of this Act are excluded, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended, shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 4. The declaration of trust made by this Act shall be subject to the following provisions:

(a) Commercial timber from lands described in section 2 shall continue to be sold by public oral auction with qualifying sealed bids until January 1, 1992, such timber to be managed on a sustained yield basis, to be appraised and sold in accordance with established rules and regulations of the Secretary of Interior, and to be designated for primary manufacture in the United States. During such period until January 1, 1992, the Confederated Tribes of the Warm Springs Reservation of Oregon shall not participate in the bidding and shall not purchase or cut and remove any of the timber from the McQuinn Strip.

(b) Existing valid livestock grazing permits issued by the United States Government shall be converted to lease agreements between the Confederated Tribes of the Warm Springs Reservation of Oregon and the permittees, such leases to be on the same fee schedule, terms, and conditions as existing permits, except that the leases shall continue until January 1, 1992.

(c) For that portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip, the Secretary of Agriculture shall retain a right-of-way of not to exceed 200 feet in width for continued administration by the Secretary as the Pacific Crest Trail in accord with the provisions of the National Trails System Act (82 Stat. 919, 16 U.S.C. 1241–48).

(d) All lakes within the boundaries of the lands transferred by this Act shall be open to public fishing, with appropriate access thereto, under rules and regulations adopted by the Confederated Tribes and approved by the Secretary of Interior.

(e) The Confederated Tribes shall enter into a cooperative agreement with the Oregon State Game Commission for the enforcement of State regulations and laws affecting hunting and fishing on all lands, streams, and lakes in the McQuinn Strip for a period of ten years from the date of this Act. The cooperative agreement shall give the commission the option to extend the agreement for an additional ten-year period if, in the judgment of said commission, additional time is required for the Confederated Tribes of the Warm Springs Reservation of Oregon to develop an effective program of fish and game management on such lands. Notwithstanding the preceding provisions of this subsection, the cooperative agreement shall provide that the area known as Sunflower Flats, and described as follows:

All of the McQuinn Strip within township 5 south and township 6 south, range 11 east of the Willamette meridian, Wasco County, Oregon, lying west of the Simnasho-Wapinitia Road,

shall be managed jointly by the Confederated Tribes of the Warm Springs Reservation of Oregon and the Oregon State Game Commission until the agreement is canceled by mutual agreement, and that no hunting shall be permitted in such area without the joint agreement of both the Confederated Tribes and the Oregon State Game Commission.

(f) The United States Forest Service shall have the right to the use without charge of all fire lookout stations within the McQuinn Strip, and the improvements and the lands upon which such improvements are located at the Bear Springs Ranger Station for so long as they are needed: *Provided,* That during such use, the Forest Service shall maintain the improvements.

(g) All public campgrounds within the McQuinn Strip shall be managed and maintained by the Confederated Tribes in perpetuity for use by the public with appropriate access thereto on the same basis that other comparable campgrounds are maintained by the Forest Service.

(h) All public roads within the McQuinn Strip shall be maintained as public roads in perpetuity.

(i) The Confederated Tribes of the Warm Springs Reservation of Oregon shall place an adequate fence for the control of livestock along the north boundary of the McQuinn Strip as soon as practicable after the enactment of this Act: *Provided,* That where fee patent lands are bisected by said north line, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence along the boundary lines of such fee patent lands located within the McQuinn Strip in the event the owner of such fee patent lands shall desire to fence the same. On all fee patent lands located within the McQuinn Strip, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence around said fee patent lands provided the owner of such lands desires to fence the same.

(j) The lands subject to this Act shall be subject to the Water Right Agreement entered into on the 29th day of June 1971, recorded July 8, 1971, in the records of Wasco County, Oregon, under microfilm numbered 711138, between the Confederated Tribes of the Warm Springs Reservation of Oregon and the Juniper Flat District Improvement Company, an Oregon corporation.

SEC. 5. The Confederated Tribes of the Warm Springs Reservation of Oregon, with the approval of the Secretary of Interior, shall promulgate such rules and regulations, and shall enter into such contracts with the State of Oregon and with individuals, organizations, and agencies of the United States, as may be necessary or desirable to effectuate the provisions of this Act.

The amendments were agreed to.

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

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-999), explaining the purposes of the measure.

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

PURPOSE

S. 2969, as amended, and sponsored by Senators Hatfield and Packwood, would place in trust, for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon, the lands and improvements on approximately 60,660 acres of the 61,360 acres of federally owned national forest land comprising the area known as the "McQuinn Strip." Approximately 700 acres of the McQuinn Strip within the exterior boundaries of the Mount Jefferson Wilderness would remain part of the wilderness under jurisdiction of the Secretary of Agriculture.

The bill would make the declaration of trust it provides subject to a number of provisions. Specifically, commercial timber would continue to be sold by public oral auction until January 1, 1992. Existing livestock grazing permits would be converted to leases by the tribes, to continue until January 1, 1992. That portion of the Pacific Crest Trail within the area would be required to be open in perpetuity to public use. Lakes would be open to the public subject to rules and regulations adopted by the Confederated Tribes and approved by the Secretary of the Interior. Hunting and fishing in the area would be in accordance with a cooperative agreement with the Oregon State Game Commission for 10 years or 20 years at the discretion of the State. Public campgrounds would be managed and maintained by the Confederated Tribes in perpetuity for use by the public, and all public roads would be maintained as public roads in perpetuity. The bill authorizes the use by the Forest Service of fire lookout stations and the Bear Springs Ranger Station for as long as these are needed. The bill also contains provisions relating to distributive shares of national forest receipts, fencing of the true boundary and water rights.

BACKGROUND

The Warm Springs Reservation was created by the treaty of June 25, 1855 (12 Stat. 963), between the United States and representatives of the Confederated Tribes and bands of Indians, residing in Middle Oregon, whereby the Indians ceded all their right, title, and claim to all the country claimed by them, provided a portion of the country described should be set aside as a reservation.

The Confederated Tribes of the Warm Springs Reservation have contended for many years that the exterior boundaries of the reservation created by the 1855 treaty as surveyed and established did not encompass all of the land described in the treaty. This issue was raised almost immediately after the boundaries of the reservation had been surveyed. Because of alleged erroneous surveys, the tribes charged that a large quantity of land known as the "McQuinn Strip," was omitted from the reservation area.

Although numerous attempts were made by and on behalf of the Indians to obtain a recognition of their claims to additional lands over the years, it was not until approximately 70 years later that the U.S. Court of Claims determined that the Indians were correct in their contention. However, the court determined that the offsets exceeded the value of the omitted lands and dismissed the case.

To overcome the apparent injustice of the settlement, Congress enacted legislation in 1948 which permits the Confederated Tribes to receive the revenues derived by the U.S. Forest Service through their management of the disputed land area. The tribes maintain that the land should be made a part of the present reservation and administered as tribal lands for economic enterprises.

A hearing was held before the Subcommittee on Indian Affairs on S. 2969 on June 16. Both the Department of the Interior and Department of Agriculture recommended that consideration of this measure be deferred pending the outcome of a study of instances in which a tribe seeks land beyond the present reservation boundary.

INDIAN SELF-DETERMINATION ACT OF 1972

The Senate proceeded to consider the bill (S. 3157) to promote maximum Indian participation in the government of the Indian people by providing for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and by encouraging the development of the human resources of the Indian people, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 8, after line 7, to insert a new section, as follows:

SEC. 9. Nothing in this Act shall be construed as authorizing or requiring a tribal organization to enter into an agreement, directly or indirectly, with a non-Indian party for the construction of buildings, roads sidewalks, sewers, mains, or similar items without compliance with requirements of advertising and competitive bidding if the same would have been required if the contract had been entered into by the United States directly.

And, at the beginning of line 16, change the section number from "9" to "10"; 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 this Act may be cited as the "Indian Self-determination Act of 1972".

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds and declares that—

(1) inasmuch as all government derives its just powers from the consent of the governed, maximum Indian participation in the government of the Indian people shall be a national goal;

(2) maximum Indian participation in the government of Indian people would be enhanced by increased participation of Indians in the planning, conduct, and administration of programs and services of the Federal Government for the Indian people;

(3) the administration of such Federal programs and services is frequently not fully responsive to the needs and desires of the Indian people to whom such programs and services are provided; and

(4) increased participation of the Indian people in the planning, conduct, and administration of Federal programs and services designed to serve them will make such programs more responsive to the needs and desires of the Indian people, enhance the effectiveness of such programs, and encourage the development of essential administrative, managerial, business, and community leadership skills in the Indian people.

(b) The purpose of this Act is to promote maximum Indian participation in the government of the Indian people by—

(1) providing increased opportunities for effective and meaningful participation of the Indian people in the planning, conduct, and administration of Federal programs and services for Indians;

(2) authorizing technical and financial assistance to Indian tribes and tribal organizations to enable them to achieve such participation; and

(3) encouraging and assisting in the development of the administrative, managerial, business, and community leadership skills, and the formation of tribal organizations necessary to assure effective participation of the Indian people in Federal programs and services.

DEFINITIONS

SEC. 2. For the purposes of this Act:

(a) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native community, for which the Federal Government provides special programs and services because of its Indian identity; and

(b) "tribal organization" includes the elected governing body of any Indian tribe and any legally established organization of Indians which is controlled by one or more such bodies or which is controlled by a board of directors elected or selected by one or more such bodies (or elected by the Indian population to be served by such organization). Such an organization shall include the maximum participation of Indians in all phases of its activities.

CONTRACTS BY THE SECRETARY OF THE INTERIOR FOR PROGRAMS AND SERVICES

SEC. 3. The Secretary of the Interior is authorized, in his discretion and upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, of education, agricultural assistance, and social welfare, including relief of distress, of Indians provided for in the Act of April 16, 1934 (48 Stat. 596), as amended, and for any other program which the Secretary of the Interior is authorized to administer for the benefit of Indians under the Act of November 2, 1921 (42 Stat. 208), and any Act subsequent thereto.

CONTRACTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR HEALTH AND SANITATION FACILITIES PROGRAMS

SEC. 4. The Secretary of Health, Education, and Welfare is authorized, in his discretion and upon the request of any Indian tribe, to enter into a contract or contracts with any tribal organization of any such Indian tribe or to carry out any or all of his functions, authorities, and responsibilities under the Act of August 5, 1954 (68 Stat. 674), as amended.

GRANTS TO INDIAN TRIBAL ORGANIZATIONS

SEC. 5. The Secretaries of the Interior and of Health, Education, and Welfare are each authorized, upon the request of any Indian tribe, to make a grant or grants to any tribal organization of any such Indian tribe for planning, training, evaluation, and other activities specifically designed to make it possible for such tribal organization to enter into contracts pursuant to sections 3 and 4 of this Act.

DETAIL OF PERSONNEL

SEC. 6. (a) The Secretaries of the Interior and of Health, Education, and Welfare are each authorized, upon the request of any tribal organization, to detail any civil service employee serving under a career or career-conditional appointment for a period of up to one hundred and eighty days to such tribal organization for the purpose of assisting such tribal organization in the planning, conduct, or administration of programs under contracts or grants made pursuant to this Act. The appropriate Secretary may, upon a showing by a tribal organization of a need for an employee detailed pursuant to this section, extend such detail for a period not to exceed ninety days.

(b) The Act of August 5, 1954 (68 Stat. 674), as amended, is amended by adding a new section 8 after section 7 of the Act, as follows:

"SEC. 8. In accordance with subsection (d) of section 214 of the Public Health Service Act (58 Stat. 690), as amended, upon the request of any Indian tribe, band, group, or community, personnel of the Service may be detailed by the Secretary for the purpose of assisting such Indian tribe, group, band, or community in carrying out the provisions of contracts with, or grants to, tribal organizations pursuant to the Indian Self-determination Act of 1972: *Provided*, That the cost of detailing such personnel is taken into account in determining the amount to be paid to such tribal organization under such contract or grant, and that the Secretary of Health, Education, and Welfare shall modify such contract or grant pursuant to subsection (c) of section 7 of such Act to effect the provisions of this section."

(c) Paragraph (2) of subsection (a) of section 6 of the Military Selective Service Act of 1967 (81 Stat. 100), as amended, is amended by inserting after the words "Environmental Science Services Administration" the words "or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended,".

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) Contracts with tribal organizations pursuant to this Act shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the appropriate Secretary, such contracts may be negotiated without advertising and need not conform with the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

(b) Payments of any grants or under any contracts pursuant to this Act may be made in advance or by way of reimbursement and in such installments and on such conditions as the appropriate Secretary deems necessary to carry out the purposes of this Act.

(c) Notwithstanding any provision of law to the contrary, the appropriate Secretary may, at the request or consent of a tribal organization, revise or amend any contract or grant made by him under this Act with such organization as he finds necessary to carry out the purposes of this Act.

(d) The appropriate Secretary may, in his discretion, enter into contracts for the construction or repair of buildings, roads, sidewalks, sewers, mains, or similar items with tribal organizations by negotiation, without advertising.

(e) In connection with any contract or grant made pursuant to this Act, the appropriate Secretary may permit a tribal organization to utilize, in carrying out such contract or grant, existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within his jurisdiction under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 8. The Secretaries of the Interior and of Health, Education, and Welfare are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out the provisions of this Act.

SEC. 9. Nothing in this Act shall be construed as authorizing or requiring a tribal organization to enter into an agreement, directly or indirectly, with a non-Indian party for the construction of buildings, roads, sidewalks, sewers, mains, or similar items without compliance with requirements of advertising and competitive bidding if the same would have been required if the contract had been entered into by the United States directly.

SEC. 10. Nothing in this Act shall be construed as authorizing or requiring the terrimination of any existing trust responsibility of the United States with respect to the Indian people.

The amendments were agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1001), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

S. 3157, introduced by Senator Jackson and Allott, authorizes the Secretaries of the Interior and of Health, Education, and Welfare, upon the requests of the Indian tribes, to enter into contracts with tribal organizations so that they may plan, conduct, and administer projects under the Bureau of Indian Affairs and Indian Health Service, respectively. In addition, the bill provides for grants to Indian tribal organizations for planning, training, and other activities specifically designed to make it possible for such organizations to enter into contracts.

S. 3157 further authorizes the detail of personnel (including commissioned officers of the public health services) from the two Departments to assist the tribal organizations to fulfill their contract or grant responsibilities. Finally certain Federal contracting requirements which have frequently posed obstacles to Indians attempting to enter into contracts with the Government could be waived by the respective Secretaries at their discretion.

NEED

The concept of self-determination for Indian people and the opportunity for Indians to exercise greater control over Federal programs and efforts conducted for their exclusive benefit has gained increasing support from both the legislative and executive branches of Government in recent years. Through their official tribal leaders, the Indian people have expressed a strong desire to exercise greater self-determination as a means of improving their social and economic well-being. But in exercising self-determination, the Indian people want to be assured that such new-found freedom of expression and action will not contribute to the termination of any trust responsibility of the United States with respect to the Indian people.

The Bureau of Indian Affairs and the Indian Health Service, to a lesser degree, have entered into contracts with various Indian groups for the control and management of specified programs and services. Such contracts have been negotiated pursuant to the act of November 2, 1921 (42 Stat. 208) and the act of June 25, 1910 (36 Stat. 861). The applicability of these outdated statutes for these purposes has been questioned from several sources within Government.

There is a demonstrated need for new statutory authority to serve as an appropriate tool for the Federal agencies to implement an Indian self-determination policy in a manner that would meet the expressed wishes and desires of the Indian people. The enactment of S. 3157 would meet such a need.

COMMITTEE DISCUSSION

The committee views S. 3157 as a self-help measure designed to assist Indian people to become active participants in the various Federal programs operated for the exclusive benefit of Indians, rather than to continue as the passive users of these programs. The committee further is cognizant that many tribal groups lack the sophisticated management and professional skills required for them to enter into immediate contracts with the Bureau of Indian Affairs and the Indian Health Service for the control and management of their various programs. However the committee believes that sufficient flexibility has been incorporated in S. 3157 so that it can accommodate the circumstances surrounding each tribal group seeking to enter into a contract with either the Bureau of Indian Affairs or the Indian Health Service.

To insure that there will be no serious diminution in the quantity and quality of services to Indian people who are dependent upon the Federal programs and services, the two Secretaries will be expected to work closely with tribal groups to apprise them of their responsibilities before entering into contracts authorized under the bill. No tribal contractor should be expected to exceed the level of performance of the Federal agency, given the same amount of funds for the activity being operated under contract.

As a result of the hearing before the Subcommittee on Indian Affairs on May 8, 1972, on S. 3157 and a similar measure proposed by the administration, S. 1573, the committee concluded that the provisions of S. 3157 under which the tribes would enter into contracts with the two Secretaries was preferable to the administration's proposal.

The contracts made pursuant to S. 3157 will clearly delineate the responsibilities of both parties, whereas the administration bill appeared to Indian witnesses in the hearings and the committee members to possibly permit instances to arise where the responsibility and authority of the parties would be unclear.

COST

No additional expenditure of Federal funds will result from the enactment of S. 3157.

MODOC POINT UNIT OF THE KLAMATH INDIAN IRRIGATION DISTRICT

The bill (H.R. 489) to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon, considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–997), explaining the purposes of the measure.

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

EXPLANATION

The order of the Secretary of the Interior was issued pursuant to the Act of June 22, 1936 (25 U.S.C. 389), and under the terms of that act the order will not be effective until approved by Congress.

All units of the Klamath Indian Irrigation Project are being operated by the landowners without cost to the United States, except the Modoc Point Unit. The Modoc Point Irrigation District, organized under Oregon law, is willing to accept a transfer of the unit if all remaining construction charges against the lands are canceled.

The Secretary's order of December 31, 1968, cancels the remaining reimbursable charges against the non-Indian lands, conditioned on the completion of an agreement with the irrigation district to take over the unit. After that order is approved by enactment of the pending bill, the Secretary of the Interior will cancel administratively under authority of the Klamath Termination Act of August 13, 1954, the remaining reimbursable charges against the Indian lands in the project.

The irrigation system needs to be rehabilitated and extended at an estimated cost of $302,000. This cost would be beyond the ability of the water users to pay, unless the exist-

ing reimbursable charges are canceled. The cancellation of these charges will permit the irrigation district to assess the lands for the rehabilitation and betterment work, and the assessment will be within the economic ability of the lands to pay.

The committee is convinced that the proposed cancellation, together with a transfer to the irrigation district of all future responsibility for operation and maintenance of the unit, will be in the financial interest of the United States. The Secretary of the Interior stated the same conclusion as follows:

Considering the cost to the Federal Government to continue to administer the Unit, the limited capability of the land to repay construction costs in addition to the payment of annual operation and maintenance costs, the long period over which construction costs are to be paid, the fact that the estimated cost to rehabilitate and extend the irrigation system exceeds the remaining reimbursable construction cost due the Federal Government, and the fact that the Modoc Point Irrigation District has now indicated a willingness to take over the Unit, we have determined that it would be to the advantage and best interest of the Federal Government to cancel all remaining irrigation charges against both the Indian and non-Indian owned lands and release all contracts and liens for such irrigation charges. Such cancellation would be subject to the Modoc Point Irrigation District assuming the full and sole responsibility for the future care, operation, maintenance, and rehabilitation of the irrigation system of the Modoc Point Unit of the Klamath Indian Irrigation Project.

COST

Enactment of the bill will involve no Federal expenditure but it will cancel reimbursable irrigation charges amounting to $76,302.29, plus interest and penalties.

MILITARY PROCUREMENT AUTHORIZATION, 1973

The Senate resumed the consideration of 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.

Mr. CRANSTON. Mr. President, I yield the distinguished Senator from Indiana such time as he may require.

Mr. HARTKE. Mr. President, the war in Vietnam has become indeed an American tragedy. The crisis in Vietnam is really an American crisis; it is no longer a crisis involving just Southeast Asia.

I think most people in the United States agree that the time has come to bring an end to this terrible conflict. Promises have been made and not kept; inferences have been put forward which have left false impressions; and always there seems to be a reason why we cannot end the war at the particular time in question. The numbers of dead continue to accumulate, the numbers of wounded continue to accumulate, and the devastation and destruction continue.

Everything about this war, all of the signs, would indicate that a liberal and sensible society would bring it to a conclusion at the earliest possible moment. Yet somehow we seem to be caught in that terrible turmoil in such a way that, while it seems we do not want to go along with the war, we do not want to continue it, somehow we cannot bring it to an end.

Recognizing this situation, a number of efforts have been made by well-meaning people who have sought to bring some type of sense out of the disorder; yet it seems that we continue to throw in the way roadblocks of a type which ultimately mean we are unable to create any type of order out of the chaos.

Some people say that the war is being continued for economic reasons, others for political reasons, others that it is being continued by reason of the fact that no one knows how to bring it to an end.

Mr. President, I believe it can be brought to an end. As I have said, the method for bringing American involvement to an end is clear and concise, and has been available to us for some time. I repeat what I have said a number of times on this floor, that as a result of conversations I held in Paris in April 1971, I learned that the conditions for America's termination of its participation in this war are rather simple. The conditions for ending that conflict, however, are entirely different from those for ending just the American participation. For that reason, this body ought to be clearly aware of the implication of some of the proposals which are made.

Our distinguished colleague from Vermont proposes that there be an internationally supervised cease-fire throughout Indochina. I say that that cannot be accomplished at this time, as a matter of practical reality. And if we do not deal with the realities, they will continue to make it impossible for this body, the President, or anyone else to bring an end to the war.

Everyone knows that there have always been available at least two distinct ways to end our participation in this war. One of them is for the United States and South Vietnam to give up. The other is for the North Vietnamese and the National Liberation Front to give up. Either side alone would be willing to accept that proposition, but the other side would not. So the reality of the situation requires an effort to try to find some middle ground, and that is what we are trying to do.

One middle ground is to arrange for a cease-fire, arrange for the return of the prisoners of war, and arrange for the return of all American military personnel. If we continue to be involved militarily, there is no question but that the war will probably go on and on and on.

I fully anticipate, as I stated before when we debated this proposal on the last chance we had to vote upon it, that there will be a cease-fire before August 15. As I said at that time, there is reason to anticipate that that date is not out of line. I would caution at the same time, however, that to depend on that occurring is to depend upon a contingency which is at this moment not valid, and which at this moment is not certain.

So I hope the Senate will take the position that it did the last time, following the rather clearcut initiative of the Senator from Massachusetts (Mr. BROOKE), or the position which is advocated by the Senator from California (Mr. CRANSTON), which in substance is the position advocated so long by our majority leader, the Senator from Montana (Mr. MANSFIELD).

Either of those positions, if followed through certainly will accomplish the desired end result. I hope that we can pass it here, that it will pass the House of Representatives, and that the President will heed our advice.

I would just say to those who fear the repercussions of any type of precipitate end to this war that they ought to look at what happened after the initiative taken by President Nixon when he went to Peking, when he broke the barrier there, and when he did what very few people thought could ever be accomplished, which was to modify our position toward Taipei and Formosa.

There is no question that the American people are so tired and fed up with this war that if the President would only find it within his power and in his mind to make the decision to terminate those hostilities, to bring the American troops home, and to go on about the unfinished business of America—the agenda of which is so long that it would take us all afternoon to catalog the items which need our attention and our money—then I reckon people would applaud him. I can say that I would applaud him, as much as I decry the fact that it has continued as long as it has. There is no use looking to the past and trying to find out who was at fault. I think there is plenty of fault to go around with a lot of people.

I know that the attitude has changed considerably in this country since February 7, 1965, when Pleiku was attacked, at the time I broke with President Johnson over this war. At that time only seven Americans were killed, and at that time only 750 had died in Vietnam. Now it is more than 55,000.

The terrible tragedy is not only in the deaths and in the military caskets and in the agony that has come to those who have suffered the loss of their loved ones. The terrible tragedy extends to the entire fabric of American society. We seem to be a nation which has lost its goal and, unfortunately, a nation which has lost its soul. A soulless nation and a goalless nation is one which ultimately is going to be faced with trials and tribulations which are much more severe than we have at the present time.

Think that the scars of Vietnam and the way the war has cauterized the American society are going to live with us throughout the rest of this century. I guarantee that unless we do the best we can to remove this terrible self-infliction of almost attempted national suicide, the longer we continue this involvement, the more difficult it is going to be to come up with some type of cure for what needs to be done.

I say again, as I have said before on this floor, that I intend to do all I can to make my voice heard and to do all I can to vote to bring this war to an end.

To say that sometimes I am discouraged with the efforts that are being made would probably be putting it very lightly. Yet, as much as we are discouraged, the effort must be made. For that reason, I congratulate the Senator from Massachusetts, the Senator from California, the majority leader, and others who have made the effort.

I am disappointed in the amendment offered by the Senator from Vermont, who was an early opponent of this war, who really had what probably was at one time a solution which very few people were willing to accept. He advocated that the United States declare that we had won the war and come home. That, in and of itself, was considered to be a somewhat facetious statement at the time, but it certainly would have been far preferable to what we have done in the intervening years since the Senator from Vermont made that statement.

I think that those Senators who vote for the Aiken amendment, if it is voted on today, will be voting, in substance, for a continuation of this war. In my opinion, I would say it is a "prolonging the war amendment."

I want out now. I think the American people want out now. I think that the amendment proposed by Senator CRANSTON and Senator BROOKE, either in conjunction or in the alternative, would provide a way to get out now.

I suppose that what is said on the Senate floor will have little effect upon how this vote is going to be cast. But I will say that efforts have been made during the past 5 or 6 years to silence some of us. The charges are made that we have been somewhat less than patriotic. I repeat what I have said before: I think that to be a true patriot is to love your country and want it to be successful and to put hope before despair and to put peace before war and to put life before death.

For those of us who have advocated that that should be the course of this Nation, I think that is the highest type of patriotism one can have. I think the greatest act of patriotism at this moment would be an immediate end to this war, the setting of a firm date for American troop withdrawal. I know that the assurances are on the Paris table at this moment that if that were done, an immediate cease-fire which could be accomplished within 48 hours, could be arranged, so far as American military personnel are concerned, and the prompt return of the prisoners of war. For those who want the prisoners of war home, who want the fighting to come to an end so far as the Americans are concerned, the establishment of a firm date of withdrawal will accomplish that end result. To those who are fearful of taking that type of initiative, I say that they are fearfull for the future of their country.

The PRESIDING OFFICER. Who yields time?

Mrs. SMITH. I yield 10 minutes to the distinguished junior Senator from New York.

Mr. BUCKLEY. Mr. President, I shall use 5 minutes.

I want to address myself to the general subjects of the kinds of limitations that would be legislated as a result of the adoption of the Cranston amendment or of the others which will be offered today.

I am gravely concerned about the effect of these attempts to legislate various formulae for our withdrawal from Southeast Asia, the effects these will have on our ability to conclude a political termination of this war, on our ability to negotiate the end we all seek so earnestly.

I do not know how many of my colleagues have had the experience of being engaged in protracted, hard business negotiations. I have. One thing is certain: To the extent that a negotiator's maneuvering ground is limited, to the extent that the opposition parties know the limitations within which you must operate, to that extent is your ability to negotiate effectively foreclosed.

I have no doubt in my mind that the intransigence we have seen in Paris from the very beginning is to a large extent—perhaps to a critical extent—sustained and fortified by the very debates which have been under way within the Senate of the United States and within Congress over the period of the last year or two.

The Senators who have been offering these amendments obviously have done so from the most humane motivations. They want to see the end to the fighting. They want to see an end to the loss of American lives. But I would earnestly call their attention to the effect of the debate, the effect of these attempted limitations on the maneuvering ground allowed the President in the course of those negotiations.

I believe that the effect of this debate has been to jeopardize our ability to secure a negotiated peace before the coming elections.

I can think of no one who can be more anxious for an orderly, early termination of these hostilities, who has, in fact, more to gain from them, than the President of the United States. I do not believe that anyone doubts the effort or the sincerity of the effort he has put into these negotiations. I honestly can think of no offer that could be made to someone, to another party desirous of a termination of the conflict, than the ones that already have been placed on the peace table by the President of the United States.

The one thing that the President will not do is to turn tail and pull out, and he cannot. He is faced with the responsibilities to our prisoners of war; and, of course, the current amendments at least will provide the satisfaction of knowing that no precipitate action would be taken until the prisoners of war had been returned, until we had a full accounting of those missing in action. But there are other factors beyond these. For better or for worse, we have been involved in the conflict. For better or for worse, we have encouraged South Vietnam to stand up and fight for the security and the freedom of their land. For better or for worse, we have caused hundreds and thousands of them to take sides and be identified with the South, to be identified with a cause. Therefore, if we were to legislate a termination such as to undercut the program of Vietnamization, we would be delivering South Vietnam to the North. We would be delivering hundreds of thousands of hostages to the brutalities of the kind Hanoi unleashed against its own people after it consolidated its power in the North.

There are considerations beyond that. There is the credibility of an American undertaking. We cannot put a fence around South Vietnam and tell the world that what happens there is of no consequence to the rest of the world. If we were to pull out in a manner which would be considered in the eyes of the world as irresponsible, the effect would be to erode the credibility of American alliance around the globe, to erode our ability to work for a stable order and for peace around the globe.

I suggest, Mr. President, that these are the kinds of considerations and factors which someone sitting in the White House with the responsibilites of a President, cannot ignore. These are the factors that he must take into consideration in working for a political solution to this conflict.

As I said earlier, I believe that the President has offered everything that could be asked for by people who operate in good faith. I feel that the negotiators of North Vietnam have demonstrably not been operating in good faith. I feel that the chances for success of these negotiations will precisely result from keeping the pressures going, as he has through the mining of the port of Haiphong, and of convincing the north that he will not in the end, toss in the towel, thereby encouraging them to stand firm.

I, therefore, hope that my colleagues will not vote in favor of the pending amendment or the other similar amendment which will be offered later on today.

Mr. President, I yield back the remainder of my time.

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

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

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan (Mr. HART) to ask some questions, as I understand it.

Mr. HART. Mr. President, the distinguished Senator from Mississippi (Mr. STENNIS), some days ago, addressed himself to a problem that has come before all of us; namely, the proposal that the second of the two ABM sites which would be authorized, would be the one protecting the National Command Center in Washington, D.C., which is contained in the House-passed bill.

Our Armed Services Committee reported without prejudice a bill that does not include the Washington ABM site.

I went to Senator STENNIS and explained that while I could not say whether a

majority of the Senate, if presented directly with the issue, would reject the Washington ABM site, I felt reasonably confident that that would be the outcome.

My concern, and it is a concern, I know, and that of the Senator from Mississippi, too, that all of us anticipate, to the extent we can make provision against the possibility, that when the conferees take up the bill, we will not be presented with a conference report that includes acceptance of the House position on the Washington ABM site.

I do know that the Senator from Mississippi (Mr. STENNIS) was kind enough to call my attention to it in more recent days, in an exchange with the Senator from Wisconsin (Mr. PROXMIRE). As I read it, Senator STENNIS said that this would not happen, certainly, unless and until the Armed Services Committee itself had taken testimony on the Washington ABM site and the committee itself was satisfied that justification had been developed in the record.

My fear is that all of us should attempt to build a little better protection against that possibility before we act finally on the bill. So I rise to observe with the Senator from Mississippi that we are all appreciative of the reasons that persuaded the Armed Services Committee to report the bill as it did; namely, to treat without prejudice the omission of the Washington ABM site, but to ask, would it not be desirable even from the standpoint of the conferees, some of whom may think a Washington ABM site makes sense, and in the interest of all of us, to make clear that the Senate itself will have an opportunity to act upon the Washington ABM site question directly if, in the days intervening between now and the conference committee report, the Armed Services Committee believes that the Senate should act affirmatively?

Mr. STENNIS. Well, Mr. President, I am glad to answer, insofar as I can, the Senator's inquiry, which is a legitimate one. I have to answer now within the confines of the legislative rules that apply in putting together a bill.

Going back now for a moment, the Senate Armed Services Committee received information about this request some 10 days or 2 weeks before we finished marking up the bill. However, we got the official estimate only 1 or 2 days before we completed the markup. And we did not have information, we thought, as to the prospective cost and also some of the other major points about this item. And it is a major item. At that time we thought it might be true that the bill would not be taken up for some time. So we decided to leave the matter on the table, as it were, without prejudice. There was discussion that we might move to have hearings before the bill was disposed of on the floor of the Senate. And the committee discussed not offering an amendment on the floor about the item. However, there was no disposition on my part to avoid the matter in any way.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. STENNIS. Mr. President, as a matter of fact, I stated that we were not seeking to avoid the Senate having a chance to vote on it. We are now faced with a situation in which we were able to get the bill up for consideration earlier. That is what we wanted to do and not have to wait until September before we got the bill up for consideration. It will be voted on finally at 6 o'clock this afternoon and will go to conference.

The provision is in the House bill. No one can say what will happen in conference. We cannot go to a conference and try to tell them what things they are not going to do. However, this will be my position as one of the conferees—and I think this will meet with the general approval of all the other conferees—that we will have to lay before the House conferees what has happened and tell them that we cannot agree to this item under any circumstances unless we at least have a chance to hear the matter further before our committee.

We could hold up the conference and have that hearing. However, I would not favor considering proceeding until at least a majority of the Senate had voted in favor of this project. And I say right there that we are going to complete this conference as soon as we reasonably can. And I doubt if there would be anyone interested in delaying it for extended hearings. I seriously doubt that there would be a majority of the committee that would recommend this year the inclusion of such a project.

I think as a practical matter—and I do not want to offend the conferees on the other side by saying that we are not even going to consider—that there is a very small chance that a majority of our committee would approve it for this year. If we do not do it, we would have to tell the House conferees that that is the end of our role. I would want to keep in touch with the Senator from Michigan and any other Senator. I have to be further convinced myself before I would favor this project for this year.

Mr. HART. Mr. President, as always, the Senator from Mississippi has been very frank. I do understand the restraint under which he operates with respect to avoiding any attitude which would appear to be in advance of a conference, an absolute position. I do understand that. We all do.

I know, as the Senator has said, that he understands both the reason for our desire and the resulting need for me to courageously question the wisdom of whether the conferees could—and I am sure they would—name the one way and, at the moment, the only way that the Senate could directly pass the bill with the ABM Washington item in it would be for an amendment to be offered on the floor to include that project.

Mr. STENNIS. The Senator is correct. The only way the Senate could directly pass on it, would be if an amendment were offered.

Mr. HART. Mr. President, I think those of us who oppose the Washington ABM site fairly could be criticized for offering such an amendment now because we would be taking advantage of, in a sense, the absence of hearing testimony and we would inevitably win such a vote.

That being the fact, it might nonetheless be helpful to protect our interest in the conference.

We would therefore not offer such an amendment. And I am grateful to the Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. HART. Mr. President, I am grateful to the Senator to the extent that tradition and a sense of mutual relationship with the House permits it.

The Senator has indicated his own feelings and he has suggested the position of his colleagues on the Armed Services Committee.

I would suggest for the RECORD under the existing circumstances that it is not unfair for me to suggest that the attitude of a majority of the Senate at this moment would be in opposition to a Washington ABM site.

Mr. STENNIS. I think the Senator is correct, that a majority would be opposed to it. I think that probably, as of now, a majority of the Senate Armed Services Committee would be opposed to it. However, I do not speak for anyone except myself. And I am not saying that a majority of the Senate conferees will have to agree to it. I am saying that a majority of the Senate committee would have to agree to it as well as a majority of the Senate conferees before we could proceed.

Mr. HART. Mr. President, given the circumstances that the Senator from Mississippi described, in the unlikely event nonetheless that some day in the future a conference report comes back to us which includes the ABM site, while it is not unusual and the odds are never good when we try it, I think the Senator from Mississippi and my colleagues would understand why under those circumstances, notwithstanding this exchange, a fight might be made against the conference report.

Mr. STENNIS. Everyone would certainly be free, as I understand it, to oppose the conference report on that ground. And the Senator would be a little disadvantaged, as he has suggested earlier, under the rules. However, anyone who has to oppose the Senator from Michigan is disadvantaged to start with.

Mr. HART. Mr. President, I will stop there.

Mr. STENNIS. Mr. President, I thank the Senator for his inquiry.

Mr. President, I suggest the absence of a quorum on my own time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the 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; that the House receded from its disagreement to the amendments of the Senate numbered 7, 9, 10, 19, and 39 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 4, 12, 15, 21, 23, 26, 28, and 35 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time do I have remaining on this amendment?

The PRESIDING OFFICER. The Senator has 13 minutes remaining on this amendment.

Mr. STENNIS. Mr. President, how much time does the author of the amendment have remaining?

The PRESIDING OFFICER. The author of the amendment has 7 minutes remaining.

The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to reiterate what I said this morning with respect to the commonsense of the situation. Whereas this war has been consistently wound down for months and months and—relatively—we have only a few men left there on the ground, from a military standpoint it has been more successful and pointing toward a determination in the last few months than it has been since it started in a large way.

There is a great abundance of proof here that the South Vietnamese are showing an ability to take care of the situation, although I know that is a very grave question and is still a debatable one. Certainly they have made progress since the mining of the harbors, the blockade, so to speak, and the increased bombing of North Vietnam. Unmistakably, there has been a greatly increased pressure on North Vietnam. There is much accumulating evidence, and it is accumulating every day, consistently, that North Vietnam is hurting, so to speak, and has far more desire to terminate this conflict than heretofore.

That is reflected in many ways. The peace talks in Paris have resumed, and Mr. Kissinger has made trips and we know the contacts he has had. Those events have a meaning.

Now, just as things are looking better for us and for our side, and for South Vietnam, too, I do not think we ought to pull the rug out from under the only Chief Executive we have. I am talking about a President, not any one particular President, but the man to whom our form of government gives authority to represent the Nation.

We have some responsibility—I am not ignoring that—but, as the spokesman and the negotiator and the one who takes the lead in trying to arrange terms that are satisfactory, or at least honorable, that power is vested in the Chief Executive.

Even now I do not think we help the cause to go back and talk about who was to blame for the war or how we got in or whether we are legally in. I think the question now is how are we going to get out. There can be only one official spokesman; Vietnam knows that; all our allies know that. It is the President of the United States.

As I said before, we do not have any negotiating power, we do not have any team, we do not have anyone we can send to represent the Nation, to confer with friend or foe. We might be persuasive, but we do not have the power to speak for this Nation in that field or to bind this Nation or make an agreement that is binding on them.

So, for all those reasons—and there is no use to repeat them over and over—I have been opposed all the while to these amendments, but I think there is more reason now why they should be left off. There is such a thing as overdoing something, even if it has merit. Time after time after time we have had these matters up on several bills. I have done my share of work on them. I have opposed them. But when we got one on a bill a year ago, I was persistent in conference about it, and we did bring back something that had meaning. But now I think it is time to see what can be done in these other areas. The last thing to do, I think, is to cut off the money from the department of our Government that has exclusive, official power to bind us and to bind our adversary. So I hope this amendment will be defeated.

I want to point out, too, as I understand now, the Senator from California has an amendment that he is going to offer, if this amendment is adopted, that will cut out the bombing in all that area of Indochina. This amendment does leave that power in the hands of the President. It is going to take all the power on the ground out of South Vietnam, but is going to leave him with power there to have some small maneuvering ground, anyway. But if this amendment of the Senator from California is adopted, and the other amendment to which I have referred is adopted, also, we will not have as much as a firecracker over there.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

All these things are proposed to be done, and there is no proviso about our prisoners of war. Nothing is said about that. What is going to happen to them? We hope for certain things, but, after all, war is war, and this is a war. We do not expect any men to come out of there by laying down our own arms entirely and getting out.

So I think what is foremost in the minds of all of us—and I know the sponsors of the amendment are not indifferent to it—is getting our prisoners of war back. But under this amendment, and the added amendment, they would be left over there not only alone but without any kind of firepower to protect them. I do not think we want that. I do not think the American people want that. It seems to me that is one of the last things the people want.

It shows how far we can go by giving an inch here and an inch there, and demanding nothing that the other man must do.

This would be a drawback to the President of the United States, of course, in his negotiations and in his dealings with North Vietnam. That is about the only thing it will accomplish.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, in remarks made earlier today concerning the pending amendment, the Senator from Mississippi attacked a provision originally authored by the majority

leader (Mr. MANSFIELD) because it provided that we withdraw personnel from South Vietnam without an POW provisions at all.

The Senator knows, of course, that the amendment does provide that the presence of our forces over and around South Vietnam would end only when there was an exchange of prisoners worked out in return for our withdrawal.

Mr. STENNIS. Mr. President, if the Senator will yield, I know that is in this amendment. I did not mean to imply or say that it was not left there. I referred to another amendment.

Mr. CRANSTON. Yes. How many actual infantrymen, that is, ground combat soldiers, do we have in Vietnam? Is not the figure somewhat under 5,000?

Mr. STENNIS. About 46,000 troops in all now, but so far as fighting men on the ground are concerned, they are few. Yes, something under 5,000.

Mr. CRANSTON. That was my question—fighting men.

Mr. STENNIS. Yes.

Mr. CRANSTON. The question I now ask is, what major influence can only 5,000 fighting men have in that situation, compared to the vast air and naval forces we have over and around Vietnam?

Mr. STENNIS. Well, it is not a tremendous fighting force. It is symbolic. However, if trouble were to break there in the wrong way, we have tremendous power to get many more men there on short notice.

We are pulling out. It is a fact; we are pulling out those ground troops.

Mr. CRANSTON. The Senator's response alarms me. Does the Senator foresee circumstances where we might send a vast new wave of men in there to fight?

Mr. STENNIS. No, I was not suggesting that. But we have that many, as I have already mentioned, more than 40,000 there, that have to be protected, and I have thought a great deal about that over the years. Five thousand troops are not many. But we would have a chance to get in additional men to protect the men that we have there rather rapidly. It may sound remote, but if conditions should be such that we would have to go in to protect our own POW's, or anything of that kind, we could supply the men very fast.

Mr. CRANSTON. Well, the POW's are presumably not in the south; they are held in the north.

Mr. STENNIS. No; that is true for most of them.

Mr. CRANSTON. Then the distinguished Senator, in effect, questions the withdrawal of further American troops, despite the fact that we would reserve the option to bomb and engage in other acts of force with air and naval forces. But in effect is that not the Nixon policy? The Nixon policy has been to withdraw the fighting men on the ground and to transfer other ground-based units out of South Vietnam, but to continue to step up the bombing. So it seems to me that the chairman's criticism of this amendment is in effect a criticism of the policy that the President is presently following.

Mr. STENNIS. Well, we all want to get out, and I am sure that includes the President. My main objection to the Senator's amendment is the cutting off of this money. It is eliminating this Nation as a military factor so far as the area there is concerned, shutting off the money and all to get out of South Vietnam. He leaves this bombing as an option there but the idea of forcing the President of the United States out of South Vietnam by cutting off the money for all the military men we have there is a very powerful argument at the so-called negotiating table, a powerful argument in favor of North Vietnam not doing anything, just waiting it out and maybe the Chief Executive would be left with nothing to negotiate about. So there could not be a stronger step taken, I think, than cutting off the funds.

Mr. CRANSTON. We do agree it is our constitutional power.

Mr. STENNIS. Yes; I think clearly the constitutional power is with Congress, but I am talking about a matter of judgment.

Mr. CRANSTON. To pursue this a bit farther, it seems to me that one option the President always has, and one option the President may well exercise, is to get all troops and all military personnel out of South Vietnam before, let us say, November, but to retain the option of bombing until something was worked out about the prisoners of war. Again, that is exactly in line with the amendment that is now pending. As a matter of fact, one of my gravest fears is that if the President does get all personnel out of South Vietnam some time in October, the American people might then well feel that the war had been pretty well wound down. In that case the President might even suspend the bombing for a time, but he would retain the option——

Mr. STENNIS. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CRANSTON. Since the President would retain the option to bomb, the bombing might well be resumed after an election won by the President. People might feel that the war was totally wound down when it was not. We might then be in the difficult situation of facing 4 more years of air and naval war, with more American deaths, more POW captures, more devastation in Southeast Asia, and more division in the United States. We would then be right back where we are now, except that the President, if he was elected under those circumstances, would seemingly have won a sort of mandate from the people to support a peace that turned out to be illusory. I suspect we would then be right back here again in the Senate, debating another end-the-war amendment.

The PRESIDING OFFICER. The time of the Senator from California has expired. Five minutes remain to the Senator from Mississippi.

Mr. STENNIS. Does the Senator wish me to yield him some time?

Mr. CRANSTON. I would appreciate it.

Mr. STENNIS. I yield the Senator 3 minutes.

Mr. CRANSTON. I would like to ask another couple of questions in relationship to personnel in and around Vietnam.

How many men in Indochina are serving on temporary duty assignments?

Mr. STENNIS. I am sorry; I really do not know.

Mr. CRANSTON. Does the Senator know if there are Americans on TDY listed as assigned to a base not in a war zone, and so not included in official figures of Americans in Southeast Asia? Are there persons of that sort on TDY?

Mr. STENNIS. I am sorry; I did not understand the question.

Mr. CRANSTON. Are there Americans on TDY listed as assigned to a base not in a war zone, and therefore not included in the official figures on Americans in Southeast Asia?

Mr. STENNIS. I have never run across any evidence suggesting that the figures on the personnel we have there are anything except correct or substantially correct. I do not think there is any padding of the rolls one way or the other, or any classification in such a way as to avoid the truth. We have to go into all those matters in connection with the matter of authorizing funds and on the Appropriations Committee. I have never found any evidence except that the figures were substantially correct.

Mr. CRANSTON. I am concerned basically because of a letter I received which cites an employee of the Strategic Air Command as follows:

> What is happening is that men are being sent to Guam for duty. When they arrive they are given a temporary duty assignment (TDY), so that for the record men are being pulled out and nobody being sent in to replace them.

There is a possibility, then, that we are pulling out men from South Vietnam but actually assigning them to the war zone on TDY, so that they are not counted. Meanwhile, as the Senator well knows, they are actually increasing the number of sea and air personnel engaged in combat. In that case, there has actually been an escalation of the air war and the sea war matching the deescalation resulting from the withdrawal of ground forces. All this juggling makes one wonder whether the war is being deescalated after all, and where we are headed under President Nixon's policy.

Mr. STENNIS. Mr. President, I answer directly that I know of no makeshift arrangements about reporting of personnel. Of course, when we stepped up the bombing and sent the carriers in, we greatly increased the number of personnel involved.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes remaining.

Mr. STENNIS. I yield the Senator my 2 additional minutes.

Mr. CRANSTON. I am not suggesting that there is false reporting. I have suggested a practice which may not make clear what is happening, and might mislead the careless observer.

I thank the Senator.

Mr. STENNIS. We have found the reports on manpower to be substantially true; and after comparing them with the

money requests and related matters, I think that substantially accurate reporting has been made.

Mr. President, as I understand my time is up. I may refer to this amendment again in discussion of another one that is related to it, but I now yield back my remaining minute.

AMENDMENT NO. 1347, AS MODIFIED

The PRESIDING OFFICER (Mr. ROTH). Under the previous order, there will now be 2 hours of debate on the amendment of the Senator from Massachusetts (Mr. BROOKE), to be equally divided between and controlled by the Senator from Massachusetts (Mr. BROOKE) and the manager of the bill (Mr. STENNIS).

The amendment will be stated.

The assistant legislative clerk read as follows:

In lieu of the language proposed to be inserted by the amendment of the Senator from California, Mr. CRANSTON, numbered 1349, insert the following:

SEC. —. 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 is a release within the four-month period of all American prisoners of war held by the Government of North Vietnam and all forces allied with such Government.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Norvill Jones, a member of the staff of the Committee on Foreign Relations, be permitted to have the right to the floor during debate on the Aiken amendment, the Brooke amendment, and the Cranston amendment.

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

Mr. BROOKE. Mr. President, the amendment which has been reported is the same amendment which I introduced and called up for a vote by the Senate last week, and which the Senate passed by a vote of 50 to 45, this amendment lost, however, when the Foreign Military Assistance Act, to which it was attached, was defeated by the Senate. Last week was the first time that the Senate had voted for a cutoff of funds conditioned upon the withdrawal of American forces from Indochina—from Cambodia and from Laos, as well as from Vietnam.

I regret that my colleagues were unable to pass the Foreign Military Assistance Act because of many differences with provisions of that act and because many of my colleagues have felt for some time that we should cut back drastically in our foreign military assistance program. At any rate, the Senate did vote affirmatively on a cutoff of funds, such funds to be used in Indochina only for the withdrawal of all American forces—land, sea, and air—provided that within that 4-month period all American prisoners of war would be returned.

Accordingly, feeling as strongly as I do about the necessity for the Senate to act on this important subject, and believing that my colleagues who had voted affirmatively for this amendment would desire to do so again, I attached that amendment to the military procurement bill, which is before the Senate and is the pending business at this time.

Mr. President, what would the amendment do? As I said, it is very simple. It is not a complicated amendment in any form or fashion. It was the amendment originally sponsored by the distinguished senior Senator from Kentucky (Mr. COOPER). Senator COOPER stated on the floor of the Senate last week that for too long we had been debating antiwar amendments. He said he had voted against many of these amendments because he believed that the President of the United States should be the one to negotiate and bring an end to the war in Southeast Asia. But, he said last week, he now believed that the time had to come when we should forthrightly look at this issue, stand up and take a vote, and vote on a clear and simple cutoff of funds, without any conditions whatsoever. He accordingly proposed that we should withdraw all our forces from Indochina within 4 months from the date of enactment.

In principle, I agree with the distinguished Senator from Kentucky. I believe that the Senate has too long debated this subject; that it has not taken the courageous stand it should have taken many, many months—perhaps many, many years—ago; and that it ought to vote up or down on an end-the-war amendment which would cut off the funds and which would call for the withdrawal of all our forces from Indochina.

However, Mr. President, prior to the Cooper amendment—and perhaps in each amendment that has come before the Senate for debate and for a vote—we have always had provisions for the return of the American prisoners of war. It was, first, because of a strong belief in this principle that I attached my amendment to the Cooper amendment, adding the proviso that within the 4-month period of time all American prisoners of war must be returned to the United States, before a total withdrawal of the American forces from Indochina.

The second reason why I attached the amendment was that, as a practical matter, I did not believe that the Cooper amendment would be accepted by the Senate. I believe, further, that too often in the past we have satisfied ourselves with noble losses without coming to grips with an amendment which could be effective and at the same time could be adopted by the Senate.

My amendment was debated and was adopted overwhelmingly, and I believe it was as a result of the adoption of this amendment that the Cooper amendment, as amended, was subsequently adopted by the vote of 50 to 45.

Now, Mr. President, we are back again with the same amendment that was voted upon favorably by the Senate, and I presume that the same arguments that were introduced at that time against the amendment will be introduced on the floor of the Senate this afternoon. In my preliminary remarks, therefore, I want to address myself to some of the arguments which have been used against the adoption of this amendment.

The first one is that it would impair negotiations. Even the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services, the floor manager of this bill, in his recent statement in response to the Senator from California (Mr. CRANSTON), said he believed that Congress had a constitutional responsibility to act in this area. I agree with him. We do have a constitutional responsibility. I do not believe that any Senator or any Member of the House of Representatives wants to go on record as saying that Congress does not have, has not had, and should not have a constitutional responsibility in the matters of war and peace. There is no doubt in anyone's mind that this is and always has been—and I pray always will be—a constitutional responsibility of the Senate.

However, every time the Senate is called upon to vote on an antiwar amendment, so-called, the question is raised that we should not impair the executive branch in negotiations.

I am a proud member of the President's party. I know that President Nixon did not start the war in Vietnam. I know that he inherited the war in Vietnam at a time when that war was at its height; 543,000 Americans were there at the time. Since taking over the Presidency, President Nixon has drastically reduced the level of violence in the war, drastically reduced the number of deaths, drastically reduced the number of casualties, drastically reduced the amount of money we have been called upon to spend in that devastating war.

But the fact remains that the war still rages on, and that we still have American boys dying in Southeast Asia, in a war which, I think, our country has at long last recognized as not an American war but a Vietnamese war.

The President has withdrawn troops—and I give the President credit for having done so. We all give him credit for having reduced our troops from 543,000 when he took office to 46,000 who are now presently stationed in South Vietnam.

The President has said that we do not seek a military victory, that we seek only to let the South Vietnamese determine their own form of government. Therefore, even though there has been no victory as we have known it in warfare in the past, the President has consistently withdrawn our troops down to the present number of 46,000.

If the President did not agree that this was not an American war, certainly he would not have withdrawn all American troops down to 46,000. Let me get the record straight. I have heard various figures as to how many combat troops there are in South Vietnam. I called and checked on that this morning and my figures indicate, and they are authoritative, I believe, that of the 46,000 troops in South Vietnam at the present time, only 1,000 are combat troops. I repeat,

1,000, Mr. President, just a light battalion of 1,000 men.

Mr. CRANSTON. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I am pleased to yield to the Senator from California.

Mr. CRANSTON. The Senator is a distinguished member of the Armed Services Committee, who has studied this whole matter in great depth and has provided leadership for the Senate and the country over our attitude to the war in Vietnam. I would like to ask him: What possible important role can 1,000 combat troops play in protecting our prisoners of war? How can they play a decisive part in negotiations, in combat, or in anything else going on in Southeast Asia?

Mr. BROOKE. I thank my colleague for his question. The answer is obvious. The 1,000 combat troops remaining in South Vietnam today could not possibly give protection to the 45,000 logistical troops, in the main, who are now in South Vietnam. In fact, those 46,000 troops are practically hostages to the South Vietnamese. They are there to serve the ARVN troops and have no other purpose because they could not engage in offensive combat if they had to, and it would be difficult if not impossible for them to engage in defensive combat if they were attacked. Only 1,000 out of the 46,000 troops in South Vietnam today are combat troops. So obviously the President and the commanding officer do not believe that we need combat land forces in South Vietnam. All we are using there are troops to support the South Vietnamese Army, not to do any combat at the direction of the American Army.

Now, Mr. President, what are we giving up in this amendment? Well, No. 1, within the 4-month period, we would withdraw 46,000 troops if that agreement were entered into today. But we know that that will not be the fact because the amendment calls for 4 months after the enactment of the bill and the bill could not, by our procedures, be enacted into law until some time around the early part of September as a practical matter.

By the end of August or the 1st of September, the President, by his own timetable, has said that there will be only 39,000 troops remaining in South Vietnam.

I do not propose to know how many of the 39,000 will be combat troops. But it certainly is reasonable to believe that no more than 1,000 of those troops will be combat troops, since there are no more than 1,000 of the 46,000 troops that are combat troops there now. So at that time we would be withdrawing or starting the withdrawal of 39,000 troops, 1,000 of which, possibly, would be combat troops, 38,000 of which would be support troops for the South Vietnamese army.

In addition, Mr. President, this amendment would give the President of the United States the greatest flexibility as to the rate of withdrawal. I have heard the argument made that we cannot get the troops out in that period of time. Let us look at what has been done in the past. In the past, we have withdrawn, under President Nixon's withdrawal policy, as many as 23,500 American troops per month. I repeat, 23,500 American troops per month have been withdrawn from South Vietnam under present policy within a month's time.

So certainly in 4 months, if we can withdraw 23,500 in one month, there is no logistical problem in withdrawing 39,000 troops within 4 months. There is no question about that.

Mr. CHURCH. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I am pleased to yield to the Senator from Idaho.

Mr. CHURCH. Is it not true, I would ask the distinguished Senator from Massachusetts, that President Nixon himself has offered to withdraw all remaining troops from South Vietnam and to end all further American participation in the war, in the air and from the sea, within a 4-month period, if the two conditions he has called for are met, namely, release of American prisoners of war and an internationally supervised cease-fire? So, obviously, the President himself acknowledges that the 4-month period contained in the Senator's amendment is adequate, not only for accomplishing the withdrawal of the remainder of our troops in South Vietnam, but also for a total American military disengagement from the war in Southeast Asia. Would the Senator agree?

Mr. BROOKE. That is absolutely correct. I thank my distinguished colleague from Idaho for his contribution at this point.

So that means that not only do we have a precedent to show that it can be done, but we have the President's own words that it can be done and would be done if certain conditions are met.

Now, Mr. President, what other troops do we have, what other military personnel do we have, in Indochina?

Again this morning, to get the latest facts and figures, I have tried to find out how many troops we have in Cambodia.

The information I have received is that there are about 1,150 Americans in Laos, but the breakdown is classified as to how many are civilians and how many are military.

But even if they were all military, that is only 1,150 Americans of any type, civilian or military, in the country of Laos at the present time, so that this obviously would represent no particular problem to us in withdrawal in a 4-month period.

Then, Mr. President, in Cambodia, the third country in Indochina, it is my understanding that we have 103 military personnel at the present time.

Obviously again there is no question that the 103 can be removed within a 4-month period of time, certainly in a shorter time. And the personnel in these other two countries, to my understanding, are primarily in an advisory capacity. They are not I believe, in the main, combat troops which could be used for combat purposes in Southeast Asia.

So my first contention is that it seems to me it is within our means to withdraw all of the forces we now have in South Vietnam, in Cambodia, and in Laos without experiencing any difficulty whatsoever in their withdrawal.

Now, what does the amendment do during the period of withdrawing? The amendment gives to the President the authority to protect the withdrawal of our forces. And what do we have with which to protect the withdrawal of our forces?

Mr. President, without going into the figures, I think there is no question that we have almost complete superiority of the air. We have an Air Force in Thailand. We have an Air Force in Vietnam. And we have naval vessels. We have carriers. We have all of the firepower we need and more with which to protect the withdrawal of our forces from Indochina. So none of our American boys, none of our American civilians in any form or fashion would be unprotected under the amendment.

Mr. President, as to the argument about negotiations, we have been hearing about negotiations for a long period of time. All of us hope that we may bring about a negotiated peace. It is the best way to end the war, without question. And we have hoped and prayed that the President would be able to bring about a successful negotiation. However, the North Vietnamese have been very difficult to negotiate with.

We have heard the argument about the cease-fire and all of the others that have really been used as a barrier against successful negotiations. But the fact remains that the North Vietnamese have been pretty much adamant about a change in government in South Vietnam and a political coalition.

Mr. President, I do not believe that our Government wants to keep us in Southeast Asia pending a political coalition which is to be acceptable to the present South Vietnamese government. I do not think the President has ever suggested that. And I do not think it is a fact. But the fact is that we have not had successful negotiations to date. Even as late as this morning, Mr. Kissinger returned from Paris and, I believe, his 15th secret talk with the North Vietnamese. I do not know what those talks consist of or what, if any, success came from those talks. I hope again and pray that Mr. Kissinger would be successful. I hope if he was not successful on this occasion, that he will be successful in the future.

However, in the interim period, it seems to me that merely because negotiations have gone on and hopefully will continue to go on, Congress should not shirk its responsibility and again I say its constitutional responsibility, to act in this important area of peace and war.

Mr. President, Congress has an opportunity for the first time here in the Senate to accept that responsibility, to face it squarely, and to vote on an end-the-war amendment that does not jeopardize our forces, and—as I have pointed out—that does not impair negotiations. There is nothing in this amendment which would stop the President or hurt the President in his negotiations with the North Vietnamese. But it would bring an end to this war within a period of 4 months provided, and only provided, the North Vietnamese return each and every American prisoner of war in a North Vietnamese prison camp or in any prison camp of its allies.

What more can the North Vietnamese

expect than that we demand a return of our prisoners of war before we totally withdraw our forces from Indochina? They have asked us to get out time and time again. We have said that we want to get out. We have stayed there because we have been giving the South Vietnamese an opportunity to defend themselves. But I ask the old Biblical question, "How long, oh, Lord, how long?" How many more days, how many more months, how many more years must we stay in South Vietnam, still with a loss of American lives, to allow the South Vietnamese to get ready to defend themselves?

Mr. President, I say that we have stayed too long. For as long as an American life is being lost, we are there too long. And if we do not bite the bullet, if we do not stand up now and provide for the extrication of our forces, we could still be there, still hoping and praying for negotiations, not only for the next 4 months, but also for the next year or 2 years, or even more.

If our extrication from that war is dependent upon the South Vietnamese Government, I say that we have no control of our own destiny. That is why, Mr. President, I so strongly argue against the amendment to be offered by my friend, the distinguished senior Senator from Vermont (Mr. AIKEN), in which he provides for a cease-fire. We have been over that road too many times. We know where that road leads. That road gives the South Vietnamese Government a veto power, because they have said time and time again that, no matter whether we and the North Vietnamese agree to stop fighting, the South Vietnamese will continue fighting. And, if that is true, we cannot get a cease-fire that would include the South Vietnamese. And a cease-fire without the South Vietnamese is not a cease-fire at all. The war would still rage on.

I just do not know how much more the South Vietnamese can ask of the United States of America. It has already asked for more than 55,000 American lives. It has already asked for over 300,000 American casualties. It has already asked for over $100 billion of American money. And we are still spending money, having casualties, and losing lives.

I think that the Senate must stand up, that the Senate must vote on this measure. And I hope that it votes upon it favorably. I hope that it sustains, Mr. President, every provision contained in this amendment so that everyone who is called upon to vote on it clearly understands the language and intent of the amendment as I have tried to describe it in my opening remarks.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the Senator from Idaho was here and he has a brief matter he wishes to take up.

Mr. CRANSTON. The Senator from Idaho asked that a quorum call be suggested so that he could come to the Chamber to bring up a conference report.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, but we cannot wait for him very long.

The PRESIDING OFFICER. On whose time?

Mr. STENNIS. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. 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. STENNIS. Mr. President, I ask unanimous consent that I may yield 5 minutes to the Senator from Idaho with the understanding that if his matter should not be terminated or completed at the end of that time we will go back on the bill.

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

SAWTOOTH NATIONAL RECREATION AREA, IDAHO—CONFERENCE REPORT

Mr. CHURCH. Mr. President, I submit a report of the committee of conference on H.R. 6957, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report; signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6957). To establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert the following:

That (a) in order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area is hereby established.

(b) The Sawtooth National Recreation Area (hereafter referred to as the "recreation area"), including the Sawtooth Wilderness Area (hereafter referred to as the "wilderness area"), shall comprise the lands generally depicted on the map entitled "Sawtooth National Recreation Area" dated June 1972, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereafter referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, publish a detailed description and map showing the boundaries of the recreation area in the Federal Register.

SEC. 2. (a) The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

(b) The lands designated as the Sawtooth Wilderness Area, which supersedes the Sawtooth Primitive Area, shall be administered in accordance with the provisions of this Act and the provisions of the Wilderness Act (78 Stat. 890), whichever is more restrictive, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 3. (a) Except as provided in section 4, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including mineral interests and scenic easements, which he determines are needed for the purposes of this Act: *Provided*, That acquisitions of lands or interests therein for access to and utilization of public property, and for recreation and other facilities, shall not exceed five per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(b) In exercising this authority to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the boundaries described in subsection 1(b) of this Act. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) The Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the State of Idaho which he classifies as suitable for exchange and which is under his adminis-

trative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Nothing in this Act shall be construed as limiting the authority of the Secretary to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this Act withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(f) Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(g) Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

(h) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 4. (a) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the recreation area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review any regulations established pursuant to the first sentence of this subsection, upon a complaint filed within six months after the effective date of such regulations, by any affected landowner in an action for a declaratory judgment.

(b) After publication of such regulations, no privately owned lands shall be acquired by the Secretary by condemnation unless he determines, in his judgment, that such lands are being used, or are in imminent danger of being used, in a manner incompatible with the regulations established pursuant to this section or unless such lands are determined to be necessary for access or development, in which case such acquisitions shall be subject to the 5 per centum limitation established in subsection 3(a) of this Act.

SEC. 5. The Secretary shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

SEC. 6. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

SEC. 7. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 8. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Idaho, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, of public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 9. The jurisdiction of the State and the United States over waters of any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 10. Subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States.

SEC. 11. The Congress hereby recognizes and declares the need to take action to regulate the use of, and protect the surface values of, the Federal lands in the recreation area, and directs that rules and regulations necessary to carry out this section shall be promulgated and issued by the Secretary of Agriculture after consultation with the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development operations.

SEC. 12. Patents shall not hereafter be issued for locations and claims heretofore made in the recreation area under the mining laws of the United States.

SEC. 13. There are authorized to be appropriated for the purposes of this Act not more than $19,802,000 for the acquisition of lands and interests in lands and not more than $26,241,000 for development. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area.

SEC. 14. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1974.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following—

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral, and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between recreation areas, wilderness areas and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section.

SEC. 15. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

ALAN BIBLE,
FRANK CHURCH,
FRANK E. MOSS,
CLIFFORD P. HANSEN,
LEN B. JORDAN,
Managers on the Part of the Senate.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
MORRIS K. UDALL,
J. SKUBITZ,
JAMES A. MCCLURE,
Managers on the Part of the House.

Mr. CHURCH. Mr. President, in view of the fact that the conference report is being filed today in the House of Representatives, and the report, together with the joint statement of the conference committee, will be printed by the House, I ask unanimous consent that the printing of this report as a separate document by the Senate be dispensed with.

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

Mr. CHURCH. Mr. President, there were numerous points of difference between the House version and the Senate amendment which were the subject of

discussion and action by the committee of conference.

The committee of conference decided to accept the Senate's inclusion of the Sawtooth Wilderness Area within the boundaries of the recreation area. It eliminated the Senate provision that the landowner could require the Federal Government to purchase his property if he desired to sell. Compromise language was adopted on hunting and fishing which leaves basic management to the State of Idaho.

The committee on conference also accepted the Senate provision to make permanent the withdrawal of all Federal lands from entry and location under the mining laws.

The conferees have reached what I consider to be a reasonable compromise on the differences between the two versions and, therefore, Mr. President, I move the adoption of the conference report.

The motion was agreed to.

Mr. CHURCH. Mr. President, I wish to make one further comment.

This brings to a conclusion Senate action on a bill which has taken literally 10 years to be written into law. I think it is the most significant legislation affecting my State that will be passed by Congress in this session.

I particularly want to express my gratitude to my distinguished colleague, Senator LEN JORDAN, for the support and cooperation that he has extended in our joint effort to finally bring to fruition a decade of legislative effort to provide adequate environmental protection to one of the most beautiful Alpine regions in the West.

Mr. President, I yield back such time as I may have remaining.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate resumed the consideration of 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.

AUTHORIZATION OF APPROPRIATIONS FOR CENTER FOR NAVAL ANALYSES

Mr. JAVITS. Mr. President, I direct my question for my colleague, Senator BUCKLEY, and myself, to the Senator from New Hampshire.

The University of Rochester, Rochester, N.Y., has a deep concern about the fact that the provision in the authorization for the Center for Naval Analyses with which the university is concerned, is cut in half. The reason is that it is going from the fiscal year to the calendar year basis.

That leaves them up in the air and uncertain as to where the center will be as to the nature of its funding.

We would like to know from the Senator what assurance he can give us.

Mr. President, I yield to my colleague from New York.

Mr. BUCKLEY. Mr. President, I would like to emphasize that there is an understanding, of course, that there will be a continuing resolution for funding for fiscal year 1973. However, the fear is that funding will be based on a theoretical annual expenditure of $4.5 million rather than on a real annual program of $9 million. Is that a justified fear?

Mr. McINTYRE. Mr. President, that is substantially correct. Let me say in answer to the two distinguished Senators from New York that the reduction of $4.5 million for the Center for Naval Analyses will not interrupt the continued operation of that organization during fiscal year 1973. Their present contract, which is financed with fiscal year 1972 funds, will support them through December 31, 1972. If appropriations are enacted by that time, the funds recommended by the committee will be sufficient to continue their contract through the end of the fiscal year 1973, or June 30, 1973, provided that their program is approved by the Department of Defense.

If the program is enacted after December 31, 1972—and that, of course, is highly unlikely—and the continuing authority is provided by a joint resolution, the Department of Defense will have the authority to continue financing the contract at the same level pending final enactment of the appropriations.

That is the only one that is operated on a calendar year basis. We are putting them on a fiscal year basis, so that they will be the same as the others.

Mr. JAVITS. There is no reason for fear and uncertainty.

Mr. McINTYRE. There is no reason for fear and uncertainty.

Mr. BUCKLEY. Mr. President, the Senator mentioned the 6-month basis and that no cutback would be intended. We would not, however, be dividing the $4.5 million by 12 instead of by 6?

Mr. McINTYRE. The Senator is correct. It was established in January 1973, and runs through June 30, 1973, with $4.5 million.

Mr. BUCKLEY. I thank the Senator.

Mr. JAVITS. Mr. President, I thank the Senator from New Hampshire. He is most helpful and most gracious.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, I yield to the Senator from Alaska for a question.

Mr. STEVENS. Mr. President, I would like to address some questions to the Senator from Massachusetts. As a preamble to the questions I would like to place in the RECORD the provision that was the Brooke amendment to the Cooper amendment. First, the Cooper amendment that was offered July 19, provided for a complete withdrawal of all U.S. forces from Vietnam, Laos, and Cambodia within 4 months of the enactment of the bill that that amendment would have been attached to.

After that was offered the Senator from Massachusetts offered this amendment which was in lieu of paragraph (b) of the Cooper amendment.

The amendment was:

> 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.

At the time that amendment was offered, and I still maintain the same position, I was of the opinion that under the provision that was offered by the Senator from Massachusetts at that time, as I said, "Provided there has been a release of all American prisoners of war," there could not be that type of a condition precedent without having, in effect, a cease-fire, so I voted for that amendment.

My question to the Senator from Massachusetts is has he changed his amendment at this time. As I understand his amendment, the first portion of it is, in fact, the same as the Cooper amendment—the first two sentences—but it now has this proviso:

> Provided that there is a release within the four-month period of all American prisoners of war held by the government of North Vietnam and all forces allied with such government.

I would like to ask the Senator from Massachusetts if he could tell us what his reason is for changing his amendment from the prior amendment that was passed by the Senate, the prior amendment having been what I considered a condition precedent that would have permitted the President to continue to act as he has acted until there had actually been a release; and this one, I understand, means the funds will be cut off subject to release of our prisoners of war, within a 4-month period.

Am I correct or incorrect with regard to the amendment?

Mr. BROOKE. I thank the Senator for his question. The Senator is quite correct in saying the language of the original Cooper amendment has been left intact and untampered with in any fashion. It was not my intent to in any way change the original Cooper language in the first part of the amendment.

The reason why the language of the second part of the amendment was changed was for the purposes of clarification. The Senator from Kentucky (Mr. COOPER) always intended, as did I, that the 4-month period would begin to run upon enactment of the legislation, and that is clearly set forth in both amendments. The provision that the prisoners of war would be returned was intended by me within that 4-month period of time, and at that time it was intended, and is now, that after the enactment of the bill the 4-month period would begin. It was intended that the President would have complete flexibility, so far as the rate of withdrawal was concerned, and hopefully within that time the two governments would get together and work out the details as to how many prisoners would be returned and how many troops would be withdrawn, according to what schedule.

As I said earlier in my remarks, we would be talking, as a practical matter, only about some 39,000 troops. The rate of withdrawal would be left entirely up

to the President. And during that period of time the North Vietnamese would be returning the American prisoners of war.

If the North Vietnamese did not return the American prisoners of war, then, to use an expression, all bets would be off, it would be null and void, and the President could continue the war as he saw fit. The amendment was designed to give the North Vietnamese an opportunity to have us withdraw from Indochina upon the return of our prisoners of war—all prisoners of war. That is the intent now. That was the intent then. I believe that this language as written in the amendment clearly states that intention.

Mr. STEVENS. Let me ask my colleague another question. I recall being on the floor when the Senator from Massachusetts made the statement on July 24, when he said;

> The fact is 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 these American prisoners of war will be returned to us.

As I said, the Senator from Massachusetts had in his amendment on July 24 the proviso that "there has been a release of the American prisoners of war."

Would the Senator from Massachusetts tell me, during the period of time after the passage of the act that the 4 months would be involved in the present amendment, could the President of the United States continue to use forces of the United States in any manner he saw fit to continue, in effect, the pressure he has put on the enemy with regard to the bargaining for the release of the prisoners of war and for the total cessation of hostilities there, or would he be limited by the first sentence of the amendment to using these funds only for the purpose of withdrawing the troops and protecting them as they are withdrawn?

Mr. BROOKE. I hope that I understand the Senator's question. The President, under this amendment, would be bound to use the funds authorized under this amendment or appropriated under this amendment only for the purposes of withdrawing all U.S. ground, naval, and air forces from Vietnam, Laos, and Cambodia, and protecting such forces as they are withdrawn. How the President uses that power in the protection of the troops as he withdraws them is a matter left entirely up to the President. We are not trying to write into the legislation specifically what the President has to do in that regard. He has the power, and he is, by this amendment, compelled to start withdrawal after the date of the enactment of the legislation.

It has already been determined that he does not have any combat ground forces to speak of anywhere in Indochina at this time. But he still has his air force, which he can use in the protection of his troops as he withdraws them.

If the North Vietnamese fail to return our prisoners of war then this amendment is a nullity, this act of legislation is a nullity, and the President has all the powers to do that which he is doing at the present time.

May I just say I think the word "protection" is a very important word in this amendment, because the President will be the determinor as to what he needs to use in order to protect his troops as he withdraws them from Indochina.

Mr. STEVENS. I would ask another question, and I will say to my good friend from Massachusetts, I have not made up my mind yet as to whether this is the same amendment. On July 24, the Senator from Massachusetts made this statement:

> My amendment does not call for an agreement or any negotiations. It sets as a condition precedent that we will get back our prisoners of war before we withdraw all our forces from Southeast Asia.

Do I understand the Senator from Massachusetts today to say that under this amendment we will get back all of our forces before we withdraw from Southeast Asia, and I am talking in that regard about Vietnam, Laos, and Cambodia; that we will have our prisoners of war back before we make that withdrawal?

Mr. BROOKE. Before we complete that withdrawal, the answer is "Yes." The question as to the statement that the Senator refers to relates to a statement I made which said that this amendment does not call for any agreement as far as the return of the prisoners of war is concerned. It provides that the prisoners of war must be returned, not that the North Vietnamese sit down with us and work on an agreement with us for the return of our prisoners of war. We are providing that all prisoners of war must be returned.

This was the very lengthy, and I think very exhaustive, debate which took place on my amendment to the Cooper amendment. And I was very strong at that time, as I am now, that I want all American prisoners of war returned before all our forces are pulled out of Indochina. That is what this amendment says.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. BROOKE. I yield.

Mr. HUMPHREY. As a matter of fact, it was at that particular point that the Senator's amendment differentiated itself from the amendment which was offered by the Senator from Nevada (Mr. CANNON), with which the Senator from California (Mr. CRANSTON) and I associated ourselves. There was a difference between first an agreement and the fulfillment of the release of the prisoners of war, which was the crux of the Brooke amendment; namely, the withdrawal with the release of the prisoners of war accomplished. The amendment that the Senator from Massachusetts has offered gives the President the flexibility he needs, as the Senator has properly noted with the use of the word "protecting" such forces as they are withdrawn.

The President, under the terms of this language, could be going through diplomatic negotiations, or whatever we wish to call them, right up until the last day of the 4-month period, and during that period of time the preparing for the withdrawal of our forces, contingent upon the release of our prisoners, could take place, or it could be done later; but I do not think this cripples the President or says, "Look, you must stop all activity. You are helpless. You have to give up the trump card." What we are saying is that "We leave it up to you to interpret what you mean by protection of the American forces."

Of course, we all know the President today says that what he is doing in these protective reactions, and actually the intensified bombing, is protecting American forces and installations. Some people disagree with that, but we are not arguing that point in this amendment. I think the amendment gives the President the flexibility that he agrees he needs.

So to the argument that we are trying to cripple the President, to take away his power, to put him in some sort of straitjacket, I say that is not the purpose of that amendment as I read it, and if it were, I would not vote for it, because I do not believe that at this particular time we ought to do that.

But I do believe that Congress had better quit talking about ending the war or do something to end it, and that is what this is all about. There has been a lot of politics played with this way for 10 years, on all sides, and I think Congress has come to the point where the moment of truth is here, and we either ought to cut off funds under conditions we believe are fair and equitable, or quit trying to accuse the previous administration or this administration of anything relating to this war.

I think we have a responsibility. I think this amendment shares that responsibility with the President. I do not seek to make it difficult for President Nixon on this issue. I think he has been doing a job getting these forces out of there. I wonder how he can get them all out. I think it is to his advantage that Congress seek to help him in this way, and to the advantage of the country in every way.

Mr. BROOKE. Mr. President, I say to the Senator from Minnesota that he is absolutely correct about the issue raised by the Senator from Alaska about agreement. I certainly want to assure my colleague from Alaska, because I know he is very seriously concerned—he has voiced his concern to me privately, and he voices it on the floor of the Senate this afternoon—as to what protection we have, what safeguards we have, to assure that our American prisoners of war will be returned.

Let me say this to the Senator: First, the 39,000 troops in South Vietnam, of which at the outside 1,000 would be combat troops, certainly do not give us that protection. The civilians and military advisers, few in number, in Cambodia and Laos, certainly do not give us that protection. So the protection that we have, the real strength and power that the President has in assuring the return of American prisoners of war, is in our Air Force, most of which is not even in Indochina, but is in Thailand.

So we are really not giving up anything. Under this amendment, when I talked about agreement, I was discussing the agreement that the Senator from

Minnesota has alluded to, which was contained in the Cannon amendment. And when I now talk about discussions between the two governments, I am merely talking about the discussions as to how many will be returned at what time, and where. These are sort of housekeeping-type discussions, rather than setting any formal agreement as to whether the North Vietnamese will return our prisoners of war in return for our getting out of China. The amendment provides that they must return our prisoners of war before we get out of Indochina.

(Several Senators addressed the Chair.)

Mr. BROOKE. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, if I may follow up on this question, because the Senator from Massachusetts has just said the amendment provides that we will not withdraw until we get our prisoners of war, I recall a colloquy between the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts before, right after the portion of the RECORD that I just read, where the Senator from Massachusetts commented, in response to the Senator from Minnesota, as follows:

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.

That is what I want to know. Is this operative before we get our prisoners of war? Do we cut off funds from the President? I say to the Senate, if the funds are cut off before we get our prisoners of war, I shall vote against the amendment. If it cuts off the funds after we get our prisoners of war, I shall vote for it. I have never voted any other way since I have been here. But I think that here we may have a substantial change, and are saying to the President, "You cannot have these funds and spend them for anything other than getting our troops out of there. Meanwhile, get our prisoners of war, and do it within 4 months."

I do not see how we can tell the President that. That is not what we told him before. Before, we said "Provided there has been a release of our prisoners of war."

Now is the Senator saying, "Don't use any money except to bring these men home." I agree with that, but only if we have our prisoners of war. But to me, it makes a substantial difference as to whether we have our prisoners of war and then tell the President, "You cannot spend another dime except to bring our people home," or whether we tell him, "You cannot spend another dime except to bring our people home; meanwhile, get our prisoners of war back." That difference is a serious question in my mind.

Mr. BROOKE. I respect that serious question, and that is why I am trying, to the best of my ability, to explain the amendment to the satisfaction of my colleague from Alaska.

I think he well pointed out that under this amendment, the President has the power to protect the troops in Indochina. That power to protect the troops is a power that the President can exercise by the use of his Air Force. Nothing changes that at all in this amendment. He still has that. He is not going to use the 1,000 combat troops in South Vietnam for the protection of the troops. The Senator knows that is a fact. He is only going to use the Air Force, and the Air Force he can continue to use under this amendment for the protection of the troops. There is no cutoff of funds for that at all.

Mr. STEVENS. Mr. President, I repeat the same question: Does the President have to start removing the troops, by order of Congress, under the Senator's amendment, before he obtains the release of the prisoners of war?

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BROOKE. I yield.

Mr. JAVITS. The answer is "No," and the reason is the following——

Mr. STENNIS. Will the Senator from Massachusetts yield to me?

Mr. JAVITS. Could I answer this question. It will just take 30 seconds.

Mr. BROOKE. Let the Senator from New York finish his answer.

Mr. JAVITS. The reason for that is this: I understand the Senator's concern. He wants to know about these 39,000 troops, even if there are only 1,000 combat troops, or whatever. His question is, Do they get out before the prisoners are released?

The reason I say "No" is as follows: There are three interdependent parts of this amendment. The first is to cut off funds except for withdrawal. The second part is that the withdrawal, as referred to in the first sentence, shall be within 4 months; and the third part is the proviso—the "however"—that there has been a release.

Mr. STEVENS. I say to my friend from New York, first, that that is not the amendment. The amendment has now been changed. It says "provided that there is a release."

Mr. JAVITS. Provided there is a release.

Mr. BROOKE. Provided there is a release within the 4-month period.

Mr. JAVITS. All right. As I read these three clauses, they are completely interdependent, and the proviso relates to both the first two. If there has not been a release, he does not remove the troops, and he removes or phases them out as the prisoners are released. That is the way I read it, and when I vote, that is the way I am going to vote.

Mr. STENNIS. Mr. President, will the Senator from Massachusetts yield to me, to respond to the question of the Senator from Alaska? The Senator will really recall the argument that the Senator from Alaska referred to. I raised these questions, too, and I would like the Senator from Alaska to remain for a few minutes, anyway. Mr. President, I yield myself 15 minutes.

Mr. President, the Senator from Alaska has stated this matter better than I could have. His questions go to the very heart of the matter, and in asking those questions in the manner he did, he stated the answer at the same time.

I believe we can demonstrate clearly here that the Senator from Alaska was right about those questions and his suspected answers, and the language here will prove it. Mr. President, if Senators will just follow me here on this Brooke amendment, beginning with lines 1 and 2 at the bottom of page 1, it says:

Funds authorized or appropriated by this or any other Act for United States Forces with respect to military actions—

All military actions—

in Indochina—

That is, all that part of the world over there—

may be used only—

Now, this goes into effect when the amendment passes.

There is only a 4-month period involved here, so this money can be used only for the purpose of withdrawing all U.S. forces, ground forces, naval forces, and air forces from Vietnam, Laos, and Cambodia, and protecting such forces as they are withdrawn.

That means he absolutely must get out. He cannot use this money for any other purpose. In that vast area of the world, it takes time. It cannot be done in a day, a week, or a month. It would take months to comply with this, and all the time throttled and tied to the ground: He cannot use this money for any purpose except a withdrawal and protecting such forces.

Does it say he can stand and fight? No. He cannot spend the money. He has to spend it for withdrawing and merely protecting them as they are withdrawn. Those are the words of the amendment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. STENNIS. Give me a few minutes, please.

Those are the words of the amendment, not my words:

withdrawing and protecting such forces as they are withdrawn.

All that must go along together. You cannot stand and fight. You cannot fight back. You have to keep withdrawing.

All military actions must be directed toward a withdrawal.

You can shoot back, but you cannot stop and put up embankments or entrenchments or protections or fortifications. You must not stand and fight: you must withdraw. That is what the amendment says. All that has to go along together.

These prisoners have to be obtained in some way during the same period of time. All right—1 month passes and you withdraw. You cannot spend the money for anything else, so you must be withdrawing, and no prisoners are released. Another month passes, and you cannot spend the money for anything except withdrawal; so you have 2 months of withdrawal and no prisoners. Then you have 3 months of withdrawal and no prisoners. What is the President going to do then? Somebody has to give him a reasonable answer. There is no flexibility here, under this language. Give the Chief Executive of this Nation some reasonable room and some reasonable

answer, something to stand on, in making it unlawful to spend the money.

The Senator from Alaska was correct. According to the provisions here, the President has to keep on withdrawing and only protect the troops as they withdraw. All right—3 months and 3 weeks pass. What is he going to do then? He still has his hands tied. The prisoners of war have not been returned yet.

Mr. President, that shows, with all respect, that this is a ridiculous provision to try to carve into hard law.

While we are at war, under these circumstances, while we are negotiating, while we are going to Paris and doing all these things, here comes a legislative act that absolutely picks the President's pockets, takes the money out of his pockets, so to speak, except for this little, small, narrow field of withdrawal. All the time he has to be showing evidence of withdrawing and withdrawing and withdrawing. If he fires any weapons, he has to be able to show that he is protecting the forces as they withdraw. That might be a good regulation for some school child or someone like that; but I submit that the idea of putting the President of the United States under such restrictions and limitations and uncertainties is ridiculous—it is ridiculous to think seriously about enacting legislaton that is so tightly drawn as this.

Here is the come-along to get it passed:

Provided there is a release of the prisoners.

That, of course, is what we all want. But within this period of 4 months, the President is not permitted to be the Commander in Chief. He is not permitted to be the Chief Executive. In effect, he is not. Talking about limiting the funds and cutting off the money and putting him under an obligation of that kind—they would laugh at him. They would laugh at him if that provision becomes law.

What are we dealing with here, anyway? Are we getting ready for some kind of picnic or social affair that is not serious? This involves human lives. This involves commitments of this great Nation. It involves the executive branch, the highest office in the greatest, most powerful Nation in the world, an Executive who is trying to set some kind of pattern and trying to do something for a free world.

More than 50,000 men have given their lives in this effort, say what you want about it. And we are going to wind it up now, or try to, by binding the hands of the President of the United States. If we are going to do that, we literally ought to send up the white flag and not blame him. Do not give him an impossible job. We should take the responsibility ourselves, if this is the best we can do toward getting at this matter.

I do not have any criticism of anyone personally. I know the agony in the hearts of men who have responsibilities in connection with this war. I know a little about it from a personal standpoint. But I submit that we have gone far afield. This amendment is so tightly drawn, in trying to do the impossible and trying to deliver the prisoners of war, too—which has been impossible so far—that I believe we have overstepped by a great deal the bounds of reason.

It makes no difference what the political situation is. It makes no difference about the forthcoming elections. That is not an issue. Those elections are part of our government, and they come on the calendar depending on what year it is.

The question here is this: Let us not adopt something in trying to help and have it prove to be a stumbling block. This is an impossible formula.

I submit that this amendment—this proposed substitute, which is what it is—should be rejected forthwith. If we are going to get at the real problem in a practical way, the amendment should be redrafted, redrawn, and resubmitted at some other time. Other bills will be coming along; other matters will be coming along.

I have used all the time I care to use now, and I am glad to yield to the Senator from Massachusetts, if he wishes.

Mr. BROOKE. Mr. President, I do not think we need to use the entire time on the debate of this amendment. I think it has been given very exhaustive treatment on the floor of the Senate last week and again this week.

However, I am very concerned about the questions the distinguished Senator from Alaska has asked. And, as I said earlier, I want to satisfy him so far as the intent of this amendment and the language of this amendment are concerned.

The distinguished chairman of the Committee on Armed Services said:

How can we withdraw all these troops within 4 months?

We are talking about only 39,000 troops, and we already have withdrawn as many as 23,500 in 1 month. Is there any question that we can withdraw 39,000 troops in 4 months without any injury to us?

The second question pertained to the rate of withdrawal. The chairman said we withdraw the first month, we withdraw the second month, and we withdraw the third month, and they have not returned any prisoners of war. He does not give much faith and credit to the President of the United States. We are not telling the President how fast he should withdraw the 39,000 from South Vietnam or the few remaining advisers from Cambodia and Laos. If he wants to withdraw 1,000 troops the first month, that would be less than he is withdrawing at the present time. If the President wants to withdraw another 1,000 troops the second month, he still would be behind the present schedule. Still, if the North Vietnamese have not returned any of our prisoners of war, he is not duty bound to withdraw all the 39,000, even the third month or the fourth month. So that we may end up in the fourth month with 39,000 troops still remaining in South Vietnam, if North Vietnam does not respond to our offer to return our prisoners of war. That is the answer to my colleague's question. That is what he is concerned about. That is what I was concerned about when I put this amendment on to the Cooper amendment, that we would not get our prisoners of war home before we withdraw from Indochina. I want to assure him that under my amendment this could not happen. And, in addition, that the word "protection" means that the President can go on using his Army, his Air Force, and his Navy, but most particularly his Air Force and his Navy because there really is no Army as such to be used for the protection of American forces there.

Mr. STEVENS. Mr. President, will the Senator from Massachusetts yield for a further question?

Mr. BROOKE. Certainly.

Mr. STEVENS. My question is clear and is graphically shown by the fact that here is an amendment on July 24 which is the amendment I voted for, which he attached to the Cooper amendment, and here is the amendment on July 25 and it is the same amendment as modified by Senator BROOKE a day later; and I still do not know why the Senator from Massachusetts saw fit to modify an amendment that was passed and to change it, from "there has been a release of prisoners of war" to "there is a release of prisoners of war within a four-month period."

Why did the Senator from Massachusetts change that amendment?

Mr. BROOKE. For purposes of clarification only. There was some question as to when the 4-month period would begin.

Mr. STEVENS. Does the Senator from Massachusetts believe that this is still the same amendment?

Mr. BROOKE. Yes. And I think I made it clear to the Senator from Alaska. The Senator from Alaska understood, and I think he wants to vote for this amendment as he voted for it before. All he wants is to assure himself, as I understand it, that this is the same amendment, with the same intent and the same purpose.

Mr. STEVENS. I want to be assured that before we tell the President that he must withdraw all our forces, we have a release of our prisoners of war.

Mr. BROOKE. That is exactly what we do in this amendment. Before the President withdraws our forces, we must have our prisoners of war. We say that he does not have to do a thing until the prisoners of war are returned. He has the flexibility, he has that determination, solely. We are not telling him any more than that under this amendment.

Mr. CRANSTON. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. CRANSTON. The Senator from Alaska has asked some penetrating questions which go right to the heart of this issue. They relate to our prisoners of war, whom we are all gravely concerned about. They also relate to the exercise of judgment, wisdom, and constitutional authority with respect to winding down the Vietnam war.

I am delighted that the Senator is asking those questions. Let me say to the Senator from Massachusetts that it was an act of high integrity on his part to add that clarification, at the possible cost of losing some support. He did not

want an ambiguous amendment that could be interpreted in different ways by the President, by Senators, and by the American people. I respect him highly for that act, more than ever before. My respect for him has always been very high, because he is a man of the highest integrity.

I would like to have the attention of the Senator from Alaska now, because I am going to speak about some of the questions that trouble him.

In answer to the first part of the Senator from Alaska's question, it is my understanding that we do not get all the way out right away, and we do not necessarily stop all acts of force immediately. We retain our power to use air, land, and sea power when we wish if we do not get our prisoners out. Under this amendment, our use of force does not necessarily come to an end until the last man is out. This, I think, is the key point that is troubling the Senator from Alaska. The process of withdrawal does not necessarily start until we have reached an agreement and until its implementation has begun. We then begin to exercise restraint, and we begin to get the prisoners back. The language of the amendment says that funds may be used only for withdrawal, provided there is a release of the prisoners within 4 months. If there is no release, we do not necessarily apply that restriction to the President's aiblity to use funds in any way he sees fit.

Mr. BROOKE. I thank the Senator from California.

Now, Mr. President, we have heard four Senators talk on this question. The Senator from Minnesota, the Senator from New York, the Senator from California, and I have expressed our interpretation of this amendment. I just want to assure the Senator from Alaska, if I may have his attention, that the prisoners of war were uppermost in my mind when I took the floor and amend the original Cooper amendment. That is the provision I wanted. I share his concern for our prisoners of war. I did not want to give up the bargaining power that we have. We all want the prisoners returned before we give up our power.

I assure the Senator from Alaska that under this amendment, our power will not be given up until we have every American prisoner of war returned. That is what he voted for last week. That is what I hope we will vote for today because there has been no change, and let the RECORD show it clearly, there has been no change in the content of the amendment. The minor language change was solely for purposes of clarification. There was no change in what would happen under this amendment because the President was still being given the power and the flexibility he had under the original amendment.

Mr. COOPER. Mr. President, I did not intend to enter this debate, but because of the question being asked the distinguished Senator from Massachusetts (Mr. BROOKE) and the answers given, illustrates the dilemma of so-called end the war amendments with conditions precedent such as the Brooke amendment. The amendment which I offered last week and which has now been incorporated in the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) provided for the unconditional withdrawal of all our forces not only ground forces in Vietnam but in Laos and Cambodia and also our naval and air forces from the war, starting immediately upon the enactment of this bill. In short, it meant to get all the way out, to end U.S. participation in the war.

Now the attacks being made on the amendment of the Senator from Massachusetts from all sides, indicates the uncertainty of its meaning. I respect his deep feelings and his convictions. But the fact stands out, that the war will not be ended and no one gets out of the war under this amendment. The amendment is designed to end the war; yet he is forced to convince Senators that his amendment does not stop the fighting. It not only tells the President that he can continue to fight through the 4 months, but also after the 4 months have expired. If our prisoners of war have not been released, the Senator's amendment would authorize the continuation of the use of the mighty power of this country to bomb from the air and from the sea to continue the war. The amendment goes far—it implicity authorizes the war.

The Senator and the Senate cannot have it both ways. That is the point I tried to make last week. I am not complaining about the defeat of my amendment. The Senate did not want it. I can understand their humane reasons.

But it cannot be argued that an amendment which provides explicitly that no funds shall be used except for the purpose of withdrawing all forces and that not a cent shall be spent from the time of the enactment of this bill for any purpose except to withdraw authorize the continuation of the war. We cannot against that language say, "Yes, Mr. President. Our forces can continue to fight, to bomb, to strafe, and to shell for the next 4 months without any hindrance and from then on without any hindrance from thereon unless our prisoners are released."

I believe we would have a better chance to get the prisoners released if our participation in the war is ended.

I have great respect for by good friend Senator BROOKE. However, I do not agree with his interpretation of that portion of his amendment which I wrote. I think his amendment proposes something that we have not done before. We are proposing an authorization to the President to continue the war although we have complained about it all the time.

That is the defeat of so called end-the-war amendments. On the other hand, they give the impression that the Senate is voting to end the war, and then by adding a condition to authorize its continuance.

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

The PRESIDING OFFICER. The Senator from Massachusetts has no time remaining.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I want to say that I agree with what the distinguished Senator from California (Mr. CRANSTON) said in response to a question from my distinguished friend, the Senator from Alaska (Mr. STEVENS). As I said, I think we have debated this matter sufficiently. I just want to assure the Senators that the amendment is a simple amendment. It is the amendment that we considered last week. The amendment has not been changed in any form or fashion as to the intent and purposes, or in what it would do.

It would still only provide that we withdraw all American forces from Indochina, Cambodia, Laos, and South Vietnam within 4 months from the date of the enactment of this legislation, provided that within that period all American prisoners of war, all of them, are returned by North Vietnam and any allies who have them. The President has the full flexibility in that time to protect American forces in Indochina with all the power necessary. And we are only talking about some 39,000 troops, of which no more than 1,000 are combat troops.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I rise to support the Aiken amendment and to oppose the Brooke amendment. I support the Aiken amendment because it is a stop-the-killing amendment, because it will allow the continuance of the negotiations now going on in Paris, because it is furtherance of an early chance for peace, and because without a cease-fire, as we discovered in Korea, there can be no real chance for the recovery of our prisoners of war and no real protection for our prisoners in the process of their release.

Mr. STENNIS. Mr. President, I ask for order for the distinguished minority leader. There is a lot of noise and confusion down at the desk.

The PRESIDING OFFICER. The Senator's point is well taken. Then Senate will please be in order.

The Senator from Pennsylvania may proceed.

Mr. SCOTT. Mr. President, there would be no protection for our forces in the process of withdrawal unless we have a cease-fire. And all belligerency stops either with a total defeat of one side or with a cease-fire.

No one has urged here the total defeat of the North Vietnamese. No one has directly urged in this Chamber the total defeat of the United States, although there have been implications arising within and without the Chamber that that would be preferable to the continuance of the present situation.

I cannot believe now that the American people are advocating defeat for either side. I can believe that they are advocating a stop-the-killing amendment. Presumably that is the compas-

sionate thing to do. That is the pragmatic thing to do. That is the logical thing to do. And it is consistent with what we are offering to do. We are back again to the old situation where the Senate is trying to second-guess the President, where the Senate suspects that something is going on, and the Senate, quite naturally, wishes to be part of the action.

The difficulty is that we cannot have 100 Senators negotiating a peace. They could not do any better job than Jane Fonda did under the circumstances. It is better that we leave the power to negotiate to the authority designated in the Constitution.

As to the amendment of my friend, the distinguished Senator from Massachusetts (Mr. BROOKE), it is indeed weaker than his earlier version. And I guess that merely to defeat the amendment, I perhaps should not point out exactly how weak it is. However, I think that is the fact.

The new amendment, instead of providing for a 4-month withdrawal after release, provides for a phasing out, or intends to provide some sort of phaseout of the prisoners of war and their return during a 4-month period.

So, we have here in this amendment no longer what the old amendment had, which was a release of the prisoners following which there would be a withdrawal of the forces. But we have here a withdrawal of the forces followed by the release of the prisoners. There is nothing in this amendment which would inhibit Hanoi from waiting to the last minute of the last day of the fourth month before actually releasing the prisoners of war or making an accountability for the missing in action.

So, we would get down to 1 day, 24 hours, remaining. If we had withdrawn all of our forces under this amendment, except 100, and that 100 would be mostly over in the PX, how conceivably could that 100 men representing the United States, offer protection either for their own withdrawal or for the withdrawal of our prisoners of war and an accountability for the missing in action?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 additional minute.

Mr. SCOTT. Mr. President, this does not necessarily have to happen until the last hour of the last day. Therefore, there are many reasons why it is weaker than the earlier amendment and many reasons why it should be defeated, more so than the other amendment.

The President, indeed, could ignore this wording, and all that would be accomplished would be an expression of good will which we all share for the ending of the war.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. AIKEN. Mr. President, so much has been said about what the proposed amendment will do. So much has been said by the Members of the Senate as to what the amendment would or would not do for the President of the United States I think that it is about time the Senate consider what the President thinks the amendment would do for him.

The President is very strongly opposed to the amendment offered by the Senator from California as written. He is strongly opposed to the substitute offered by the Senator from Massachusetts, being convinced that instead of helping him, these amendments they would both handicap him in his efforts to secure an early peace and an early return of our forces from South Vietnam.

The President strongly supports the amendment which I will propose shortly on behalf of myself and eight of my colleagues. He believes that will be of great help in his efforts to get an early peace in Indochina. I think that the President, having a responsibility, ought to have his opinions considered by the Senate. He knows what will hurt him in his efforts; he knows what will help him.

I am sorry there is so much opposition to his efforts. He has withdrawn over 90 percent of our troops now. We are on the way to winding up that situation over there. Why should we try to impede his efforts now? If they do not succeed, and they may not succeed if the enemy will not agree to them, then there will be time to consider something else.

But I think now, so long as he is Commander in Chief, and as long as he has responsibility for the situation over there we better give him some consideration and not try to drive him into the dirt.

Mr. President, that is all I have to say.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment offered by the distinguished Senator from Massachusetts (Mr. BROOKE), which would provide for a withdrawal of U.S. forces throughout Indochina within 4 months of enactment of H.R. 15495, provided that there is a release within the 4-month period of all American prisoners of war held by the Government of North Vietnam and all forces allied with such government.

Mr. President, here again the Senate is trying to impose itself as the negotiating body in reaching a settlement of the Vietnam war. At the same time, the President is actively conducting negotiations and the position he has adopted is certainly reasonable and from all appearances is acceptable to the American people.

U.S. withdrawal from Vietnam in a way which will preserve the freedom of the independent countries of Indochina is just not as simple as this amendment would suggest. Other factors must be weighed in carrying out this withdrawal.

First, the continued success of the Vietnamization program is of prime importance if the people of South Vietnam are to have a fighting chance to successfully resist the invaders who have occupied their soil and are killing their families and neighbors.

Second, amendment No. 1347 provides no guarantee whatsoever that all 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 leave our loyal allies, the South Vietnamese, completely at the mercy of an aggressive, 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 discourage new aggression in its wake.

Finally, Mr. President, it appears to me the timing of this amendment could not possibly have been worse for our Government. Dr. Henry Kissinger, the President's negotiator on the war, is personally representing President Nixon in announced peace negotiations for the first time. Just today he is returning from Paris to give President Nixon the latest report on the progress of the talks.

If the Senate must speak on this issue more than it already has then surely such messages could be considered later in the year so as not to disrupt the present negotiations which hold new hope of some success.

We want to bring this war to a close. The President is working hard to bring the war to a close and Congress can work with him to accomplish that purpose if we will avoid such amendments as this.

Mr. President, for these reasons I urge the Senate to reject this amendment and to proceed to final passage of the military procurement bill.

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

The PRESIDING OFFICER. The Senator has 24 minutes remaining.

Mr. STENNIS. I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the Senator from Mississippi for yielding to me.

Mr. President, three amendments are under discussion at this time. The amendment offered by the distinguished Senator from California (Mr. CRANSTON) was first offered; then, the amendment by the distinguished Senator from Massachusetts (Mr. BROOKE) was offered as a substitute; and in just a few moments the distinguished Senator from Vermont (Mr. AIKEN) is going to offer a perfecting amendment to the Cranston amendment. The Aiken amendment would be voted on first in an effort to perfect the Cranston amendment. Irrespective of the vote on the Aiken amendment, it will be followed by a vote on the Brooke amendment as a substitute to the Cranston amendment, or the Cranston amendment as amended by the Aiken perfecting amendment.

The first issue will be to choose between the Cranston amendment and the perfecting amendment of the distinguished Senator from Vermont (Mr. AIKEN).

As to the war in Vietnam and the presence of our soldiers there, the Cranston amendment makes no preconditions whatsoever with regard to their withdrawal. They must be withdrawn from South Vietnam within the period between now and the first of October, only less than 60 days off. Not only must they be withdrawn at that time, but all funds for their support are cut off as of the first of October of this year.

The Aiken amendment is, in effect, a restatement of the President's peace offer in his speech of May 8, and would provide that there would be a complete withdrawal of American troops from South Vietnam 4 months after the occurrence of three things: One would be a cease-fire supervised by an international body such as the Red Cross or other body to be approved by both parties. Second would be a release—not a promise to release as provided in one phrase of the Cranston amendment with regard to the withdrawal from Indochina—but the actual release, and not a gradual, simultaneous release as the distinguished Senator from Massachusetts (Mr. BROOKE) said his amendment now provides, but a release and return to their homes of American prisoners of war. Then an accounting for the missing in action.

I point out, Mr. President, that the accounting for the missing in action is not provided for in the Brooke amendment. It has to do only with the prisoners of war.

So these three preconditions must exist before it is necessary that we withdraw from Vietnam, and 4 months are allotted for that withdrawal.

Mr. President, much has been said by the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished Senator from California (Mr. CRANSTON) about the Senate providing a definite plan to take this from the hands of the President, to share in the responsibility. The Cranston amendment removes this discretion from the President. It would not be in the area of uncertainty, as is the case with the present Brooke amendment, because disagreement has been voiced on the floor by distinguished Senators as to what the Brooke amendment actually means. It is not the same thing as he offered to the foreign aid bill, and which was adopted as an amendment, because that amendment provided that there had to be a release of all American prisoners of war before the 4-month period would start running, whereas under the present amendment it is provided that there has to be a release within the 4-month period of all prisoners of war.

Why does not the Brooke amendment provide for a ceasefire, as does the Aiken amendment? Does he want American soldiers to fight their way out of Vietnam? That is what they would have to do, because the Brooke amendment provides that from the date of the enactment of this law, no funds can be spent on our soldiers, on our forces in Vietnam, except for the purpose of withdrawing those soldiers—no funds whatsoever. It is provided then that the withdrawal of all U.S. forces from Vietnam, Laos, and Cambodia shall be carried out within 4 months after the date of enactment of this act, but with respect to the return of the prisoners, it is provided that there shall be a release within the 4-month period. This could come at the end of the 4-month period, whereas under the amendment it would be incumbent for this country to do nothing in the way of expenditures on our Armed Forces except in support of their withdrawal. So we would be in the act of withdrawing our soldiers and they would not have to do anything.

The explanation they give is that the President could make these determinations. That is what I thought the distinguished Senators who are offering these amendments are trying to do—to remove the President's discretion in this matter and get our soldiers out of Vietnam. This leaves it entirely up in the air, and it would take a Philadelphia lawyer, or a Boston lawyer, or a California lawyer to determine what in the world is meant here.

Why not pass something that is clear and unequivocal? Why not support the President's position? Why not support the advice of our negotiators in Paris? Why not support the secret negotiations that are taking place between Dr. Kissinger and representatives of North Vietnam? Why not give our support to them?

We are having critical days. We read in the newspapers, we hear on every hand, that the negotiations are at an acute stage. Why should we do something and speak, as the Senate, in a manner different from the way that our negotiators are speaking? Why not follow the President's proposal? Why not stand foursquare behind the President in the peace proposals he submitted on May 8?

Mr. President, I am going to support the perfecting amendment offered by the distinguished Senator from Vermont to the Cranston amendment, and if that is adopted, then I will vote against the Brooke amendment, or in any event I will vote against the Brooke amendment. Certainly, I will vote against the Brooke amendment if it seeks to replace the Aiken amendment.

The first vote is going to be on whether or not we support the President of the United States; whether we support the peace proposals he submitted on May 8 in his peace overtures to the North Vietnamese which were broadcast over television.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

Mr. ALLEN. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I take the floor for a special purpose. The Senator from Washington (Mr. MAGNUSON) has a matter. I am going to yield myself 3 minutes for a colloquy with the Senator.

Mr. MAGNUSON. Mr. President, the House committee added a general provision, section 606, to the Military Authorization Act which I feel is vitally important to the continued existence of this Nation's naval shipyards. My amendment would simply add House section 606 at the end of this act.

Mr. President, I am informed that section 606 was not considered by the Senate Armed Services Committee because of the press of time. I think it is entirely proper to consider this matter on the Senate floor.

I am vitally concerned about maintaining our naval shipyards and urge the Senate to approve my amendment since it simply requires the Secretary of Navy to assign to naval shipyards enough construction work to maintain a Navy shipbuilding capacity adequate to the needs of national defense. My amendment, which is identical to the provision in the House bill, also requires the Secretary of Navy to make a report on the Navy's plans for maintaining the naval shipyards in the future.

Mr. President, I intended to present this amendment, which is section 606 of the House bill. The House provides this language:

> The Secretary of the Navy shall assign to naval shipyards for construction a number of the naval vessels, for which appropriations are authorized by this Act or by the Military Procurement Authorization Act for fiscal year 1974, that he shall determine to be sufficient to maintain a Navy shipbuilding capacity adequate to the needs of national defense, in terms of preservation of an effective construction work force and the ability to respond immediately to emergent demands for naval vessel repairs. The Secretary of the Navy shall report to the Congress not later than December 31, 1972, on the Navy's plans for maintaining the naval shipyards in the future and carrying out the terms of this section.

That language is in the House bill. I have talked with the distinguished chairman of the committee about this matter. I understand that we want to get the bill moving and get it over to the House as fast as possible. I do not want to offer any amendment that might hinder its passage tonight. I do not think this proposal is controversial at all. I think we would vote for it. The language is in the House bill.

I withhold offering the amendment with the understanding that when we get to conference the Senate will take a look at the provision in the House bill and see if we cannot keep it in the bill.

Mr. STENNIS. Mr. President, I am glad to say we did not reject that amendment of the House. We just did not have time to consider House amendments under the circumstances. Just before the recess we finished consideration of the bill. We agreed around the committee table that all House amendments would be open for consideration in the conference without any prejudice against them in anyway. They would be open to honest persuasion and consideration.

Mr. MAGNUSON. I appreciate that statement.

Mr. President, I ask unanimous consent that a copy of the proposed amendment be printed in the RECORD.

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

At the end of the Act following new section:

SEC. —. The Secretary of the Navy shall assign to naval shipyards for construction a number of the naval vessels, for which appropriations are authorized by this Act or by the Military Procurement Authorization Act for fiscal year 1974, that he shall determine to be sufficient to maintain a Navy shipbuilding capacity adequate to the needs of national defense, in terms of preservation of an effective construction work force and the ability to respond immediately to emergent demands for naval vessel repairs. The Secretary of the Navy shall report to the Congress not later than December 31, 1972, on the Navy's plans for maintaining the naval shipyards in the future and carrying out the terms of this section.

Mr. STENNIS. Mr. President, how much time is remaining on the Brooke amendment?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. STENNIS. I shall not detain the Senate on this amendment except for just a few minutes more.

I yield myself 5 minutes.

As the Senator from Alabama has pointed out, we are going to have three votes here, back to back, without an explanation in between. We will have to keep in mind that the first vote will be on the Aiken amendment, which was the last one to be offered, and the second vote will be on the Brooke amendment, offered as a substitute, and the last vote will be on the Cranston amendment or the Brooke amendment, which ever one might prevail.

Going back to the matter of this amendment, this is a ball and chain amendment. So far as the President of the United States is concerned, this is a ball and chain amendment because it catches him coming and going. There is no mistake about what plain words in the English language mean. The first few sentences in the amendment provide that military actions can be only actions of withdrawal, and the money can be used for no other purpose for ground forces, naval forces, and air forces in Vietnam, Laos, and Cambodia, but only for protecting such forces as they are withdrawn.

That is a withdrawing on every line. It is a withdrawing from beginning to end. That is all it can be legally.

That is all the money will be appropriated for under this amendment, a purely negative proposition, that the President of the United States will be faced with.

The continuation of the meaning of this amendment is that this withdrawal shall be carried out within 4 months after the date of the enactment of this act. It shall be done within a period of 4 months. Then there is this proviso that there be a release within the 4-month period of all American prisoners of war held by the Government of North Vietnam and forces allied with them.

Mr. President, the President of the United States has these limitations tied around his neck, regardless:

The first month passes. It must be a purely negative thing, withdrawal.

The second month passes, purely negative again, withdrawal. And if, in the meantime they are attacked or anything happens, nothing can be done beyond what is called protection in further withdrawal.

Three months pass; no prisoners of war; withdrawal.

Three and a half months; no prisoners of war released; still the mandate here is withdrawal. He cannot use one single dime of this money under these provisions except in a case of withdrawal; and the ridiculous situation is that when we get down to 3 months and 28 days, the mandate of this amendment is, "Oh, yes, but we have told you what to do. Regardless of the situation as to the prisoners of war, and regardless of the situation as to release or no release, you have to continue to withdraw."

Three months and 29 days; no prisoners of war released; same shackles, same bonds, same limitations.

Is that the President of the United States as he once was? No. He is some kind of vassal, a subservient minor civil servant of some kind, under the limitations of this amendment.

Four months pass, and there are no prisoners of war released. Where is he then? According to this language here, it says he never can use the money, as I read it. Let me read it here:

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.

Withdrawing. So he is still faced with that mandate, and no money.

Whatever we may finally decide to pass here, if we pass anything, and I hope we pass something, I say leave this situation alone, for a few weeks anyway. Whatever we pass, if we must pass something, I hope it will not be this purely negative language here, that reduces the President, as I say, to a minor civil servant of some kind, with all the responsibility of trying to get those men out over there, and all the other worldwide events and policies that hang with it. Certainly we have not reached that point. Not yet.

So I hope when the time comes——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 1 minute. I hope when the time comes, we will adopt the amendment of the Senator from Vermont. That will be, then, a modified amendment that the Senator from California will have, and I hope that all of them, then, will be disposed of in line with what I have said.

Mr. President, I yield back whatever time I have remaining on the Brooke amendment. What is the pending order of business now?

AMENDMENT NO. 1384

The PRESIDING OFFICER (Mr. ROTH). The Senate will be in order. Under the previous order, the Senator from Vermont (Mr. AIKEN) will now be recognized to call-up his perfecting amendment to the Cranston amendment, on which there will be 1 hour of debate, to be equally divided between and controlled by the Senator from Vermont (Mr. AIKEN) and the manager of the bill (Mr. STENNIS).

Mr. AIKEN. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

Mr. President, inasmuch as an hour's time has been granted on both sides to speak on this amendment, I now yield myself 10 minutes.

The PRESIDING OFFICER. The clerk will first please state the amendment.

The assistant legislative clerk read as follows:

On page 1, beginning with line 1, strike out all down through line 11, page 2, and insert in lieu thereof the following:

SEC. —. Notwithstanding any provision of this or any other Act, a complete withdrawal of all American forces from Vietnam shall be accomplished at a time certain not later than four months following:

(1) the establishment of an internationally supervised cease-fire throughout Indochina, and

Mr. AIKEN. Mr. President, let me repeat again what I said earlier, that this amendment is a strong endorsement of President Nixon, because he feels that it will be of substantial help to him in his efforts that are now being made to secure an early peace in Indochina and the return of all our military forces to the United States.

During the years I have been a Member of this Senate, I have supported six Presidents.

I confess that I only voted for two of them, but once they took office, I supported them all.

This does not mean that I approved all their policies and proposals to Congress, any more than I have paid full allegiance to all the policies of my own political party.

All the Presidents I have known have made mistakes, even as every Member of this Senate has made mistakes.

Lyndon Johnson and Richard Nixon have been no exceptions to this statement.

I will not undertake to list what I believe to be their errors for in nearly every instance I feel they were made in good faith—in the belief that the best interests of America would be served by the decisions made.

There is a tendency among human beings, especially Government officials, that, having made an error, every effort must be made to justify such decision.

There is also an equally strong impulse

among those suffering from an uncontrollable urge for political power to put the mistakes of others in the worst possible light.

The unhappy situation in which we now find ourselves in Indochina is the result of a series of errors prompted by humanitarian instincts.

They were the errors of a nation rather than of a few individuals.

In 1954 and 1955, we, as a nation, could have stood by and watched the slaughter of another half million refugees in North Vietnam.

We did not do this, however, but assisted nearly a million people to escape to safety in the South.

We could then have disclaimed any further responsibility for their welfare, but we did not do this.

For several years, we gave them economic aid and food to insure their survival.

We could have refused them the means with which to defend themseves from the fate which would have surely followed had we not helped them.

But we did not complacently stand by.

We gave them the means to defend themselves and to rebuild their lives in the South.

From then on, step by step, we became involved in their affairs which finally led to armed conflict.

By the spring of 1969 over 540,000 American military personnel were committed to the bloodstained area of South Vietnam.

And, although over 90 percent of our men are now out of that area, and the immediate threat of slaughter to at least a million lives has been removed, the war goes ruthlessly on—a war no longer fought solely by U.S. troops on the battlefield, but a war to place the blame for all the misery caused by this conflict on the Presidents of the United States, past and present, and a battle to claim credit for such improvements as may have been brought about in world relations during recent months and years.

Mr. President, I do not believe that any Member of this body would willingly comply with the demands of North Vietnam today and turn over to them for slaughter or other punishment a possible 2 million persons who have found temporary security in the south.

I do not believe there is a Member of this body who would knowingly support action which would discredit the United States in the eyes of the world.

I do not believe that in his heart any Member of this Congress would want any American prisoner of war to be held as hostage until the United States complies with all the demands of the vengeance-seeking officials of North Vietnam.

I do believe that every Member of the Senate and most of the people of America earnestly hope and pray that the bloodshed and misery of Indochina may be brought to an early end and the reconstruction of that area may be promptly begun, including North Vietnam, so that those people, North and South, may find the way to political and military peace among themselves.

With that purpose in mind, I am now offering a perfecting amendment to the Cranston amendment No. 1349, and I ask unanimous consent that it be printed at this point in my remarks.

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

On page 1, beginning with line 1, strike out all down through line 11, page 2, and insert in lieu thereof the following:

Sec. —. Notwithstanding any provision of this or any other Act, a complete withdrawal of all American forces from Vietnam shall be accomplished at a time certain not later than four months following:

(1) the establishment of an internationally supervised cease-fire throughout Indochina, and

Mr. AIKEN. This amendment follows closely the provisions of that offered by Senator ALLEN and which was narrowly rejected on July 24.

The Senator from Alabama has graciously offered to cosponsor this amendment, thus assuring its nonpartisan character. It is also sponsored by Senators ANDERSON, GRIFFIN, JORDAN of Idaho, SCOTT, SPARKMAN, STENNIS, and BAKER.

Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. AIKEN. This amendment represents one more effort on my part to end our involvement and restore decent livable conditions for some 40 million people of Southeast Asia.

It may be that Hanoi will reject any efforts for peace on our part, but I believe that the people of North Vietnam are human beings, too, and would welcome an end to the unhappy era of the last 20 years. If I did not feel that offering this amendment would help bring peace to both that part of the world and ourselves. I would not offer it.

I will now briefly describe the amendment I am offering.

It differs from the Cranston amendment in three ways:

First. It would allow 4 months rather than 2 months for complete withdrawal of all American military forces from Vietnam after those conditions specified in paragraphs (2) and (3) on page 2 of the Cranston amendment have been met.

Second. It would provide for an internationally supervised cease-fire throughout Indochina rather than one applying only to a comparatively small area.

Third. It does not arbitrarily provide for the cut off of all funds for the maintenance of U.S. military forces in Vietnam or elsewhere in the world.

It differs from the Allen amendment of last week in this manner:

Whereas the Allen amendment was a "sense of the Congress" pronouncement, the amendment we now offer is more direct, calling for a complete withdrawal from Vietnam not later than 4 months after a supervised cease-fire has been established over Indochina, all American prisoners of war have been released, and Americans missing in action have been accounted for.

This does not mean that all our forces could not be withdrawn within a month after a cease-fire agreement.

It means that 4 months would be the absolute time limit.

Since American military action in Laos and Cambodia is already prohibited, this would mean the end of U.S. military action over all Indochina and the amendment is so intended.

The requirement for a cease-fire over all Indochina would prevent the shifting of the war from one area to another.

The amendment I am offering for my colleagues and myself calls for specific action rather than an expression of senatorial opinion.

Over the years, this Congress, as well as the executive branch of Government, has worked itself into an untenable situation.

All of us, including President Nixon, know what we want and what we have to do to get it and yet for months we have been carrying on political warfare among ourselves.

For the sake of all humanity this type of war must stop.

I don't know whether this amendment will carry or not.

I do know, however, that if this Congress does not show a determination to secure the release of Americans held hostage by the enemy, refuse to turn any part of Indochina into a slaughterhouse, and make every honorable effort to end our involvement in Indochina, that many of us will regret our negligence as long as we live.

Let us show the people of America and the rest of the world, too, that we all care about the misfortunes of others and let us take united action to try to restore peace and rebuild the hopes of the people of Indochina.

As I have said previously, President Nixon strongly favors this perfecting amendment to the Cranston amendment. He feels that it would be a great help to him in the efforts which are now going on to bring the conflict in Southeast Asia to an early conclusion. I, too, believe that it would result in shortening the war, and I fear that some of the other proposals would only prolong the war. I hope that this amendment will be approved by the Senate.

Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I shall be brief, although this involves a very important question. I am privileged to join the Senator from Vermont in sponsorship of this amendment. He is one of the great assets of the Senate, with his long years of service here, his years of service on the Committee on Foreign Relations, his impartiality and frankness and candor.

Mr. President, in substance, the Aiken amendment would write into the Cranston amendment words that would make the Cranston amendment read as follows:

Notwithstanding any provision of this or any other Act, a complete withdrawal of all American forces from Vietnam shall be accomplished at a time certain not later than four months following:

(1) the establishment of an internationally supervised cease-fire throughout Indochina.

That is the main change, the big change.

Mr. President, I was very impressed by the fine statement made by the Senator from Vermont. He brought out that under our law we have vested in the President of the United States, whoever he may be—any President—under circumstances such as this, the power and the responsibility of representing this Nation in negotiations, or whatever term one wants to use; so we should see what the President thinks and what he says. Certainly, the President is entitled to a say, and we are entitled to know what he does say.

In his very fine way, the Senator from Vermont told us that the man carrying the load and responsibility—it does not make any difference, in my view of this, who is President—is opposed to these amendments because he thinks they would cripple and hobble him, and he frankly says so. Commonsense tells as the same thing. It is a much louder voice than could come from any other source. Logic tells us that in unmistakable terms.

If a person has a job to do and a responsibility of this kind to carry out, he has to have all the freedom that goes with his office.

So I think that is one of the main points here and that is not said in consideration of what some President has done or has not done, or anything of that kind. But, Mr. President, the only basic way, when we are in an unfortunate war, to bring that war to a conclusion is, a cease-fire. Anything else is not going to work. It has got to be some kind of cease-fire.

In World War II, we all remember the circumstances that took place to bring about a cease-fire. But we are dealing with a proposal that does not permit fine tooth adjustments in the English language as spelled out in the Brooke amendment. We have got to have something practical, workable, and down to earth that will be effective for both sides and will not run away or give anyone else the advantage at the last moment. That something must be a cease-fire.

This says a cease-fire throughout Indochina, and that means, of course, that whole area of the world except Thailand. I think that is about the only way we will get an effective cease-fire, to get one that will be regionwide. We also know, too, that there has to be some kind of supervision, otherwise a cease-fire can be broken any night, any day, or at any moment almost, by a renewal of hostilities.

So the Senator has carefully drawn the language and put down something here that the President can live with.

Mr. CRANSTON. Mr. President, I yield 2 minutes to the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, I intend to vote for the amendment of my colleague from the Commonwealth of Massachusetts (Mr. BROOKE). I regret that the Senate will not have the opportunity to vote for the amendment which was initially propounded by the distinguished Senator from Kentucky (Mr. COOPER), which called for the complete withdrawal of all American forces from Indochina without any conditions. I think that his amendment offered the best hope we have to end the killing on the Indochina Peninsula, and to bring the safe return home of all our prisoners of war.

The Cooper amendment was really the "end-the-war" and "end-the-killing" amendment. It set no conditions for our withdrawal, because we know from harsh experience in the past that when we have established conditions—whether it is a condition guaranteeing the survival of President Thieu and the Government of South Vietnam, or a condition requiring a cease-fire, or even a condition requiring the release of our American prisoners of war—then we have not achieved any of our goals. We have not ended the war. We have not ended the killing. We have not brought our prisoners home. All we have ever achieved is more death and more devastation for our own forces and for the people of Indochina.

The Cooper amendment was a ray of fresh light. It offered us the best opportunity to end the killing. It would end the killing of American pilots and American soldiers. It would end the killing of South Vietnamese soldiers and the hundreds of thousands of civilian war casualties. It would end the killing of North Vietnamese soldiers and civilians. It would have been the end of our involvement. It would have ended the war. That was truly an end-the-war amendment, one which I would have preferred to vote for today.

Mr. President, it is a mistake to set conditions on our withdrawal from Indochina. History has shown us that in the past, when the French ended their involvement in Southeast Asia, the French prisoners of war were released. We found, in our own involvement in the Korean war, that when we ended the conflict, our American prisoners of war were released.

Of course, no one can absolutely guarantee that our prisoners will be returned, whatever amendment we support. But I believe that Senator COOPER's approach offers us a far better chance to get them back than any other course we may choose. We have tried other ways, and those ways have always failed, because they have always allowed the killing to go on. Does anyone seriously believe that our American prisoners will come home, so long as American bombers are flying their deadly daily missions over North Vietnam?

So I regret that Senator COOPER's amendment is not before us now. But I will support the amendment of my colleague (Mr. BROOKE) because I believe that it is the best step forward that can be taken by this body to show the American people and the world that we are tired of the war, tired of President Nixon's timetable, tired of President Thieu's timetable, tired of reports of rainmaking and firestorms and bombing at the dikes, tied of Mylai, tired of talk of bargaining chips in Paris when countless human lives are being lost every day the war goes on.

We want to end the war. We want a simple timetable which says that we are going to be out of Indochina at the earliest possible date.

Americans want the return of all prisoners of war to their homes. They want the return of all American soldiers and fliers to their homes. They want an end to the waste of our resources, the billions of dollars which have been spent on the war and which are still being spent today. They want those resources expended here at home in order to enhance the quality of life for all Americans.

So, Mr. President, for all these reasons, I will support the Brooke amendment, and I hope that the Senate will do so as well.

The PRESIDING OFFICER (Mr. ROTH). Who yields time?

Mr. AIKEN. Mr. President, I want to reserve myself a little time. If there is more opposition to the amendment, this would be a good time for Senators to speak.

The PRESIDING OFFICER. If no one yields time, the time will be charged equally against both sides.

Mr. STENNIS. Mr. President, I object.

Mr. AIKEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. AIKEN. Mr. President, the Senator from Alabama (Mr. ALLEN) and the Senator from Tennessee (Mr. BAKER) want time to speak. I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. STENNIS. Mr. President, I yield myself 20 seconds to advise the Chair that I transferred the time to the Senator from California (Mr. CRANSTON) in opposition to the amendment, because I am supporting the amendment.

The PRESIDING OFFICER. The Chair is aware of that.

Mr. STENNIS. I thank the Chair.

Mr. BAKER. I thank the distinguished Senator from Vermont (Mr. AIKEN) for yielding me this time.

Mr. President, once again we find ourselves debating the issue of how to effectively end our involvement in the tragic war in Indochina, a war which has caused unparalleled controversy in every corner of this country. To date, I believe that controversy has been accurately reflected by the Congress of the United States for with small exception, we have allowed the President to freely pursue his policies to end the war.

He has said on any number of occasions that the American people should hold him accountable for his conduct of the Vietnam war and yet, we are now prepared to deny the people that accountability in the midst of a presidential campaign and after 4 long years of protracted debate.

I submit, Mr. President, that to legislate an end to our involvement at this, the eleventh hour, would not only do a grave injustice to the American people, who have long awaited an opportunity to express their views on the war, but it would also seriously jeopardize chances for a negotiated settlement, chances which in the coming months most cer-

tainly will increase. They will increase due to the likelihood of the North Vietnamese pursuing one of two probable alternatives.

The first, as I see it, would consist of the North Vietnamese accepting, before the election, some variation of the President's latest offer on the assumption that he will be reelected and that after his reelection, the current bargaining flexibility of the United States might dissipate. This becomes even more persuasive in view of the diminishing success of the offensive in the South, the effect of the bombing and mining on the North, and perhaps most of all, the apparent shift in policy by their two principal allies in favor of a negotiated settlement.

The second alternative consists of a "wait and see" attitude on the part of the North Vietnamese whereby they gently probe the United States on our flexibility while actually waiting until after the election to see if they will have to negotiate. The idea is that if President Nixon is not reelected, there exists no need for them to compromise on any of their objectives; whereas if he is returned to office, there still remains the possibility of conducting negotiations. It is an ideal position to be in if they are willing to accept the continued bombing and mining of the North, but not so ideal if they are looking for immediate relief from the onslaught.

Nevertheless, Mr. President, either way would bring an end to U.S. involvement and guarantee the support of a majority of Americans, but not if we attempt, at this late date, to legislate that choice for both the American people and the North Vietnamese.

The amendment offered by the distinguished ranking minority member of the Foreign Relations Committee would allow the President to pursue a negotiated settlement without the added constraint of a congressional mandate and it would serve notice to the North Vietnamese that the time to negotiate is now.

Moreover, it would leave the very basic choice of policies for Indochina to the American people to whom it rightfully belongs.

The President may have failed in his efforts to bring an early end to the war, but he has succeeded in withdrawing more than 500,000 American troops, and of equal importance, his so-called Nixon doctrine has succeeded in bringing unprecedented diplomatic pressures upon the North Vietnamese to negotiate a settlement, not only from their two principal allies, but also indirectly from their Asian neighbors, the Koreans. This pressure is a direct result of the President's fruitful efforts to create what might be called "enlightened self-interests" around the world, or interests which are more attuned to domestic needs than they are to promoting or prolonging conflict in foreign lands.

The concept of enlightened self-interests is the cornerstone of the President's "generation of peace," and the only real obstruction to that era is the conflict in Southeast Asia, a conflict that can be ended through negotiations before the end of the year if we do not undermine the President's bargaining position at this time.

Adoption of the Senator from Vermont's perfecting amendment would strengthen the President's bargaining position and in all likelihood, enhance the chances for a negotiated settlement in the near future. I, therefore, urge my colleagues to support its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Vermont.

Mr. President, I support the perfecting amendment offered by the distinguished Senator from Vermont to the amendment of the distinguished Senator from California (Mr. CRANSTON).

Mr. President, the issue on this vote is whether the Senate will accept the formula provided in the Cranston amendment or whether it will accept the formula for withdrawal provided in the Aiken amendment. On this vote, the Brooke amendment is not involved. It will have its opportunity after the vote on the Aiken amendment.

The effect of this parliamentary situation is that the distinguished Senator from Vermont (Mr. AIKEN) is contending with the distinguished Senator from California (Mr. CRANSTON) as to which amendment will be sought to be substituted by the Brooke amendment. So, this vote will hinge on whether we support the Aiken amendment or the Cranston amendment.

What do the two amendments provide with respect to a withdrawing from South Vietnam?

The Cranston amendment provides for a withdrawal from South Vietnam by October 1 and a cutting off of funds for American troops in Vietnam by October 1 without any conditions whatsoever. It provides a different formula for the cessation of hostilities in all of Indochina, but as regards Vietnam it provides for a withdrawal by October 1 without any preconditions whatsoever.

The amendment offered by the distinguished Senator from Vermont (Mr. AIKEN) provides for a withdrawal within 4 months subject to three conditions.

The first is a cease-fire throughout all of Indochina.

The second is the return, and not a promise to return, but the return of all of our prisoners of war.

The third is an accounting for the missing in action.

Mr. President, I could be wrong, but I believe that this is the very first time the administration has supported the setting of a definite time within which American troops will be withdrawn from South Vietnam subject only to the happening of certain conditions. I feel that this is a major concession on the part of the administration, to agree that there be written into law the very terms the President proposed in his speech of May 8, that there be a withdrawal from South Vietnam within 4 months after the happening of these three conditions. First, the cease-fire, and that should be a part of any withdrawal terms because we should not have to fight our way out of Vietnam. There ought to be a cease-fire.

Second, there ought to be a return of all our prisoners, and that is not provided for in the Cranston amendment. And there ought to be an accounting for the missing in action. And that is not provided in the Cranston amendment.

So these three very important, very constructive, and very definite conditions are not provided in the Cranston amendment and are provided in the Aiken amendment—a cease-fire throughout all of Indochina, the return of all prisoners of war, and an accounting for those missing in action.

I believe that if we agree to the Aiken amendment and successfully resist the effort by the distinguished Senator from Massachusetts (Mr. BROOKE) to substitute a provision for the Aiken amendment, we will have gone a long way toward seeing to it that our country and the Congress of the United States and the Senate speak with one voice with regard to the settlement of the Vietnam war, negotiations in Paris, secret negotiations that have been held, and others to be held in all likelihood, between Dr. Kissinger and representatives of the North Vietnamese.

I urgently urge the Senate to approve the Aiken amendment as a perfecting amendment to the Cranston amendment.

The VICE PRESIDENT. The Senator's time has expired. Who yields time? If no one yields time, time will be charged against the two sides equally.

Mr. CRANSTON. Mr. President, the pending amendment has a cease-fire, that is true. The Cranston amendment, which is actually the Mansfield amendment, also has a cease-fire. The main point is that the cease-fire in the Aiken amendment is that it is a cease-fire for all of Indochina, which gives President Thieu a veto. If he does not choose to go along with the cease-fire, there is no cease-fire, and we go on fighting in South Vietnam. I say that we should make the decision about when we get out, and not President Thieu.

Second, the return of prisoners of war is covered in the Cranston amendment. We simply get them out more quickly than we would under the Aiken amendment.

What about withdrawal? The Aiken amendment would get us out only if all conditions were met some day, but the Cranston amendment would get our men out of Vietnam and out of all of Indochina, which is a significant difference. It is significant because most of the fighting is now taking place not in South Vietnam but in the rest of Indochina. Let me clarify my opposition to the Aiken amendment at greater length.

CEASE-FIRE

One of the key provisions in the amendment offered by the distinguished Senator from Vermont, Senator AIKEN, calls for "the establishment of an internationally supervised cease-fire throughout Indochina." President Nixon has

used identical language in his latest peace proposal. The same words also appeared in an amendment offered in May by the distinguished Senator from West Virginia, Senator BYRD, and again in an amendment proposed last week by my distinguished colleague from Alabama, Senator ALLEN.

Why should I, a lifelong believer in international organization, oppose such language? And why should the Senators who have pressed hardest for an end to American military involvement in Indochina join me in my opposition? Why are these words so objectionable?

Mr. President, I will tell you why. These words perpetuate the veto power of the Thieu regime. These words threaten us with endless bickering over the nationality of the international supervisors, the shape of the conference table, and the validity and enforceability of the judgments.

Now, I want to make it plain that I generally favor more multilateral approaches to the peaceful settlement of disputes. I believe, for example, that the United Nations should establish a factfinding commission specifically empowered to observe and report on international conflict.

But the purpose of such a factfinding commission would be to prevent further conflict. The purpose of insistence on an internationally supervised cease-fire, by contrast, would be to prolong the conflict. That is a big difference.

WITHDRAWAL FROM VIETNAM ONLY

Another crippling feature of the Aiken amendment is that it provides only for the withdrawal of American personnel from Vietnam, and not from the rest of Indochina.

Mr. President, there are already more airmen flying bombing missions over North Vietnam from Thailand than there are troops in the whole of South Vietnam. We have almost 49,000 airmen in Thailand compared with about 46,000 soldiers in South Vietnam. We have 42,000 more Americans engaged in the naval war in Indochina, even more than the total of 35,000 stationed off Vietnam at the peak of the war in 1968. Our B–52 fleet in Thailand and Guam totals 205, or roughly double the previous peak in 1969. The Air Force has 378 F–4's in Thailand, compared with a total of 198 in Vietnam and Thailand combined before the start of the recent North Vietnamese offensive.

In fact, aside from political consequences in Saigon, even our total withdrawal from South Vietnam would not seriously affect our capacity to wage an air war against North Vietnam and to bomb Laos and Cambodia as well. So I do not believe that Mr. AIKEN's amendment would serve any purpose but to prolong the war.

NO FUND CUTOFF

Still another weakness in the amendment offered by the distinguished Senator from Vermont is the absence of a fund cutoff. The Members of this Chamber undoubtedly recall the fate of the amendment introduced last November by the distinguished leader of the majority, which in its House-approved version stated only that it was the policy of the United States to terminate military activities in Indochina at the earliest practicable date. Faced with a declaration of policy from the Congress of the United States, President Nixon openly announced that he would ignore it.

Mr. President, last week's vote on the Military Assistance Act convinced me that the Senate is finally willing to stand behind its beliefs by invoking its legitimate constitutional power—the power of the purse.

TIME PERIOD

Finally, Mr. AIKEN's amendment provides that withdrawal from Vietnam shall be accomplished no later than 4 months following the establishment of an internationally supervised cease-fire. My amendment says that all ground forces shall be withdrawn from South Vietnam by October 1, 1972, and that other hostilities shall terminate after an agreement for a verified cease-fire, the return of the POW's, and an accounting for those missing in action.

I have already pointed out that an internationally supervised cease-fire may be a long time in the making. But Mr. AIKEN's amendment would keep our troops in South Vietnam right along with those airmen in Thailand. So section (a) of the original Mansfield amendment, offered last week and retained in my amendment, would be stricken out. South Vietnam would hold our soldiers as hostages just as North Vietnam holds our soldiers as prisoners of war.

Mr. President, for all those reasons I oppose the Aiken amendment. I support my amendment as well as the Brooke substitute for it, which I think is a better, sounder amendment.

Mr. President, all the arguments have been made. I therefore yield back all time on my amendment.

Mr. ALLEN. Mr. President, before the Senator yields back his time, will he yield to the Senator from Alabama for a question?

Mr. CRANSTON. No. We have time problems. I yield back the remainder of my time

Mr. ALLEN. The Senator has time problems but he still yields back the remainder of his time?

Mr. CRANSTON. If the Senator can do it in 1 minute I yield.

Mr. ALLEN. I ask the Senator from Vermont if he will yield 2 minutes.

Mr. AIKEN I yield, but first I wish to state that a cease-fire that covers only one side is not a cease-fire at all.

Mr. ALLEN. There is no cease-fire, no return of prisoners, no accounting for missing in action as a condition precedent to the requirement to withdraw from South Vietnam under the Cranston amendment, is there?

Mr. AIKEN. The amendment of the Senator from California would prohibit the enemy from shooting at our boys while they are running for the boat or the plane to get out of there, but it would not cover any other area. They could simply ship them a few miles away and keep on with the war as usual.

The VICE PRESIDENT. Who yields time?

Mr. ALLEN. Mr. President, I would like to ask the Senator from Vermont to yield to me for 2 minutes.

The VICE PRESIDENT. The Senator from Vermont has 1 minute remaining.

Mr. AIKEN. Mr. President, I yield to the Senator from Alabama whatever time I have remaining.

The VICE PRESIDENT. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I merely wish to point out that in the amendment of the Senator from California (Mr. CRANSTON) regarding the withdrawal of troops from South Vietnam, there is no precondition whatever. The preconditions he speaks of are with respect to a cessation of hostilities in all of Indochina. There are no preconditions under his amendment regarding withdrawal from South Vietnam.

F–14

Mr. FULBRIGHT. Mr. President, I want to make a few comments on the F–14, a project which I have strongly opposed. I continue to believe that any further expenditure on the F–14 is ill-advised. However, I am encouraged by the inclusion in this legislation of a specific provision requiring that the funds being recommended for authorization be used only within the terms of the present F–14A prime contract with respect to the number of aircraft, ceiling price and delivery schedule. This has been a classic case of cost escalation. In addition to the greatly increased cost, there have been serious problems with the plane itself. Only last week we read reports that the Navy found 43 major flaws in test models of the F–14. Further, one of the $16.8 million planes crashed into Chesapeake Bay last month. This was the second of the F–14 planes to crash.

I regret that the committee has approved any further funding for this project. However, since the committee has recommended funding I am pleased that specific language has been inserted in the bill requiring that not less than 48 aircraft shall be procured for not more than $570.1 million.

DELETION WITHOUT PREJUDICE

One of the aspects of this legislation which concerns me most is the "deletion without prejudice" of certain items from the Senate bill. I particularly refer to the so-called SALT authorization amendment and Southeast Asia authorization amendment. Included in the "deleted without prejudice" category is $239 million for a national command authority—NCA—Safeguard ABM site and $60 million for additional ABM R. & D. Overall the House has apparently approved $860.5 million for the ABM program, including the site in North Dakota.

Mr. President, I am strongly opposed to the NCA site, which I, along with many others, view as a complete waste. Nor can I see justification for the $60 million for ABM R. & D. funds or the $20 million for a submarine-launched cruise missile. I see absolutely no reason why the Senate should defer to the House on this.

The Senate committee deleted "without prejudice" $973.4 million of procurement funds "related to activities in Southeast Asia" requested by the admin-

istration on June 27. The House has not yet acted on this request. To my knowledge no hearings have been held on this supplement procurement request, which is part of a proposed $2.8 billion increase in the defense budget to pay for stepped-up military activities in Southeast Asia. The June 27 request asks for an increase in the "authorization to support Vietnamese and other free world forces" from $2.5 billion to $3.2 billion. The bill before us, in authorizing "the support of Vietnam and other free world forces and in the support of local forces in Laos" imposes a limitation of $2.1 billion.

I would certainly hope that no action will be taken on these matters without serious Senate consideration.

I also have objections to some of the items included in the $973.4 procurement request and believe we should have a thorough explanation of the $732.2 million being asked for aircraft and $125.6 for missiles.

For example, the request includes $127.7 for 30 C–130 aircraft. This relates to another item in the House procurement bill, the so-called aircraft production lines provision. This is an extremely curious matter. It is not clear who instigated the assembly line request. It was not mentioned in the fiscal year 1973 budget submission. In a letter to me on July 14, Mr. Barry J. Shillito, Assistant Secretary of Defense, said:

> This resulted from budget constraints and should not be construed as any indication of a lack of requirement for the aircraft.

The House committee let it be known that it intended to include such funds during its markup of the bill. On April 27 Secretary Laird wrote to the House committee to say that he accepted a proposed reduction of $226.9 million in funds for AWACS and to request that a portion of those funds be applied to procurement of 24 A–7's, 12 C–130's, and seven F5–B's at a cost of $152 million. Since $60 million in savings from prior year A–7 programs could be transferred, $92 million was needed and approved by the committee.

Now the Pentagon says in the July 14 letter to me:

> Subsequent to our April request projections of C–130 shortages have been aggravated by the current invasion of South Vietnam. Accordingly, the President has included a request for 30 C–130 aircraft in the FY 1973 Southeast Asia amendment. This request is presently being considered by the Senate.

Mr. President, this raises a whole new set of questions. Is this request presently being considered by the Senate? How many C–130's are we being asked to approve—none or 30 or 42? Have 30 C–130's been lost in Vietnam in recent months—or even 10? If we have had such heavy losses, what function were the C–130's serving to be so hard hit?

The Southeast Asia amendment, with its request for 30 C–130's at a cost of $127 million, has been deleted without prejudice from the Senate bill. The assembly line provision, which would allow procurement of 12 C–130's at a cost of $50 million, is not even mentioned in the Senate report. The only C–130 cited is the LC–130R—a ski-equipped version of the Hercules that is used for logistic and scientific support to the National Science Foundation for Operation Deep Freeze. Five of these are requested for fiscal year 1973 at a cost of $31.5 million.

I am particularly mystified by the lack of any mention of the $92 million assembly line provision in the Senate report. There is no reference to a "deletion without prejudice." In fact, the assembly line request has apparently never been submitted to the Senate; only to the House.

I find this whole procedure to be most unusual and inappropriate. We are faced with the possibility of Lockheed receiving orders for 42 C–130's at a cost of $177 million without the matter ever really coming before the Senate. Actually the total is 47 and $208.5 million, but the ski-equipped version is clearly in the bill.

There is much more to be said on this subject, Mr. President, but I will reserve further comment until it becomes clear what the Armed Services Committee intends to do. I am strongly opposed to the procurement of any C–130's from Lockheed—particularly in view of that company's previous record—until much more is known about this matter and the Senate has an opportunity for through consideration.

I would like to know what happened to the "budget constraints" which prevented the inclusion of the C–130 in the original fiscal year 1973 budget? These constraints have suddenly disappeared in this case and so has the administration's credibility in continuing to apply constraints on many important programs to better the lives of Americans while removing them on these military programs.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to me from the Assistant Secretary of Defense and an article from the Washington Post of May 19.

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

WASHINGTON, D.C., *July 14, 1972.*

Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: On behalf of Secretary Laird, I am responding to your letter of 28 June 1972 relative to the procurement of additional C–130 aircraft and your concern that this is a new "bailout" for the Lockheed-Georgia Company.

The C–130 is a medium transport aircraft used for tactical airlift; its principal mission being the air transport of personnel and material with delivery by land or by parachute from high or low altitudes. Because of its dependability and adaptability, it is the backbone of our tactical airlift force. Because of the aircraft's versatility, attrition losses, and diversion to other priority programs, there is now and there is predicted to be a significant shortage of total C–130 resources.

As to the absence of the request for additional C–130 aircraft in the Fiscal Year 1973 Budget submission, this resulted from budget constraints and should not be construed as any indication of a lack of requirement for the aircraft. During testimony before the Department of Defense Subcommittee of the House Committee on Appropriations earlier this year, Secretary Seamans responded to questions by the Committee concerning what programs the Air Force would include if additional funds were made available in the coming fiscal year. He listed the procurement of 12 C–130 aircraft to compensate for projected inventory deficiencies.

In April 1972, Chairman Hébert was requested to favorably consider the inclusion of 12 C–130's in his report on the FY 1973 authorization bill. His report does contain these aircraft. Subsequent to our April request projections of C–130 shortages have been aggravated by the increased aircraft losses resulting from the current invasion of South Vietnam. Accordingly, the President has included a request for 30 C–130 aircraft in the FY 1973 SEA Amendment. This request is presently being considered by the Senate. Should the Congress approve an FY 1973 procurement of additional C–130 aircraft, we are confident that a fair and reasonable price can and will be negotiated for the approved quantity.

I trust the above information will be helpful to you.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense,
Installations and Logistics.

LAIRD ASKS FUND SHIFT FOR PLANES

(By Michael Getler)

A day after the Senate Armed Services Committee cut $226.8 million from a supposedly high-priority Air Force national defense project, Defense Secretary Melvin R. Laird wrote to the Chairman of the House Armed Services Committee and told him those cuts were "acceptable" to the Pentagon.

In that same letter, Laird recommended that the House committee allow the Pentagon to transfer $152 million of the money saved by the Senate cut back to buy other aircraft whose production lines might otherwise close soon and which had not been scheduled to receive any more funds in the current $83.4 billion military budget request for fiscal 1973.

Laird's recommendation would allow the Air Force to buy 24 more A–7 attack planes from Ling-Temco-Vought in Texas at a cost of $90 million, 12 more C–130 transports from Lockheed in Georgia at a cost of $50 million and seven of the small F–5B export fighters built by Northrop in California for $12 million.

The Defense Secretary's letter, written April 27 and made available to The Washington Post yesterday has drawn a sharp response from Rep. Les Aspin (D-Wis.). Aspin is a freshman congressman, former Pentagon civilian analyst and House Armed Services Committee member who now regularly bombards the Pentagon with charges of waste and wrongdoing.

Aspin charges that the 12 extra C–130 transports constitute "a new $50 million bailout" for Lockheed.

He also cites a letter from Henry Durham, a former Lockheed aircraft production manager who has testified before Congress on the C5A transport cost overruns, that says "political pressure, even at the White House, was being used by Lockheed to win this $50 million bailout."

Aspin in a statement to The Post yesterday, said he would ask Laird to respond to Durhams charges and also to explain why the Pentagon gave up so easily on the Senate's cutback of the Air Forces Airborne Warning and Control System (AWAC) project.

In testimony earlier this year, Aspin noted, "Department of Defense officials described AWACS as vital to the national security."

AWACS involves an Air Force plan to develop and build a fleet of radar and computer-packed airplanes that would provide early warning against a possible Soviet bomber attack on the United States. The Air Force wants a fleet of 42 of these planes at a total cost estimated at about $2.7 billion over the next several years.

Despite inclusion of $474 million in the

Air Force fiscal 1973 budget request for AWACS and Laird's overt support, there is known to be considerable high-ranking opposition within the Nixon administration to the United States making any major new investment in defense against a very limited Soviet bomber threat when there is no defense against the much greater threat of Russian missileism.

In January, administration officials hinted that AWACS might wind up being limited to a much smaller number of planes that could be used to plug air defense gaps or in localized air control situations. There is also a group forming in the Senate to oppose AWACS.

In his letter to House Armed Services Committee Chairman F. Edward Hébert (D-La.), Laird noted the Senate committee cuts and said, "This action is acceptable to us."

When Laird volunteered this opinion, the House committee had not voted on the military authorization bill that includes AWACS. The committee still has not passed on the measure and Aspin—who as a Pentagon critic is in a distinct minority on the committee—now says he will ask his colleagues to review the bill again because of the Lockheed situation.

The Senate committee had actually cut out $309.9 million in AWACS procurement, but added $83 million to allow research-and-development work to continue on the project, causing a net reduction of $226.9 million.

Laird went on to explain to Hébert that "during the course of my testimony before your (committee, a concern was expressed by some committee members, Defense officials say) that production for the A–7, C–130 and F–5B aircraft would be terminated after the FY 1972 purchases.

"It was emphasized," the letter continues, "that in the event of additional requirements, for these aircraft, it would be extremely difficult to restart the lines and that as a matter of prudence small quantities of these aircraft could be procured to sustain a production base at reasonable costs.

"Additionally, Laird wrote, "it was pointed out that there is a current requirement for the aircraft, but as a consequence of priority considerations they could not be included within the budget totals."

Citing "the current invasion of South Vietnam," and "increased aircraft losses," Laird said this "emphasized the need for continued production, particularly in the case of the C–130 and the F–5B." The latter, he said is used for training the South Vietnamese Air Force. Following the Senate Comimttee action in cutting AWACS, Laird said "it is now recommended that a portion of the authorization which would otherwise have been required for the FY 1973 AWACS program be applied to the procurement of 24 A–7s, 12 C–130s and 7 R–5Bs."

While this would cost $152 million, Laird said there was still $60 million saved from earlier A–7 funds and thus a net amount of $92 million would have to be authorized.

The four-engine C–130 is the workhorse of the U.S. tactical airlift forces in South Vietnam and is also an excellent gunship. It has been widely hailed as a rugged and versatile plane. Four have been lost since the Communist offensive began March 30.

The Air Force, however, has 350 of these planes already operating, 12 more on order from last year which will be delivered in 1974, and 175 in the reserve fleet, according to Air Force figures.

Durham, the former Lockheed official, wrote to Aspin on May 9 and included a short news article from the May 5 edition of the Marietta (Ga.) Daily Journal.

The article reported that the head of Lockheed's C–130 program had told a local Kiwanis meeting that the company had enough C–130 orders to keep the production line running through 1973 "and is working on 1974 now. He didn't mention," the article states, "the hoped-for Air Force order of an additional 12 planes in the 1972–73 budget which the company has said are needed to fill a future gap in the line."

Durham said he was writing to Aspin to prevent another "giveaway" of public money to Lockheed. "If the Pentagon," he wrote, "has 55 to 60 extra million dollars to blow for unneeded C–130s, it could more profitably be used to start paying back the $400 million C–5 overpayment revealed by Senator William Proxmire in the March 27 hearing."

Durham's charges of Lockheed mismanagement on the C–5A program were attacked as "highly inaccurate" by Lockheed, but the former manager's charge of overpayments made to the firm by the government were substantially validated by the General Accounting Office during hearings last March.

THE BROOKE AMENDMENT

Mr. HATFIELD. Mr. President, once again, we in the Senate are faced with the decision to set a specific date for cutting off funds for Southeast Asia. Over the past 10 years the history of the war has been all too consistent: announcements of deescalation, increased bombing under various guides and definitions, more death, and more destruction. Over the past 3½ years, to the credit of the Nixon administration, American ground troop involvement has been significantly reduced, but the war continues even more odiously in the air over North Vietnam and off her shores. These policies, tried under the Johnson administration, have consistently proved counterproductive and have most likely enhanced North Vietnamese resolve.

I am just as firmly convinced today as when I first spoke out against our involvement in 1964, that our policies are wrong. Since coauthoring the first amendment to end the war in 1970, many votes have taken place on this most critical issue. Today we are to vote on the Brooke amendment to halt funding for Southeast Asia 4 months after enactment of the Military Procurement Act and the simultaneous return of the prisoners of war.

Recently, a new dangerously related matter has become known with respect to our involvement in that troubled part of the world. Evidence seems to be mounting that the Golden Triangle, centered in Southeast Asia, is now a major supplier of heroin to the United States. Not only does this bring into question our support of the already dictatorial corrupt regimes of the area, but it also means that a consequence of our involvement is increased heroin addiction and availability, both among our troops in Southeast Asia, and the youth and adult addicts in our country.

It is ironic, to say the least, that we have lost over 50,000 American lives, played a major role in creating more than 6 million refugees, spent over $132 billion, significantly contributed to the loss of more than 1 million Asian lives, seen the heroin addiction of many GI's and unwittingly contributed to the smuggling of heroin into our own country, all in order to save one dictatorship from another in a part of the work in which we have no vital interest.

This war must come to an end. Therefore, I will vote to support the Brooke amendment.

Mr. President, I therefore ask unanimous consent that the following articles be printed in the RECORD: an editorial by Charles W. Yost, former chief U.S. representative to the United Nations, printed in the August 2, 1972, edition of the Washington Post; an article by Tim O'Brien from the August 2, 1972, edition of the Washington Post; a July 22, 1972, article in the New York Times by Seymour Hersh; an article also by Seymour Hersh in the July 24, 1972, edition of the New York Times; and an editorial appearing in the July 26, 1972, edition of the Washington Post.

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

BOMBING OF DIKES, DAMS? ARGUMENT MISSES HEART OF THE MATTER

(By Charles W. Yost)

The argument between the administration and its critics as to whether or not the United States is bombing dikes and dams in North Vietnam misses what seems to me the heart of the matter.

Bombing of North Vietnam on the vast scale we have done over the past three months cannot, as the administration itself says, help hitting some of the dikes which criss-cross so much of that country and on which its food supply depends. The real point, however, is that it does not make much difference to noncombatant men, women and children whether they are starved, drowned or blown up. As long as we continue bombing of the present magnitude—with such a loose application of the term "military objectives" and such reliance on the infallibility of "smart bombs"—we cannot help killing substantial numbers of non-combatants, whether or not we hit the dikes.

It will be argued that we and our allies engaged in World War II in large-scale bombing which incidentally killed many civilians and that this played a part in winning the war. The obvious difference is that at that time we were fighting against two regimes that we believed threatened both our national existence and western civilization. Even the most extravagant "hawks" would not make that claim about the regime in Hanoi in the summer of 1972. The question is whether there can be any justification, military or moral, for so lethal and prolonged a bombing at the present time and place.

This particular bombing campaign—by far the most severe since we entered the war seven years ago—was begun in response to Hanoi's offensive of last April, in order to prevent a disastrous defeat of the South Vietnamese and "humiliation" of the President just before the Moscow summit. That offensive has now been repulsed and rolled back. The Moscow summit is long since over and was a substantial success. Yet the bombing continues.

It will also be argued that the bombing of the North is still necessary to prevent a buildup and dispatch southward of supplies which would be used in another offensive at a later date. However, President Johnson should be able to testify, on the basis of considerable experience, that even continuous bombing of the North does not prevent the dispatch southward of sufficient supplies to mount repeated offensives, that it tends to toughen rather than soften North Vietnamese morale, and that offensives will recur as long as the war continues.

Finally, the bombing can no longer be excused as essential to protect United States ground forces, since most of them have been withdrawn and the rest could be in a very short time. Indeed it is hard to see how the

continuation of large-scale bombing of the North any longer has an American rationale except as a factor of the United States elections.

It would not seem unreasonable to presume that the bombing of the North is being continued—after the special reasons for it cited at the beginning of May have ceased to exit—as a means of pressure on Hanoi to accept before November 7 our terms for ending the war. Such a result might be a decisive factor in the elections, causing the average voter to forget momentarily that the Republican plan for ending the war, promised in 1968, was carried out only after four years and 20,000 additional American dead.

Every American wants an agreement in Paris and an end to the fighting but are we to be wholly indifferent as to how we go about getting it? Mr. Nixon has often spoken of the "respect" which he seeks for this country and the Presidency. Can he be unaware that the respect is being daily eaten away by what seems to many Asians and Europeans, not to mention Americans, to be a casual indifference to massive human suffering which we inflict, a moral unscrupulousness about the means by which we as a great power achieve our ends? Our new partners in creating a "structure of peace," the Soviet Union and China, may be prepared to swallow their behavior, but will all the others who have looked up to us in the past?

Of course the North Vietnamese have for years been committing, and still are, unspeakable atrocities in the South. But how relevant is that? It has always been the proud boast and belief of Americans that our democracy embodies certain principles which make us worthy of admiration and emulation by the rest of the world. We have been the first to claim a "double standard" which distinguishes us from totalitarian states and our behavior from theirs. Now much of the rest of the world is beginning to see less and less moral difference between us and the adversaries we seem more and more to imitate.

The cold hard truth is that we cannot beat a small enemy "back to the stone age," abandon moral and military restraints in our war against him, without dangerously sapping the reservoir of international respect which our forefathers built up over two centuries and on which any claim we may have to world leadership must rest. Is the erosion of that respect worth "victory" in Vietnam or anyone's victory in November?

REPORT PESSIMISTIC ON SCREENING OUT INDOCHINA DRUGS

(By Tim O'Brien)

A White House report circulated among congressmen early last month gives a gloomy forecast for U.S. efforts to stem illicit narcotics trafficking in Southeast Asia, particularly Burma and South Vietnam.

The little noticed report shows that a total of only 29 tons of illegal opium or its derivatives were seized in Southeast Asia between August 1971 and June 1972. This represents about four per cent of the annual illicit production in the region, which according to the Bureau of Narcotics and Dangerous Drugs is approximately 700 tons.

The report—a chronology of "narcotics action" in Thailand, Laos, Burma and South Vietnam—shows that 26 of 29 tons were destroyed at Chiang Mai, Thailand, last March.

The action has frequently been cited as an indication of a crackdown in Thailand.

But columnist Jack Anderson says that "the CIA and other federal agencies have quietly informed Washington that something besides opium went up in that bonfire." He said that all but five of the 26 tons was nothing but fodder, plant material and chemicals.

The Bureau of Narcotics and Dangerous Drugs refuted those charges, claiming that on-the-spot U.S. inspectors examined the material under microscopes and found it to be "genuine opium."

Andrew C. Tartaglino, Deputy Director for Operations in the BNDD, said "our chemist tested it before it was burned. There is no question—it was opium."

Anderson's colleague, reporter Les Whitten, was present at a BNDD press conference, challenging Tartaglino to make available a weekly intelligence summary compiled by the bureau from CIA and State Department reports. The summary, Whitten said, contained intelligence "to the effect that extraneous matter was mixed with only five tons of opium."

Tartaglino said the summary was based on "raw intelligence" and had been "discounted as unreliable." He said the summary is classified and cannot be released without going through "established procedures."

The United States paid $1 million for the 26 tons of material that was voluntarily turned over by bands of Nationalist Chinese living in northern Thailand according to Tartaglino.

The White House study, signed by Richard Harkness, information director for the President's Narcotics Control Program, said there would be difficulties in any long-term effort to stem the flow of illegal drugs in South Vietnam.

"Smuggling is endemic in the country and real control is unlikely," the report said.

According to the study, South Vietnam President Thieu was handed a memorandum on May 3, 1971, "which notes relationship between narcotics problems and future U.S. role in Vietnam." The memo urged him to greatly improve "intelligence and enforcement activities to identify and arrest narcotics ringleaders and pushers."

The following day, the head of the Vietnamese national police's narcotics bureau was replaced, and its personnel expanded from 26 to 52.

But the unpublicized White House report summarized: "Encouraging as Vietnam's recognition of the problem and (its) dynamic response may be, real progress of a long-term nature is questionable."

This conclusion stands in contrast to the administration's public optimism, reiterated only a week ago by presidential assistant, Egil Krogh Jr.

The study was compiled for the White House by those State Department desks responsible for the four countries covered in the narcotics action chronology.

The report listed no specific seizures or arrests in Burma, the largest opium producing country in Southeast Asia.

The Bureau of Narcotics and Dangerous Drugs estimates that Burma's illicit opium production is about 400 tons a year.

According to the report, "the Burmese government's policy of non-alignment and sensitivity to foreign influence is a limiting factor in its involvement with the U.S. or the United Nations in the narcotics field."

"There are no BNDD (Bureau of Narcotics and Dangerous Drugs) or U.S. Customs programs in Burma such as exist in neighboring countries with which the U.S. is allied or has common security interests and programs," the study said.

The White House said "very little opium is now grown in Laos; less than 30 tons a year." However, the Bureau of Narcotics and Dangerous Drugs estimated last Tuesday that Laos produces more than three times that amount—about 100 tons a year.

"Nearly all of (the Laotian opium) still being grown is consumed by the growers," the report said. "There is no evidence that significant amounts of Lao-grown opium are entering the international traffic. Laos is a conduit for Burmese opium and opium derivatives, including heroin, however."

Of the 30 or 100 tons of opium products grown each year in Laos, less than one ton was confiscated between August 1971 and June 1972, according to the report's chronology of narcotics actions.

Although the report said that Laos is a "conduit" for Burmese opium and although only one ton was confiscated there in the 10-month period, the report concludes that "the flow of opium and heroin through Laos has been seriously disrupted."

Alfred W. McCoy, author of a soon to be published book on "The Politics of Heroin in Southeast Asia," testified before a Senate subcommittee early last month that "all U.S. officials in Indochina know that the vast majority of the high grade heroin sold to GIs fighting in South Vietnam is manufactured in Laotian laboratories."

"In northern Laos," he said, "Air America aircraft and helicopters chartered by the U.S. Central Intelligence Agency and USAID have been transporting opium harvested by the agency's tribal mercenaries on a regular basis."

Publication of the book by Harper and Row, Inc., has been held up by a CIA request to review it. McCoy, under "strong protest," agreed to give the CIA an advance copy.

Last Friday, a CIA agent delivered "written comments and criticisms" to the New York publisher, but the company has not yet announced whether the CIA asked for revisions or a halt to publication. It is believed the firm will not agree to alter the manuscript, a source close to McCoy said.

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 Adviser 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 that 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 irregulars 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, tipoffs 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."

CIA AIDES ASSAIL ASIA DRUG CHARGE—HEROIN TRAFFIC AMONG ALLIES OF UNITED STATES

(By Seymour M. Hersh)

WASHINGTON, July 21.—The Central Intelligence Agency has begun a public battle against accusations that it knew of but failed to stem the herion traffic of United States allies in Southeast Asia.

In recent weeks, high-ranking officials of the C.I.A. have signed letters for publication to a newspaper and magazine, granted a rare on-the-record interview at the agency's headquarters in McLean, Va., and—most significantly—persuaded the publishers of a forthcoming expose on the C.I.A. and the drug traffic to permit it to review the manuscript prior to publication.

The target of all these measures has been the recent writings and Congressional testimony of Alfred W. McCoy, a 26-year-old Yale graduate student who spent 18 months investigating the narcotics operations in Southeast Asia. His book, "The Politics of Heroin in Southeast Asia," is scheduled to be published by Harper & Row in mid-September—barring delays caused by the intelligence agency's review.

In his book, Mr. McCoy alleged that both C.I.A. and State Department officials have provided political and military support for America's Indochinese allies actively engaged in the drug traffic, have consciously covered up evidence of such involvement, and have been actively involved themselves in narcotic trade.

CMA officials said they had reason to believe that Mr. McCoy's book contained many unwarranted, unproven and fallacious accusations. They acknowledged that the public stance in opposition to such allegations was a departure from the usual "low profile" of the agency, but they insisted that there was no evidence linking the C.I.A. to the drug traffic in Southeast Asia. One well-informed Government official directly responsible for monitoring the illegal flow of narcotics complained in an interview that many of Mr. McCoy's charges "are out of date."

"Go back three or four years," he said, "and no one was concerned about this. It wasn't until our own troops started to get addicted, until 1968 or '69, that anyone was aware" of the narcotics problems in Southeast Asia.

This official said that in the eyes of the C.I.A., the charges were "unfair." He said of the C.I.A., "they think they're taking the heat for being unaware and not doing anything about something that was going on two or three years ago."

BASED ON 250 INTERVIEWS

During two Congressional appearances last month, Mr. McCoy testified that his accusations were based on more than 250 interviews, some of them with past and present officials of the C.I.A. He said that top-level South Vietnamese officials, including President Nguyen Van Thieu and Premier Iran Van Khiem, were specifically involved.

In July, 1971, Representative Robert H. Steele, Republican of Connecticut, said during a House Foreign Affairs subcommittee hearing that the United States Government possessed "hard intelligence" linking a number of high-ranking Southeast Asian officials, including Maj. Gen. Ngo Dzu, then commander of the South Vietnamese II Corps, with involvement in the narcotics trade. Mr. Steele's accusations were denied and mostly ignored.

Mr. McCoy also alleged that Corsican and American syndicate gangsters had become involved in the narcotics trade. He said that such information was known to the C.I.A In a chapter of his book published in this month's Harper Magazine, Mr. McCoy further charged that in 1967 the infamous "Golden Triangle"—an opium-producing area embracing parts of northeastern Burma, northern Thailand and northern Laos—was producing about 1,000 tons of raw opium annually, then about 70 per cent of the world's supply.

The bulk of Mr. McCoy's accusations—both in the magazine and during the Congressional hearings—failed to gain much national attention. Nonetheless, the C.I.A began its unusual public defense after a Washington Star reporter cited some of Mr. McCoy's allegations in a column.

LETTER SENT TO PAPER

Two letters were sent to the newspaper for publication. One was signed by W. E. Colby, the executive director of the C.I.A, and the other by Paul C. Velte, Jr. a Washington-based official with Air America, a charter airline that flies missions for the C.I.A. in Southeast Asia. Both categorically denied the allegations linking C.I.A. personnel to any knowledge of or activity in the drug traffic.

A similar letter of disavowal, signed by Mr. Colby, was sent for publication to the publisher of Harper's Magazine within the last week. Robert Schnayerson, the magazine's editor, said that the letter would be published as soon as possible.

The C.I.A. began its approach to Harper & Row in early June, apparently after learning of Mr. McCoy's appearance before the Senate subcommittee. Cord Meyer Jr., described as a senior agency official, met with officials of the publishing concern and informally asked for a copy of the manuscript for review prior to publication.

On July 5, a formal letter making the request, signed by Lawrence R. Houston, general counsel of the C.I.A. was sent to Harper & Row.

Mr. Houston's request was not based on national security, but on the thesis that "allegations concerning involvement of the U.S. Government (in drug traffic) or the participation of American citizens should be made only if based on hard evidence."

The letter continued: "It is our belief that

no reputable publishing house would wish to publish such allegations without being assured that the supporting evidence was valid." If the manuscript were handed over, the letter said, "we believe we could demonstrate to you that a considerable number of Mr. McCoy's claims about this agency's alleged involvement are totally false and without foundation, a number are distorted beyond recognition, and none is based on convincing evidence." A copy of the letter was made available to The New York Times.

Mr. McCoy, in an interview, said that the book had been commissioned by Harper & Row and carefully and totally reviewed by its attorneys with no complaint until the C.I.A. request was made.

B. Brooks Thomas, vice president and general counsel of the publishing house, said in an interview in New York, "We don't have any doubts about the book at all. We've had it reviewed by others and we're persuaded that the work is amply documented and scholarly."

"We're not submitting to censorship or anything like that," Mr. Thomas said. "We're taking a responsible middle position. I just believe that the C.I.A. should have the chance to review it." If Mr. McCoy did not agree, he added, Harper & Row would not publish the book.

In a subsequent interview, Robert L. Bernstein, president of Random House and president of the Association of American Publishers, Inc., said that his concern had twice refused official C.I.A. requests for permission to revise manuscripts.

"In general," Mr. Bernstein said, "our opinion would be that we would not publish a book endangering the life of anybody working for the C.I.A. or an other Government agency. Short of that, we would publish any valid criticism."

In a series of interviews with The New York Times, a number of present and former officials of the C.I.A. acknowledged that smuggling and "looking the other way" was common throughout Southeast Asia during the nineteen-sixties. But many noted that the agency had since taken strong steps to curb such practices.

One official, who spent many years in Southeast Asia, said, "I don't believe that agency staff personnel were dealing in opium. But if you're talking about Air America hauling the stuff around, then I'll bet my bottom dollar that they were in it."

Another former C.I.A. agent described Mr. McCoy's published writings as "1 per cent tendentious and 90 per cent of the most valuable contribution I can think of."

HEROIN AND THE WAR

Alfred McCoy, a Yale graduate student who interviewed 250 people, charges that the Central Intelligence Agency has known of Thai and South Vietnamese official involvement in heroin traffic, has covered up their involvement and has participated in aspects of the traffic itself. The CIA has publicly denied these charges, in the process even persuading Mr. McCoy's publisher, Harper & Row, to let it review his book manuscript before publication. But now there comes an internal government report—done by the CIA and other agencies—on the difficulties of controlling the narcotics trade in Southeast Asia. The report states:

"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."

That is to say, a private report by agencies including the CIA confirms the thrust of charges which the CIA publicly denies. The White House contends the report, completed in February, is "out of date."

Now, we are aware that the Nixon administration has worked with great vigor and much effectiveness to curb the international narcotics trade. The fact remains that the largest supplies of the filthiest poison of them all apparently come from or through Thailand and South Vietnam, if one is to take the CIA's private word—as against its public word—on the matter. Nor should it stretch any reasonable man's credulity to understand that the United States has had to accept certain limitations on its efforts to get those governments to stop drug dealing because it has wanted to ensure their cooperation in the war against North Vietnam. In the final human analysis there is simply no place in the pursuit of honor and a just peace in Southeast Asia for an all-out honest effort to control traffic in heroin. This is the infinitely tragic fact flowing from continued American involvement in the war.

Would heroin addiction among Americans have swollen to its current dimensions and would the amount of heroin reaching the United States from South Vietnam and Thailand have reached its current levels if the war—and power politics—had not gotten in the way of effective American pressure upon the governments in Saigon and Bangkok? If President Nixon needs any further reason to make good his pledge to end the war, this is almost reason enough by itself for what it says about the character of regimes this country has gotten into the habit of supporting—lavishly and indiscriminately—in the name of our "national security" and "world peace."

DD–963 DESTROYER PROGRAM

Mr. MUSKIE. Mr. President, I would like to call the attention of the Senate to that section of the military procurement authorization bill relating to the DD–963 class destroyers, presently scheduled for construction by Litton Industries at the Pascagoula Navy Shipyard.

In July of 1970, the Navy awarded a multi-year procurement contract to Litton Systems, Inc., for the construction of 30 destroyers. To date, Congress has approved and appropriated $1.449 billion for 16 of these ships. According to the original contract schedule, the Navy was to request funding of seven more ships this year and the last seven in fiscal year 1974. Total cost of the full program is now estimated at $2.7 billion.

In its initial fiscal year 1973 budget request, the Navy asked for $610 million for seven additional ships. The Armed Services Committee, however, reduced this to $247 million for the purchase of certain items requiring a long lead-time, rather than to approve full funding. This action was taken as a consequence of a mutual agreement by the Navy and Litton to defer exercising an option to buy seven more ships until the next fiscal year. The committee, in its report, makes only passing reference to the "problems" experienced in Litton's shipyard which could have an impact on the destroyer program.

What is not mentioned is that Litton Industries is at least 24 months behind in the construction of five amphibious assualt craft—LHA's—which must precede the construction of the destroyers.

Nor is it pointed out that the Pascagoula Yard continues to experience severe manpower shortages and management difficulties.

Nor is there any mention of the Navy's statement to Litton that the "slippage—in the amphibious assault craft program—could have a direct and potentially disastrous effect upon your ability to deliver the DD–963 class destroyers."

Nor is there any discussion of the fact that the Navy's contract calls for a shift in the basis of payments to Litton on October 1 to reflect actual physical progress on the LHA's. As a result, Litton may have to return money previously advanced to the Navy, thus calling further into question the company's financial capabilities.

Mr. President, all available evidence indicates that Litton Industries is in serious trouble. Delays and cost over-runs on the destroyer program may be inevitable. I fear, Mr. President, that the DD–963 may soon become a floating C–5A.

Although Litton has not yet defaulted on the DD–963 contract, the implications of their present difficulties are clear. The sad truth of the matter, according to the Navy, is that the terms of the contract impose on the Government an automatic cancellation charge of $279 million if Congress fails to authorize construction of more ships. Thus, without specific Congressional approval, the Navy has obligated the Federal Government to pay a penalty of a quarter of a billion dollars to a contractor if, in the judgment of Congress, further purchases cannot be justified.

This obligation, I should add, is unrelated to the cost of a complete cancellation of the contract, but would be imposed if Congress chose simply to adopt a "wait and see" attitude before approving additional ships. This, Mr. President, is the consequence of the Navy's policy of writing multiyear contracts.

The Navy has placed the Congress in a serious predicament. If we deny the authorization, we may have to pay Litton $279 million. On the other hand, if we approve the authorization, I believe we will most assuredly face future delays and escalating costs.

The solution to this problem, initiated by the distinguished chairman of the House Armed Services Committee, Mr. HÉBERT and included by his committee in its report, was to arrive at an understanding with the Navy that, should Congress authorize funds for advance leadtime items, the Navy would not go forward with a decision to produce additional ships without specific congressional approval. The purpose of this understanding is to preserve the integrity of the contract while temporarily delaying costly commitments to Litton by the Navy. The Senate Armed Services Committee, in effect, accepted this understanding by its recommendation.

Mr. President, I am highly skeptical that this understanding is sufficient to protect the interest, or purse, of the Federal Government. I would have preferred that no further authorizations be granted at this time.

At the very least, the conditions attached to the authorization should have been included in the language of the bill.

The DD-963 program will come before the Senate Appropriations Committee shortly. I intend to urge the committee to review this matter closely to determine if an appropriation at any level can be justified as being in the public interest.

Today we are seeing the disastrous consequences of a Defense Department policy, implemented in 1969 and 1970 in the case of Litton, to award a total procurement package to a single contractor. Despite reservations expressed by Members of the Senate and House Armed Services Committees, and under circumstances strongly indicating a "buy-in," the contract was awarded to Litton over its nearest competitor, Bath Iron Works of Maine. The issue, now as then, is not whether the contract should have been awarded to Bath, but whether the contract should have been awarded to a single company.

Two years ago, in a speech to this body on August 31, 1970, I pointed out that:

> There is clear evidence that award of multiple numbers of ships to a company with a large and diverse backlog presents overwhelming managerial problems which come home to roost for the Navy and Congress.

The evidence today is even more striking. It is particularly painful for our taxpayers who must bear the burden of irresponsible spending in the defense budget.

The VICE PRESIDENT. All time has expired.

The question is on agreeing to the amendment of the Senator from Vermont.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I would like to state that the amendment we are now voting on is the amendment that I propose. Is that correct?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Vermont. 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 Georgia (Mr. GAMBRELL) is 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 50, nays 47, as follows:

[No. 330 Leg.]

YEAS—50

Aiken	Dominick	Miller
Allen	Eastland	Packwood
Allott	Ervin	Pearson
Anderson	Fannin	Roth
Baker	Fong	Saxbe
Beall	Goldwater	Scott
Bennett	Griffin	Smith
Boggs	Gurney	Sparkman
Brock	Hansen	Spong
Buckley	Hruska	Stafford
Byrd, Harry F., Jr.	Jackson	Stennis
Byrd, Robert C.	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Taft
Cotton	Long	Talmadge
Curtis	Mathias	Thurmond
Dole	McClellan	Tower
	McGee	Young

NAYS—47

Bayh	Hart	Moss
Bellmon	Hartke	Muskie
Bentsen	Hatfield	Nelson
Bible	Hollings	Pastore
Brooke	Hughes	Pell
Burdick	Humphrey	Percy
Cannon	Inouye	Proxmire
Case	Javits	Randolph
Chiles	Kennedy	Ribicoff
Church	Magnuson	Schweiker
Cooper	Mansfield	Stevenson
Cranston	McGovern	Symington
Eagleton	McIntyre	Tunney
Fulbright	Metcalf	Weicker
Gravel	Mondale	Williams
Harris	Montoya	

NOT VOTING—2

Gambrell	Mundt

So Mr. AIKEN's perfecting amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any rollcall during the remainder of the day be limited to 10 minutes, with the warning bell sounding after the first 2½ minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I move to lay on the table the amendment of the Senator from Massachusetts (Mr. BROOKE).

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts (Mr. BROOKE).

Mr. SCOTT. On that question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. GRIFFIN. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. BROOKE. Will the Chair state the question again?

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts (Mr. BROOKE). 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 Georgia (Mr. GAMBRELL) is 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 result was announced—yeas 46, nays 51, as follows:

[No. 331 Leg.]

YEAS—46

Aiken	Dole	McGee
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	Talmadge
Byrd, Robert C.	Jackson	Thurmond
Cooper	Jordan, N.C.	Tower
Cotton	Jordan, Idaho	Weicker
Curtis	Long	Young
	McClellan	

NAYS—51

Anderson	Hartke	Muskie
Bayh	Hatfield	Nelson
Bentsen	Hollings	Pastore
Bible	Hughes	Pearson
Brooke	Humphrey	Pell
Burdick	Inouye	Percy
Cannon	Javits	Proxmire
Case	Kennedy	Randolph
Chiles	Magnuson	Ribicoff
Church	Mansfield	Schweiker
Cook	Mathias	Spong
Cranston	McGovern	Stafford
Eagleton	McIntyre	Stevens
Fulbright	Metcalf	Stevenson
Gravel	Mondale	Symington
Harris	Montoya	Tunney
Hart	Moss	Williams

NOT VOTING—2

Gambrell	Mundt

So the motion to lay on the table was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Massachusetts. 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. ALLEN (after having voted in the negative). I vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) is 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 49, nays 47, as follows:

[No. 332 Leg.]

YEAS—49

Anderson	Hatfield	Pastore
Bayh	Hollings	Pearson
Bentsen	Hughes	Pell
Bible	Humphrey	Percy
Brooke	Inouye	Proxmire
Burdick	Javits	Randolph
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Spong
Cook	Mathias	Stafford
Cranston	McGovern	Stevens
Eagleton	Metcalf	Stevenson
Fulbright	Mondale	Symington
Gravel	Montoya	Tunney
Harris	Moss	Williams
Hart	Muskie	
Hartke	Nelson	

NAYS—47

Aiken	Byrd, Robert C.	Goldwater
Allott	Cannon	Griffin
Baker	Cooper	Gurney
Beall	Cotton	Hansen
Bellmon	Curtis	Hruska
Bennett	Dole	Jackson
Boggs	Dominick	Jordan, N.C.
Brock	Eastland	Jordan, Idaho
Buckley	Ervin	Long
Byrd, Harry F., Jr.	Fannin	McClellan
	Fong	McGee

McIntyre	Scott	Talmadge
Miller	Smith	Thurmond
Packwood	Sparkman	Tower
Roth	Stennis	Weicker
Saxbe	Taft	Young

ANSWERED "PRESENT"—1

Allen

NOT VOTING—2

Gambrell Mundt

So Mr. BROOKE's amendment was agreed to.

Mr. ALLEN. Mr. President, not having voted on the previous vote, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to table the motion of the Senator from Alabama.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing on the motion to table the motion to reconsider.

On this question the yeas and nays have been ordered and the clerk will call the roll.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry. What is the vote on?

The VICE PRESIDENT. A motion to table the motion to reconsider.

Mr. GRIFFIN. I thank the Chair.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), and the Senator from Montana (Mr. METCALF) 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 49, nays 47, as follows:

[No. 333 Leg.]

YEAS—49

Anderson	Hatfield	Pastore
Bayh	Hollings	Pearson
Bentsen	Hughes	Pell
Bible	Humphrey	Percy
Brooke	Inouye	Proxmire
Burdick	Javits	Randolph
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Spong
Cook	Mathias	Stafford
Cranston	McGovern	Stevens
Eagleton	McIntyre	Stevenson
Fulbright	Mondale	Symington
Gravel	Montoya	Tunney
Harris	Moss	Williams
Hart	Muskie	
Hartke	Nelson	

NAYS—47

Aiken	Curtis	McClellan
Allen	Dole	McGee
Allott	Dominick	Miller
Baker	Eastland	Packwood
Beall	Ervin	Roth
Bellmon	Fannin	Saxbe
Bennett	Fong	Scott
Boggs	Goldwater	Smith
Brock	Griffin	Sparkman
Buckley	Gurney	Stennis
Byrd, Harry F., Jr.	Hansen	Taft
Byrd, Robert C.	Hruska	Talmadge
Cannon	Jackson	Thurmond
Cooper	Jordan, N.C.	Tower
Cotton	Jordan, Idaho	Weicker
	Long	Young

NOT VOTING—3

Gambrell	Metcalf	Mundt

So the motion to table the motion to reconsider was agreed to.

Mr. ALLEN. Mr. President, I move to table the Cranston amendment as perfected by the Aiken amendment as amended by the Brooke substitute.

The VICE PRESIDENT. The question is on the motion to table.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. DOMINICK. Mr. President, I think that some of us are perhaps a little confused as to where we stand at this moment. Do I correctly understand that the Brooke amendment we just agreed to was an amendment to, or a substitute for, the Cranston amendment as modified by the Aiken substitute?

The VICE PRESIDENT. The Brooke amendment was a substitute for the other amendment.

Mr. DOMINICK. Mr. President, the vote then at the present time—am I correct—is just on the Brooke amendment?

The VICE PRESIDENT. The Senator is correct.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PASTORE. Mr. President, would not the motion of the Senator from Alabama (Mr. ALLEN) vitiate the vote we have just taken?

The VICE PRESIDENT. The motion would table the entire amendment as amended.

Mr. PASTORE. I thank the Chair.

The VICE PRESIDENT. The question is on agreeing to the motion to table. 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 Georgia (Mr. GAMBRELL) is 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 yeas and nays resulted—yeas 46, nays 50, as follows:

[No. 334 Leg.]

YEAS—46

Aiken	Curtis	McClellan
Allen	Dole	McGee
Allott	Dominick	Miller
Baker	Eastland	Packwood
Beall	Ervin	Roth
Bellmon	Fannin	Saxbe
Bennett	Fong	Smith
Boggs	Goldwater	Sparkman
Brock	Griffin	Stennis
Buckley	Gurney	Taft
Byrd, Harry F., Jr.	Hansen	Talmadge
Byrd, Robert C.	Hruska	Thurmond
Cannon	Jackson	Tower
Cooper	Jordan, N.C.	Weicker
Cotton	Jordan, Idaho	Young
	Long	

NAYS—50

Anderson	Church	Hartke
Bayh	Cook	Hatfield
Bentsen	Cranston	Hollings
Bible	Eagleton	Hughes
Brooke	Fulbright	Humphrey
Burdick	Gravel	Inouye
Case	Harris	Javits
Chiles	Hart	Kennedy
Magnuson	Muskie	Schweiker
Mansfield	Nelson	Spong
Mathias	Pastore	Stafford
McGovern	Pearson	Stevens
McIntyre	Pell	Stevenson
Metcalf	Percy	Symington
Mondale	Proxmire	Tunney
Montoya	Randolph	Williams
Moss	Ribicoff	

ANSWERED "PRESENT"—1

Scott

NOT VOTING—2

Gambrell Mundt

The VICE PRESIDENT. On this vote the yeas are 46 and the nays are 50. The motion to table the Cranston amendment is not agreed to.

Mr. SCOTT. Mr. President, not having voted on the prevailing side, I move to reconsider.

Mr. JAVITS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. Is a motion to table subject to a motion to reconsider?

The VICE PRESIDENT. According to the Parliamentarian, it is.

Mr. JAVITS. I thank the Chair.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. PASTORE. Is a vote "present" a vote in the affirmative?

The VICE PRESIDENT. A yea vote to reconsider would open the vote again.

The question is on the motion to reconsider.

Mr. MANSFIELD. I move to table the motion.

The VICE PRESIDENT. The question is on the motion to table.

Mr. MANSFIELD. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I want to ask the Chair, as a matter of policy and substance, is the vote "present" with the rules of this body or is it required that it be a yea-and-nay vote, unless there is a conflict of interest?

The VICE PRESIDENT. The Chair will consult the Parliamentarian.

The Chair will request the clerk to read rule XII.

The assistant legislative clerk read as follows:

RULE XII

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is

announced; and any further proceedings in reference thereto shall be after such announcement.

Mr. PASTORE. Mr. President, I move——

The VICE PRESIDENT. The Senator from Minnesota has the floor.

Mr. HUMPHREY. In light of the reading of the rule, I think it is necessary for the Senator who voted "present" to assign his reasons for voting "present" and to have this body stand in judgment as to whether or not those reasons are valid.

Mr. President, I was in this body when other Senators were compelled to vote, whether they wanted to or not. I cite for precedents the 1950's, at the time when the then Senator from New York, Mr. Lehman, was involved. If Senators will look at the precedents on that occasion, they will find that a vote is required unless there is unanimous consent or unless there is a vote by a majority of this body on the basis of the reason given by the Senator.

Mr. SCOTT. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I make the point of order, having been recognized, that the inquiry raised by the Senator from Minnesota comes too late, because the vote has been announced and the statement made by the Senator from Minnesota is now moot.

Mr. PASTORE. Mr. President——

The VICE PRESIDENT. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I move at this time that the Senator from Pennsylvania be compelled to state his reason and cast his vote.

The VICE PRESIDENT. The Chair rules that the objection to the vote of "present" comes too late. It is not timely. Therefore, the question now is on the motion to table.

Mr. HUMPHREY. Mr. President——

The VICE PRESIDENT. Had it been done, according to the advice of the Parliamentarian, at a time before the vote was announced, it would have been timely, but it is not timely at this time.

Mr. HUMPHREY. Mr. President, I say the vote that had been announced was invalid because it violates the rules of the Senate, and the rules of the Senate cannot be violated.

The VICE PRESIDENT. The Chair has made its ruling.

Mr. HUMPHREY. Mr. President, I appeal from the ruling of the Chair.

The VICE PRESIDENT. The ruling of the Chair is appealed.

Several Senators requested the yeas and nays.

The VICE PRESIDENT. There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia.

Mr. STENNIS. Mr. President, regular order.

The VICE PRESIDENT. The Senator from West Virginia has the floor. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, may I be heard on the appeal for just 1 minute?

The VICE PRESIDENT. Is there objection? The Chair hears no objection.

Mr. ROBERT C. BYRD. Mr. President, in my judgment, after a careful reading of the rule, I think that the Chair is correct in its ruling. I would hope that the Senate would not overturn the ruling of the Chair. May I say that I have had enough of this voting back and forth now, and I intend to vote to lay the motion to reconsider on the table, which I would not have done otherwise, but I do hope that, in order that we might preserve the precedents of the Senate, we will not vote to overrule the Chair's ruling.

I read now from rule XII:

When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor—

But the Senator was not so required at that time—

and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?"—

The Chair did not submit the question—

which shall be decided without debate;

That was not decided because the Chair did not submit the question to the Senate—

And these proceedings shall be had after the roll call and before the result is announced.

But the result of the rollcall had been announced, thus making any point of order untimely.

So I accept the Chair's ruling, because I think it is correct from a reading of the rule, and I hope that Senators will negate the call for the yeas and nays to appeal from the ruling of the Chair, and let us try to avoid a challenge to the rule and to precedents.

The VICE PRESIDENT. The Senator's time has expired.

Mr. HUMPHREY. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, may I say, in order to expedite the business of this body, in light of the explanation of the distinguished majority whip, I withdraw the appeal.

The VICE PRESIDENT. Is there objection to the withdrawal of the appeal? Without objection, it is so ordered.

Mr. CHILES. Mr. President——

Mr. MILLER. I object.

Mr. MANSFIELD. Mr. President, the Senator is too late. The Chair ruled. The Senator from Florida was seeking recognition.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CHILES. The ruling of the Chair was that the objection to the vote of "present" was not timely because the result of the vote had been announced. The inquiry is as follows, Mr. President: Further objection could be made on the question of whether the vote of "present" is correct or not on the question of whether the Senator has standing to make a motion to reconsider. That question would not be moot. The rollcall vote would not have cured that. That would be a new question. So the point of order that I would raise would be that the Senator from Alabama, or the Senator from Ohio, cannot move to reconsider the question, or the Senator from Pennsylvania cannot move to reconsider the question, because he did not vote on the affirmative side of the question.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. The Parliamentarian advises the Chair that the Senator did not vote on the prevailing side; nor did he vote on the losing side; he simply announced himself as present, and therefore the objection to his vote as "present" was not timely, and the Chair so rules.

The question before the Chair now is on the motion to table. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, a motion to table what?

The VICE PRESIDENT. The Senator from Montana's motion to table the motion to reconsider.

The legislative clerk called the roll.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to lay on the table the motion to reconsider the previous motion to lay on the table. 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 Georgia (Mr. GAMBRELL) is 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 52, nays 45, as follows:

[No. 335 Leg.]

YEAS—52

Anderson	Hartke	Nelson
Bayh	Hatfield	Pastore
Bentsen	Hollings	Pearson
Bible	Hughes	Pell
Brooke	Humphrey	Percy
Burdick	Inouye	Proxmire
Byrd, Robert C.	Javits	Randolph
Cannon	Kennedy	Ribicoff
Case	Magnuson	Schweiker
Chiles	Mansfield	Spong
Church	Mathias	Stafford
Cook	McGovern	Stevens
Cranston	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Fulbright	Mondale	Tunney
Gravel	Montoya	Williams
Harris	Moss	
Hart	Muskie	

NAYS—45

Aiken	Dominick	Miller
Allen	Eastland	Packwood
Allott	Ervin	Roth
Baker	Fannin	Saxbe
Beall	Fong	Scott
Bellmon	Goldwater	Smith
Bennett	Griffin	Sparkman
Boggs	Gurney	Stennis
Brock	Hansen	Taft
Buckley	Hruska	Talmadge
Byrd, Harry F., Jr.	Jackson	Thurmond
	Jordan, N.C.	Tower
Cooper	Jordan, Idaho	Weicker
Cotton	Long	Young
Curtis	McClellan	
Dole	McGee	

NOT VOTING—2

Gambrell Mundt

So the motion to lay on the table the motion to reconsider the vote by which the previous motion to lay on the table was rejected, was agreed to.

The VICE PRESIDENT. The question now recurs on agreeing to the amendment of the Senator from California (Mr. CRANSTON) as amended by the amendment of the Senator from Massachusetts (Mr. BROOKE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) is 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 50, nays 47, as follows:

[No. 336 Leg.]

YEAS—50

Allen	Hartke	Nelson
Anderson	Hatfield	Pastore
Bayh	Hollings	Pearson
Bentsen	Hughes	Pell
Bible	Humphrey	Percy
Brooke	Inouye	Proxmire
Burdick	Javits	Randolph
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Spong
Cook	Mathias	Stafford
Cranston	McGovern	Stevens
Eagleton	Metcalf	Stevenson
Fulbright	Mondale	Symington
Gravel	Montoya	Tunney
Harris	Moss	Williams
Hart	Muskie	

NAYS—47

Aiken	Dole	McGee
Allott	Dominick	McIntyre
Baker	Eastland	Miller
Beall	Ervin	Packwood
Bellmon	Fannin	Roth
Bennett	Fong	Saxbe
Boggs	Goldwater	Scott
Brock	Griffin	Smith
Buckley	Gurney	Sparkman
Byrd, Harry F., Jr.	Hansen	Stennis
Byrd, Robert C.	Hruska	Taft
Cannon	Jackson	Talmadge
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Long	Weicker
	McClellan	Young

NOT VOTING—2

Gambrell Mundt

So Mr. CRANSTON'S amendment, as amended, was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

Mr. ALLEN. 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 motion to lay on the table the motion to reconsider the vote by which the Cranston amendment was agreed to.

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 Georgia (Mr. GAMBRELL) is 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 51, nays 46, as follows:

[No. 337 Leg.]

YEAS—51

Anderson	Hartke	Muskie
Bayh	Hatfield	Nelson
Bentsen	Hollings	Pastore
Bible	Hughes	Pearson
Brooke	Humphrey	Pell
Burdick	Inouye	Percy
Byrd, Robert C.	Javits	Proxmire
Case	Kennedy	Randolph
Chiles	Long	Ribicoff
Church	Magnuson	Schweiker
Cook	Mansfield	Spong
Cranston	Mathias	Stafford
Eagleton	McGovern	Stevens
Fulbright	McIntyre	Stevenson
Gravel	Mondale	Symington
Harris	Montoya	Tunney
Hart	Moss	Williams

NAYS—46

Aiken	Dole	Metcalf
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	Talmadge
Cannon	Jackson	Thurmond
Cooper	Jordan, N.C.	Tower
Cotton	Jordan, Idaho	Weicker
Curtis	McClellan	Young
	McGee	

NOT VOTING—2

Gambrell Mundt

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

At the end of bill insert the following:

Notwithstanding any provision of this act the Congress of the United States hereby accepts and assumes full responsibility for the consequences of the policy established by any section of this act.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays, and the regular order.

The yeas and nays were ordered.

Mr. MANSFIELD. Regular order, Mr. President.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I move that the amendment be laid on the table.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi will state his point of order.

Mr. STENNIS. Mr. President, I make the point of order that the amendment is out of order. The time has long since passed for a time to vote on the bill. The only reason that I did not make the point of order earlier was that the amendments on which we had the votes had been included in the unanimous-consent agreement. If the amendment had come in before 6 o'clock, that would have been a different situation. I think it would have been in order. However, under the unanimous-consent agreement, it is now out of order.

The PRESIDING OFFICER. The Chair announces that under the precedents on unanimous-consent agreements, amendments may be presented and acted upon. However, there can be no debate on such amendments.

Mr. MANSFIELD. Regular order, Mr. President.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I made a motion to lay on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Maryland will state his parliamentary inquiry.

Mr. MATHIAS. Mr. President, will it be possible to offer an amendment to this amendment after the vote on the motion to lay on the table, provided the amendment is not tabled?

The PRESIDING OFFICER. It is an amendment in the first degree, and it would be subject to amendment.

The question is on agreeing to the motion to table. 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 Georgia (Mr. GAMBRELL) is 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 59, nays 38, as follows:

[No. 338 Leg.]

YEAS—59

Anderson	Harris	Montoya
Bayh	Hart	Moss
Bentsen	Hartke	Muskie
Bible	Hollings	Nelson
Brooke	Hughes	Pastore
Burdick	Humphrey	Pell
Byrd, Harry F., Jr.	Inouye	Proxmire
Byrd, Robert C.	Jackson	Randolph
Cannon	Javits	Ribicoff
Case	Jordan, N.C.	Saxbe
Chiles	Kennedy	Spong
Church	Long	Stafford
Cooper	Magnuson	Stennis
Cranston	Mansfield	Stevenson
Eagleton	McClellan	Symington
Eastland	McGee	Talmadge
Ervin	McGovern	Tunney
Fulbright	McIntyre	Weicker
Gravel	Metcalf	Williams
	Mondale	Young

NAYS—38

Aiken	Bennett	Curtis
Allen	Boggs	Dole
Allott	Brock	Dominick
Baker	Buckley	Fannin
Beall	Cook	Fong
Bellmon	Cotton	Goldwater

Griffin	Miller	Smith
Gurney	Packwood	Sparkman
Hansen	Pearson	Stevens
Hatfield	Percy	Taft
Hruska	Roth	Thurmond
Jordan, Idaho	Schweiker	Tower
Mathias	Scott	

NOT VOTING—2

Gambrell Mundt

So the motion to lay the Dole amendment on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I think we are down now to third reading of the bill.

Mr. MILLER. Mr. President——

Mr. STENNIS. I certainly hope so. In view of that I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MILLER. Mr. President. I believe there is a serious omission in the bill in the way the Senate has perfected it. I call up my amendment which is 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, as amended, add the following:

"Notwithstanding any other provisions of this Act the withdrawal of United States forces from Vietnam, Laos, and Cambodia shall not be completed until there has been an accounting for United States servicemen missing in action by the Government of North Vietnam or any government allied therewith."

Mr. MANSFIELD. Mr. President, I move to table the amendment.

Several Senators requested the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, this vote is on the motion to table; is that correct?

The PRESIDING OFFICER. The question is on the motion to table.

Mr. MILLER. Who made the motion?

Mr. MANSFIELD. I did.

Mr. PASTORE. The majority leader.

Mr. MILLER. Have the yeas and nays been ordered on the motion to table?

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays have been ordered on the motion to table. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry. I know the ordinary rule is——

The PRESIDING OFFICER. The rollcall is in progress.

Mr. MILLER. Regular order.

Mr. STENNIS. May I make a parliamentary inquiry?

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a rollcall. The clerk will continue with the call of the roll. The Senate will be in order.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) is 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 result was announced—yeas 1, nays 96, as follows:

[No. 339 Leg.]

YEAS—1

Cooper

NAYS—96

Aiken	Fong	Moss
Allen	Fulbright	Muskie
Allott	Goldwater	Nelson
Anderson	Gravel	Packwood
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bellmon	Harris	Percy
Bennett	Hart	Proxmire
Bentsen	Hartke	Randolph
Bible	Hatfield	Ribicoff
Boggs	Hollings	Roth
Brock	Hruska	Saxbe
Brooke	Hughes	Schweiker
Buckley	Humphrey	Scott
Burdick	Inouye	Smith
Byrd, Harry F., Jr.	Jackson	Sparkman
Byrd, Robert C.	Javits	Spong
Cannon	Jordan, N.C.	Stafford
Case	Jordan, Idaho	Stennis
Chiles	Kennedy	Stevens
Church	Long	Stevenson
Cook	Magnuson	Symington
Cotton	Mansfield	Taft
Cranston	Mathias	Talmadge
Curtis	McClellan	Thurmond
Dole	McGee	Tower
Dominick	McGovern	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ervin	Miller	Young
Fannin	Mondale	
	Montoya	

NOT VOTING—2

Gambrell Mundt

So the motion to lay Mr. MILLER'S amendment on the table was rejected.

Mr. STENNIS. Mr. President, I ask unanimous consent, in view of the fact that we understand what is in the amendment, that the order for the yeas and nays be vacated and that we vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment offered by the Senator from Iowa.

Mr. GOLDWATER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) is 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 95, nays 2, as follows:

[No. 340 Leg.]

YEAS—95

Allen	Fong	Montoya
Allott	Fulbright	Moss
Anderson	Goldwater	Muskie
Baker	Gravel	Nelson
Bayh	Griffin	Packwood
Beall	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Harris	Pell
Bentsen	Hart	Percy
Bible	Hartke	Proxmire
Boggs	Hatfield	Randolph
Brock	Hollings	Ribicoff
Brooke	Hruska	Roth
Buckley	Hughes	Saxbe
Burdick	Humphrey	Schweiker
Byrd, Harry F., Jr.	Inouye	Scott
Byrd, Robert C.	Jackson	Smith
Cannon	Javits	Sparkman
Case	Jordan, N.C.	Spong
Chiles	Jordan, Idaho	Stafford
Church	Kennedy	Stennis
Cook	Long	Stevens
Cotton	Magnuson	Stevenson
Cranston	Mansfield	Symington
Curtis	Mathias	Taft
Dole	McClellan	Talmadge
Dominick	McGee	Thurmond
Eagleton	McGovern	Tower
Eastland	McIntyre	Tunney
Ervin	Metcalf	Weicker
Fannin	Miller	Williams
	Mondale	Young

NAYS—2

Aiken Cooper

NOT VOTING—2

Gambrell Mundt

So Mr. MILLER'S amendment was agreed to.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

REPRESSION IN SOUTH VIETNAM

Mr. GRAVEL. Mr. President, President Nixon not long ago returned from a historic mission to Moscow dedicated to improving the chances for peace in the world. At the presentation of the SALT agreements, he proclaimed proudly that the world has moved a little closer to peace—a world safe for all the little Tanyas in every nation. There is not one of us in this Senate who does not share this desire for peace. Americans may be sharply divided on the methods best designed to obtain peace; we are as one in wanting to attain it.

Across the other ocean, President Nixon's ally, President Thieu, announced on July 15, 1970:

I am ready to smash all movements calling for peace. We will beat to death the people who are demanding peace.

Thus speaks our ally, the anti-Communist leader of South Vietnam.

He has been beating them to death. On August 31, 1970, a national student congress in Saigon was invaded by his secret and combat police. After blockading the center, they set upon the students as they emerged from the building.

Tear gas and nausea gas first incapacitated them; as they tried to flee, the blockade was tightened. Helicopters then appeared firing tear gas and flame rockets, while those who escaped the target area were clubbed or stoned by the police; 117 were arrested.

Among the 117 was Huynh Tan Mam, a frail medical student who has been elected and reelected president of the medical student council, elected by all departments to be president of the Saigon Student Union, and similarly elected by the various student unions to be president of the South Vietnam National Student Union. Mam was unconscious when he arrived at the police station.

At this point, some may say that we have our student radicals, too. But a medical student or a law student in Vietnam has never been considered a child in school. In a country of many illiterates and barely lettered peasants, the veneration accorded to students has traditionally demanded of them leadership in the affairs of the country. As adults with special advantages, they have been asked to perform special services in guiding the thinking of their nation.

They have, that is, until the free and democratic government of President Thieu set out to "smash all movements calling for peace." It has not been a goal easy for him to achieve, for Vietnamese students do not protest in waves of enthusiasm, only to sink back into other roles at off-seasons. They regard leadership as a responsibility, a responsibility shared with labor union leaders, businessmen, publishers, Buddhist and Catholic authorities.

I should like to follow briefly the career of Huynh Tan Mam up to the present as an epitome of the fate of thousands of loyal Vietnamese who wish for their country a new day of peace.

Actually, the arrest outside the national student council was not Mam's first arrest. His first was in March of 1970 and was followed by 3 months in prison under daily torture. Soapy water was forced into his ears and mouth; he was kicked in the stomach and hung upside down by his toes; lighted cigarettes were applied to his genitals.

We will beat to death the people who are demanding peace.

But the Vietnamese are not a people easily beaten to death—or even beaten back. How often we have been made aware of this almost fanatical Vietnamese courage when displayed by the North Vietnamese in warfare. We see the same indomitable determination in the South Vietnamese in their battle for peace. What the North Vietnamese endure for their military, the South Vietnamese endure against the militarization of their country.

After his arrest in August of 1970, a court refused to rule on Mam's case because there was no evidence. Was he released? No, he was to be smashed. He was taken before one of the unconstitutional military field tribunals set up to circumvent the guarantees of fair trial written into the Vietnamese Constitution. Here a conviction was readily obtained—a conviction promptly overturned by the Supreme Court of South Vietnam, which ruled that a civilian could not be tried by a military court, and that the evidence presented had been obtained by torture.

I wish we could take satisfaction in this evidence of judicial stability in South Vietnam. Unfortunately, the Saigon Government responded by removing the presiding supreme court justice in favor of a more amenable man. Legislation was hastily passed drawing a patina of constitutionality over the military field tribunals. One civilian judge was added to the four military judges sitting on each military field court, and the right of appeal was written into the military field court system. Thus, the military field courts were maintained as a reliable alternative to the constitutionally established civilian courts.

Mam and the 40 others arrested with him remained in jail. Six months later, growing popular pressure and a fast till death or release by Mam and 12 others forced their release.

When we speak of the repression of the public will by the Communists, we often forget that it is repression of the public will that is evil—not the label under which it is conducted. We oppose communism because it is so often characterized by repression of civil liberty; we do not oppose repression of civil liberty because it is Communist. When that repression of civil liberties occurs in a non-Communist country, we must oppose and condemn it for its intrinsic evil.

On Christmas Eve, Mam was arrested again, along with 30 others, in what was termed by the South Vietnamese Government a "preemptive raid." In ordinary English, this means that the student leaders had done nothing, but it was feared they might arouse passions for peace at the Christmas season. They were released a few days later.

On May 1, 1971, Mam was again arrested, this time with 21 others, and again taken before another military field court. Mam was last arrested on January 5, 1972, without warrant, and tortured at the Saigon Metropolitan Police Station. This did not occur as the result of some rally or incident, although Mam had previously released a statement calling for peace. Mam was accosted as he left the school and whisked away. Eyewitnesses have testified to his arrest by abduction but no report of his whereabouts was released by the government—as of March 1972. American Report magazine, in the issue of January 28, 1972, quoted a U.S. State Department official who did confirm Mam's arrest, saying:

It looks like they may be out to get him this time.

Get him they have. Mam is now partially blinded, partially deaf, and crippled. Another prisoner who saw Mam in April said Mam's face was so swollen and peeling he was almost unrecognizable. This student prisoner, however, was able to talk with Mam. Mam has been kept in the glare of 200-watt bulbs directly in front of his eyes, beaten on knees and legs, tortured with electric shock, and ingenious methods of twisting the fingers about a ruler. In a note which Mam smuggled out of the jail, he reports having been secretly sentenced to 2 years in a government detention camp. His mother has been constantly told that he was not in detention and sometimes that he has fled to North Vietnam.

Or I could tell you about Madame Ngo Ba Thanh, graduate of our own Columbia Law School, wife of the former director of the Institute of Oceanography who lost his position because of their search for peace. She is the daughter of Dr. Pham Van Huyen, once an official in Diem's government charged with supervising the emigration of those who came south in 1954. Dr. Huyen is now in exile because he spoke for peace. Madame Thanh is chairman of the Women's Movement for the Right to Live, which supported Long Thanth Orphans' Village until President Thieu summarily closed it in February of this year and removed the 3,000 orphans from this care. The Women's Movement for the Right to Live also distributed in July 1971 a four-point declaration for human dignity and an end to the war. Following this statement hundreds of the women were arrested and subjected to the most indecent tortures.

For her deep concern for the little Tanyas of South Vietnam, their immediate health and their chances to grow up in a world at peace, Madame Ngo Thanh has been repeatedly arrested, her health broken, and her personal life totally disrupted. In 1971, fabricated charges against her were twice thrown out of court, but Madame Thanh was returned each time to confinement.

As reported in the New York Times, when at last she returned home on September 16, 1971, she was arrested by ruse 2 days later. She had been at a demonstration against a one-candidate presidential ballot, led by Ngo Cong Duc, a former Lower House Deputy. When the peaceful gathering was dispersed by tear gas and clubs, she joined friends at tea in a nearby hotel. From there she was flushed by a false cry of alarm that Ngo Cong Duc had been wounded in a bombing.

On running from the hotel, she and her friends were met with tear gas and vomit gas. She was taken to the hospital vomiting blood and needing a doctor. She continued to be severely ill, nauseated, vomiting blood, breathing shallowly, unable to talk or open her eyes after she had been moved to prison. When her husband brought a doctor himself, they were barred from seeing her. Her husband's despair caused him to attempt suicide in protest. Though he was prevented, his action did result in a police doctor being summoned.

As soon as Madam Thanh had recovered a little, however, she was submitted to interrogation with the result that she soon had to be transferred to the Municipal Police Hospital.

On March 22 of this year, after 6 months of prison and interrogation, Madam Thanh was carried to trial on a stretcher. She suffered heart failure and a severe asthma attack in the court room, but despite the pleadings of a doctor who insisted she could die at any moment, the five military judges refused

to release her to a civilian hospital. Madam Ngo Ba Thanh returned to the prison at Thu Duc while relatives and friends sought vainly to get word of her condition.

How long shall our government dedicate itself to bringing peace to Vietnam while continuing to support a Government of South Vietnam which brands the mere mention of peace an act of treason? How long shall we save the South Vietnamese from the thought control and civil repression of communism by enslaving them to the thought control and civil repression of the Thieu Government? How long shall we demand human treatment for American prisoners of war in North Vietnam while underwriting torture and barbarity in the prisons of South Vietnam?

We in this Congress have not forgotten the chilling reports of Representative WILLIAM ANDERSON and his team who discovered, in July of 1970, the infamous tiger cages of Con Son where shackled prisoners, three or four to a 5 by 9 cage, could not stand. Beaten bodies crusted with sores and scars, some with fingers missing, many partially blinded, were found living under ceiling bars through which lime was poured when they cried for food or drink or medicine.

How many of us know, however, that the United States is paying $400,000 this year to rebuild the tiger cages of Con Son? The Buffalo Evening News of April 25, 1972, headlined this super secret and "top 10 classification" project for priority supplies and personnel. A Federal court jury received a copy of our contract with Raymond, Morrison, Knudsen, Brown, Root & Jones, a $400,000 contract funded by the Military Assistance Command Civil Operations for Revolutionary Development and Support.

These cages, smaller than the originals, are not intended for North Vietnamese soldier prisoners—"enemies." They are intended for those who proclaim in South Vietnam the same desire for ultimate peace that our own President carries to Peking and Moscow.

The South Vietnam Constitution, hailed as the promise of a really democratic alternative to North Vietnamese communism when it was passed in 1967, states:

> Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event, the essence of all basic freedoms cannot be violated.

These basic freedoms have, in fact, never existed. Two of the defeated presidential candidates—in a field from which all Communist or neutralist contenders were eliminated—were arrested after the 1967 election. The Catholic priests of La Joc were arrested in November of 1971 and their journals seized when they sustained workers in a strike. In January of 1972, 159 issues of Saigon newspapers were confiscated for printing materials of which the Government did not approve. As long ago as 1968, Ton That Thien, Minister of Information for the Republic of South Vietnam, said:

> People who don't defend the national cause should not use the press. That is the whole Government policy. I have to carry it out.

The students of South Vietnam must move from house to house when they assume positions of leadership, and they are at times set upon by Army MP's, at times our own Army MP's—June 14, 15, 16, 1970—with M–16 rifles, tear gas grenades, and fire grenades. Labor leaders such as the chairman and general secretary of the Laborers' Trade Unions in 1971, have been imprisoned and intimidated.

What has been de facto since the partition of Vietnam has become de jure with the excuse of North Vietnam's present offensive. In declaring martial law in May, President Thieu abrogated all legislative powers save the declaration of war and the making of peace to himself. This, as Members of the American Congress should well appreciate, is not the imposition of strict control upon a populace under fire. This is, as the Baltimore Morning Sun described it, a total bypassing of the legislative branch of an elected government.

The following day, Vu Khanh, chief Government spokesman, said that President Thieu was working on new regulations:

> All kinds of liberties must now be restricted.

Specifically this legislation is to legitimatize what has in fact been President Thieu's policy since 1967.

Houses may be entered and searched without warrant; all travel, within as well as outside the country, is restricted; public meetings are banned; political and religious organizations may no longer publish newspapers, books, pamphlets, and leaflets; newspapers may publish only official war news. Vu Khanh said:

> We cannot have criticism of the Government and an active political opposition.

For the time being, he said, political parties will be allowed to continue, but—

> Opposition and criticism of the Thieu Government is prohibited.

And he added, lest there be any doubt left—

> All political parties must now support the Government or remain silent.

The Thieu Government has moved beyond the state where we could call its repressions and tortures and megalomania merely the inability of a government to understand quickly and implement fully the implications of a new, democratic constitution. The Thieu Government seeks to legislate that constitution out of effective existence, demonstrating in unequivocal words and laws that it understands the meaning of that constitution precisely, it knows exactly how it must be nullified, and it is determined to affect a definitive legislative nullification.

Like Diem before him, President Thieu is drawing the reins of power into his own hands, depending upon a tight circle of relatives rather than any elected leaders. His uncle is head of the Government Inspectorate; a cousin in charge of the Ministry of Education; another cousin heads the Ministry of Agricultural and Rural Development; yet another cousin is a province chief; his wife's nephew is press secretary.

The legislature is emasculated, the courts bypassed by the establishment of military field tribunals, the press muzzled, religious groups silenced, political groups disenfranchised, student leaders mowed down by military hardware, the prisons full to overflowing with citizens who are not charged, often not tried, and subjected to the most fiendish punishments humanity can devise.

President Nixon calls for peace with honor in Southeast Asia. There is no honor in the support of repression, persecution and dictatorship. We do not support these qualities in North Vietnam; we must not support them in South Vietnam.

REFUGEE RELOCATION IN VIETNAM

Mr. President, in a February 10, 1972, letter to the Secretary of State, I expressed deep concern about possible large-scale relocations of Vietnamese refugees from camps in the northernmost province of South Vietnam to new homes 450 miles away. Recent newspaper reports from Vietnam support my worst fears.

The letter stressed my dismay at seeing Vietnamese refugees moved further from their homes than ever before. I hoped by writing that letter to avoid having another unfortunate chapter added to the Vietnam tragedy when the administration was claiming that the war was winding down—claims which were quickly forgotten in the wake of the recent upsurge of fighting in Vietnam.

Back came a soothing reply from Assistant Secretary of State for Congressional Relations, David M. Abshire, on March 8, 1972. Mr. Abshire quoted some Vietnamese history, discussed hopeful plans and programs, and listed plentiful, reassuring statistics—but gave no true response to my specific questions.

Two articles dated June 27, 1972—one by Laurence Stern in the Washington Post and the other by Peter Kann in the Wall Street Journal—detail the *current* refugee situation and directly contradict American Government claims of refugee well-being.

The Assistant Secretary referred to the "secure tracts of land in Phuoc Tuy and Long Khanh Provinces in military region 3" to which the people were moved. He also spoke sanguinely of the "800 hectares of land which had been set aside for them and housing, medical services, food, blankets, and tools had been arranged." Yet, the articles point out that the original group of 1,300 refugees, later joined by a new group, was forced to flee the resettlement camp in mid-June after the Vietcong entered the area. Thus, despite Government assurances, the land proved little more secure than their former homes.

The most significant gap, however, between American claims and actual performance of pacification programs, is the failure to allocate to the refugees the promised three hectares of riceland so necessary for making a living in Vietnam.

The refugees also have not received many of the supplies to which they are

entitled under the specifications of the pacification program.

One of the refugees lamented:

We were promised agricultural implements, material to build houses and land—three hectares of land (about seven acres.) We were promised 1,000 piasters when we got on the plane. But all we're getting is a half kilo (about a pound) of rice and salt. And we are in danger of losing that.

This latest refugee relocation, like most pacification programs, may sound good in smooth explanations from the State Department. In reality, the program merely creates new burdens for the Vietnamese refugees.

The relocation scheme should not be resumed after the current fighting dies down. If the Vietnamese Government cannot take care of 1,300 people, it certainly cannot claim to be capable of resettling hundreds of thousands of people. The United States must move to withdraw immediately from the war in Vietnam and cease supporting grand programs designed to save the Vietnamese people but which only further destroy their lives and livelihood.

I ask unanimous consent to have printed in the RECORD an article from the Wall Street Journal entitled "Refugees in Vietnam: Not Just Fatalistic Flotsam of the War," and another from the Washington Post entitled "South Vietnamese Refugees Flee Showcase Hamlet." I also ask consent that my letter to Secretary Rogers concerning Vietnamese refugees, and Assistant Secretary Abshire's reply, be printed in the RECORD.

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

FEBRUARY 10, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR SECRETARY ROGERS: It has come to my attention the 1,500 refugees have been moved from their camps in the northernmost province of South Vietnam to new homes 450 miles away. I wish to express my deepest concern that at a time when the United States Government is claiming that the war is winding down, another unfortunate chapter is being added to the Vietnam tragedy.

I am especially dismayed to see that Vietnamese refugees are being moved farther from their homes than ever before. I also understand that though only a small number of people have moved, so far, a much larger number will soon be relocated.

In this regard, I will appreciate your providing answers to the following questions:

(1) How large are the relocations planned for the future?

(2) What preparations have been made to receive the refugees in their new homes?

(3) How involved is the United States in the current movement or any future movements?

(4) Has sufficient security yet been attained under the Vietnamization program to enable the refugees to return to their former homes in the I Corps region of South Vietnam?

(5) How do these relocations fit in with military plans of the South Vietnamese government to continue to fight the war?

I hope that the United States will not be involved in another forced relocation of the Vietnamese people of the kind that has occurred so frequently in the past.

Thank you for your attention to this matter.

Sincerely,

MIKE GRAVEL.

DEPARTMENT OF STATE,
Washington, March 8, 1972.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: The Secretary has asked me to reply to your February 10 letter regarding the recent movement of some 1,300 refugees from Quang Tri Province to new homes in Phuoc Tuy Province, some 450 miles to the south.

The resettlement is the first established under the guidance of the Vietnamese Government's Directorate-General for Land Development and Hamlet Building, a sort of homesteading program which was established early in 1971 to put into production large areas of abandoned or virgin agricultural land, and to offer new economic opportunities to refugees, wartime urban dwellers, newly discharged veterans, and other needy and deserving South Vietnamese citizens. Much of this land is in Southern South Viet-Nam, owned by the Vietnamese Government as a result of the land reforms of the 1950s.

Vietnamese are traditionally attached to their native soil and the graves of their ancestors, but movement southward in search of a better life is also a strong Vietnamese tradition, not unlike our own westward movement. As recently as 1954, at least 800,000 Vietnamese moved from North to South Viet-Nam to escape Communist rule.

The Vietnamese Government's policy, which we support, has been to assist refugees in returning to their native villages if possible, and to resettle them elsewhere, as close as possible to home, if necessary. The most persistent residual refugee problem has been those Vietnamese in Central Viet-Nam who have been living in refugee sites for as many as four to five years. These sites are often unsatisfactory, partly because Central Viet-Nam has always had less land suitable for rice cultivation per capita than other parts of the country, and partly because the refugees themselves have been reluctant to improve the sites because they recognize them as not economically viable in the long run. Their prospects for return to their native villages are bleak for security reasons; for example, some of them originally lived in what is now the Demilitarized Zone.

The Quang Tri-Phuoc Tuy move follows the identification by the Vietnamese Directorate-General of Land Development and Hamlet Building of several secure tracts of land in Phuoc Tuy and Long Khanh Provinces in Military Region 3, discussions between Director-General Dr. Phan Quang Dan and village and hamlet chiefs at Ha Thanh resettlement site, visits by these leaders in September and October 1971 to the various possible sites, a report by these leaders to their people on the various sites and a recommendation that they accept the Government's offer of land at Suoi Nghe in Phuoc Tuy Province, and individual and voluntary signatures by some 2,000 residents of Ha Thanh expressing their desire to move. More than 1,300 of these were flown January 5–9 to Suoi Nghe, where 800 hectares of land had been set aside for them and housing, medical services, food, blankets and tools had been arranged. Reports to date indicate that the settlement is making good progress and that several hundred previously undecided Ha Thanh residents have now expressed the wish to join their neighbors.

I have the following answers to your specific questions:

1. How large are the relocations planned for the future? Since the relocations are voluntary and depend on the individual decisions of Vietnamese citizens, and since the results of the first relocation are not yet apparent, no one can predict the size of future moves. There is enough fertile, vacant land available in the southern region for eventual occupation by several hundred thousand people.

2. What preparations have been made to receive the refugees in their new homes? I have indicated above that land, shelter, food, medical services and tools were made available to the refugees on arrival at the Suoi Nghe site.

3. How involved is the United States in the current movement or any future movements? The Government of Viet-Nam is taking the leading role in this program, with the United States providing the same kind of advice and support that we provide for other Vietnamese Government programs for the welfare of war victims and refugees, through the War Victims Directorate of CORDS, our pacification advisory organization.

4. Has sufficient security yet been attained under the Vietnamization program to enable the refugees to return to their former homes in the I Corps region of South Viet-Nam? There has been progress in Military Region 1, as elsewhere in Viet-Nam, under the Government of Viet-Nam's pacification program and despite the withdrawal of American forces from this area. Some former residents of Ha Thanh have returned to their native villages or resettled elsewhere in Quang Tri. However, as indicated above, many of the remaining Ha Thanh people have concluded that security and economic conditions in the southern region offer more hope for the foreseeable future than those in Quang Tri.

5. How do these relocations fit in with military plans of the South Vietnamese Government to continue to fight the war? The Vietnamese Government states that the primary motive for the relocations is to cultivate agricultural lands and provide economic opportunities for its citizens. The program also improves security for the South Vietnamese people, since the relocatees are probably safer in Suoi Nghe than in Ha Thanh, while the government will be better able to defend South Vietnamese territory against North Vietnamese attack without risking injury to civilians.

We believe that the Ha Thanh-Suoi Nghe relocation offers hope to refugees who have been living under unsatisfactory conditions, and we support further long-distance refugee movements so long as they are voluntary, well-planned, and in the best long-range interests of the refugees themselves.

I hope that this information has been useful to you in your consideration of this matter. Please feel free to call upon me whenever you believe I can be helpful.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

[From the Wall Street Journal, June 27, 1972]

REFUGEES IN VIETNAM: NOT JUST FATALISTIC FLOTSAM OF THE WAR—THE HISTORY OF ONE GROUP, NOW IN ITS SEVENTH CAMP, IS A CASE HISTORY OF MISERY

(By Peter R. Kann)

PHUOC LE, VIETNAM.—The poor and frightened people packed together in schoolyards or churchyards or abandoned military bases. The little bundles of personal belongings of dented pots and tattered clothes. The rivulets of open sewage. The heat. The swarms of flies—it is the tableau of the times in Vietnam.

More than 814,000 refugees, by official count, have been created, or recreated, since the Communist offensive began on March 31. And while it may be pathetically true to say when you have seen one refugee camp you have seen them all, it is also true that each tale of trouble seems to have a new and bitter twist.

Such is the case of the roughly 4,000 refugees from Suoi Nghe settlement hamlet, who now are seeking refuge in a schoolhouse compound in this provincial capital 40 miles southwest of Saigon. Suoi Nghe, five miles north of town, is simply the latest place from which these people have been forced

to flee. They have traveled 450 miles, though six refugee camps, only to arrive at this one.

The refugees of Suoi Nghe are a case study in more than misery. People, not territory, are what the Vietnam war is ultimately all about, and the Communists seem to have chosen these particular people as a military target to make a political point.

A PROTOTYPE HAMLET

Some may read their story as an indictment of the Vietcong as a callous enemy and find optimism in the fact that the people of Suoi Nghe are still seeking, if not finding, security under the government of South Vietnam (GVN). Other may read it as a catalog of errors by GVN officialdom and find cause for pessimism in the fear and disillusionment of the people. (The two views, of course, are not really mutualy exclusive.) Whatever the view, the case of Suoi Nghe indicates that the Communist offensive is still on in the countryside.

Suoi Nghe was the prototype "resettlement hamlet" of the GVN's "develop virgin land and construct hamlet program"—an effort to encourage chronic refugees from camps in northern Quang Tri Province to resettle on supposedly better, safer land to the south.

The program, conceived last year, was controversial on a number of counts. Critics suggested that the GVN aimed to move several hundred thousand reluctant refugees across vast (by Vietnamese standards) distances for military purposes—in order to turn much of Quang Tri into a free-fire zone.

The program seems somewhat less controversial these days with Quang Tri occupied by the North Vietnamese (and thus largely a free-fire zone) and with a quarter of a million Quang Tri residents, including many who were already refugees in Quang Tri, crowded into camps in Hue and Danang. The GVN talks of retaking Quang Tri, and perhaps it will, but few observers currently see a peaceful future for that province.

FOLLOWED BY THE WAR

Thus, the 1,341 Quang Tri refugees who were resettled at Suoi Nghe in January, before the Communist offensive, and the 2,095 Quang Tri refugees who were brought south to Suoi Nghe in May, after the North Vietnamese rolled through Quang Tri, could be considered fortunatie—except that the war followed them to Suoi Nghe.

On the night of June 16 about 100 enemy soldiers entered Suoi Nghe under cover of heavy rain. They entered undetected (or at least unopposed) by the battalion of South Vietnamese soldiers supposedly guarding the hamlet. The Vietcong, according to the people, assassinated a number of persons with close GVN connections, rounded up 28 young men who would later be taken away with them, and warned the people of Suoi Nghe that the hamlet would have to be abandoned.

"The Vietcong told us that if we tried to live in Suoi Nghe we would be killed by both sides fighting each other," says a local leader. "They said the area belonged to them, that it had been temporarily ceded to the Australians (an Australian division operated in this province until early this year) but now it was being reclaimed. They said Suoi Nghe was insecure and that we should move to Binh Ba (a Vietcong-controlled hamlet about five miles away)."

At 1:30 a.m., having been in the hamlet for 90 minutes, the Vietcong shot some sleeping soldiers in the hamlet administration office and men laid siege to the military outpost. A helicopter gunship came in to provide support for the outpost. There was much shooting, and it was near dawn before most of the people were able to flee from the hamlet into the surrounding jungle. From there they made their way here to the province capital of Phuoc Le, not to the Vietcong village of Binh Ba. About 9 a.m., after most Vietcong had apparently also left the hamlet, South Vietnamese planes and artillery shelled a section of Suoi Nghe.

"From the military standpoint, it was a very small battle," says a hamlet leader. Civilian casualties weren't high since the Vietcong didn't indiscriminately shoot civilians and since South Vietnamese firepower was used only after most of the civilians had managed to flee.

Politically, however, the events had some significance. The people, who say they had been told Suoi Nghe was "100% secure" when they first arrived south to resettle, are again being told it is "100% secure" and that they should return to the hamlet. But the people don't believe it.

Several days after they had fled the fighting at Suoi Nghe the people were loaded on army trucks and driven back toward—but not to—the hamlet. The army drivers halted their trucks about half way (near the intersection with a road called Nguyen Van Thieu Street) and claimed it was too dangerous to drive further. The people were told to walk the rest of the way.

The people refused, and so they were trucked back to this schoolyard camp in Phuoc Le. Local GVN officials then issued formal directives ordering the people to return to Suoi Nghe by June 22. The people did not go. Instead they petitioned GVN and American officials to be permitted to remain in Phuoc Le until a greater degree of security was provided at Suoi Nghe. On June 23, say the people, the GVN failed to deliver the weekly allotment of refugee food staples—rice and salt—to the schoolyard camp. They say they were told assistance would only be given them at Suoi Nghe. Still, as of two days ago, the great majority of the people were refusing to return and re-resettle at the resettlement hamlet.

NOT FATALISTIC FLOTSAM

The continuing resistance of these people runs counter to the common—and perhaps generally valid—view of Vietnamese refugees as docile sufferers, fatalistic flotsam of the war. The people of Suoi Nghe may have been satisfied with Suoi Nghe as a resettlement site. But they don't want to return to Suoi Nghe now.

"We have moved seven times, and each time we lose everything. We want security, to make a living, to be left alone," says a middle-aged refugee standing in the schoolyard camp. "If it is 100% secure, why did we have to flee Suoi Nghe? If it is 100% secure why would the trucks not drive us there?"

"We wouldn't have come south if we had known the situation here," interjects another man.

"The government wants to show that South Vietnam is pacified so they want us to return to Suoi Nghe. But it must be secure," says a leader of the group. He wants the GVN to blast, burn or buildoze the jungled areas around Suoi Nghe, to force out the Vietcong and to render what is now virgin land cultivatable. "Then we will return and protect the hamlet ourselves," he says.

THE MOST PRECIOUS COMMODITY

The Suoi Nghe refugees have many other complaints about the gap between GVN promises and performance: Some say they weren't given a 1,000 piaster (about $2.50) family bonus for moving south to resettle; others say they haven't received a daily 20 piaster (about five cents) refugee cash allowance. The leader says that even those refugees who settled in Suoi Nghe in January never got their promised three hectares of riceland. "Then we were promised half a hectare, but we didn't get that either," he says. (They did, however, get small plots for vegetable gardens.)

Some complaints are bitter, others seem to be stated with the resignation of people who, having been refugees a half dozen times before, have seen a host of promises unfulfilled. Indeed, with over 800,000 refugees to care for in a time of military crisis, the GVN may perhaps be excused for a good many failings.

It can even be said to speak well for GVN society that these people are willing and able to voice complaints.

In any case, the crisis of confidence among these people has far less to do with rice plots or piasters than with personal security, which has always been the most precious refugee commodity in Vietnam.

[From the Washington Post, June 27, 1972]

SOUTH VIETNAMESE REFUGEES FLEE SHOWCASE HAMLET

(By Laurence Stern)

PHUOCLE, June 26.—South Vietnam's pioneer refugee relocation hamlet has been abandoned by most of its intended inhabitants. They say they are afraid to go back.

The story of the hamlet of Suoinghe (pronounced Sweeneeay) could have major repercussions for the ambitious and controversial government plan to resettle as many as several thousand refugees from the northern war zone of South Vietnam to areas in the south, where it was thought they would be more secure and economically self-sufficient.

Suoinghe's settlers are afraid to go back because they say the government has not been able to secure either the hamlet or even the few miles of road leading into it. The road was named Nguyen Van Thieu Street in honor of the president of South Vietnam.

Nine nights ago, a North Vietnamese raiding party first infiltrated the hamlet without a shot being fired and then dispersed the population, killing several regional soldiers and refugees. The Communist assault was followed by helicopter and Skyraider air strikes according to witnesses of the incident.

Both before and after the attack, provincial officials gave assurances to the refugees that conditions in the hamlet were "100 per cent secure." The officials also threatened to cut off refugee rice allotments if they don't go back.

But the majority of Suoinghe inhabitants, fugitives from embattled Quangtri Province 450 miles to the north, refuse to budge from their squalid and crowded quarters in this provincial capital of Phuocle, a 90-minute drive from Saigon.

Despite the threat of a food cut-off, less than a third of the hamlet's 4,000 population has returned.

"Two days ago the government put us on trucks and told us Suoinghe was safe and secure," one of the refugees said. "But they drove us only two thirds of the way and would not dare take us into the hamlet. They told us to walk the rest of the way through the jungle. We refused and they took us back here."

The anxieties of the refugees were reinforced by official warnings to three visiting American correspondents yesterday not to attempt driving into Suoinghe because of the danger of snipers or ambush along Highway 2. Aside from Highway 15, the main road between Saigon and the beach resort of Vungtau, and a few tributary side roads, there is no Phuoctuy Province road network on which it is deemed wise to travel.

Since the 1968 Tet offensive, many of the refugees brought here for the showcase hamlet experiment have been uprooted seven times. Four years ago the war forced them from the countryside along the Demilitarized Zone to the populated district towns of Camlo and Giolinh in Quangtri Province.

And since the start of the new offensive last April, they fled successively to Quangtri City, Hue, Danang, then were flown south to Phuocle, transported to Suoinghe and finally driven back to Phuocle on June 17 by local North Vietnamese forces.

"Each time their belongings get fewer and

fewer. Each time they lose property and loved ones," said a refugee leader.

There are now about 4,000 refugees from the north in the Suoinghe pioneer group. They have been joined by some 23,000 native residents of Phuoctuy Province whose villages have been attacked by elements of three North Vietnamese units that have moved into the province since the beginning of the year.

The North Vietnamese conquest of Quangtri Province produced a southward tide of some 250,000 refugees—nearly a third of the total number of South Vietnamese who have been uprooted by the renewal of heavy fighting since the offensive began on April 1.

About 200,000 are crowded into the congested port city of Danang and some 14,000 are seeking refuge in Hue, where provincial authorities have cut off government relief supplies in an effort to force them southward to Danang or to overcrowded or insecure sites in Phuoctuy and neighboring Longkhanh provinces.

The government had hoped that the refugees in Danang and Hue would be attracted southward into new hamlets, of which Suoinghe was to be a prototype, as it were, away from the war zone and abundant in fertile land. The government's effort is called the "Develop-Virgin-Island-and-Construct-Hamlet" program.

"The government doesn't want the refugees in Danang to hear about what happened in Suoinghe," said one of the refugee leaders. "It wants everyone to think that Suoinghe is pacified and everyone is returning."

He continued:

"The purpose of the Vietcong was not to kill the soldiers so much as to chase the people out. The hamlet was a political, not a military target of the VC. Now that the people realize they are the target they are not eager to return."

This spokesman, who was among the last to leave Suoinghe after the attack, asked that his name not be used for fear that he would no longer be permitted to represent his fellow refugees in their dealings with the government.

The attack on Suoinghe began shortly before midnight on June 16. A group of about 100 North Vietnamese soliders who slipped into the resettlement ordered the inhabitants to leave for a Communist-controlled area to the north, the region of Binhba.

One witness said the Communist raiding party told them:

"If you remain here, you will be killed by both sides fighting each other. You are living in the houses of the enemy, the GVN (South Vietnam Government). You must leave the enemy's houses and come with us into our secure territory."

The invaders, according to the villagers, did not touch the rice or personal belongings of the villagers.

"The Vietcong tried to discourage us from running back to Phuocle," one refugee said. "They said we could run to Phuocle, but where would we run when they attacked Phuocle. We could run to Saigon, but they said where would we run when they attacked Saigon."

During the night, the Communist forces abducted 20 soldiers and eight youths from Suoinghe and took them to Binhba, their secure zone.

Nearly two hours after the raiding party entered Suoinghe, a government helicopter began circling the hamlet and firing down into the confusion. The villagers, government soldiers and the Communist invaders began streaming out into the jungle in a large mass.

A refugee spokesman, who wants the government to bomb the Communist jungle positions and pacify the area around Suoinghe, said, "The realities of the situation here seem to be more as the Vietcong state them than as the government does. But it is difficult for me to explain this to the province chief."

Spokesmen for the refugees complain that the government has failed to keep promises made to them when they agreed to embark on the long trip southward as grudging volunteers in the hamlet-construction program.

"We were promised agricultural implements, material to build houses and land—three hectares of land (about seven acres). We were promised 1,000 piasters when we got on the plane. But all we're getting is a half kilo (about a pound) of rice a day and salt. And we are in danger of losing that," one of the refugees said.

The majority of the Quang-tri refugees are willing to develop the hamlet of Suoinghe if the government secures the surrounding area, a prospect in which they do not presently exhibit great confidence.

However, one group of 40 families taking shelter in the grandstand of Phuocle's soccer field have said they will not go to Suoinghe under any circumstances. The government, they say, has cut off their rice supply.

"We were told the situation was peaceful here. But as soon as we arrived the people came running from Suoinghe. And then the people of Binhba came running after they were attacked."

One official said the government is considering three ways of dealing with the group: give each family 1,500 piasters (about $3.20) and let them try to settle in Saigon, simply order them off the road and government grounds, or let them occupy a tract of land along Highway 15 that a Buddhist group has volunteered.

The refugees want to be permitted to settle on the Buddhist tract and are asking for government aid to be resumed until they get started. They are now living on the remnants of their rice and salt allotment.

In the shelter of the grandstand, a young mother and an elderly relative sought to catch the attention of visitors. Each held up one of a pair of infant boy twins.

"Their father was a policeman in Quangtri, and we don't know where he is," the older women explained. "With twins we have a problem, one baby can get enough milk from his mother. But she does not have enough milk for two babies. We do not receive any milk. Can you please help us?"

QUESTIONS ON MILITARY PROCUREMENT

Mr. TUNNEY. Mr. President, I have reviewed the report by the Committee on Armed Services and commend them for a very fine job covering an exhausting subject.

I believe, however, that several important questions remain to be answered with regard to its contents.

Apparently, others in this body share my view, as statements have been made and several amendments have been proposed with regard to the matters that I shall raise in these remarks.

Regardless of the outcome of those amendments and even of the bill itself, however, I believe that, for the soundness of the procurement process, these questions must be aired and I hope answered in the near future.

Although I recognize that the hearings run into many volumes, the condensation of such voluminous material into a 177-page report is bound to raise questions. Although the report appears to be a fine and informative synopsis of the hearings, several questions have been raised in my mind which need to be clarified before I can reach an educated conclusion.

I. F–14 PROCUREMENT

The first question pertains to F–14 procurement. That procurement presents what appears to be a very difficult problem. DOD directive 5000.1 suggested a method of procurement different from that which is popularly referred to as "Total Package Procurement." By the method of TPP, in general, a contract was signed with a contractor under which the contractor was given performance specifications by the Government and the contractor would design and produce the end item within those specifications. The first item was a "baseline" item but several could be, and were, in various phases of production before the baseline was established. For this reason, DOD directive 5000.1 suggested that where possible systems should not be procured using the total package procurement concept.

The purpose of total package procurement was to make the contractor responsible for the "total package." It was envisioned that the huge cost overruns under the cost-type contracts popular in the 1950's would disappear.

Unfortunately, this dream was not realized. The C–5A, the TFX—F–111—and others stand as grim reminders of the unworkability of total package procurement. The result was DOD directive 5000.1 and the concept of "fly before you buy," which requires that an acceptable prototype be constructed and accepted before commencing a production schedule. But a limbo has been created that is more like damnation. Although the Government will no longer procure under the concept of TPP, the contractors who have executed contracts under that concept are treated as being stuck. This is where Grumman finds itself. It is stuck with a contractual method which the Government has forsaken. The question which presents itself to me is whether this is fair.

In justice, there is another side of the coin. There is a great deal of evidence that contractors bidding under the TPP concept "bought in," that is, they intentionally bid prices under what they knew to be their break points in order to get the contract. They based their risky practice on the theory that they would "get well" by changes under the changes clause in the contract. This greatly contributed to the huge overruns we saw on C–5A and F–111. Clearly, this type of practice is unacceptable and contractors engaged in such practice should not be helped out of their self-created dilemma by funding their overruns, through an increase in the contract price.

The committee has recommended language to the bill which obligates funds "not to exceed $570,100,000" for "not less than 48 aircraft." I understand that Grumman has indicated that if they are forced to perform this next increment of the contract, it would result in their bankruptcy. I am deeply troubled by this impasse. Unfortunately, I can offer no quick solution to the problem. But it must be faced rather than avoided. The question arises, whether we are, by this language, going to force a major corporation into bankruptcy with the resultant loss of many thousands of jobs? On the other hand, are we again to come to

the rescue of a contractor who has dug its own grave by intentionally underbidding? My own solution to this problem lies in the philosophy behind the rejection of total package procurement. If we are convinced that it is an inefficient and poor method of procurement, we should not require contractors to suffer death as a result of their entering the bidding process.

It appears that the committee has concluded that Grumman is more at fault than the method of procurement. If this is so, I endorse the restrictive language contained in the report.

II. F–14B ENGINES

The Navy and the Air Force contract directly with Pratt & Whitney for the engines for its F–14 and F–15 aircraft. The Navy, according to the report, had a production option for F–14 engines which it did not exercise. The report then continues:

This broke contract options that covered both the Navy and the Air Force. Consequently, the Air Force option for 59 engines at $1 million each increased to $1.7 million each when the Air Force negotiated the price with Pratt-Whitney this year.

I do not understand why the Navy's failure to procure caused the Air Force price to increase 70 percent. I assume, as the report implies, that Pratt & Whitney submitted the cost and pricing data required by Public Law 87–653. However, I would like it to be clear in my own mind that the contractor is not taking advantage of the opportunity to renegotiate price to make an exhorbitant profit. I am reluctant to approve funds for such a drastic price increase. In conjunction with this, I find it difficult to comprehend the fluctuations in price for the F–14 engines from $943,500 in 1971 to $901,584 in 1972 to a billing price of $950,000 in 1973. The report indicates that Pratt & Whitney testified that this price could be reduced. Why did they, then, set forth a price higher than necessary? Does this not indicate a major flaw in the efficiency of our procurement process? How can the 1973 "billing price" be justified, even if it is a negotiating price? How many man-hours does it take to negotiate what should be a routine renewal down to a realistic level?

III. ABM

I note that the committee recommends denial of the funds for the Washington, D.C., ABM site "without prejudice." While I am pleased to see that the committee has deleted the ABM funds, I do not understand why that had to be done "without prejudice." I do not understand why we should have an ABM site around Washington, D.C. When Congress approved the ABM sites, Washington, D.C., was not one of the sites approved. Now the SALT treaty approves sites for Moscow and Washington so we are apparently considering the construction of one for Washington. Why should the Soviet Union tell us where to build our ABM sites? If we did not need one last year or the year before, why do we need one now? I do not think that we should build a site around Washington just because the treaty allows us to do so. I will oppose any such expenditure of funds until I am convinced that it is in the national interest and not merely the expenditure of funds for the sake of spending.

IV. CVN CARRIER AND TRIDENT SUBMARINE PROGRAM

The CVN–70 nuclear-powered aircraft carrier is estimated to cost $951 million with an appropriation for fiscal year 1973 in the amount of $299 million. I think this falls squarely in the category of items for which we must ask ourselves the question, "Is this really needed?"

Just what will this carrier give us that we do not already have? The F–14 can fly off our present carriers. We already have more carriers than our present projections call for. Since they are adequate for our present and planned equipment, why should we spend almost $1 billion for a new carrier,

The chart on page 27 of the report implies life cycle cost advantages. Has a study been made of this? If so, I believe that its results should be studied with some care. It seems to me that the life cycle savings would have to be tremendous to justify a billion dollar investment. I feel that this carrier is not a strategic necessity and that procurement of it would be fiscally irresponsible.

As a result of these questions, I supported the amendment offered last week by my distinguished colleague from Ohio (Mr. SAXBE). I believe that its defeat leaves these questions unanswered.

I should add that I have had strong reservations also about the $504 million authorized for the accelerated development of the Trident missile submarine program. While I believe that the case was well made for the missile system, I do not believe that the need for the accelerated schedule was illustrated. Accordingly, I supported the amendment of my distinguished colleague from Texas (Mr. BENTSEN) which would have retained the funds for the missile development but would have slashed the $504 million authorization for the accelerated Trident schedule.

CONCLUSION

We all share the view that a strong and viable defense is absolutely essential to the security of our Nation. We all are deeply concerned with the strength and security of the country. At the same time it is important, if that security is to be maintained over a long period, to obtain it at an acceptable cost. It is imperative that we maximize the output of the dollars that we spend on defense. There is no reason that the United States must spend more than our hardware is worth. It will be important for me, as a strong supporter of an effective and sufficient national security policy, to receive answers to the questions that I have raised.

EXPLANATION OF A VOTE

Mr. COOPER. Mr. President, I have voted "no" on the Miller amendment for the same reason I voted "no" on the Brooke amendment, because it adds an additional condition precedent which vitiates the so-called "end of the war" amendment. I much prefer President Nixon's policy—as he can negotiate and can end the war—to these conditional amendments which raise hopes among the people which cannot be fulfilled.

Mr. STENNIS. Mr. President, before this bill is finally approved, I would like to say a few words about it. I think the Senate has done a good job. I think we have fashioned a good procurement plan for fiscal 1973.

The bill authorizes a $20.5 billion, $2.7 billion less than the administration's requests as finally amended. About $12.1 billion is authorized for procurement, and $8.4 billion for research and development.

We have approved modest cuts in the Defense Department's plan—both for weapons and manpower—but I am confident that we have approved a strong bill, one which is at the same time a sensible bill.

I want to thank the Senators who participated in this debate on all sides. I want to thank the members of the Armed Services Committee for their help and, especially, I thank Senator SMITH, the ranking minority member, and Senators MCINTYRE and CANNON, chairmen, respectively, of our Subcommittees on Research and Development and Tactical Air.

Mr. President, I fully described the contents of this bill in my opening remarks in the CONGRESSIONAL RECORD, volume 118, part 19, page 25035. The bill as it stands, is generally as I described it at that time. A few amendments have been added, but the committee-approved provisions are otherwise intact.

I expect the bill will go quickly to conference with the House.

I am pleased that the Senate has gone along with the Armed Services Committee's recommendation of $906.4 million to authorize the accelerated development of the Trident submarine. I think that was a prudent action to take in the context of the SALT agreements which come up for debate tomorrow.

I think the Senate also acted very wisely in finally authorizing $299 million for long leadtime procurement on the fourth nuclear-powered carrier. We can now look to the time when we will have two nuclear carriers operating in the Atlantic and two in the Pacific.

Both these matters were debated here, extensively and well. I think we can take pride in the fact that, while we have disposed of this bill rather quickly—in 8 days of debate—we have nevertheless given careful consideration to the fundamental questions involved.

In that connection, I want to thank the Senator from West Virginia, Senator BYRD, for his cooperation in arranging agreements by unanimous consent. That has unquestionably helped us to move the bill along.

In the opening remarks, to which I have referred, Mr. President, I noted very carefully that much of the authority provided in this bill is unrelated to the historic SALT agreements reached at the Moscow summit. It is vitally important that all Senators understand that this annual procurement bill would be needed, with or without the SALT talks.

At the same time, Mr. President, I would like to state my firm belief that

this bill provides a military force with which we can safely consider the recently negotiated SALT agreements. I believe it provides a state of readiness in which we can confidently enter further SALT negotiations.

Passage of this bill will, I believe, clear the way for approval of the SALT agreements and, very possibly, speed their consideration here.

Our Armed Services Committee has conducted a thorough review of the military implications of the SALT agreements. Our hearings, in my view, justify support, both for the ABM treaty and for the interim agreement on offensive weapons as a start toward limitation on strategic arms.

I know, of course, that approval of these agreements involves a risk. I also know, Mr. President, that consideration and approval of this annual procurement bill always involves something of a risk as we look ahead 3 to 5 years—and more—to determine what will be needed for our security.

That is the key to this business of military budgets, Mr. President, looking ahead to the situation which will prevail when authorizations finally are turned into military hardware.

As a beginning, I believe that we can approve both the ABM treaty and the 5-year offensive weapons agreement.

However, as I look ahead, I am quite sure that the United States must actively—and even aggressively—strengthen weapon programs allowed under the present agreements and advance our weapons technology. That is how I see this procurement bill.

As I said earlier in this debate, our committee has not yet approved—and may well not approve—all the programs said by the Secretary of Defense to be connected in some way with approval of the SALT agreements. We have, however, recommended a good, strong bill, one which will minimize risks under the present SALT agreements and strengthen our hand for SALT negotiations to come.

In this broader context, then, this bill opens the way for the SALT agreements. I trust the Senate will now approve it.

Having approved it, I think we can move confidently, tomorrow, to consideration of the SALT agreements—the treaty and the 5-year agreement on offensive arms. We can rather securely look to the SALT II negotiations later this year.

Mr. President, as the debate closes on this bill, I would like to complement our committee staff which has worked very hard and efficiently on this bill throughout this entire session.

I complement and praise all of the staff who worked on the bill.

T. Edward Braswell, the chief counsel, who has the overall staff responsibility for the bill and the other staff members who had special responsibilities for special areas of the bill. Mr. Don Lynch, Mr. Hyman Fine, Mr. James Worsley, Mr. Larry Garcia, Mr. George Foster, Mr. Charles Connelly, Mr. Charles Cromwell, Mr. Edward Kenny, Mr. Ben Gilleas, and Mrs. Fran Funk and staff aide.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader, after the yea and nay vote on passage, will there be any other votes, and also, what will be the order of business for tomorrow?

Mr. MANSFIELD. Mr. President, there will be no votes after the vote on passage of the bill. It is the intention of the joint leadership at that time to ask that the interim agreement be made the pending business temporarily. It will then be laid aside so that the Senate can then turn to the consideration of the no-fault insurance bill, Calendar No. 852, S. 945.

Under the announcements made by the joint leadership, tomorrow the order of business will be that the Senate will be in executive session to consider the Nixon-Brezhnev treaty, to be followed by the interim agreement entered into between the two countries and reported by the Committee on Foreign Relations.

It is anticipated that on Friday we will take up the no-fault insurance bill.

I think the Senate should be on notice that the so-called gun bill may also be taken up on this weekend, and at this time the possibility of a Saturday session is good.

Mr. SCOTT. Finally, do I correctly understand that it is the expectation of the majority leader that we may have votes on the Nixon-Brezhnev treaty and the interim agreement this week?

Mr. MANSFIELD. Yes.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. I could not hear the question and the answer.

Is it the anticipation of the majority leader that we will have votes on both the SALT agreement and the interim treaty tomorrow?

Mr. MANSFIELD. We will do our best, but it may have to go over until Friday.

Mr. ALLOTT. If the vote does not occur tomorrow, it will occur on Friday?

Mr. MANSFIELD. That is what the joint leadership anticipates.

Mr. ALLOTT. I thank the Senator.

ENROLLED BILLS SIGNED

The following enrolled bills were signed today by the Vice President:

S. 916. An Act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 2227. An act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library;

S. 2684. An act to amend section 509 of the Merchant Marine Act, 1936, as amended;

S. 3463. An act to amend section 906, of title 44, United States Code, to provide copies of the daily and semimonthly Congressional Record to libraries of certain United States courts;

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon;

H.R. 11350. An act to increase the limit on dues for United States membership in the International Criminal Police Organizations;

H.R. 14108. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.R. 15635. An act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes.

COMMITTEE ASSIGNMENT

The PRESIDING OFFICER (Mr. ROTH). The Chair, on behalf of the Vice President, pursuant to the provisions of Senate Resolution 281, 90th Congress, as amended and supplemented, appoints the Senator from Minnesota (Mr. HUMPHREY) to the Select Committee on Nutrition and Human Needs, vice the Senator from Louisiana Mr. Ellender, deceased.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of 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 a certain installation 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 OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL) is 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 92, nays 5, as follows:

[No. 341 Leg.]

YEAS—92

Aiken	Curtis	McClellan
Allen	Dominick	McGee
Allott	Eagleton	McGovern
Anderson	Eastland	McIntyre
Baker	Ervin	Metcalf
Bayh	Fannin	Miller
Beall	Fong	Mondale
Bellmon	Goldwater	Montoya
Bennett	Griffin	Moss
Bentsen	Gurney	Muskie
Bible	Hansen	Nelson
Boggs	Harris	Packwood
Brock	Hart	Pastore
Brooke	Hartke	Pearson
Buckley	Hatfield	Pell
Burdick	Hollings	Percy
Byrd, Harry F., Jr.	Hruska	Proxmire
	Humphrey	Randolph
Byrd, Robert C.	Inouye	Ribicoff
Cannon	Jackson	Roth
Case	Javits	Saxbe
Chiles	Jordan, N.C.	Schweiker
Church	Jordan, Idaho	Scott
Cook	Kennedy	Smith
Cooper	Long	Sparkman
Cotton	Magnuson	Spong
Cranston	Mathias	Stafford

Stennis	Taft	Tunney
Stevens	Talmadge	Weicker
Stevenson	Thurmond	Williams
Symington	Tower	Young

NAYS—5

Dole	Gravel	Mansfield
Fulbright	Hughes	

NOT VOTING—2

Gambrell	Mundt

So the bill (H.R. 15495) was passed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I have certain unanimous-consent requests to make regarding technical matters.

I ask unanimous consent that the Secretary of the Senate may be permitted to make technical corrections in the bill that may be required as a result of the Senate floor amendments, such as the renumbering of the sections, and so forth.

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

Mr. STENNIS. Mr. President, I ask unanimous consent that the bill, H.R. 15495, be printed with all the Senate amendments.

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

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendment to H.R. 15495, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HUMPHREY) appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mrs. SMITH, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

Mr. STENNIS. I thank the Chair.

Mrs. SMITH. Mr. President, I gave very serious consideration to offering an amendment against the long leadtime item for the DD–963 destroyers. I did because the Litton record and performance on the DD–963 contract awarded to it by the Department of the Navy is nothing less than a shocking scandal.

In the first place, Litton's phony bid of more than $270 million below the bid of the Bath Iron Works is now clearly just exactly what I called it at the time—nothing less than a buy-in just as in the case of the C–5A debacle. For ultimately the Navy will pay Litton for its incompetence, failure, and actual lack of good faith, much more than the $270 million it bid below the Bath Iron Works in order to get the award.

But even more shocking than the scandalous failure of Litton thus far is the arrogance of Litton with respect to its failure. In effect, it has defied the Navy with an attitude that the Navy cannot do anything about the situation since Litton is the only company with the contract and cancellation costs would be so high. I have seen no semblance of either an effort or an intention of Litton to try to meet its serious obligation.

And equally shocking is the Navy's tolerance of this scandalous situation. In fact, the present image of the Navy in this scandalous matter is that of standing helpless and subservient before an arrogant Litton.

What shocks me most about the Navy is that it seems more concerned about accommodating Litton than in getting the desperately needed DD–963 destroyers into the fleet. Ironically, it appears that the Navy is giving Litton priority in consideration over the Navy's own fleet. What a serious disservice to our Nation, the American people, and the men who man our U.S. fleet.

That is why I am opposed to the long leadtime item for the DD–963's in this bill for it is simply nothing less than a financial accommodation to Litton and, in effect, a reward to Litton for not only its scandalous failure of performance thus far but an indication of a policy of continued tolerance of that scandalous failure.

But I am realistic enough to recognize that an amendment to knock out this provision designed basically to accommodate Litton in its sorry performance would be defeated on the claim that such would be against the best interest of the Navy. And I know that such a legislative defeat would be seized upon by Litton with the claim that it was a Senate vote of confidence in Litton.

I have tried to be more than understanding of the situation of the chairman of the committee in this matter for I am sure that he is greatly embarrassed by Litton's failure in his own home State. When the House Armed Services Committee announced that it would make a sweeping and thorough investigation of the Litton situation earlier this year, I was pleased not only because there should be such an investigation but also because it obviated the necessity of the chairman of our committee to have his committee investigate the Litton situation in his own backyard in Mississippi.

Inasmuch as the House Armed Services Committee approved the long leadtime as applied to subcontracts and it plans no further report in the near future on its inquiry into the matter, I think the time has come to give priority to the interest of our national security and the U.S. Fleet over Litton. Accordingly, I have today written the chairman of the Senate Armed Services Committee and requested that the committee initiate a full-scale investigation of Litton immediately.

TRIBUTE TO SENATOR STENNIS AND OTHER SENATORS

Mr. MANSFIELD. Mr. President, the hour is late, yet I do wish to extend the gratitude of the entire Senate once again to the distinguished Senator from Mississippi (Mr. STENNIS). As the chairman of the Committee on Armed Services he steered the procurement bill through with the same degree of diligence and skill that has marked his long years of public service in this institution. He is to be commended again. His persuasive advocacy, tireless devotion and strong presentation was absolutely vital to this measure. I believe all Senators would agree and would join me in this tribute. We are deeply grateful.

The Senate is grateful as well for the splendid cooperation of the distinguished Senator from Maine (Mrs. SMITH), the ranking minority member of the committee and to all those who joined the discussion both in committee and on the floor. To be singled out, among other Senators, were the efforts of the Senator from California (Mr. CRANSTON), and those of Senators BROOKE, CANNON, BENTSEN, and COOPER. Their contributions, as always, were constructive and most welcome.

The same may be said for the participation of the distinguished Senator from Ohio (Mr. SAXBE), the distinguished Senator from California (Mr. TUNNEY) and the many other Senators who joined to provide a discussion of the highest order.

But once again I wish to express special thanks to JOHN STENNIS. His was an enormous task; one which we all recognize and one for which he may be justly proud.

Finally, to the Senate as a whole goes the gratitude of the leadership for the cooperation which made possible the disposition of this measure in the most efficient manner possible.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON CONDITIONAL ENTRY OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on conditional entry of certain aliens from various countries, as of June 30, 1972; to the Committee on the Judiciary.

REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

A letter from the Secretary, Smithsonian Institution, Washington, D.C., transmitting, pursuant to law, a report of the National Society of the Daughters of the American Revolution, for the year ended March 1, 1971 (with an accompanying report); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs:

S. 3876. An original bill to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to create a National Com-

mission on Uniform Securities Laws, and for other purposes (Rept. No. 92-1009).

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. BOGGS (for himself and Mr. JAVITS):

S. 3871. A bill to amend the Federal Aviation Act of 1958 in order to provide a more effective program to prevent aircraft hijacking, and for other purposes. Referred to the Committee on Commerce.

By Mr. JAVITS (for himself, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOPER, Mr. CRANSTON, Mr. FONG, Mr. HARRIS, Mr. HATFIELD, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MONDALE, Mr. MUSKIE, Mr. ROTH, Mr. STAFFORD, and Mr. TUNNEY):

S. 3872. A bill to provide for the use of certain funds to promote scholarly, cultural and artistic activities between Japan and the United States, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. McINTYRE (for himself, Mr. BIBLE, Mr. NELSON, Mr. BURDICK, and Mr. SPARKMAN):

S. 3873. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that Act with respect to small businesses. Referred to the Committee on Labor and Public Welfare.

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

S. 3874. A bill to establish the California Desert National Conservation Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (by request):

S. 3875. A bill to amend Section 215, title 18, United States Code, Receipt of Commissions or Gifts for Procuring Loans, to expand the institutions covered; to encompass indirect payments to bank officials; to make violations of the Section a felony; and to specifically include offerors and givers of the proscribed payments; and for other related purposes. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs:

S. 3876. A bill to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, to create a National Commission on Uniform Securities Laws, and for other purposes. Ordered to be placed on the calendar.

By Mr. BELLMON:

S. 3877. A bill to prohibit the impoundment of funds from the Highway Trust Fund which have been apportioned and appropriated. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself and Mr. JAVITS):

S. 3871. A bill to amend the Federal Aviation Act of 1958 in order to provide a more effective program to prevent aircraft hijacking, and for other purposes. Referred to the Committee on Commerce.

PREVENTION OF AIRCRAFT HIJACKING

Mr. BOGGS. Mr. President, Monday, in Detroit, five persons boarded a commercial airliner bound for Miami. They took with them three children and apparently several handguns.

While the plane was over Florida, they took command of it. When it landed in Miami they demanded—and received—$1 million in ransom before they released the 87 other passengers. They then took the airplane and the crew on to Algeria, via a refueling stop in Boston.

Fortunately, there were no injuries or deaths in this incident, but the ransom reportedly is the highest ever paid in one of these tragic and potentially disastrous occurrences.

Mr. President, I need not remind my colleagues that this incident, in all likelihood, would not have occurred had not those five persons been able to carry weapons onto that airplane.

The fact that those guns were carried onto that airplane and that this incident happened at all underscores the need for the legislation I am now introducing.

The subject of airplane hijacking, with its attendant high risks of wholesale loss of life, is one that has been of great concern to me for some time, as I know it has to each of my colleagues. I have been studying the problem and trying to determine what should be the best solution to it.

I do not pretend to have all the answers, but I do believe that a completely different emphasis on enforcement should be made. The prevention of skyjacking should be treated as a law enforcement problem and should be the responsibility of the one Federal agency with the greatest expertise in this area—the Justice Department.

The legislation I am introducing today, I believe, would provide maximum protection for commercial airline passengers against the threat of aircraft hijacking. The ineffectiveness of current antihijacking programs and the resulting inevitability of greater and greater injury and loss of life have created a crisis situation. It calls for strong, swift action.

Mr. President, the Federal Aviation Administration has had the responsibility for dealing with this threat. It has been a frustrating challenge, one that does not lend itself to easy remedies. The fact remains that in nearly 4 years of trial and error, the FAA has not come up with effective antihijacking measures.

The number of hijackings has, in fact, increased. Monday's incident was the 31st this year, one more than in all of 1971. Most disturbing of all is the rising incidence of injuries and deaths associated with hijacking attempts—five deaths have occurred this year.

Mr. President, I submit that this is an intolerable situation. It is clear to me that a new approach is warranted. The solution, in my opinion lies in keeping firearms off the planes, in keeping the potential hijacker from boarding a plane with a deadly weapon. I propose that we do this in two ways: First, turn the responsibilty over to the Justice Department, as I mentioned before; and second, provide it with weapons-detection devices of the walk-through magnetometer type.

This legislation would transfer this responsibility to a new Office of Aviation Security within the Department of Justice. It would authorize necessary increases in the ranks of the U.S. marshals, who would have direct responsibility for the screening. There would be detection devices and qualified U.S. marshals to operate them at every commercial airport in the United States. This would have the effect of providing the very best available screening program for every passenger boarding a commercial airplane, whether it be a U.S. airline or one from another country.

Visual screening on the basis of a hijacker profile would continue, of course, in conjunction with the new system.

The walk-through weapons-detection systems have been tried and offer the best technology available for keeping firearms off airplanes. In addition, it does not inconvenience passengers or require time-consuming baggage searches. This legislation would provide for the Federal Government to bear the cost of purchasing, installing, and operating the detectors.

Mr. President, there has been an effort to curtail aircraft hijacking through use of "sky marshals." These, undoubtedly, are dedicated men and women, and I know the program was well intended. However, it simply has not worked totally effectively. A thorough screening of passengers on the ground under the supervision of trained law enforcement officers would provide much better results, I believe, and so this legislation would terminate the sky marshal program.

In addition, this legislation would strengthen Federal antihijacking statutes in a number of significant respects. It would, for example, increase the maximum penalty for carrying an unauthorized weapon aboard an aircraft. It would also provide both civil and criminal penalties for hijacking threats, because they are not now subject to prosecution under Federal law.

Finally, this bill would give the President of the United States the authority to suspend air commerce between the United States and foreign countries which refuse to extradite persons accused of air piracy. These provisions reflect the gravity of the crime of air piracy and they will add to our ability to bring it to an end.

Mr. President, in view of the critical nature of the problem to which this legislation addresses itself, involving as it does the safety of millions of air passengers, I urge that hearings be held on these proposals as soon as possible and that the Congress move swiftly to enact them.

Mr. President, I ask unanimous consent that a copy of the bill and relative articles from yesterday's Washington Post and Evening Star be printed in the RECORD.

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

S. 3871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VI

of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new section as follows:

"WEAPONS DETECTION PROGRAM UNDER ATTORNEY GENERAL

"Authority

"SEC. 613. (a) In order to prevent aircraft piracy the Attorney General of the United States shall, not later than sixty days after the date of enactment of this section, prescribe regulations requiring that all passengers in regularly scheduled air transportation, and their carry-on baggage, be screened by weapons detecting devices before boarding the aircraft for such transportation.

"Furnishing of Equipment and Operators

"(b)(1) The Attorney General shall furnish airports (A) with devices necessary for the purpose of subsection (a), and (B) with United States marshals and deputy marshals employed by the Attorney General to operate such devices.

"(2) In any case where an airport has acquired one or more devices which are adequate for the purpose of this section. The Attorney General shall reimburse such airport for the amount expended for such devices.

"Transfer of Authority

"(c) Such authority under the provisions of this Act as is determined by the Director of the Office of Management and Budget to be necessary for the purpose of this section is transferred to the Attorney General.

"Consultation

"(d) The Attorney General shall consult with the Secretary and the Administrator in carrying out the provisions of this section.

"Authorization

"(e) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, and $17,000,000 for the fiscal year ending June 30, 1974, and for the succeeding fiscal year, and thereafter such amounts as are necessary, for carrying out the provisions of this section."

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the material relating to title VI the following:

"Sec. 613. Weapons Detection Program Under Attorney General.
"(a) Authority.
"(b) Furnishing of Equipment and Operators.
"(c) Transfer of Authority.
"(d) Consultation.
"(e) Authorization."

(c) The Attorney General of the United States shall establish within the Department of Justice an Office of Aviation Security through which he shall administer the provisions of section 613 of the Federal Aviation Act of 1958.

SEC. 2. (a) Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) is amended by adding at the end thereof the following new subsection:

"Threats or False Information

"(c) Whoever imparts or conveys or causes to be imparted or conveyed any threat, or false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this title, shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States.".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading.

"Sec. 901. Civil penalties."

is amended by adding at the end thereof the following:

"Threats or false information".

SEC. 3. Section 902(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1472l is amended by striking out "$1,000" and "one year" and inserting in lieu thereof "$5,000" and "five years", respectively.

SEC. 4. (a) Section 902(m) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(m)) is amended to read as follows:

"False Information and Threats

"(m) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed a threat, or false information, knowing the information to be false, concerning an attempt or alleged attempted being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which
appears under the heading
"Sec. 902. Criminal penalties."
is amended by striking out—
"(m) False information."
and inserting in lieu thereof—
"(m) False information and threats.".

SEC. 5. The second sentence of section 903(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1473(b)(1)) is amended by striking out "Such" and inserting in lieu thereof "Except with respect to civil penalties under section 901(c) of this title, such".

SEC. 6. Subsections (a) and (b) of section 35 of title 18, United States Code, are each amended by striking out "false information" and inserting in lieu thereof "a threat, or false information".

SEC. 7. Section 1395 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) A proceeding to recover a penalty under section 35 of title 18, United States Code, or under section 901(c) of the Federal Aviation Act of 1958, may be brought in the judicial district where the defendant resides or the district where the false information or threat was imparted or conveyed or attempted to be imparted or conveyed. In any such proceeding process against any defendant may be served in the district where the defendant is found with the same force and effect as if the process had been served within the district in which such proceeding is brought.".

SEC. 8. The President is authorized to terminate the rights of air carriers of the United States to land in any country and the rights of air carriers of such country to land in the United States if such country refuses to extradite to the United States any person accused by the United States of committing or attempting to commit aircraft piracy, as defined in section 902(i) of the Federal Aviation Act of 1958.

SEC. 9. The Administrator of the Federal Aviation Administration shall terminate the program of placing Federal employees aboard aircraft to protect against aircraft piracy.

[From the Washingon Post, Aug. 1, 1972]

HIJACKERS GET $1 MILLION FOR ALGERIA FLIGHT

BOSTON, July 31.—Five hijackers accompanied by children commandeered a Delta Air Lines jet with 101 persons aboard in Florida today, collected a record $1 million in ransom and then headed for Algeria after a refueling stop in Boston.

The hijackers, three men and two women, were identified as Detroit residents who lived together in an East Side home for the past year and often talked to neighbors of going to Algeria. A sign, "Fly Delta's Big Jet," decorated one wall of the home.

The other Delta passengers were released in Miami after Delta collected the $1 million—largest ever paid in the 18 U.S. ransom hijackings—and delivered it to the hijackers.

FBI agents in Boston said they learned that the Algerian government would refuse to permit the plane to land but it was not known if the hijackers knew it. In a previous hijacking, Algeria permitted the plane to land but returned the money taken by the hijackers. The FBI in Detroit identified the Delta hijackers as Melvin and Jean McNair, Larry Burgess, Joyce Tillerson and Harry Singleton. Agents said the McNair's child and the Tillerson woman's daughter, Kenya, accompanied them. Passengers getting off the hijacked plane and Delta officials in Miami said there were three children with the hijackers.

Officials said the 3,300-mile trans-atlantic flight would take between eight and 10 hours. An international navigator went aboard the DC-8, four engine jet in Boston.

The Delta crew was comprised of four men and three women.

Although at least eight sharpshooters—four from the FBI and four from the Massachusetts state police—were stationed at strategic points around Logan International Airport in Boston, no shot was fired.

Some law enforcement officials had changed into airline workman's uniforms in hopes of deceiving the hijackers. But the hijackers ordered all persons who approached the jet to wear only swimming trunks.

The jet, originally a Detroit-to-Miami, nonstop flight, arrived in Boston at 6:53 p.m. It had left Miami at 4:18 p.m.

When the international navigator boarded the plane in Boston he brought with him additional maps and charts. And, on orders from the hijackers, he also took along a supply of food.

Delta said they pumped aboard 13,800 gallons of fuel, about two truck loads, for the flight to North Africa.

The worker who refueled the plane wore swim trunks, as ordered.

None of the hijackers nor crewmen left the plane at any time.

Delta guaranteed the hijackers passage to Algeria and pleaded with the FBI *and other* law enforcement officials not to interfere.

Earlier in Miami, two FBI agents, dressed in swimming trunks, brought out the $1 million in $50 and $100 bills in a suitcase and tied it to a rope dangling out of the plane. The hijackers hoisted it aboard.

Detroit attorney Samuel Gardner, one of the passengers, said all the hijackers were black. The women, he said, wore Afro-style hairdos, slacks and blouses, the men suits. The children, he said, appeared to be five or six years old.

"The whole thing happened with considerable calm," said Gardner. "There was no threat of violence at any time and I did not see a weapon, although two of the men had their hands inside their coats."

Delta said the men were armed with handguns—but it also said it had received no explicit threats from the hijackers.

"There were no threats to any of the passengers and they were polite as possible," said George Coppal of Detroit. Coppal said he didn't know the plane had been hijacked until it landed at Miami.

The hijackers took over the plane about 12:45 p.m. over Orlando.

The FBI, which took over the case when the plane landed in Miami, tried to negotiate with the hijackers but to no avail. As the plane sat in a remote corner of Miami International Airport, its engines running and its lights flashing in the hot sunlight, a hijacker talked by radio to the FBI.

The FBI wanted the hijackers to take half the money, let the passengers go free, and then get the other $500,000.

"No, no, no," said the voice from the plane. "Hey, look here, man, I'm not jiving. It will be done like I want it done. It will not be done the way you want it."

A few minutes later, a white airline truck rolled up to the plane with two agents in swimming trunks—an order from the hijackers to prevent armed men from getting near them. One of the agents got out, walked to the front of the plane, looked up at the cockpit and then went back to the truck.

He reappeared with a small blue suitcase which he tied to a rope thrown from the cockpit window.

The truck then backed up to the plane, attached a boarding ramp and the 86 other passengers began filing out.

[From the Washington Post, Aug. 1, 1972]

HIJACKERS GET $1 MILLION, FLY TO ALGERIA

ALGIERS.—Five hijackers who "believe that money destroys people" exchanged 87 passengers for a record $1 million ransom, then forced the crew of a Delta Air Lines jet to fly them and their children to Algeria today.

The plane, Flight 841, carried 101 passengers when it was commandeered during a Detroit-to-Miami flight. It landed in Algeria at 3:19 a.m. But Algerian officials indicated they may refuse a request for asylum. Such a refusal would be rare.

One Algerian source said: "Algeria has given and will always give asylum to a refugee or a political opponent, but it is also evident that a gangster who demands money through threats does not belong to this category of men persecuted for political activities."

Edward Keller, economic officer for the U.S. diplomatic mission in Algeirs, said he believed the Algerian government would return the $1 million.

"It would be the logical step," he said. "After all, it is stolen money."

When a plane was last hijacked to Algeria, a favorite haven of American radicals, the Algerian government returned the $500,000 ransom but refused a U.S. request to extradite the hijackers.

The DC8, four-engine jet was seized by the three men and two women—who had two children with them—as it approached Orlando, Fla.

When it landed at Miami, two FBI agents dressed only in swimming trunks at the hijackers' orders brought a small suitcase containing the ransom in $100 and $50 bills.

At a remote edge of a runway, one of the agents tied the suitcase to a rope dangling from the plane, and the hijackers hoisted it aboard.

Only then did the hijackers let the passengers get off. They had brusquely rejected an FBI suggestion that they take half the money, release the passengers, then get the other half.

Soon afterward, the hijackers, the children and the four-man, three-woman crew took off for Boston.

There, while FBI agents and police sharpshooters kept their distance, a worker in swimming trunks pumped 13,800 gallons of fuel into the plane for the 3,300-mile flight to Algeria, where Black Panther Eldridge Cleaver and other American radicals have been granted political asylum.

The Associated Press today released a Boston Globe report of a discussion between an unidentified black FBI agent and a hijacker during the refueling.

TRANSCRIPT OBTAINED

The Globe said a transcript was obtained through sources at Logan International Airport:

FBI: Are the passengers in the cockpit with you?

Flight Crew: That's affirmative.

FBI: Request permission to talk to the passengers.

Flight Crew: OK, stand by.

FBI: Yeah; look man, I'm a black American and I, uh, know what your problems are. I live in the ghetto just like you do. I know it's rough, but are you really sure you're doing the right thing? Did you really consider the kids that you have on there with you?

You know the last hijacking we had to Algeria, when they got there they took all the money away. They don't have a cent, man. You think you're in trouble here, you'll be nothing there.

I'm a special agent with the FBI and we aren't going to interfere with you at all, but I felt it important that I should at least tell you what you're getting yourself into. Right now your troubles are minor. Are you really sure this is what you want to do?

Hijacker: We don't agree with that.

BELIEVED MONEY DESTROYS

The FBI in Detroit identified the hijackers as: Melvin and Jean McNair, Larry Burgess, Joyce Tillerson and Harry Singleton. The McNair's child and the Tillerson woman's daughter Kenya were also on the plane.

All of them had been living in a bare, one-story house on Detroit's east side for about a year, neighbors said.

Jim Moss, who lived next door, said the hijackers "were very strange people, but very intelligent. . . . They weren't prejudiced. They believed that money destroys people."

"FLY DELTA'S BIG JET"

In the living room of the hijackers' communal home, posters adorned the walls, including one which said: "Fly Delta's Big Jet."

A black mound of dirt symbolizing a grave was in the middle of the living room floor. On top of the dirt sat a small white, rubber doll stabbed through the middle with a red-handled knife.

A headstone at one end of the mound bore a Bible opened to chapter three of Isaiah—a chapter which speaks of destruction and corruption.

Mr. BOGGS. Mr. President, I yield the remainder of my time to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. I am very grateful to the Senator from Delaware. If the Senator will permit me, I should like to be a cosponsor of his legislation.

Mr. BOGGS. I thank the Senator.

Mr. JAVITS. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the bill.

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

By Mr. JAVITS (for himself, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOPER, Mr. CRANSTON, Mr. FONG, Mr. HARRIS, Mr. HATFIELD, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MONDALE, Mr. MUSKIE, Mr. RIBICOFF, Mr. ROTH, Mr. STAFFORD, and Mr. TUNNEY):

S. 3872. A bill to provide for the use of certain funds to promote scholarly, cultural and artistic activities between Japan and the United States, and for other purposes. Referred to the Committee on Foreign Relations.

JAPANESE-AMERICAN FRIENDSHIP ACT OF 1972

Mr. JAVITS. Mr. President, a relationship that 27 years ago was one of total war and complete distrust and enmity between the United States and Japan has been transformed—through intelligent diplomacy, mutual self-interest and reciprocal respect—into a balanced cooperative friendship that is unprecedented in East-West relations. The most significant symbol of this new United States-Japan relationship is the Okinawa Reversion Agreement, approved by the Senate on November 10, 1971, by a vote of 84 to 6. This agreement is clearly an example of cooperation, mutual respect, understanding, and trust between equals, and I regard in a similar vein the jointly announced meeting between Japanese Prime Minister Kakuei Tanaka and President Nixon to be held on Hawaii later this summer. It is this relationship that I believe we must perpetuate. It grows out of experiences of the past 20 years and is the foundation for plans and aspirations of the next 20 years in Asia.

Today, I introduce for myself and Senators BOGGS, BROOKE, CASE, COOPER, CRANSTON, FONG, HARRIS, HATFIELD, HUGHES, KENNEDY, MAGNUSON, MONDALE, MUSKIE, RIBICOFF, ROTH, STAFFORD, and TUNNEY, the Japanese-American Friendship Act of 1972, to set aside 10 percent of the payments to be received from Japan in connection with the reversion of Okinawa for the purpose of establishing a fund to promote scholarly educational and cultural interchange between the United States and Japan. The total payments scheduled to be received is $320 million over a 5-year period. This bill authorizes the appropriation of $32 million, out of the $100 million already received under the Okinawa Reversion Agreement.

An identical bill is being introduced in the House today by a distinguished member of the House Committee on Education and Labor, Representative MARVIN L. ESCH of Michigan.

The Japanese-American Friendship Act Fund can, in my judgment, make a significant, tangible, and lasting contribution to friendship and cooperation between our two countries and thus make an important contribution to world peace and prosperity.

There is an important historical precedent for this kind of use of funds. The funds which were payable to the United States by the Government of China under the Boxer Indemnity Fund were set aside for educational purposes. While the circumstances of payment in this case are very different, the object in mind respecting the use of the funds receivable is analogous—to strengthen the bonds of friendship and understanding with a great nation of Asia.

The "Japanese Miracle" is one of the major developments of the last half of the 20th century. But relatively little is known and understood in detail about the remarkable Japanese society which has achieved such progress. The Japanese language is probably the least known in the United States of any of the world's great languages. Japanese art and literature are treasures which remain to be more fully explored by American scholars and by the American public.

The Okinawa Reversion Agreement

provides that the Japanese Government make a payment of $320-million to the United States over a period of 5 years as repayment for the cost to the United States for public utilities and other facilities on the island and now turned over to Japanese administration plus some costs in connection with relocation of American facilities and employment of indigenous labor. The Japanese-American Friendship Act appropriates to the President 10 percent of this amount to establish a Japanese-American Friendship Trust Fund. These funds will draw interest at the average rate of Federal obligation of the past 2 years. This interest and no more than 5 percent of the principal will be available annually for the purposes of the act. Disbursements would be used for the following purposes:

First, support for studies, including language studies, in institutions of higher education in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

Second, support for major collections of Japanese books and libraries at American colleges and universities located throughout the United States;

Third, support for programs in the arts in association with institutions of higher education in Japan and the United States;

Fourth, support for fellowships and scholarships at the undergraduate, graduate, and faculty levels in accord with the purposes of this act;

Fifth, support for visiting professors and lecturers at colleges and universities in Japan and the United States, and

Sixth, support for other United States-Japanese exchanges consistent with the purposes of this act.

To administer these wideranging functions, the act establishes a Japanese-American Friendship Commission composed of the Secretary of State and the Secretary of Health, Education, and Welfare, and six public members appointed by the President. The public members would be selected from persons who are: First, conversant in Japanese-American relations, or second, generally recognized experts in the field of education, the arts and humanities, or third representative of the general public. The Chairman of the National Endowment for the Humanities and the National Endowment for the Arts would serve as ex officio, nonvoting member. In addition to administering the programs under this act the Commission is empowered to receive gifts and donations which would either be expended upon receipt or added to the principal of the trust fund.

This legislation is most timely, and the need for it is clear. Japanese society has advanced to the degree as to make possible and necessary an equal relationship between our two nations. This fact in conjuctio with our most friendly relations with the Japanese over the past two decades, provides a unique opportunity that to date has not been realized.

Japanese studies are available in only 4 percent of all American colleges and universities, have an unfortunately low priority, and have suffered considerably thereby. Foundations are withdrawing their support for the most part, because their aid was never intended to be permanent but to get programs off the ground so that the U.S. Government could then step in with financial aid when the programs have proved their worth. However, Federal assistance has not been forthcoming on a scale requisite to fulfill minimum needs. In fact, budgetary constraints have required that programs in this area, such as title VI of the National Defense Education Act—providing for language studies—be cut down by as much as 60 percent in 1971. And there has been no major effort to revitalize these programs more recently. The overall result has been a net decline in programs and exchanges of all types with Japan at a time when Japan's status in the world necessitates much greater communication and mutual understanding.

Relations between Japan and the United States have reached a psychological watershed of great importance. The style of relationship forged during the postwar occupation, which characterized Japan as a younger brother needing tutelage, has long since been rendered obsolete and has been superseded in government-to-government relations and has been replaced, most appropriately, by a true partnership. Japan has emerged as the second strongest economic power in the free world. This is a new reality which must be accommodated, especially in our nonofficial relationships and perceptions as well.

The United States may well be in a mood of retrenchment and diversion to domestic troubles, in the wake of our tragic experience in Vietnam. Sensitivities in both Washington and Tokyo are thus perhaps more exposed to irritation than at any time in the past 20 years. Tact and hardheadedness are required in equal measure, if there is to be the kind of creative United States-Japan partnership which, in concert with other multinational efforts could inaugurate an era of unprecedented growth, prosperity and mutual understanding and communication.

Friction over achieving fair voluntary restraints on Japanese exports of man-made textiles and steel, the misunderstandings in Japan resulting from the President's Peking trip, and the new orientation in United States-China relations have been disturbing signs for those who appreciate the vital importance of mutual understanding and communication between the United States and Japan.

It is clear that on both sides significant gaps in communication remain, and old shibboleths persist in many minds. However, Japan's rise as a world economic power—and its evolving political maturity—emphasize the vital need for promoting reciprocal public understanding and interests. Many of the hopes and plans for peace and stability in Asia rest upon the premise of continued close United States-Japan cooperation.

President Nixon and former Japanese Prime Minister Sato underscored this need in their joint statement of January 7, 1972, at San Clemente, in stating that both sides:

> Would cooperate closely with each other in all areas such as the political, cultural, economic, scientific, and technological fields to achieve the common goals of maintaining and promoting peace and prosperity of the world and the well-being of their countrymen. They also agreed that steps be taken to increase cultural exchanges and in this regard the President welcomed the explanation given on the contemplated establishment of a Japanese cultural exchange program.

The above mentioned Japan Fund is now being formed by the Japanese Foreign Ministry to finance expanded cultural and educational exchange programs between Japan and the United States and Southeast Asia. By the Japanese fiscal year 1974, this trust fund will amount to $32 million.

There is a real need for a similar comprehensive effort on the part of the United States to promote and expand our general public understanding on a scale commensurate with Japan's status in the world and sufficient to fulfill our mutual gaps in understanding and communication with Japan.

The provisions of the Agreement with Japan concerning the Ryukyu Islands and the Daito Islands—signed June 17, 1971 and approved by the Senate on November 10, 1971—which by themselves are evidence of a close collaboration between friends of mutual good will and common purpose, provides an excellent opportunity for even closer and more mutually beneficial cooperation and understanding between our two nations. And in my judgment, the Japanese-American Friendship Act of 1972 will make good use of that opportunity.

So, Mr. President, we act at a fortuitous time. I hope very much that the bill will have rather quick action on the part of Senate committees, the Senate, and the House.

I ask unanimous consent that the text of the Japanese-American Friendship Act of 1972 be printed in the RECORD.

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

S. 3872

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 "Japanese-American Friendship Act of 1972."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the evolution of the relationship between Japan and the United States from wartime bitterness to peacetime friendship and partnership is one of the most significan developments of the postwar period;

(2) the Agreement on the Reversion of Okinawa is a major achievement and symbol of the new relationship between the United States and Japan; and

(3) the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity and security in Asia.

(b) It is therefore the purpose of this Act to provide for the use of part of the sums to be paid by Japan to the United States in connection with the reversion of Okinawa

to Japanese administration in order to enhance public understanding and support of the close friendship and mutuality of interests between our two nations.

ESTABLISHMENT AND MANAGEMENT OF THE FUND

SEC. 3. (a) There is established in the Treasury of the United States a trust fund to be known as the "Japanese-American Trust Fund." The Fund shall consist of—

(1) amounts transferred to it under Section 4;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under Subsection (b) of this section.

(b) It shall be the duty of the Secretary of the Treasury (hereafter referred to as the Secretary) to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interests.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) The Secretary shall pay out all income of the Fund each fiscal year and up to 5 percent of the principal for the purposes specified in this Act pursuant to the direction of the Japanese-American Friendship Commission created by Section 6 of this Act.

SEC. 4. Ten percent of the funds paid to the United States pursuant to the Agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands, signed at Tokyo and Washington, June 19, 1971 is hereby authorized to be appropriated to the Fund established under this Act.

EXPENDITURES FROM THE FUND

SEC. 5. (a) Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

(1) support for studies, including language studies, in institutions of higher education in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and libraries at American colleges and universities located throughout the United States;

(3) support for programs in the arts in association with institutions of higher education in Japan and the United States;

(4) support for fellowships and scholarships at the undergraduate, graduate, and faculty levels in accord with the purposes of this Act;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other United States-Japanese exchanges consistent with the purposes of this Act.

(b) Amounts in the Fund may also be used to pay administrative expenses of the Japanese-American Friendship Commission as directed by that Commission.

ESTABLISHMENT OF THE JAPANESE-AMERICAN FRIENDSHIP COMMISSION

SEC. 6. (a) There is established an agency to be known as the Japanese-American Friendship Commission. The Commission shall be composed of—

(1) the Secretary of State;

(2) the Secretary of Health, Education, and Welfare;

(3) six members appointed by the President from among individuals who are (A) conversant with Japanese-American relations, (B) expert in the field of education, the arts, or the humanities, or (C) representative of the general public;

(4) the Chairman of the National Endowment for the Arts, who shall have no vote; and

(5) the Chairman of the National Endowment for the Humanities, who shall have no vote.

(b) The term of office of each member of the Commission appointed under Subsection (a)(3) of this section shall be 3 years, except that (1) the members first taking office shall serve as designated by the President, two for terms of three years, two for terms of two years, and two for terms of one year, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(c) Members of the Commission who are not regular full-time employees of the United States shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding $150 per day including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in government service employed intermittently.

(d) The President shall appoint the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year.

FUNCTIONS OF THE COMMISSION

SEC. 7. The Commission is authorized to—

(1) develop and carry out programs for the promotion of scholarly, cultural and artistic activities by Japan and the United States consistent with the provisions of Section 5 (a);

(2) make grants to carry out such programs; and

(3) submit to the President and to the Congress an annual report of its activities under this Act together with such recommendations as the Commission determines appropriate.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) In order to carry out its functions under this Act, the Commission is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this Act;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condition or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift;

(4) direct the Secretary to make expenditure of the income of the Fund and up to 5 percent of the principal for the purposes of this Act, including the payment of Commission expenses if needed;

(5) appoint an executive director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who shall be compensated at the rate provided for a GS–18 of the General Schedule of such title;

(6) appoint and fix the compensation of such additional personnel as may be necessary to carry out the provisions of this Act;

(7) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $150 per diem;

(8) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(9) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, or any other provisions of law relating to competitive bidding; and

(10) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

Mr. RIBICOFF. I am pleased to join as a cosponsor of the Japanese-American Friendship Act of 1972. Despite the focus of attention on Peking and Moscow, it is important to stress how important good relations with Japan will continue to be. Japan with its dynamic economy and expending technology is truly a great power with which we must come to terms on a variety of political, economic, and military issues.

As one concerned about our growing trade and balance-of-payments deficits, I welcome reports that some progress has been made in the recent negotiations with Japan to reduce our current trade imbalance of $3.7 billion. Surely more must and will be done along these lines. But the key to greater cooperation between our two countries in all areas continues to be the creation of a climate of mutual trust and understanding. Unfortunately we have been doing too little to create such a climate, and to close the very significant cultural and language gaps that now exist between our two nations.

The Japanese-American Friendship Act being introduced today can make a vital contribution to broader and deeper understanding between the United States and Japan. It is particularly appropriate that the vehicle to provide the funds for this new program is the Okinawa Reversion Agreement. This agreement is symbolic of the end of a past

era of misunderstanding and hostility. We are proposing that 10 percent of the funds paid to the U.S. Government by the Government of Japan be set aside as a trust fund to promote friendship and education and cultural exchanges between the two countries.

The need for improved communication and expanded contracts cannot be emphasized too strongly. The Japanese Ambassador to the United States, H. E. Nobuhiko Ushiba, has put his finger squarely on the problem when he described the language and communication gap as being "immense". Earlier this year before the Commonwealth Club in San Francisco, Ambassador Ushiba perceptively and brilliantly outlined the awesome dimensions of this communications problem as follows:

But for the majority of both our people, the cultural gulf, the language hurdle, and the gap in communications is still immense. The danger of this is that the possibilities for misinterpretation, misunderstanding and misreading of Japan by Americans are very great, only somewhat less serious in Japan as regards the United States. A growing number of U.S. historians attribute many of the fateful steps which led to World War II not only to *misreading* of political temper on both sides of the Pacific, but even to some disastrous examples of *mistranslations* of important U.S. notes to Japan and vice versa. And recently, in the occasionally bitter dispute over textiles, the Japanese could not understand why the United States was so adamant about restricting our textile shipments, which amounted in 1970 to only 1.3 per cent of U.S. domestic consumption in dollars. On the other hand, many Americans could not understand why the Japanese were so stubborn and irritated about the whole affair. Though this dispute was finally resolved, it was done at a considerable cost to our mutual goodwill, primarily as a result of mutual lack of comprehension. This same difficulty exists between many countries, of course. Even in two contiguous countries such as France and Spain, with very similar cultures and languages, there is an old saying that "truth on one side of the Pyrenees becomes untruth on the other." How much more difficult it is for us Americans and Japanese!

In the future, therefore, it becomes even more important that we be particularly aware of the problems and dangers which this communications gap can pose, and that we make adequate allowances for it, I might observe, at this point, that the flow of news and information from the United States to Japan is far greater than the flow from Japan to the U.S. Our papers, which have enormous readership, are full of news about the United States. I have frequnetly had the experience of reading news stories of interesting American economic developments in Tokyo papers which I could not find in American papers, even though this news often originated from U.S. wire services. In addition to these wire services, Japanese papers also receive information from a large Japanese press corps in the United States, including about 70 in Washington and New York alone. On the other hand, the flow of news from Japan to the U.S. is much scantier, and also labors under the limitation that very few American correspondents in Tokyo have sufficient command of Japanese to function professionally without an interpreter, which makes their job considerably more cumbersome and difficult than it would otherwise be. Still another revealing index of the comparative flow of information and ideas is the fact that some 2000 English-language titles are translated into Japanese each year, while only about 20 Japanese books are translated into English. Moreover, most educated Japanese read English, some with greater facility, others with more difficulty. *On the other hand, only a handful of Americans can read Japanese.*

On our side, we Japanese ourselves have to make a major effort to help narrow this gap of communications and understanding. But I believe it is fair and timely to suggest that Americans also can and should make a considerably greater effort on their own, Japan is important enough in its own right, and particularly important as an economic and political partner to the United States, to justify far greater efforts than in the past for Americans to learn more about Japan, its language, culture and institutions.

Given the seriousness of the language problem and the need for immediate improvement in this area, I would hope that one of the prime recipients of assistance under this act would be the Inter-University Center for Japanese Language Studies in Tokyo.

This center is an invaluable advanced language training facility for American students operated by a consortium of 11 American universities. Unfortunately, this highly successful educational institution has been operating on the brink of bankruptcy. It now receives significant support from the Japanese Foreign Ministry. It certainly deserves greater official American support. According to information provided by its extremely able and dedicated director, Dr. Kenneth Butler, and corroborated by those with firsthand knowledge of the center's activities, it is the only existing institution which provides coordinated intensive advanced Japanese language instruction for American university students. The center has a proven record of training American specialists to a fully competent level in both spoken and written Japanese. Center graduates are currently active in a variety of areas of academic, business, and governmental relations with Japan.

The center was established in 1963 using a grant from the Ford Foundation. In addition, the Carnegie Corporation and the U.S. Office of Education have provided some limited financial support. American universities have provided approximately $600,000 in fellowship support for center students.

During the past 2 years, however, funds have been secured on a patchwork basis to keep the center in operation through 1972–1973. But its prospects beyond 1973 are such that unless it is able to obtain Federal help the center program will have to be closed down. This would be a major setback in the progress made in recent years in training American Japanese specialists and would go against the express purposes of the proposal being introduced today.

I would hope that when this legislation is enacted the needs of this center will be given the highest priority by the newly appointed Japanese-American Friendship Commission.

I urge all Senators who recognize the importance of close cooperation between the United States and Japan to see that this bill becomes law. I also hope that the administration will give this legislation its blessings and support.

I ask unanimous consent that part IV of the final report of the third Japanese-American Assembly, entitled "Recommendations for Better Communication", be printed in the RECORD.

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

IV. RECOMMENDATIONS FOR BETTER COMMUNICATION

On the basis of these discussions, we offer the following recommendations for action, not necessarily in the order of their importance:

1. *The Media.* The Assembly would like to see the press in each country improve its coverage of the other. Specifically, the American coverage of Japan should be deeper and more interpretive, while Japanese coverage of the United States should be more balanced and should take into account the diversity of American society.

In addition, American correspondents in Japan and Japanese correspondents in the United States should have equal and reciprocal access to all official press conferences. To attain deeper understanding of the Japanese scene, American media organizations should encourage their correspondents to learn the Japanese language and afford them the opportunity to do so.

2. *Governmental Relations.* The two governments should improve existing machinery for consultation on political, economic, and social issues.

The annual bilateral conferences of Japanese and U.S. government officials could be made more productive through a greater investment in continuing staff work. More frequent meetings of middle-level officials are also required.

3. *Education and Exchange Programs.* There are several institutes which specialize in advanced foreign language training and are of great importance for maintaining effective communication between the two countries. The programs at the Inter-University Language Center in Tokyo and at International Christian University are examples of the important endeavors in this area.

However, it is regrettable that language training institutions are not receiving sufficient financial support. We therefore urge the Japanese government and Japanese business to join with American sources to expand their support for language teaching and scholarly translation.

The establishment of the Japan Foundation represents a major and potentially significant initiative by the Japanese government to improve mutual understanding. In light of this new endeavor, we are confident the Japanese government will make every effort to recruit the best possible talent from both public and private sectors to plan and administer the Foundation's programs.

On the American side, the Executive and Legislative branches should support the restoration of the Fulbright-Hays and National Defense Education Act area studies programs to their former levels as well as funding the International Education Act. Special consideration should be given to expanding and strengthening these programs in regard to Japan.

Only government can provide the large financial resources necessary for the expansion of American university training in Japanese studies. We believe the U.S. government should make a greater financial commitment than at present; the Japanese government should enter actively into the support of this field. We also believe greater efforts should be made to "internationalize" the makeup of Japanese universities as well as to improve their American studies departments. A commitment by both governments to support such programs is of the utmost importance. The business community in both

countries also has a special responsibility for supporting programs of exchange, publication and the like. We feel that Japanese business in particular should make a major effort in this area and that American business and foundations should continue and expand their activities in support of a variety of programs. We particularly want to emphasize the need for exchange programs to give representation to people of all ages and from all regions of our countries. We also urge expanded programs of translation of Japanese scholarship into English.

4. *Cooperation.* We commend an increased level of academic and public cooperation in areas in which we face joint and immediate social problems. Fruitful beginnings could be made in the fields of urban studies and pollution control, health and welfare programs and the study of domestic political processes. We also recommend joint U.S.-Japanese or multinational undertakings in the developing world as one way of increasing the flow of capital and technical assistance.

By Mr. McINTYRE (for himself, Mr. BIBLE, Mr. NELSON, Mr. BURDICK, and Mr. SPARKMAN):

S. 3873. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that Act with respect to small businesses. Referred to the Committee on Labor and Public Welfare.

Mr. McINTYRE. Mr. President, on behalf of Senators BIBLE, NELSON, BURDICK, SPARKMAN, and myself, I am introducing today a bill to amend the Occupational Safety and Health Act which would establish in the Department of Labor a small business procedure to assist small businessmen in complying with the regulations issued under that act.

In the past several years, I have held a number of hearings on the Senate Select Committee on Small Business and on the Small Business Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee, of which I am chairman, regarding the effect that various pieces of legislation have on the competitive position of the small business segment of our economy.

It happens that very often in passing well intentioned legislation to remedy a specific problem area that small businessmen are unintentionally injured and put at a competitive disadvantage. Certainly, in passing the Occupational Safety and Health Act, there was no intent by Congress to unintentionally injure small business, and the purpose of my bill is to make sure that this does not happen.

Mr. President, 14,000 deaths a year and over 2 million serious injuries to workers in this country make not only a strong, but absolute, case that occupational health and safety regulations are essential. This is why I voted for the Occupational Safety and Health Act.

But problems have developed with the administration of this law. Congress has experienced this problem many times before. Well-meaning legislation embodying essential public interest goals often causes reactions which are totally unintended. The enforcement of OSHA regulations have created in some cases insurmountable problems in a crucial area of our business community—the small business sector.

When Congress established the Small Business Administration in 1953 as a permanent agency, it specifically recognized the small businessman's contribution to the free enterprise system and also recognized his precarious state vis-a-vis big business. The Occupational Safety and Health Act also made recognition of the unique status of the small businessman in providing for SBA loans to meet OSHA requirements. The problem, however, is simply not the availability of loan funds, though that is extremely important. The crucial problem, as I see it, is the recognition or lack of it—whichever the case may be—by OSHA officials that there are extreme differences between a vertically integrated conglomerate corporation and a small businessman.

While OSHA regulations may create some problems for large businesses, which I am sure they do, these corporations have the financial resources and the managerial ability to provide in plants and on worksites safety engineers whose sole function is to assure compliance with health and safety requirements. The small businessman, however, is not nearly so fortunate.

The cost of obtaining such assistance and the expertise to make practical application of health and safety technology is quite often far beyond the reach of the small businessman.

While we, in Congress, and in the executive branch have expressed alarmed concern with the state of our economy and have time and again passed legislation aimed at strengthening the American economic system, it seems that too often these measures have little or no impact on the small business sector.

A work survey by the Research Institute of America on the first quarter of 1971 clearly illustrates this point. Earnings of manufacturers with assets in excess of $1 billion increased their earnings by 18.8 percent while during the same period manufacturers with assets of less than $1 million suffered a 40.4-percent decrease in profits. This is a devastating statistic.

Congress must recognize that small businessmen in this country must overcome almost insurmountable problems to remain competitive with big business. And we must make sure that our actions do not unintentionally result in driving thousands of small businesses to the brink of bankruptcy and disaster. This, I am afraid, may be the unintentioned result of the operation of OSHA if we are not careful.

Amendments have been offered to the Occupational Safety and Health Act calling for numerical exemptions to the enforcement provisions of this legislation. The House Select Committee on Small Business held hearings in June of this year on the impact of this law on small business and the overwhelming testimony given by small business representatives to that committee was that what was needed was not an exemption from the act but assistance in complying with it. It should also be noted that the Senate Labor and Public Welfare Committee is presently holding hearings on the impact of OSHA on small business.

The Department of Labor in testifying before the House Small Business Committee stated that numerous mistakes have already been made in applying health and safety standards. But what may be statistics to the Department of Labor is cold reality to a businessman who finds himself unable to continue his business because the regulation as promulgated by OSHA was impossible for him to comply with.

Discussions I have had with numerous small businessmen have indicated that substantive changes in the OSHA are needed. Small businessmen have told me that they find the regulations issued by OSHA extremely complex and technical in nature and that procedures should be developed to simplify the requirements in a way that small businessmen not having access to technical expertise know what is required of them.

Another complaint often made is that the small businessman in attempts to comply with OSHA requirements can receive no assurances that the safety equipment he purchases conforms to OSHA regulations. This indicates to me that possibly the Secretary of Labor could provide certification as to what equipment or action would meet his agency's health and safety requirements.

My bill would establish a specific small business program which would, first, require that regulations be simplified and technical assistance offered in meeting regulations; second, require the Secretary to provide certification as to what equipment or action will meet OSHA requirements; third, require regulations be applied on an industry-by-industry basis and small business exceptions to individual regulations be granted where appropriate; fourth, maintain close surveillance of effects of regulations on competition to assure that small businessmen are not unintentionally injured economically because of regulation; fifth, require the Secretary to certify that regulations can actually be complied with and a finding must be made that the regulations will have a positive effect on the health and safety of employees so that needless regulations are not issued; sixth, provide a small business recordkeeping procedure to cut down on required paperwork and eliminate needless redtape; seventh, distinguish between different types of business activities such as light and heavy construction; and eighth, provide small business with one onsite inspection without mandatory penalty.

The important thing is to examine the operation of the Occupational Safety and Health Act to assure that regulations and requirements issued by the Department of Labor do not unintentionally adversely affect competition and cause unneeded economic injury to the small business sector of our economy. This, in my opinion, can be done with my bill without providing specific exemptions based solely on the number of workers.

Mr. President, I request unanimous consent that this bill be printed at this point in the RECORD.

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

S. 3873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading of section 28 of the Occupational

Safety and Health Act of 1970 is amended to read as follows:

"PROVISIONS AFFECTING SMALL BUSINESS"

(b) Section 28 (a) of such Act is amended by inserting "(1)" immediately after the subsection designation, by striking out "(1)" and inserting in lieu thereof "(A)" and by striking out "(2)" and inserting in lieu thereof "(B)".

(c) Subsections (b), (c), and (d) of section 28 of such Act are redesignated as paragraphs (2), (3), and (4), respectively.

Sec. 2. Section 28 of the Occupational Safety and Health Act of 1970, as amended by this Act, is further amended by inserting at the end thereof the following:

"(b) The Secretary shall, with respect to the applicability of standards established under section 6 of this Act, to small business concerns, consider—

"(1) the distinction between large and small business concerns;

"(2) the applicability of each such standard on an industry by industry basis;

"(3) where feasible and appropriate on the basis of the type of activity in each such industry, exceptions for small business concerns.

"(c) The Secretary shall provide or establish—

"(1) a detailed description of the equipment required or action needed to be taken by a small business concern to comply with the requirements of each applicable standard;

"(2) simplified requirements for small business concerns designed to eliminate unnecessary and duplicative record keeping and reporting.

"(d) Notwithstanding any other provision of this Act, no standard shall be applicable with respect to any small business concern until the Secretary certifies that that standard can reasonably be complied with by the small business concerns to which it applies and that the standard will constitute an improvement of the occupational safety and health of the employees of the small business concerns to which that standard applies.

"(e) Small business concerns shall be given upon request one on-site inspection, and notwithstanding provisions of section 9 and 10 of this Act, the Secretary shall establish procedures for such inspection and no citation shall be issued or penalty assessed against a small business for violation of any standards based on such inspection. The provisions of this subsection shall not apply with respect to the application of the provisions of section 13 to any small business concern.

"(f) The Secretary shall maintain a continuing review of the operation of this Act to assure that small business concerns are not unintentionally injured economically in a manner having an adverse effect on competition as a direct result of standards established under section 6, and shall provide annually a report thereon to the Select Committees on Small Business of the Senate and House of Representatives.

"(g) The Secretary is authorized to prescribe such rules and regulations as are necessary to carry out the provisions of subsections (b), (c), (d), and (e) of this section.

"(h) For the purpose of subsections (b), (c), (d), and (e) of this section, the term 'small business concern' means any such concern as defined pursuant to section 3 of the Small Business Act."

Mr. BIBLE. Mr. President, I am delighted to join the distinguished Senator from New Hampshire (Mr. MCINTYRE) as a cosponsor of his bill to amend the Occupatoal Safety and Health Act of 1970 by injecting some "small business consciousness" into that law.

No Member of Congress or small businessman can really oppose the principle that safety should be pursued by smaller companies as well a larger ones. Certainly, Those of us who voted to provide for those health-safety criteria back in 1970 had that in mind. But I do not believe we wanted that law to become an unwieldly administrative maze for the country's small businesses to try to understand and conscientiously comply. For example, should a small construction company hiring a few men to build a single-story house be required to comply with the same set of regulations as a large company hiring many hundreds of men to build a multistoried skyscraper. Certainly, such would seem to place an unequal burden on small homebuilders.

Unfortunately, the OSHA program presently requires an "equal but inequitable" result and there is increasing recognition that the law should be changed not to provide less safety for working men and women, but changed to make its compliance regulations more understandable and workable.

The Senate Labor and Public Welfare Committee and the House Small Business Committee are just concluding inquiries into the question of OSHA's operation. These hearings have revealed what appears to be additional weaknesses of this legislation and its administration. One shortcoming that disturbs me is that spectacle of a small businessman, in a desire to comply with the law, inviting an inspector to his plant for advice, only to have violations and fines levied against him. I do not believe the Congress really intended to penalize good-faith efforts of compliance of this sort.

Mr. President, the bill offered by the Senator from New Hampshire is a moderate attempt to bring about sensible compliance. Those of us interested in this subject do not propose broad or blanket exemptions of businesses, because a man or woman can be seriously injured in a small machine shop as well as in a large one. Working men and women have every right to work in safe surroundings.

This bill does not propose postponement of compliance or tying up in redtape the proper application of the act. On the contrary, it seeks to simplify recordkeeping for small businessmen. Today, recordkeeping demanded by Government agencies, Federal, State, and local, of businesses generally, and small businesses particularly, is a real anathema. Earlier this year at a roundtable discussion session with representatives of small business trade organizations representing many millions of businesses, we were told that the single biggest problem the American businessman has today to stay in business is the flood of Government paperwork imposed upon him. And the Senator from New Hampshire deserves great credit and commendation as chairman of the Government Regulation Subcommittee, Select Committee on Small Business, for his current inquiry into this area, and for his comparable leadership as chairman of the legislative Small Business Subcommittee, Banking Housing, and Urban Affairs Committee, in holding hearings and offering legislation to promote the best interests of small businesses nationwide in their efforts to adjust standards imposed by Federal laws dealing with environmental, consumer, health and safety standards.

It has been my pleasure as chairman of the Small Business Committee to assist in this effort as other members of our committee have done. Our approach, which we have consistently pursued since 1968 in advocating help for small businessmen, is to make it reasonable for the small businessmen to comply with these new standards and help him legislatively, if necessary, to do so.

Therefore, the bill offered today asks for statutory authority to allow commonsense and sensitivity to small business plants, shops and other locales to be made a part of the administration of OSHA. I hope the Senate will give early and serious consideration to this bill.

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

S. 3874. A bill to establish the California Desert National Conservation Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the California Desert National Conservation Area. I am delighted that my colleague from California (Mr. TUNNEY) joins me as cosponsor of this bill.

The California desert is one of our Nation's most priceless and irreplaceable natural resources—one of the last remaining wide open spaces in the United States where man can stretch himself out physically and spiritually from horizon to horizon. Its 16 million acres, of which 12 million are managed by the Bureau of Land Management, spread from the Sierra Nevada and Death Valley south 240 miles to the Mexican border and from the San Bernardino and San Jacinto Mountain ranges east to the Colorado River and adjacent watersheds.

This vast desert is not flat and barren sand—rather it is a land of tremendous ecological diversity and rich in historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources. Physically, the California desert ranges from snowcapped mountains to plateaus basins, dry lakebeds, rivers, and washes. The desert has more than 700 species of flowering plants, of which 217 are found nowhere else in the world. It contains rare and endangered species of wildlife and fishes such as the bighorn sheep and the desert pupfish that are unique to the California desert. The California desert is a total complex ecosystem.

The fact that the California desert lies so near the rapidly growing major population centers of southern California makes it an important recreational and educational resource. The California desert is literally within minutes of 10 million people. Yet it is precisely this unique proximity to 10 million people which calls for the special protections which my bill would provide. Without protections, the recreational and educational resources will be short lived.

From 1968 to 1971, the use of the California desert by the American public doubled. Today the desert is receiving 7.5 million visitor days of use annually, and this figure is expected to reach 50 million by the year 2000.

The California desert is so big, so vast, that it seems that there would be space for everyone and every activity. In fact, its resources are limited. Moreover, the desert's total ecosystem is extremely fragile, easily scarred and slowly healed. Today uncontrolled off-road vehicle use, improper grazing practices, careless mining operations, unplanned construction and roadbuilding, and the pressures of growing recreational use are altering and destroying the fragile ecology of the California desert.

If we are to preserve the unique and irreplaceable resources of the California desert, man's activities will have to be limited to those which do not disturb the natural setting, destroy the scenic beauty, or upset the fragile ecology of the California desert. It is not too late to save this beautiful area. But we must make decisions now to determine how we will use these lands and resources so that they will remain intact, not only for us, but also for future generations. If we fail to seize this opportunity and let present patterns of haphazard development and unwise recreational use continue, we may desecrate and irreversibly destroy the open space values of the California desert.

The legislation I am introducing today will require the formulation of a California desert plan to provide for the immediate and future preservation and administration of the California desert. It will create the California Desert National Conservation Area.

In addition my bill will grant the BLM some new authorities for the enhancement and protection of the California desert. The bill gives the Secretary the authority to acquire, through purchases or exchange, additional lands for the more economic and efficient management of the California desert. The bill also provides for greater BLM control over surface mining activities on the California desert. Finally the bill authorizes the Secretary to contract with local law enforcement agencies to develop a program for the expeditious enforcement of rules and regulations necessary for the protection and management of the California desert.

Another important aspect of my bill is that it provides for public input into the process of developing the California desert plan. The bill requires the Secretary to establish and take into consideration the recommendations of an advisory commission on the desert. This commission is to be comprised of representatives of not only the Federal agencies owning or administering lands in the desert, but also State and local governmental units, residents of the desert, environmentalists, and those who use the desert for study and recreation. In addition when the Secretary proposes a change in a rule or regulation regarding the California desert, my bill requires that public hearings be held.

Mr. President I ask unanimous consent that the text of the bill be printed at this point in the RECORD, and, Mr. President, I ask unanimous consent that the text of an excellent article on the desert, "Forgotten Wilderness," from the August 1972 issue of Environmental Quality be printed in the RECORD at this point.

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

S. 3874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources that are unique and irreplaceable;

(2) many of these resources are immediately threatened, including certain rare and endangered species of wildlife, plants, and fishes that are unique to the California desert, whose habitats are being altered or destroyed by man's growing influence in the desert;

(3) the desert environment is a total ecosystem that is extremely fragile, easily scarred and slowly healed;

(4) the desert environment is seriously threatened by air pollution, indiscriminate off-road vehicle use, improper grazing, careless mining operations, unplanned development and construction, poor land use, and the pressures of growing recreational use;

(5) the interrelationship of man and his desert environment is poorly understood;

(6) the proximity of the lands of the California desert to the rapidly growing population centers of Southern California makes the California desert at once a unique recreational and educational resource and a resource in need of special protections;

(7) in order to study the interrelationship of man and his desert environment and to preserve the unique and irreplaceable resources of the California desert, man's activities must be limited to those which do not disturb the natural setting, destroy the scenic beauty, or upset the fragile ecology of the California desert; and

(8) in order to maintain environmental quality and ecological diversity and to control resource use, immediate steps must be taken to develop a comprehensive plan for the preservation of the desert environment and for the utilization of the desert's renewable resources within a framework of management which relys on the principles of multiple use and the maintenance of environmental quality.

(b) It is the purpose of this Act to provide for the immediate and future protection and administration of such public lands in the California desert within the framework of a program of multiple use and the maintenance of environmental quality.

SEC. 2. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior;

(2) the term "multiple use" means—

(A) the management of all of the resources of the desert so that they are utilized by the public in the balanced combination that best meets the needs of the American people now and in future generations;

(B) the most judicious use of the land, within areas large enough to provide sufficient latitude for periodic adjustment in use, for the purpose of protecting and developing some or all of the resources;

(C) the use of some land and resources for recreational purposes;

(D) the harmonious and coordinated management of such resources and uses without impairing the productivity or environment of the land; and

(E) the consideration of the relative value and ecological relationships of such resources and uses, but not necessarily the consideration of the greatest relative economic value of such resources and uses;

(3) the term "resources" means all of the various historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources of the desert;

(4) the term "public lands" means any and all land owned by the United States (other than Indian lands, and lands comprising a National Park) without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility management thereof;

(5) the term "California desert" means all lands and waters generally located within the State of California east of the Sierra Nevadas, east of the San Bernardino Mountains, and east of the San Jacinto Mountains south to the Mexican border, and including adjacent watersheds without regard to the State or States in which such watersheds are located;

SEC. 3. (a) There is hereby established the California Desert Advisory Commission. The Commission shall consist of a representative from each Federal agency having jurisdiction or control over lands within the California Desert, representatives of State and local governmental units (including law enforcement agencies), representatives of the academic community having expertise in this field, representatives of residents of the California Desert (including American Indians), environmentalists, and representatives of groups which make use of the California Desert and its resources for purposes of recreation, study, or business.

(b) Appointments to the Commission shall be made by the Secretary. Such appointments shall be made in accordance with the provisions of subsection (a) of this section and shall be made within the sixty day period following the date of the enactment of this Act. In making such appointments, the Secretary shall assure that the members of the Commission will reflect the points of view of the different races, ethnic groups, sexes, and ages of persons.

(c) The Secretary, within ninety days following the date of the enactment of this Act, shall call the first meeting of the Advisory Commission. The Chairman of the Commission shall be elected by the members thereof. The Chairman is authorized to employ and fix the compensation of such employees as he determines necessary to enable the Commission to carry out its functions under this Act, and to reimburse the members for expenses incurred by them in carrying out their duties under this Act.

(d) It shall be the function of the Advisory Commission to advise the Secretary with respect to the preparation of the long-range program and plan for the management, use, and protection of the California desert.

(e) The Commission shall terminate upon the expiration of sixty days following the date of the submission to the Congress of the plan required under section 5 of this Act.

Sec. 4. In order to carry out the purposes of this Act, there is established the California Desert National Conservation Area (hereinafter referred to as the "Conservation Area"). The Secretary shall publish a map of this area in the Federal Register. Each map shall be on file and available for public inspection in the Office of Information, Bureau of Land Management, Department of the Interior. The Secretary may revise the boundaries of the Conservation Area from time to time by publication in the Federal Register of the revised drawing or other boundary description.

SEC. 5. (a) The Secretary shall be responsible for the preparation of a long-range program for the management, use and protection of the Conservation Area.

(b) Such program shall include a plan, to be completed and reported to Congress, by June 30, 1978, for the future management, use, and protection of the conservation area. Such plan shall take into account the principles of multiple use, the maintenance of environmental quality of the area, and the possibility of selective acquisition and disposal of public lands in order to better carry out the purposes of this Act. In the preparation of such plan, the Secretary shall take into consideration the proposals of the Advisory Commission established by section 3 of this Act, and proposals of other Federal agencies and the State of California (or any political subdivision thereof) including recommendations from studies that have already been completed or are currently being prepared. In no event shall any such plan become effective until after the expiration of the sixty day period following the date of its submission to the Congress.

(c) During the period beginning on the date of enactment of this Act, and ending at the time of implementation of the long-range plan the Secretary shall execute an interim program to manage and protect the conservation area resources now in danger of destruction, to provide for the public use of the area in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed ranger protection and maintenance operation.

(d) During the interim period beginning on the enactment of this Act, and continuing after the final program has been completed, the Secretary shall be authorized to contract with State and local government units in developing advanced programs for law enforcement. The Secretary is instructed to use his existing authorities to contract for research work in connection with the development of the plan, as he deems desirable.

(e) Annually the Secretary shall report to Congress on the progress of the planning, implementation of and progress on recommendations previously made, and on all activities under subsections (a) through (d) of this section.

SEC. 6. (a) The Secretary may acquire by purchase, exchange, or otherwise, such lands or interests therein as he deems necessary to provide access to the facilities of the Conservation Area, or to facilitate efficient and beneficial management of such area. Any lands or interests in lands within the Conservation Area acquired pursuant to this section, shall, upon acceptance of title, become public lands, and shall become a part of such Area, subject to all the laws and regulations applicable thereto.

In carrying out his authority to enter into exchanges as provided in this Act, in no case shall the Secretary utilize lands with respect to which there was an outstanding withdrawal order in effect on August 2, 1972.

(b)(1) Notwithstanding any other provision of law, in exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal property or interests therein, and in exchange therefor he may convey to the grantor of such property or interest any public lands or interests therein under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the lands so exchanged shall be approximately equal, but if they are not approximately equal the difference in value shall be equalized by the payment of money to the grantor or to the Secretary, as the case may be.

(2) Either party to an exchange under this Act may reserve minerals, easements, or rights of use, either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

SEC. 7. The Secretary shall administer the Conservation Area pursuant to the provisions of this Act, and any other authority available to him for management of the public lands.

SEC. 8. The Secretary shall issue such regulations as he deems necessary to carry out the provisions of this Act. Notice of proposed rulemaking shall be furnished to the President of the Senate and the Speaker of the House of Representatives and published in th Federal Register and in at least one newspaper of general circulation in the area affected by the proposed rule. The notice shall include as a minimum: (1) a statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the authority under which the rule is proposed; (3) either the terms or substance of the proposed rule or description of the subjects and issues involved including in either event the projected impact of the proposed rule on users, potential users, and the general public; and (4) the time, date, and place of public hearings to be held. The notice required by this section shall include provision by the agency for anyone interested to participate in the rulemaking, within not less than thirty days or more than ninety days thereafter, through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Public hearings shall be held on any proposed rule that will have a significant impact on the administration and use of the Conservation Area.

SEC. 9. Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the public lands within the Conservation Area, except that all mining carried out within such area after the effective date of this Act shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this Act. Such regulations shall provide for such measures as may be reasonable to protect the scenic, scientific, and environmental values of the Conservation Area against undue impairment, and to assure against pollution of the air, soil, and water within the Conservation Area.

SEC. 10. There is authorized to be appropriated not to exceed $28,600,000 for the purposes of this Act, such amount to remain available until expended.

FORGOTTEN WILDERNESS

(By Michael Tennesen)

The Los Angeles sun rises bright red through the layer of smog that envelops the city. Three bearded young males wait for their driver to show. Their destination: Death Valley. But the driver has overslept and the rest wait angrily, knowing their late start means crossing the desert in the hot sun.

A family of five from Ohio checks out of their motel in Las Vegas. They are on their way to Lake Tahoe. The children grow restless in anticipation of the long drive. They have grown to dislike their first taste of the desert heat.

Four dune buggies cruise down the highway towards the outskirts of Phoenix. Five hard days of work trail behind the drivers. Two days of release in the open desert wait ahead. The cars pick up speed.

The drive from all three cities is similar. Approaching the city limits the houses and motels begin to spread out. Urban sprawl edges out onto the desert floor. Further out, the bill boards stack up behind each other; tin cans rust and accumulate by the sides of the road; tire marks begin to criss cross through the desert vegetation.

The sun's rays attack the ground, checked only by high thin clouds with little moisture. Dry, hot, an area where the rainfall does not equal the potential evaporation. This is the desert.

The great North American Desert encompasses over 500,000 sq. miles stretching across the southwestern sector of the United States and on into northern Mexico. Its principal location is in the States of California, Nevada, Arizona, New Mexico and southern Utah.

Millions of years ago this whole area lay at the bottom of a vast ocean. The earth was still cooling from its fiery beginning and huge tides thundered across the primal crust eroding it into sands and heavy sediments, laying the new materials down on our western shores thousands of feet thick. But slowly the land began to rise and the seas rolled back.

Rain clouds from the Pacific Ocean then blew inland and all was lush and green. But through the millions of years the Sierra Nevada began to rise. Each upward thrust of the new mountain range further blocked the path of the rain clouds, selfishly spending the moisture on the Sierra's western slope. The land to the east grew drier and drier. The deserts were born.

Life began to diminish. That which remained had to adapt to the dry heat and lack of moisture. Plants in today's desert have learned to space themselves out, so thoroughly absorbing the moisture around them that no other can grow near. Mesquite trees throw root systems up to 175 feet under the ground. Animals learn to live nocturnally hunting at night and sleeping while the hot sun burns and dehydrates.

For some the adjustment is not yet complete. Years ago a flock of several hundred robins was scouring the Mojave desert for water during a particularly virulent hot spell. The birds found water but, too exhausted to drink, died at the edge of a lake. Life is not guaranteed in the desert.

Geology, not nature, is here the ruling king. Grasslands and forests do not shelter the secrets of the earth. Rains do not erode the evidences of past geological eras. Large salt flats lie still where ancient lakes once swelled. The planet's crust breaks open to expose the many colored layers of its strata. Mountains rise barren into the desert heat, and alluvial fans spread their muddy fingers out onto the flat desert floor.

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A lone car speeds down a black-top highway through the Nevada desert. Its passengers restless, the driver pulls over and turns off the engine. Silence, foreign to a city dweller, startles the passengers. The shapes, the colors, the textures of the desert finally break down mental barriers and bombard the visual senses.

Man was here 50,000 years ago wandering through the vast landscape in search of food. The stone tools he left behind are the oldest recorded evidence of man on the North American continent.

Later the Shoshone Indian continued the struggle for survival. In the summer he climbed the desert mountains to pick and eat the seeds, pinon nuts, and fruits that grew high on the mountain. In winter he came back down to ambush the ducks that alighted in the salt streams from their southern migrations and to chase the mice, packrats, and other small inhabitants of the dunes.

When the pioneers first ventured across this country they avoided the deserts. The few who wandered south into the country of the blistering sands brought back tales of thirst, starvation, and death.

Only a fever of gold and silver could lead the white man into the desert. Silver was discovered in the Panamint Mountains near Death Valley. Claims were staked and mining towns grew up. Mines were dug, profits were made and lost, but then finally the whole thing died.

Chemicals was the next treasure to come out of the desert. Borax mines were set up in the salt flats of ancient dried lakes from the Sierras to the Rocky Mountains. Huge wagons with rear wheels 7 feet high were built weighing 3 tons and carrying 7. Hitched together in pairs, the wagons were hauled out of the desert by teams of 20 mules.

But the real desert boom did not start until the 1940's when the United States got involved in World War II. The Armed Services, looking for areas to train its men, turned to the desert. Long considered a wasteland, the government decided not to break tradition and so treated the deserts accordingly. Troops and tanks were sent out to tear up the countryside. Firing ranges were set up and round after round of cannon fire, rockets, and bombs were thrown into the desert wilderness.

In 1945, America introduced the atomic age with the first nuclear explosion in the desert near Los Alamos, New Mexico. In 1950, the Atomic Energy Commission established its Nevada test site, and in January of 1951 set off the first of hundreds of nuclear explosions that would rock and scar the desert again and again.

From the military bases and the borax mines grew towns and cities, and desert resorts grew up around those cities. Tourists flocked to Nevada to gamble. Recreation and retirement centers flourished in Arizona. The space age grew up in New Mexico.

Then in the late 50's and 60's the real estate industry got into the act. The desert was the last source of undeveloped land left in America. Dry heat, clean air, and low humidity was the selling point.

The deserts were no longer the victor over man. His technology had advanced. Today he escapes the heat by turning on the air-conditioning. Water is stored behind dams thrown up across deep canyons which the power companies sell to the public as conservation, mentioning nothing of the beautiful river valleys sacrificed in the process.

Our government has fostered a feeling that you can do what you like in the desert and not worry. But this is a lie.

The desert is delicate. The wind is the principal erosion factor, and it effectively moves only the soft sands of the dunes. But the majority of the desert soils are made up of harder, rocky, clay-like substances. They do not change rapidly. The tank tracks of General Patton's desert maneuvers are still today imprinted on the desert floor.

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Outside of Phoenix four dune buggies pull off the road. A few roads and trails for off-road vehicles exist in the area, but the drivers have been over them too much and are tired of the scenery. Besides, no one's ever seen anybody patrolling the desert around here anyway. And who will care that much if they run over a few sage brush.

Desert vegetation is no where near as indestructible as some would like to believe. The shrubs and cactus of the desert are hardy only in the sense that they manage to survive under such adverse conditions. They do not tolerate abuse. They do not recover rapidly from damage as do plants in wetter climates.

Tests conducted at the experimental range in Southern Utah prove this point. Under the most careful growing conditions, damaged plants have taken from 25 to 35 years to improve from poor condition to good.

The federal government is the principal owner of the southwest's deserts, and the Bureau of Land Management is its controlling agency. The B.L.M. has in reecnt years attempted to restrain the current plague of dune buggies and trail bikes from ruining our deserts.

"There is hardly an acre of desert property these days that doesn't have the tracks of some dune buggy or motorcycle on it. We simply don't have enough man power," says one B.L.M. official.

The B.L.M. in California is able to field only 1 man per million acres—not enough to do the job. The National Park Service is able to keep Death Valley natural despite ½ million visitors a year. But then the Park Service is allowed the proper amount of men and money. The Bureau of Land Management needs this latitude if our deserts are not to turn into one vast slum.

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Out of Death Valley travels a car on its way back to Los Angeles. The heat does not seem to bother the passengers so much. They have gone into the desert and shared its experience. Their vision is more attuned to its shapes and colors, to the barren mountains which rise up to intensify the beauty of the horizon, to the textures of the sands, rocks, and plants around them. But as the car nears Barstow the scene changes. The desert become more noticeably scarred.

Last year a cross country motorcycle race was run from Barstow to Las Vegas, with 2,600 participants and many more thousands of spectators—a small example of the treatment we are giving our desert wildernesses.

Approaching the city, jackrabbit houses begin to multiply. In the early 1950's the B.L.M. auctioned off thousands of desert acres to raise property tax revenue. The new owners met the residency requirements by putting up little shacks that are seldom used and constitute nothing but an eye sore.

Through Barstow on to Los Angeles, billboards begin to pop up out of the sand. Beer cans lie rusting in the desert sun. Rubbish accumulates. We do not allow this kind of treatment in our forests. Why then in our deserts?

Los Angeles is near. Unplanned housing points the way. Urban sprawl is everywhere.

Years ago you could drill a well not too deep and be rewarded with all the ground water you needed. But the water table has lowered and lowered and lowered some more. A well these days is a major expense. But man can always throw up another dam, destroy another river valley. Too bad the plants and animals can't do the same. Wildlife has decreased in some parts of the desert as much as 50% in just the last ten years.

The development of our deserts has been so far unplanned and uncontrolled. The general public still has the idea that the desert is expendable or indestructible. These ideas must be changed. The B.L.M. must be given the manpower and the authority to inform the public and regulate the uses of our deserts. The development of our deserts must be carefully planned and controlled.

And before the last of this great wilderness is gone, we must set aside large sections of desert to be made into state and national parks.

The sun sets on the horizon. The intricate shapes and textures of the desert are accentuated by the low angle light. It has taken millions of years to form this vast sculpture. In a very short time man has altered its appearance more rapidly than all the forces of nature before him. But the desert stands calm and quiet. Man is on a suicide race, and the land will surely outlast this destructible animal. Then through millions of years the land will heal again. The fossils of yet another age of life will be laid down in her soil.

Mr. TUNNEY. Mr. President, today I am most pleased to announce, in conjunction with my able colleague ALAN CRANSTON, my cosponsorship of a bill to create the California Desert Conservation Area. This much needed legislation provides for a plan for the preservation and wise use of the inspiring and neglected California desert. This area is one of the Golden State's great natural and recreational resources, and the legislation introduced here today will assure that these natural and recreational resources will be available for future generations to use and enjoy.

The California desert is a land of strong contrasts; serrated mountain blocks rise from level desert valleys, searing heat subsides near spring-fed groves of native palms, and seemingly barren plains support some of the plant and animal world's most interesting adaptations. The immensity and climatic harshness of the desert has delayed acceptance and appreciation of its values by the American public. Until recently, most Americans viewed the desert as a great void which was best ignored: a wall of heat and drought through which one had to travel in order to get somewhere worth while. However, with the growth of southern California and the continuing pressures for more recreational areas, the desert has been discovered.

Desert ecosystems have a slim margin of safety. They must withstand great climatic stresses and recovery is extremely slow when this margin of safety is exceeded. The desert, with its extraordinarily fragile ecosystems, is now threatened by increased recreational use, particularly by off-road vehicles, and must be administered with extreme care.

The Bureau of Land Management has jurisdiction over approximately 12 million acres in the California desert, but to say that they "administer" this acreage overstates the case. The BLM has few field personnel to control use of these 12 million acres. These men have no police power for arrest or enforcement and the nearest law enforcement officer is sometimes 50 miles away. Obviously the U.S. Congress must provide an organic act for the Bureau of Land Management which includes this necessary enforcement authority for BLM personnel and I urge my fellow Senators to soon take affirmative action on a bill to enact an organic act for the Bureau of Land Management. The bill we have introduced here today provides that the Secretary of Interior can contract with State and local law enforcement authorities for enforcement for the life of the bill.

Yet authority is the smallest part of BLM's needs. They must have an adequate plan and staff if we are to provide for the future of the California desert. The flora and fauna of the Imperial Sand Hills are endangered by indiscriminate

dune buggy activity. Uncontrolled motorcycle use has scarred Redrock Canyon, archeological and paleontological sites have been vandalized in the Yuma Desert, and persons are carrying away portions of the Trons Pinnacles. The BLM has begun to inventory the resources and values of the California desert and conservation organizations, such as the Sierra Club, have supplemented the work of the BLM with excellent studies which provide a needed independent viewpoint.

The Secretary of the Interior recently set aside approximately 2.7 million acres of the California desert as recreational lands but the surface has barely been scratched. Where are the prime wildlife habitats, where are the potential mineral resources, where should roads and utility lines go if we must have them, what areas can stand the abuse of off-road vehicle use, where are the wilderness and primitive areas that should be preserved, where should campgrounds be placed to be of maximum service, yet minimum impact? The answers to these and numerous other questions are still not clear and many crucial questions remain unframed. But the legislation which is being introduced here will provide a mechanism by which we can ask the right questions and provide answers which are in the public interest.

The bill before you will establish the California Desert National Conservation Area to protect the irreplaceable natural and historic resources of this region and maintain the environmental quality of the California desert for all users; establish a commission with the necessary expertise to advise the Secretary of the Interior with respect to preparation of a long-range plan for management, use, and protection of the California desert; mandates a plan by June 30, 1978, for the future management, use, and protection of the conservation area; and provides for the moneys necessary to do the job.

And I would like to stress one most important fact—now is the time to give the American people a much greater voice in determining the direction which the Bureau of Land Management takes in the management of the California desert. In fact, it is time that all land management decisions made by administering agencies of the U.S. Government began to express the collective wisdom of the American people within the framework of conservation and wise use. During the past decade Americans have awoke and become much more aware of and concerned with environmental quality and protection. We have come to a realization that much of the natural glory that once was America has been needlessly lost, and we are groping toward a land ethic which will provide for protection and intelligent use of that which remains. The old cozy relationships between the resource extractive industries and the custodians of our American public domain lands must be replaced by relationships of cooperation, mutual respect and trust between the administrators of our Federal lands and the American public.

The California Desert National Conservation Area legislation will provide the means for beneficial cooperation between the public interested in the use and integrity of the California desert and the Bureau of Land Management. I urge that the Senate Interior Committee treat this bill as a priority and hold hearings as soon as practicable so this most urgent matter can be brought before the full Senate for affirmative action.

By Mr. HRUSKA (by request):

S. 3875. A bill to amend section 215, title 18, United States Code, Receipt of Commissions or Gifts for Procuring Loans, to expand the institutions covered; to encompass indirect payments to bank officials; to make violation of the section a felony; and to specifically include offerors and givers of the proscribed payments; and for other related purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, today I introduce a bill at the request of the Department of Justice which would amend section 215 of title 18 of the United States Code dealing with the receipt of commissions or gifts for procuring loans. By amending section 215, the proposal would incorporate the present provisions of section 216, which would be repealed.

Section 215 presently prohibits any officer, director, employee, agent, or attorney of a Federal intermediate credit bank, a National Agricultural Credit Corporation, or any bank the deposits of which are insured by the FDIC from receiving or agreeing to receive any thing of value for the purpose of procuring a loan from the bank or corporation. Violations are punishable by a fine of $5,000 or 1-year imprisonment, or both.

Section 216 deals with similar matters, but has a different scope. It prohibits any officer, director, attorney, or employee of a Federal land bank or land bank association, a joint-stock land bank organized or acting under authority of any law of the United States, or any small business investment company from receiving, directly or indirectly, any fee or gift in connection with any transaction of the bank or association.

The same punishment is provided for violations of this section. Section 216 further prohibits anyone from causing any of the aforementioned banks or associations to charge or receive any fee or commission on pain, again, of a $5,000 fine or 1-year imprisonment, or both.

The Department of Justice believes that these two statutes are obsolete and inadequate; they do not cover all of the institutions or individuals that should be included, nor do they prohibit all of the activities that should be illegal. In addition, the present penalty structure has proved ineffective to prevent violations.

The proposed legislation would make several major changes in the existing law. First, certain institutions would be added to the list of those covered by the statute, such as federally insured savings and loan associations or credit unions, member banks of the Federal Home Loan Bank System, and certain institutions governed by the Farm Credit Administration. The Department has reported that cases have arisen involving these institutions which otherwise would have been appropriate for prosecution.

The legislation would also include bank holding companies and savings and loan holding companies. The employees of a holding company are in a position to influence personnel of the held institution and, therefore, should not be insulated from criminal liability.

Additionally, section 215 would be amended to include those institutions now covered in section 216. This will provide useful uniformity by combining all appropriate banking and financial institutions into one statute.

The bill would also expand the types of bank transactions that are covered. Receiving a gift in connection with any bank transaction would be prohibited. This would conform with the coverage of section 216.

Another significant change would be the revision of the penalty structure. Violations would be made a felony and would carry a penalty of $5,000, or three times the amount of the thing of value which had been offered or received, or 5 years in prison, or both. In cases where the thing of value did not exceed $100, the violation would be a misdemeanor.

Finally, those individuals who make the offer or payment in connection with a banking transaction would be included in the statute. These people are often the instigators, and there is no reason why they should not be covered.

The Department of Justice believes that this legislation would be a significant improvement over the present laws, especially in light of the infiltration of organized crime into legitimate banking activities. I, therefore, commend this bill to my colleagues' attention.

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

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

S. 3875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 215, title 18, United States Code, be amended to read:

"(a) Whoever, being an officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, except as provided by law, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value, for himself or for any other person or entity, other than such financial institution, from any person or entity for or in connection with any transaction or business of such financial institution; or

"(b) Whoever, except as provided by law, directly or indirectly, gives, offers, or promises any thing of value to any officer, director, employee, agent, or attorney of any financial institution, bank holding company, or savings and loan holding company, or offers or promises any such officer, director, employee, agent, or attorney to give anything of value to any person or entity, other than such financial institution, for or in con-

nection with any transaction or business of such financial institution—

Shall be fined not more than $5,000 or three times the value of anything offered, asked given, received, or agreed to be given or received, whichever is greater, or imprisoned not more than five years, or both; but if the value of anything offered, asked, given received, or agreed to be given or received does not exceed $100, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) As used in this section the term 'financial institution' means (1) any bank the deposits of which are insured by the Federal Deposit Insurance Corporation; (2) any member, as defined in section 2 of the Federal Home Loan Bank Act, as amended, of the Federal home loan bank system, and any Federal home loan bank; (3) any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation; (4) any credit union the accounts of which are insured by the Administrator of the National Credit Union Administration under the Federal Credit Union Act of 1934, as amended; (5) any Federal land bank, Federal land bank association, Federal intermediate credit bank, production credit association, bank for cooperatives; and (6) any small business investment company.

"As used in this section the term 'bank holding company or savings and loan holding company' means any person, corporation, partnership, business trust, association, or similar organization which controls a financial institution in such a manner as to be a bank holding company or a savings and loan holding company under the Bank Holding Company Act of 1956 or the National Housing Act.

"(d) This section shall not apply to the payment by a financial institution of the usual salary or director's fee paid to an officer, director, employee, agent, or attorney thereof, or to a reasonable fee paid by such financial institution to such officer, director, employee, agent, or attorney for services rendered to such financial institution."

SEC. 2. Section 216 of title 18 is repealed.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 2, 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 amend Chapter 11, Title 18, United States Code, to enhance the integrity and security of federally financed or insured financial institutions.

At the present time, the law governing the receipt of commissions or gifts for procuring loans is inadequate, unduly complex, and obsolete. This proposal would improve our ability to maintain the integrity of federally financed or insured financial institutions by expanding the institutions covered and the type of activity prohibited, and by revising the penalty structure to more appropriately reflect the seriousness of the offense covered.

This proposal would effect seven major changes in existing law.

First, federally insured savings and loan associations, federally insured credit unions, member banks of the Federal Home Loan Bank System and certain banking institutions governed by the Farm Credit Administration would be added to the list of institutions covered by Section 215. It is desirable to include these institutions within the coverage of Section 215 because several situations factually appropriate for prosecution under Section 215 have arisen involving these institutions.

Second, the proposal would repeal Section 216 and incorporate into Section 215 those institutions now covered by Section 216. Worthwhile uniformity will be achieved by inserting within one statute all banking institutions which are organized, insured or regulated by the various federal agencies.

Third, the proposal would extend coverage to bank holding companies, and savings and loan holding companies. The additional coverage is warranted because holding company personnel are in a position to directly influence the operations of the held concern and, therefore, to manipulate its operations for their own purposes.

Fourth, the proposal would delete from the list of institutions covered by present Sections 215 and 216 National Agricultural Credit Corporations and joint stock land banks, neither of which are now in existence.

Fifth, the proposal would amend Section 215 by adopting the language of the bribery laws covering Federal officials in defining the solicitation and receipt of payment. The kinds of bank transactions covered would also be expanded to include any transaction or business. This would be in accord with the present coverage of Section 216.

Sixth, violation of Section 215 would be made a felony, except for minor cases involving less than $100. Losses to the bank from bad loans and other transactions resulting from a bank official's activities proscribed by Section 215 can be as great as from his embezzlement, and the bank official's motive in receiving remuneration in connection with the performance of his duties can be as morally corrupt as in his making a false entry in the bank's records with the intent to injure or defraud the bank. Consequently, there is no reason to apply lesser sanctions against such activities. Moreover, an increase in the penalty is necessary in order to deal effectively with the problems created by the infiltration of organized crime into the banking business.

Finally, the proposal would incorporate into Section 215 a prohibition against the offer or payment of a thing of value in connection with a banking transaction. The offeror-payer is often the moving party in existing violations of Section 215, especially in cases involving organized crime. The proposal would eliminate the necessity of charging these persons as aiders and abettors and/or co-conspirators.

The need for enactment of this proposal is underscored by the difficulties in maintaining prosecutions under the present Section 215, the ineffectiveness of the punishment for its violation, and the inappropriateness of having to bring many prosecutions in this area under 18 U.S.C. 656 or 1005. Moreover, increasing involvement of organized crime in legitimate business activities, and especially in the field of banking, demonstrates the need for this amendment.

I urge the early consideration and adoption of this proposed legislation.

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

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

SECTION-BY-SECTION ANALYSIS

SECTION 1

(a) This subsection makes liable any officer, director, employee, agent or attorney of any covered institution who, directly or indirectly, seeks, exacts, accepts, receives or agrees to receive from any person or entity, any thing of value for himself or any other person or entity, other than the financial institution with which he is connected, in connection with any business or transaction of the institution. The language is taken from the Federal bribery statute, 18 U.S.C. § 201, and like that statute, covers both the direct and indirect seeking and receiving of payments by the employee of the financial institution. It also covers payments to third parties pursuant to an agreement between the giver and the employee other than those payments provided by law or those to the financial institution itself. Any payments "for or in connection with any transaction or business" or the financial institution are encompassed. This expands present law, which is limited to certain specific transactions. The intent of the Section is that the business of financial institutions which are regulated, organized or insured by the Federal Government should be conducted at arm's length.

(b) This subsection parallels subsection (a) in that it directly makes liable the giver or offeror of the proscribed payments to the financial institution employee. It is intended to correct a weakness in the present law which fails to directly provide sanction against the giver or offeror.

The penalty for violations of subsections (a) and (b) is a fine of not more than $5,000 or three times the value of the thing asked, offered, received, given or agreed to be received or given, or imprisonment of not more than five years, or both, if the value of the thing exceeds $100. However, if the value of the thing does not exceed $100, the proposal calls for a fine of not more than $1,000 or imprisonment of not more than one year, or both. Present law in this area provides for a misdemeanor penalty. This proposal makes violations a felony, except in minor cases. The upgrading of penalty reflects the belief that losses to the financial institution can be as great from these offenses as from embezzlement, and that the degree of moral turpitude is often as great. Moreover, the increased penalty is necessary to effectively deal with the infiltration of organized criminal elements into the banking business.

(c) This subsection defines the terms "financial institution", "bank holding company" and "savings and loan holding company." 'Financial .rstitution" is broken into six categories. The first includes all banks the deposits of which are insured by the Federal Deposit Insurance Corporation. This includes all national banks, 12 U.S.C. § 222, all banks in the Federal Reserve System, 12 U.S.C. § 1814(b), and all state banks insured by the Corporation.

The secondary category is composed of any member of the Federal Home Loan Bank System, 12 U.S.C. § 1422(4), and any Federal Home Loan Bank. Members of the System can include building and loan associations, savings and loan associations, cooperative banks, homestead associations, savings banks and insurance companies which satisfy the statutory criteria of 12 U.S.C. § 1424(a).

The third category includes institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. The Corporation must insure the accounts of all Federal savings and loan associations established pursuant to 12 U.S.C. § 1464, and it may insure the accounts of building and loan, savings and loan, and homestead associations and cooperative banks chartered or organized under the laws of any state, territory or district of the United States. 12 U.S.C. § 1726(a).

The fourth category is comprised of institutions the accounts of which are insured by the Administrator of the National Credit Union Administration. The Administrator must insure the accounts of all Federal credit unions established under 12 U.S.C. § 1751, et. seq., and he may insure the accounts of credit unions organized and operating under the laws of any state, territory or district of the United States. 12 U.S.C. § 1781(a).

The fifth category is composed of financial institutions organized or regulated by the Farm Credit Administration. Federal land banks are established and regulated by the Farm Credit Administration. 12 U.S.C. § 672, et seq. Federal land bank associations are chartered by the Farm Credit Administration, 12 M.S.C. § 719, as are Federal Intermediate credit banks. 12 U.S.C. § 1021. Production

credit associations are organized and chartered by the Farm Credit Administration, 12 U.S.C. § 1131(d), and banks for cooperatives are established by the same Administration. 12 U.S.C. § 1134.

The last category includes small business investment companies. Small business investment companies are licensed by the Small Business Administration, 15 U.S.C. § 681(c), and operate pursuant to the provisions of Subchapter III, Title 15, United States Code.

Necessarily, there exists some overlapping between the categories; a savings and loan association can be both a subscriber to the stock of a Federal Home Loan Bank and have its accounts insured by the Federal Savings and Loan Insurance Corporation. However, overlap does not occur in all instances and broad provisions are necessary. The coverage is coextensive with that contained in 18 U.S.C. § 2113, the Federal bank robbery statute, and 18 U.S.C. § 1014, which proscribes the making of false statements in order to influence the action of various Federal agencies.

The terms "bank holding company" and "savings and loan holding company" are defined to include any person or entity which controls a financial institution in such a manner as to be a bank holding company or savings and loan holding company under the Bank Holding Company Act of 1956 or the National Housing Act, codified in 12 U.S.C. § 1841, et. seq., and 12 U.S.C. § 1730, respectively.

SECTION 2

This Section repeals Section 216. The provisions of Section 216 are incorporated into proposed Section 215.

By Mr. BELLMON:

S. 3877. A bill to prohibit the impoundment of funds from the highway trust fund which have been apportioned and appropriated. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, today, I am introducing legislation which will rectify a serious executive encroachment upon legislative power and prevent the executive branch of Government from frustrating the legislative purpose of the Interstate Highway Act.

It is the intent of my bill to prohibit action by any officer or employee of any department, agency, or instrumentality of the executive branch which would result in the impoundment or withholding from obligation of money from the highway trust fund.

Mr. President, the need for such an enactment is quite clear. Let me illustrate. In 1956, Congress passed the Interstate Highway Act and created the highway tax fund wherein Congress earmarked revenue from certain taxes to go directly into a trust fund which was then to be apportioned to the various States. This system worked extremely well and progress was rapidly being made toward an orderly development of the Interstate Highway System when in 1966 the executive branch began a course of action contrary to the legislative purpose of this act by impounding a large portion of the Highway Trust Fund—thereby limiting Federal aid program expenditures to less than congressional authorizations. For example, according to statistics released by the Department of Transportation on June 30, 1972, at the end of fiscal year 1972, approximately $6.2 billion in impounded highway construction authority had been accumulated. Although on July 1, 1972, the OMB released $4.4 billion of these impounded funds, this amount is far less than the congressional authorization of $5.625 billion for fiscal year 1972. This action represents a significant 20-percent reduction of authorized activity.

There is no question that such action will have an adverse impact on the States resulting in construction postponement of vital segments of the Interstate Highway System. It is imperative that legislation be enacted now to prevent this practice of withholding millions of dollars of highway user funds until it suits the whim of the executive branch. This device is not new with this administration, since it was used previously. It is time to bring it to an end.

Mr. President, it is impossible to know why the executive has made it a practice to impound these highway construction funds. Undoubtedly they consider their reasons to be sound. Nevertheless, such action is contrary to the letter and the spirit of the law. The Congress created the fund to build an Interstate Highway System. The Congress did not create this to stabilize the economy, or to provide an urban mass transit system or anything else. Congress specifically intended that the moneys be used in an orderly manner and that they be apportioned to the States as received from the Treasury from certain earmarked taxes on the sale of such items as motor fuels, trucks, trailers, tires, parts, and accessories and lubricating oils.

In my view, there is no justifiable reason for the impoundment or withholding of these funds. It is a mystery to me why, with the intent of Congress clearly spelled out in title 23 and a further declaration of the "sense of Congress" no funds should be impounded or withheld from obligation, the executive branch continues to hold this vital program hostage. I do know that the funds have been withheld and that this policy is having a devastating effect upon the completion of our Interstate Highway System. For example, from 1956, when interstate construction began, through 1970, the highway construction cost rose by 41 percent. With the continuing upward trend of the cost of highway construction, it is to our economic advantage to complete the Interstate System as quickly as is feasible. Delay will only mean that additional outlays must eventually be made.

In addition to the increasing cost of highway construction, completion of our National Interstate System is imperative if we are to reduce the slaughter which is presently taking place on our Nation's highways. More than 55,000 persons lost their lives on our country's roads last year. Delay in construction only means that more lives will be lost on our highways and will only postpone the day when our citizens have a safe system of interstate roads.

Mr. President, the legal justification for the impoundment of these funds is based on an opinion rendered by the Attorney General of the United States, in 1967, which states:

> There is nothing in Title 23 of the United States Code which imposes upon the Executive Branch the duty to approve all qualifying projects for which apportioned funds are available.

The bill I have introduced will impose such a duty. It will finally set the record straight as to what Congress actually wants done in the completion of a system which will adequately meet the needs of local and interstate commerce and national and civil defense.

The concern felt by the States regarding this program was expressed in a policy position adopted by the National Governor's Conference at its 64th annual meeting, June 4–7, 1972, in Houston, Tex.

In the section dealing with highways, the Governors stated:

> The management of the Federal Highway Trust Fund during fiscal year 1972 continues to exemplify the problems which have persisted since 1967 by severely hampering the capital planning and programming capability of the States. If we are to attain and retain any stability in constructing the nation's highway system, efforts must be made to eliminate the up and down obligational authority of the highway program. The continued practice of using the Highway Trust Fund as a stop-gap effort to adjust the economy must be ended.

Let the Senate act promptly to cause the Highway Trust Fund to be used as intended. Let the Senate act to end "stop-and-go" highway financing which causes serious periodic unemployment for thousands of construction workers and which by intermittent funding has greatly increased the cost of highway building.

Mr. President, as a relatively new Member of the Senate, I am appalled at the practice followed by the executive branch in using the power of the purse to thwart the will of Congress. The result is to remove from Congress any concept of fiscal responsibility and assume this role in the White House. This role must be shared jointly by the executive and the legislative branches. The Senate has, on several occasions, expressed the sense of this body that this practice be stopped. Up to now the executive branch has ignored the will of the Senate and continues to impound the funds. I believe it is time that the Senate acted in such a way as to stop this practice and to make certain that the highway construction program proceeds in an orderly manner.

Mr. President, this bill is essentially the same as the amendment which I offered to the legislation raising the debt ceiling which the Senate recently passed. At that time many members joined in a colloquy expressing their opposition to the administration's practice of impounding Highway Trust Funds. Following the colloquy, I withdrew the amendment to the previous legislation with the understanding that it would be redrafted and introduced for consideration by the appropriate committee of the Senate. The debt ceiling limit legislation expires before the end of this year and will need to be considered by the Senate again before adjournment. I wish to serve notice, again, that if this matter has not

been acted upon, prior to the consideration of the debt ceiling legislation, that the amendment will again be offered and brought to a record vote.

Mr. President, my bill is very short and, therefore, I ask unanimous consent that it be printed in full following my statement.

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

S. 3877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, That no part of any sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation, for the purposes and projects as provided in that title, by an officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2898

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2898, a bill to provide tutors for home-bound handicapped students.

S. 3773

At the request of Mr. STAFFORD, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3773, the Open Government Act.

SENATE JOINT RESOLUTION 244

At the request of Mr. RIBICOFF, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Joint Resolution 244, calling for new efforts to protect international travelers from acts of violence and international piracy.

SENATE CONCURRENT RESOLUTION 90—SUBMISSION OF A CONCURRENT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF DICKINSON COLLEGE

(Referred to the Committee on the Judiciary.)

Mr. SCHWEIKER. Mr. President, on behalf of myself and the distinguished senior Senator from Pennsylvania (Mr. SCOTT), I introduce a Senate concurrent resolution commemorating the 200th anniversary of Dickinson College and ask that it be appropriately referred.

During the academic year beginning in September 1972 and concluding May 1973, Dickinson College of Carlisle, Pa., will observe her 200th anniversary.

Dickinson College has planned a year of celebration which will emphasize the past heritage of this last college founded in the colonial period and projected her opportunities for service in the decades ahead.

The 1773 founding date of Dickinson College is based on the school's earliest legal document, a patent issued by Thomas and Richard Penn. The actual beginning, however, occurred in 1759, in the educational function of the two rival Presbyterian pastors in the new frontier village of Carlisle—a little cluster of log and stone houses around a fort of the French and Indian War. In 1769, with the churches united, the school was formally organized with trustees. It was this school which the Penns assured a future place in American life with the patent in 1773.

Throughout the early years of struggle for national independence, the school was both nourished by and nurtured patriots who determined the future course of this free Nation. Included among the nine trustees named in the 1773 patent were two generals and two colonels in the War for Independence; a member of the Pennsylvania Committee of Safety 1775–76; and another who signed the Declaration of Independence, was a member of the Constitutional Convention of 1787 and was a Justice of the Supreme Court by appointment of President George Washington. These men, and other patriots were joined by Dr. Benjamin Rush and Governor John Dickinson as trustees when the school was renamed Dickinson College in 1783. The eminent Dr. Rush was among those who believed that the long War for Independence was only "the first act of the great drama." Dickinson College older than the Republic, was a commitment to the idea of a continuing American Revolution. He envisioned a national education system, publicly and privately supported in which Dickinson College would be "a source of light and knowledge to the western parts of the United States."

Central Pennsylvania is no longer regarded as "the western parts of the United States" but the vision of Dr. Rush has been fulfilled. For over 200 years the school which began so humbly has provided leadership as well as "light and knowledge" to the Nation. Among her alumni are distinguished men of State, medicine, church, law, business, and the arts. She is the only educational institution in America to have had the distinction of alumni serving concurrently as President of the United States and Chief Justice of the Supreme Court.

In her bicentennial celebrations, Dickinson College will be emphasizing the intellectual and spiritual meaning of educational excellence and the future of a pioneering college and people who never cease to be "on the way." This will be done with deep awareness of the goodly heritage in a nation born in adversity, maturing through struggle, and moving toward new and exciting tomorrows. Looking toward the national bicentennial in 1976, these themes and resources in an institution actually older than our Nation might well serve as lessons for all Americans.

Mr. President, in view of the distinguished history of Dickinson College, I believe it is entirely appropriate for the Congress to take cognizance of the 200th anniversary observance of Dickinson College. The resolution I have introduced today on behalf of Senator SCOTT and myself expresses the recognition of the Congress of the United States of the contribution which Dickinson College has made to educational excellence, and its appreciation of the leadership role which many distinguished alumni of Dickinson have played in the life and affairs of this Nation.

I am pleased to say that Congressman GEORGE A. GOODLING is today introducing an identical resolution in the House of Representatives.

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

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

SENATE CONCURRENT RESOLUTION 90

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends its greetings and congratulations to Dickinson College, Carlisle, Pennsylvania, on the occasion of the observance and celebration by that institution of its two-hundredth anniversary, and expresses its recognition of the contribution which Dickinson College has made to educational excellence, and its appreciation of the leadership role which many distinguished alumni of Dickinson have played in the life and affairs of this Nation.

INCREASE IN VOCATIONAL REHABILITATION ALLOWANCES FOR VETERANS—AMENDMENTS

AMENDMENTS NOS. 1388 AND 1389

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

Mr. MATHIAS submitted two amendments intended to be proposed by him to the bill (S. 2161) to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistences allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

DISASTER RELIEF—AMENDMENT

AMENDMENT NO. 1390

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

Mr. TAFT (for himself, Mr. CRANSTON, Mr. PACKWOOD, and Mr. ROTH, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

AIRPORT DEVELOPMENT ACCELERATION ACT—AMENDMENT

AMENDMENT NO. 1391

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

Mr. SCHWEIKER. Mr. President, I submit for printing an amendment to S. 3755, the Airport Development Acceleration Act. This amendment is identical to S. 3815, the Airline Passenger Screening Act, which I introduced on July 20, 1972.

The recent $1 million ransom hijacking of a Delta Airlines DC–8 jet to Algeria has caused the Federal Aviation Admin-

istration to declare the hijacking situation an "emergency."

The announcement yesterday by the Federal Aviation Administration of emergency procedures for physical search of all passengers who fit a "security profile" of hijacker characteristics is a step in the right direction, but does not go far enough. Congress must require mandatory electronic screening of each and every passenger. We can no longer sit back and allow the rash of air piracy to continue.

This amendment would mandate the Administrator of the Federal Aviation Administration to promulgate regulations requiring the airports and air carriers of this country to screen every passenger by an electronic screening device before he boards a commercial aircraft.

Electronic screening is a simple, reliable method that allows all passengers to be electronically searched for weapons without inconvenience of delay while walking through the aircraft boarding gate. This electronic device gives us the ability to eliminate the great majority of all hijackings by screening all passengers on all flights before they board their planes. Mandatory electronic screening will enable us to detect hijackers carrying weapons aboard aircraft whose characteristics do not fit the "security profile" currently in use. Let us end air hijacking once and for all.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1240

At the request of Mr. GRAVEL, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Amendment No. 1240 intended to be proposed to the bill (S. 3410) to revise the special pay structure relating to members of the uniformed services, and for other purposes.

AMENDMENT NO. 1382

At the request of Mr. TAFT, the Senator from Oregon (Mr. PACKWOOD) was added as a consponsor to Amendment No. 1382 intended to be proposed to the bill (H.R. 15692) to amend the Small Business Administration disaster loans.

ADDITIONAL STATEMENTS

HANDGUN CONTROL

Mr. STEVENSON. Mr. President, on June 28, Mayor Richard Daley, of Chicago, testified before a House Judiciary subcommittee hearing on the subject of gun control. The mayor took a strong position in favor of the stand of the U.S. Conference of Mayors, which earlier in the month of June had urged national legislation against the manufacture, importation, sale, and private possession of handguns except for use by law enforcement and military personnel and sportsmens' clubs. Said Mayor Daley:

As far as I'm concerned, the only purpose of a handgun in unauthorized hands is to kill.

On July 6 the Chicago Tribune, in an editorial, seconded Mayor Daley's call to bar certain arms. It argued that—

The handgun must be taken out of circulation even if it takes a sweeping federal law to do it.

And the Tribune was quick to take on the gun lobby. Noting that "the gun lobby is ever ready to characterize a politician who supports gun control as some sort of radical or subversive," the Tribune went on to state that—

Mayor Daley is no radical and no subversive. He is not soft on law and order. He speaks as he does because he realizes that guns are a major cause of lawlessness and crime.

Indeed, in his testimony Mayor Daley noted the part the handgun has played in Chicago's violent crime story. For example, the mayor noted that in 1965 there were a total of 8,080 armed robberies in Chicago, of which 48 percent were committed with handguns. In 1971, however, there were 16,000 armed robberies, of which 71 percent were committed with handguns. The mayor calculated that this works out to an armed robbery increase of a shocking 92 percent, but an even more astounding increase of 192 percent in the number of armed robberies committed with the use of handguns.

The mayor's testimony relates in blunt terms the cold truth that the crime gun is the handgun. And the final sentence in the Tribune editorial distills the main lesson of the mayor's testimony:

If our congressmen are the 'law and order' men they profess to be, they will heed Mr. Daley's warning and move quickly to respond to his plea.

Mr. President, let us learn that lesson and act quickly to curb handgun violence.

I ask unanimous consent that Mayor Daley's June 28 testimony, followed by the July 6 Chicago Tribune editorial supporting the mayor, be printed in the RECORD.

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

TESTIMONY BY RICHARD J. DALEY, MAYOR OF CHICAGO

I thank the House Judiciary Subcommittee for this opportunity to testify on behalf of the U.S. Conference of Mayors in support of its gun resolution and House Bill 2334 restricting the availability of handguns. I know that there are a number of bills pending before this Committee with similar objectives. Certainly I will support any bill which has as its goal the control of handguns.

I strongly support the position of the U.S. Conference of Mayors which urges national legislation against the manufacture, importation, sale and private possession of handguns except for the use by law enforcement personnel, military and sportsmen clubs. As far as I'm concerned the only purpose of a handgun in unauthorized hands is to kill.

I do not feel that it is necessary to present to this committee a long recitation of the violence done by handguns. These statistics have filled the journals of committees for at least the past ten years. Perhaps instead of statistics we should have as witnesses the victims of the handguns . . . the mother of the ten-year-old boy killed by a playmate's experiment with a gun . . . the young husband slain in a moment of anger by a neighbor . . . the woman shot in what should have remained a petty dispute.

Nationally, ten thousand persons are murdered yearly by handguns, shotguns and rifles.

I would like to cite some Chicago statistics to indicate how gun misuse relates directly to younger people. For example in Chicago there was a 613 percent increase in the number of offenders under 21 years of age using firearms to commit homicides in 1965, thirty-eight youthful offenders were arrested in fire-arm homicides, and in 1970, this number had risen to 271.

During the same period the number of youthful victims in firearm homicides increased from 30 in 1965 to 153 in 1970.

Statistically during this period 45 percent of all homicides involved the use of handguns. In addition 13 percent of the homicides were committed by other firearms.

One of the most serious offenses in our society is armed robbery and here the statistics are frightening. In 1965 there was a total of 8,080 armed robberies in Chicago in which 48 percent were committed with handguns. In 1971, there were 16,000 armed robberies, of which 71 percent were committed with handguns. During this period the number of armed robberies increased 98 percent and the number of armed robberies committed with the use of handguns increased 192 percent.

In Chicago we have had a gun registration ordinance in effect since 1968. We have registered more than 470-thousand guns. We also have removed from circulation more than 34,500 guns. Of these 30-thousand guns were unregistered.

Our registration ordinance has had limited success because it is apparent that people can walk over the city limit line to the suburbs and acquire a gun.

The state of Illinois does not require the registration of guns but does require the licensing of gun owners. It is obvious from these conflicting standards and from the easy accessibility of guns that local legislation is not the answer to the gun problem. National legislation is required to deal with the subject.

I believe that legislation is essential. We must establish specific responsibility for the gun by the owner. He must be held accountable for the gun as well as for any transfer in ownership and for reporting immediately the loss or theft of the gun.

In face of all the evidence and data that has been presented concerning the death-dealing capabilities of the handgun—why is it that Congress doesn't pass a strong gun control bill?

There are three basic reasons. There is the influence and the lobbying pressure of the National Rifle Association. There is no doubt about the organization being financed by gun manufacturers and dealers in addition to the revenue from membership dues.

The handgun industry is a multi-million dollar business. Perhaps we can reduce the senseless killing and violence if we take the profits out of the gun business.

For example, manufacturers could be required to assume some of the burden of paying for the funeral expenses, the hospital fees, the losses suffered by the victims of violence with handguns.

Obviously this suggestion of imposing a financial penalty on the manufacturer and dealer in guns is no substitute for a strong gun control bill.

Then there is the argument by the NRA that guns don't kill, people do. The answer is that if you removed the gun from the person, the gun couldn't be used. Then there is the argument that people still could kill with knives and other objects. But the gun is a peculiar weapon in that it can be fired from a distance. It can be fired repeatedly, it can be discharged accidentally and kill others than the intended victim.

Another argument of the NRA is that only

the law abiding will register their guns or turn them in and the guns will remain in the hands of criminals and others who shouldn't have them. Realistically we should adopt the resolution of the U.S. conference of mayors which would take the guns away from every private person, but in the absence of such legislation, there should be the severest penalty for the person committing a crime with a gun or possessing an unregistered gun.

Another proposal by the Conference of Mayors calls for every effort to be made to educate the American public of the dangers and appalling realities resulting from the private possession of handguns. There is no reason why television shouldn't be obligated to carry commercial warning of the dangers of handguns and the need to control them. This would be fitting since so much of T.V. entertainment is devoted to violence.

Let me summarize briefly. The handgun makes no positive contribution to our society. It kills—whether by accident or on purpose.

The law-abiding private citizen may fear that he is the only one to be regulated and that the criminal will have the advantage, even though the evidence is overwhelming that guns are dangerous to possess even by honest law-abiding people. I don't believe that so many people would feel as though they had to have a firearm if they knew the criminal would have great difficulty obtaining them.

I think it is time we face up to reality. We must pass effective legislation to control the use of handguns.

The people of this country have been bombarded with propaganda that there is a strong public opinion against gun control legislation. Nearly every poll has shown that this is not true. The majority of people want gun control—want to end the violence in our country—and are looking to the Congress to achieve that goal.

DALEY ON HANDGUNS

Mayor Daley has urged Congress to pass a total ban on the possession of handguns by individuals.

We are opposed to unnecessary federal laws which usurp the power of the states. We support the Constitution and its provision for the right to bear arms. We agree that a large part of the gun problem is caused by criminals and not by law-abiding gun owners. But Mayor Daley is right. The handgun must be taken out of circulation even if it takes a sweeping federal law to do it.

We have cited our reasons before. More than 20,000 Americans a year are killed by guns, half of them the victims of murder. Most of these guns are handguns. An increasing number of these fatalities result not from crimes but from domestic quarrels. Guns kept for household defense have killed children and other family members in accidents more often than they have killed housebreakers. The law-abiding gun owner has become the single largest supplier of handguns to criminals because of the enormous number of guns which are stolen from homes.

There are many more reasons, but all of the reasons were distilled by Mr. Daley into one sentence: "As far as I am concerned, the only purpose of a handgun in unauthorized hands is to kill."

The gun lobby is ever ready to characterize a politician who supports gun control as some sort of radical or subversive. But Mayor Daley is no radical and no subversive. He is not soft on law and order. He speaks as he does because he realizes that guns are a major cause of lawlessness and crime. If our congressmen are the "law and order" men they profess to be, they will heed Mr. Daley's warning and move quickly to respond to his plea.

TACTICAL AIR SUPPORT FORCES

Mr. GOLDWATER. Mr. President, today I should like to address the Senate once again on the question of our continued support and funding of multiple tactical air forces.

As those of you know who have heard me on this subject before, I believe it would be unwise to authorize further funding for any separate Army close support helicopter gunship weapon system. I believe such action would in effect constitute an endorsement of wasteful duplication of existing and planned Air Force close support capabilities. I also question the proposed increase in the Marine Harrier purchase, but for different reasons.

Mr. President, ever since World War II the Army has sought to regain control of its own close air support weapon systems. You will recall that it was General Eisenhower who first centralized air operations under theaterwide control. That occurred in north Africa after defeats by the Germans who could concentrate their available air power in such a way as to overwhelm the U.S. aircraft then assigned to individual Army units.

Nothing has transpired since, either in Korea or Vietnam, to suggest that the same situation would not reoccur if we were to engage an enemy with a valid theater air capability. On the contrary, the higher cost of today's tactical aircraft, and the resulting reductions in the quantity we can afford to buy, argues for "economy of force" through the flexibility achieved by centralizing the control of these very costly weapon systems in any theater of war.

Mr. President, I have carefully examined all the arguments that have been put forth in support of building a separate Army close support helicopter gunship system around vehicles such as the Cheyenne. The arguments that seem to me to have the most merits are related either to the Vietnam scenario—where we fought a land war in Asia with an enemy that possessed no tactical aircraft of consequence and few if any sophisticated antiaircraft missile systems along the front lines—or they are directly related to the present state of the art in the development of helicopter versus VSTOL fighter weapon systems. In other words, the arguments that are about to sway today's decision are "time-tied" and will in the most part not be valid tomorrow.

Let me explain:

It is argued that rotary wing aircraft can operate and survive in a modern battlefield environment. But I for one seriously question this. Our close support operations in Vietnam have not on the whole been against sophisticated, advanced antiaircraft weapons. Where these have been encountered, helicopter losses have been far too high to justify their cost or contribution. Even if they have a role in a Vietnam type war, is there anyone who really believes that we will allow this country to become involved in another long, drawnout, conventional, controlled, land war of attrition?

To buy costly weapons which are useful only in the type of warfare today, is to repeat the mistake of wasting money on weapons made for trench warfare in the 1920's and 1930's. Only then we were talking about thousands of dollars of the taxpayers' money—not millions.

Mr. President, one of the biggest problems facing this country at the present time is how to pay for inadequate defense in light of the high costs of new weapons, of today's manpower, and of the competing domestic demands for available funds.

In this environment, when we are admittedly losing our strategic missile and air superiority and our naval superiority I cannot understand how this Senate can blithely sit here and permit millions to be spent on a duplication of tactical air capabilities.

This is a luxury we cannot afford, particularly when one of the weapon systems it proposes to buy, the helicopter gunship, is so limited in its range, payload, and delivery system sophistication that it is tied both organizationally and performancewise to a single task—that of close Army support. In addition to that, it may, or may not, be able to survive to perform—along with all other manned aircraft—in a future battlefield situation.

At least the flexibility inherent in the fixed wing, AX type systems—and their theaterwide assignment—will allow us to divert these to secondary tasks such as interdiction, if we find that they cannot survive cost effectively over the front lines. Their centralized assignment, and greater range, should also permit some reduction in the quantities required to help offset their unit costs.

Such savings in numbers cannot be realized, however, through short-range copter systems that are dispersed among Army and Marine land units.

But, Mr. President, even if we are willing temporarily to fill the admitted gap in firepower delivery systems between Army missiles and guns on the one hand, and theater tactical air systems of the fixed wing variety on the other hand with an offensive helicopter gunship, and even if cost was no consideration, I would oppose diluting the Key West assignment for manned close air support responsibility to the Air Force. I would oppose diluting this by assignment of the helicopter gunship development and operation role to the Army, on the grounds that this will not settle, but instead greatly exasperate, future interservice rivalry and lead to wasteful duplication.

Mr. President, if we approve Army procurement and use of the Cheyenne we are setting a precedent on the basis of a transitory weapon system availability and performance condition. All the valid arguments for the helicopter gunship that I can see stem from its vertical takeoff capability, hence freedom from fixed bases and runways. For this we pay a heavy price in performance, both in speed and in payload—a price which the aeronautical development world has tried to eliminate through the development of effective VSTOL systems. The Harrier has severe payload limitations in the vertical takeoff mode, but it approaches fixed wing performance for survivability and firepower systems when airborne.

Does anyone believe that once given the close support task, with helicopter gunships, the Army will not seek to improve this capability with VSTOL fighters when and if these prove to be superior and more cost effective? If and when this occurs, the same VSTOL will be able to undertake theaterwide support missions and interdictions. Then we will have even more duplication of all the Air Force roles and aircraft systems.

Conversely, I believe that the Air Force will eventually buy some VSTOL aircraft for its tactical air forces—particularly if the Marine tests with the Harrier prove these to be attractive, or when technology offers a better American-built system. When this happens, they will be able to show that these can do the helicopter gunship job better and cheaper. We will then have to decide whether to take the job away from the Army or the VSTOL's away from the Air Force.

Mr. President, even since World War II, Congress has been concerned about costly and wasteful interservice rivalries. Administration after administration has tried to draw lines of responsibility between the services so as to preclude these. One such was the clear-cut "chop" line between responsibility for manned offensive air delivery systems established at Key West and reiterated in several Department of Defense directives since, between the Army and Air Force. The advent of the helicopter and the subsequent Johnson-McConnell agreement on these has already started to erode this "chop" line. If we now put congressional blessings on an Army offensive manned air support systems such as the Cheyenne just because it is a helicopter and not a fixed wing aircraft we will certainly set the stage for a whole series of interservice battles over all aspects of theater air operations in the 1970's. Is this what we really want to do?

Mr. President, I am concerned over the implications of the continued procurement of Harriers by the Marine Corps. I am ashamed that this country under the McNamara administration failed to build its own VSTOL system. If the Navy and Marine Corps arguments as to the worth of the Harrier system are valid—and I believe they are—then obviously the past administration failed to perceive the importance of VSTOL to our security in the 1970's and we had better start doing something to catch up.

If we agree to this additional Harrier procurement, it should be with the clear understanding that it is not merely to satisfy the Marine Corps desire to have an equal amount of each type of tactical air to assign to each of its divisions but rather to conduct thorough and extensive tests of the VSTOL weapon system for the benefit of the entire Defense Department. Having lost our technological lead in this area we might in this way save time and gain experience with the British system while catching up with the development of one of our own.

From the point of view of economy, while VSTOL aircraft are expensive, I would remind my colleagues that these systems offer one eventual prospect for effective and continued air operations at sea without having to build more big, costly, and vulnerable carriers. I suspect we shall soon be seeing the Russians operating high performance VSTOL aircraft off of their small modern and efficient helicopter carriers, and again we will have nothing comparable in the same time frame.

In summary, I am convinced that approval of the Cheyenne at this time, with the implied approval of the associated change in close support missions, will set in motion a whole new cycle of interservice rivalry.

The Cheyenne is at best a costly stop gap between VSTOL and the AX fighter type systems.

The quantities that would be required to be effective, in light of the performance of the helicopter gunship, and of the concepts for its employment, will call for spending far in excess of the improvements they will provide. There is serious doubt in my mind that we will ever fight another war in our time in which the helicopter gunship could be effective.

If the helicopter gunship cannot survive, or is not required for the types of conflicts we may become engaged in in the future, its inherent limitations permit few if any alternate uses as compared to either the AX or VSTOL systems.

For all the above reasons, I believe we should cancel the appropriation for the Cheyenne. If such gunships are required, in the judgment of the Secretary of Defense and the Army, or further tests are indicated to before deciding on these and their operational assignment, then I suggest a limited procurement of the far less expensive King Cobra, or similar system, to be more appropriate at this time.

Mr. THURMOND. Mr. President, the question of the Senate Armed Services Committee's position on the Army attack helicopter program should be fully understood.

Money in the bill for the Cheyenne helicopter program was struck out by a 9-to-7 vote. However, at least three of the Senators who voted against the Cheyenne program favor some type of attack helicopter. Two of these Senators, Mr. TOWER of Texas, and Mr. HUGHES of Iowa, made this position clear in additional views printed in the Close Air Support Subcommittee report. Both of these Senators took a strong position for an Army attack helicopter although their committee vote would indicate they had reservations on the Cheyenne as the aircraft for that role.

Thus, it appears clear the Senate committee wishes to reserve final judgment on this matter until after the Army completes the three-aircraft evaluation directed by the committee. This evaluation is weighing the relative merits of three attack helicopter candidates—the King Cobra, the Black Hawk, and the Cheyenne.

Finally, Mr. President, I would like to state that I feel the RECORD today should reflect both views concerning the attack helicopter issue. For that reason I request unanimous consent that the findings and recommendations of the Special Senate Subcommittee on Close Air Support and my individual views on this subject be printed in the RECORD at this point in my remarks.

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

SENATE CLOSE AIR SUPPORT—SUBCOMMITTEE FINDINGS AND RECOMMENDATIONS

After reviewing the testimony and other available information, the subcommittee does not believe that there is any basic or fundamental problem or deficiency with close air support as it exists and is practiced at this time. Close air support given to the soldier on the battlefield has been excellent in past conflicts, and the services have done the best possible, regardless of the color of the uniform, with the equipment they had available. The subcommittee does believe, however, that programs to improve close air support should be pursued. The subcommittee offers the following comments and recommendations on various aspects of close air support.

The present command and control system used by the Air Force-Army and by the Marines and Navy appears to function well and to serve the needs of all echelons of command. The system results in timely allocation of close support missions, and better responsiveness must result from more improvements in aircraft characteristics rather than in the command and control system. Undoubtedly improvements can and will be made in the equipments used in command and control and in the detailed procedures used, but the concept and operation appears basically sound.

The subcommittee believes that the Department of Defense should redefine and assign the roles and missions of close air support. As the report makes clear, in the twenty-four years since the Key West agreement of 1948, a series of interservice agreements and the evolution of helicopter technology have left the original definition and assignment ambiguous and unclear. As a result, an interservice rivalry has been generated which is counterproductive to what should be the goal of both services—to provide the best possible close air support, both quantitatively for the "customer", the soldier on the ground.

The A–X program is well worthy of the prototyping approach to a new development. The subcommittee believes that a thorough operational test and evaluation of the A–X prototypes should be made so that the using command can provide recommendations on the relative suitability of the A–X for the close air support and interdiction missions. The subcommittee also recommends that this evaluation include a fly-off with the existing close air support aircraft, the A–7D and the A–4M, so that recommendations can result for the future balance in the force structure of these aircraft. The subcommittee recommends that additional A–7Ds should be procured to keep the production line open in the interim period until this fly-off can be made and this force structure question resolved.[1]

There does not appear to the subcommittee to be a valid issue of duplication between the Harrier and the A–X fixed wing aircraft. The subcommittee sees the Harrier program as primarily an experiment to evaluate the operational utility of V/STOL fixed wing aircraft. The Harrier's range and payload are so limited under VTOL operating conditions that the Harrier could not be justified for this mode of operation alone. Large procurements of VTOL attack aircraft will have to await improvements to the state of the art to permit better operational capability. The Harrier program does offer

[1] Senator Symington does not concur with this recommendation for procurement of additional A–7Ds.

the chance to obtain true operational experience with VTOL squadrons. In view of the emphasis being placed on future VTOL aircraft in the Navy, with its air-capable ship concept, as well as in the Marines for close support attack aircraft, the subcommittee recommends that the Harriers procured be used to evaluate these concepts of operation. The subcommittee believes, however, that the 60 Harrier aircraft already ordered through Fiscal Year 1972 will be sufficient for this purpose and recommends that no additional Harriers be purchased.

Assuming that questions regarding helicopter vulnerability are resolved successfully, the subcommittee believes that there is a valid requirement for a more capable attack helicopter.

INDIVIDUAL VIEWS OF SENATOR STROM THURMOND

In my judgment, the Report of the Close Air Support Subcommittee is sound and is firmly based upon the testimony before the subcommittee during the hearings.

However, because of my deep interest in this subject I am filing these individual views as a means of emphasizing my belief that the Army needs an advanced helicopter gunship and that such a weapon system is complementary to, and not duplicative of, fixed-wing air support.

I believe that the body of this report on close air support does an excellent job of laying a foundation from which present controversy over close air support can be understood. Where the report falls short, in my opinion, is that the findings and recommendations that were reached do not address the issues as directly as might be desired.

In my view, the primary mission of fixed-wing close air support for the Army has traditionally rested with the Air Force and this role is adequately defined in current memoranda and policy. Because of the heavy emphasis accorded air power, the old Army Air Corps separated from the Army in the 1940's, forming a separate service, today's U.S. Air Force. Since the 1940's, time and technology have developed so that the Air Force has emphasized the additional role of extremely long range strategic nuclear bombardment with bombers and intercontinental missiles and the needs of air superiority.

In the hearings the Army supported the fixed-wing close air support role remaining with the Air Force but argued persuasively for the continuation of the helicopter gunships as an integral part of the ground commander's fire and maneuver team. After all, Close Air Support is not an independent mission but stems from the firepower requirements of the man on the ground.

The real question should not be whether or not the helicopter gunship infringes on an service's mission but rather should be, does it save lives among the vulnerable ground forces by performing a job which fixed-wing planes cannot perform?

The issue as to whether or not this country could afford four tactical Air Force planes was injected into the hearings early in the testimony. This "four Air Force question" points to the tactical aircraft squadrons presently centered in the Air Force but also contemplated by a large Navy tactical air structure, the smaller division-wing team structure in the Marines, and the helicopter gunship aviation element distributed throughout the Army.

The Navy's tactical aircraft arm developed as a result of the aircraft carrier. This concept is sound and has served the nation well since the start of World War II. The size of the Navy's tactical fighter complement has been driven by the number of aircraft carriers. This element of our defense structure may be more critical to our security in years ahead as we reduce foreign commitments and thus surrender our overseas air bases.

The Marine tactical aircraft program developed because of the special amphibious mission assigned to them. The Marines, although supported a great deal by Navy tactical air elements, have always demanded and received integrated close air support in the form of a division-wing team. Such close air support has been supplied by fixed-wing aircraft in the past decade. However, technological advances of recent years have resulted in the integration of vertical and short take-off and landing aircraft like the Harrier and Cobra helicopter gunships into the Marine air-ground team.

The Army's large helicopter aviation element is a recent development resulting from advancements of helicopter technology in the 1950s and 1960s. As the report makes clear, the growth of this aviation element took place in the mid-1960s following the Defense Department's encouragement that Army battlefield mobility be enhanced by the helicopter. As the report further shows, the attack versions of the helicopter evolved naturally from the combat experience of the Vietnam War. The Defense Department and the Congress would be remiss if they did not capitalize on this experience to improve our nation's defense capability.

The key charge raised is that fixed-wing airplanes and attack helicopters duplicate each other. A reading of the report makes it perfectly clear that this is not so. Duplication is a false issue. Close air support is simply an element of the total firepower involved in the land battle, the part of the war that involves the efforts of the ground soldier to occupy and hold ground. The report makes clear that all of the multiple elements of firepower that support the infantrymen in the land battle "duplicate" each other in the sense that they are all used to support him in the battle. Machine-gun fire duplicates rifle fire and mortars duplicate artillery fire, but each weapon is different and has its useful and unique application.

Should we eliminate any of the elements of firepower that support the infantryman, since in a way they all "duplicate" one another? To propose to do so would be absurd. Firepower helps the ground soldier win wars; it also saves lives in the attainment of that objective. While the firepower of a weapon may duplicate that of another weapon system when it hits the target, the type of ordnance hitting the target and the means through which it is delivered are often different. The fixed-wing fighter and the helicopter are dissimilar types of aircraft, use entirely different ordnance and deliver it in entirely different types of attack. The fixed-wing aircraft delivers heavy ordnance and makes strafing passes with fixed cannons or rockets. It must approach its target at a high altitude, dive at the target and then pull away. All this time it is exposed to enemy radar and fire. However, the helicopter is not restricted to straight-in attacks over the enemy, and can fire weapons at targets off line-of-flight. It approaches the battle area with caution and precision, using cover of trees and hills, popping up and darting about.

Initially, the Army developed the helicopter gunship to protect its other helicopters. In moving troops by helicopter it was necessary to have some aircraft which could accompany the transport helicopter at the same same speed and provide sustained and suppressive fire in the landing zone to protect the troops while they dismounted and took cover. In carrying out this role, the Army learned that the helicopter gunship had other capabilities which fixed wing aircraft could not offer. These included providing its own target acquisition and highly accurate, close-in offensive and defensive fires to the front, sides and rear, while operating at night and during adverse weather. The attack helicopter moves nimbly about the battlefield in the environment of the ground soldier; it flies; it hovers; it pops up; it darts away. It is an aerial platform for the ground commander. It is manned by infantrymen, cavalyrmen, and artillerymen who understand the land battle and who participate on a daily basis as an integral element of Army combat units. It has a place in the spectrum of land battle firepower which cannot be duplicated either by ground weapons or fixed-wing aircraft.

The Subcommittee report did give approval to the attack helicopter concept with these words: "Assuming that questions regarding helicopter vulnerability are resolved successfully, the Subcommittee believes that there is a valid requirement for a more capable attack helicopter."

The question of survivability, frequently used against the helicopter gunship, is being addressed in current Army tests. To date these tests are reaffirming previous favorable findings. Armor plating will make them less susceptible to enemy fire and crash survivable rubber fuel tanks will reduce personnel casualties when a helicopter goes down. In Vietnam approximately half of all downed helicopters were recovered and returned to service. Concurrently, new tactics and techniques are being developed to further enhance survivability.

The question of tactics and employment impacts greatly on the survivability question. Presently the Army plans to use the helicopter in conjunction with its ground forces in overwatching fire roles, attacking enemy penetrations, committing the reserves exploiting the ground attack and other battlefield situations. Up to 20 advanced attack helicopters are planned per Army division where they will be employed to increase the division firepower and pressure on the enemy, thereby improving the survivability of the ground soldier.

Specifically, I agree that the report should recommend a rewriting of the roles and missions directives. The Air Force assignment to provide fixed-wing close air support for the Army should be reaffirmed. The Army function to operate attack helicopters should be formally established in Department of Defense directives by assigning this mission directly to the Army. This is in consonance with the 1966 agreement between the Chiefs of Staff of the Army and Air Force wherein the Chief of Staff of the Air Force agreed "to relinquish all claims for helicopter and follow on rotary wing aircraft which are designed and operated for . . . fire support." Irrespective of this agreement, the issue of firing weapons from advanced attack helicopters and the semantics involved are still detracting from service harmony and what should be the goal of both services: to maximize the firepower support for the soldier on the ground. These mission assignments should have the strong support of the Secretary of Defense and the Secretaries of the Services.

I further believe that the testimony before the Subcommittee made clear that an advanced attack helicopter is required because the technology is in hand to make significant advances over the capabilities of the current attack helicopter. Just as the technology which produced intercontinental ballistic missiles has complemented strategic bomber aircraft, helicopter gunship developments have complemented the means to deliver firepower for the foot soldier. It is here on the ground where the battles are won and lost and where the bulk of casualties are taken. It is also here on the ground that too few technological achievements of the past three decades have been made.

The Army considers the advanced attack helicopter as its Number One priority program. The Army, as the benefactor of air support, certainly must have its views carefully considered. Army leaders and the aver-

age soldier are sold on the helicopter gunship as a technological breakthrough which can make their job easier.

In conclusion, I believe that the Army should be assigned the advanced helicopter gunship responsibility and the role of fixed-wing close air support should be reaffirmed for the Air Force. Fixed-wing air support is critical to the battlefield, as the Army will readily admit, but the day-to-day dirty work left to the ground soldier can be reduced significantly by an advanced attack helicopter. It is not an either/or situation between these two fire support systems. Each is inherently different not only in appearance but in capability. If these two machines duplicate at all, it would be in areas which make up only about 10% of the capability of each—and that in itself may be a tactical advantage in the press of combat.

An early definition by the Defense Department of the role of the advanced attack helicopter gunship as an Army mission would go far towards ending the current and unproductive rivalry between the Air Force and Army on this issue.

NURSE PRACTITIONERS: FILLING A NEED

Mr. CHURCH. Mr. President, no health care system can be effective without the necessary manpower to deliver services. But, in my view, too little attention has been given to creative ways of developing new types of health manpower and making the best use of what we now have.

Nurse practitioners are a partial answer to this problem. They are providing valuable services. They are filling a need.

My own State of Idaho provides excellent examples of what nurse practitioners can do. The story of their contributions in Idaho has been effectively described in a recent article in the American Journal of Nursing. Mr. President, I ask unanimous consent that this article—entitled, "The Cambridge-Council Concept or Two Nurse Practitioners Make Good"—be printed at the close of my remarks.

As chairman of the Special Committee on Aging, I am especially interested in how health care for the elderly might be improved through the expanded use of nurse practitioners. It seems to me that they offer much promise in this regard.

But it has been brought to my attention that restrictive medicare regulations are now limiting the capacity of nurse practitioners to perform in the most effective fashion. For this reason, I have written the Secretary of Health, Education, and Welfare requesting that he consider changes in these medicare regulations so that the full potential of nurse practitioners may be realized as they try to serve our elderly. Mr. President, I ask unanimous consent that the text of my letter to Secretary Richardson also be printed at the end of my statement.

One of the outstanding pioneers in developing the concept of nurse practitioners in Idaho was Dr. John A. Edwards. He was a coauthor of the article I am requesting to have printed in the RECORD. It was also his letter to me that supplied the ideas that I have brought to Secretary Richardson's attention.

The State of Idaho and the cause of nurse practitioners suffered a major loss a few days ago with the untimely passing of Dr. Edwards. I mourn his death, and I share in the grief felt by all who knew him and were helped by him.

The memory of Dr. Edwards' work in promoting nurse practitioners, I firmly believe, should inspire further efforts in this important area. And, I intend to do all within my power to contribute to this vital endeavor.

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

THE CAMBRIDGE-COUNCIL CONCEPT OR TWO NURSE PRACTITIONERS MAKE GOOD

The hand-lettered sign on the door reads, "Office hours 9–5 Mon.-Fri." and the waiting room in the former pool hall is starting to fill when Nurse Practitioner Kay Ortman begins to see her patients. This now usual and accepted occurrence in Cambridge, a rural farming community of 383 persons in west central Idaho, would not have been conceivable or even probable in any Idaho town a year earlier.

A winding, hilly 22 miles away, in not-much-larger Council, Nurse Practitioner Jane Curtis begins to screen patients coming to that clinic. In contrast to her Cambridge colleague, she has close at hand the physicians with whom both work. Still, she will refer only some of the patients to them. Others she will deal with by herself.

These two specially trained nurse practitioners represent major changes in how health care is given in the Cambridge-Council area. They are the essential elements in a project sponsored by the Mountain States Regional Medical Program.

THE NEED

The State of Idaho encompasses some 83,000 square miles of ruggedly beautiful terrain with a population of 698,000 people clustered in small urban-rural centers along the rivers and valleys of the state. As in most of the nation, most of its health professionals—approximately 90 percent—tend to locate in urban areas. Many small communities and 5 counties have no resident physicians at all.

Two family practice physicians who live in Council (pop. 900), serve a total population of 6,000 dispersed over a 100-mile radius including Cambridge. During twenty-four years of practice, the senior physician lost five colleagues to the conveniences of urban practice and living. There are few physicians willing to take on the 24-hour day, 365 day-per-year responsibility faced by the rural practitioner. The last resident physician in Cambridge died five years ago. Efforts to replace him were futile despite the community's activities to raise funds for a new clinic facility, as a special attraction. Increasingly, it became apparent that new ways of extending medical services would be the solution to the area's health care problems. The Mountain States RMP set out to demonstrate how, through the use of nurse practitioners.

One of the first steps was a "town meeting" of physicians and nurses from the area, including the nurses on the 20-bed Council hospital staff, and others concerned with the program. Although there were some reservations about the scope and outcome of such a nurse-practitioner project, the group expressed a willingness to permit a well-controlled one to take place.

Stanford University Medical Center, in cooperation with Area III of the California RMP, was launching a special program to prepare nurse practitioners for just such needs, and agreed to accept two Idaho nurses in its first class of five. The two Council physicians agreed to employ the nurses and to help with their continued education after they completed the course, and the project director of the Stanford program proceeded to select the two nurses.

The Stanford program was ideal—short enough (four months) to make it possible for the nurses to be away, and flexible in its prerequisites. The two nurses who entered the program are of varying backgrounds. Jane Curtis is a graduate of a 3-year hospital school of nursing with 20 years' experience, including four years as director of nursing service at the Council Hospital. Kay Ortman is a fairly recent graduate of a baccalaureate program with experience as a staff nurse in a 500-bed urban hospital, as well as nine months at the community hospital in Council. When the project began, she was counseling in a satellite mental health center in Cambridge.

Their training program, which started October 1, 1970, was intensive and concentrated for the first three months with clinical experience at the Stanford Medical Center and nearby clinics. The fourth month was spent working in rural clinics, in California, with family physicians. Content and experience were greared primarily to acquiring additional skills ordinarily perceived as medical with the assumption that the nursing background provided a sound basis on which to build. These included taking and recording histories; giving complete physical examinations (including neurologic and pelvic with Pap smears); suturing minor lacerations not involving tendons or nerves; managing chronic disease problems; managing geriatric patients; treating common infections or self-limiting illnesses; performing and interpreting laboratory screening tests, such as C.B.C. and differential, Hgb., urinalysis, sed. rates; normal deliveries; giving well-child care; and giving routine prenatal and postnatal care.

A three-month, six-month and one-year evaluation by the project director in the home setting would be an integral portion of the program. No tuition was required. Travel and living expenses were paid by Mountain States Regional Medical Program.

PREPARING THE COMMUNITY

Sustained involvement and information sharing not only among local participants but among all health professionals and agencies throughout the state have been vital. From the beginning, there has been an exchange of information and ideas among members of the nursing licensing board, the state nurses association, and appropriate committees of the state medical association. The program was explained in detail to the Joint Liason Committee of the Idaho Medical Association-Idaho Nurses Association which has representation from all state areas.

The Idaho Nurses' Association surveyed all nurses in the state (3,153) shortly after the program was instituted to inform them and get their reactions. The Idaho Medical Association sent a similar survey to all physicians (525). Of the respondents, 82 percent of the nurses and 68 percent of the physicians indicated that they saw the nurse practitioner role as valid. Thirty-three percent of the nurses indicated they would be interested in pursuing such a role; 32 percent of the physicians said they would be interested in employing such a person in their own practice. There was some, but not a marked, difference between the two groups as to what functions should be performed.

Midway in the first four months, while the nurses were at Stanford, a meeting was held with representatives from the medical and nursing associations and licensing boards, the Board of Pharmacy, the hospital association, the dental association, schools of nursing in the state, and the Regional Medical Program. A progress report was given by the director of the Stanford program and the senior Council physician.

The numerous speaking tours in various areas of the state—Boise, Twin Falls, Lewiston and McCall—by the two nurses and one of the physicians have been an effective means of providing a forum for discussion,

lessening those reservations and resistance that may exist.

PRACTICING IN COUNCIL

Although the training period was essentially the same for both practitioners each has developed a unique position on the health care team in her respective community. In Council, Ms. Curtis initially worked in a side-by-side supervised practice with the two physicians in the clinic and in the hospital, developing competencies rapidly.

The day begins for her by making morning hospital rounds with the physician if he is there when she updates progress records. Ms. Curtis makes rounds for the physician if he is unavailable. At the clinic, she screens patients, referring to the physician those beyond her level of competency. She sees many children, treats upper respiratory ailments and ear, nose and throat problems, and gives immunizations.

An important activity for her is patient education. The patient may be too bewildered or disoriented to really absorb the physician's instructions. The nurse takes the time to have the patient tell in his own words how he understands instructions. Often patients discuss with her problems with which they hesitate to trouble the busy physician.

An increasing number of women request that the nurse practitioner do their pelvic exams and Pap smears, stating that they dislike to take up the physician's valuable time when "nothing is wrong with me." The mother in labor seems comforted to see a familiar face—the same one she saw during her prenatal care. With the physician present, the nurse has delivered 23 babies in ten months—a healthy record for a town of 900!

Having had extensive experience as a surgical nurse, as well as the training at Stanford, this nurse practitioner has sufficient background to function also as a first surgical assistant. Her other activities include making house calls to shut-ins and invalids, and managing emergency room problems.

Every third night she takes call. After evaluating the patient's status she may take care of the problem herself, such as suturing a minor laceration, or ordering essential lab work. If the problem requires medical consultation, treatment may be authorized by the physician via phone or may require his presence. By-laws approved by the hospital Board of Trustees enable the nurse practitioner to admit patients, initiate lab work and x-rays and provide emergency treatment.

The physician and nurse practitioner discuss diagnosis and proposed treatment of patients. Other members of the clinic staff include a lab technician, a receptionist, and an office nurse. An intercom telephone between the clinic and the hospital, which is one mile away, keeps the staff in touch with the progress of acute hospital patients.

For Ms. Curtis, adjusting to the increased responsiblities took some time. Previous patterns engendered in basic education and 20 years of experience in the traditional nursing role made for some discomfort in working as a close associate of the physician. Learning to give orders rather than just take them requires time. She found that the most difficult part of mastering the new role was staying in that role.

PRACTICING IN CAMBRIDGE

The nurse practitioner in the Cambridge clinic must function without the daily on-site presence of a physician. A receptionist is the only other full-time staff person at the clinic although the services of a local licensed practical nurse are available on occasion. The clinic is situated in a burned-out building which was purchased and renovated into a modern clinic facility with funds raised entirely by the community and with labor donated by local townspeople. In addition to the usual examining rooms, laboratory, and reception areas, space is provided for a dentist and optometrist who make weekly visits.

Each of the physicians travels to the clinic one afternoon a week to see patients with the practitioner. Three days a week patients are seen only by her. She has the options of taking care of the problem without any medical assistance, calling the physician for consultation, sending the patient to Council for further diagnostic work-up, sending him to the physician immediately, or rescheduling a visit on the day a physician will be there.

As with the practitioner in Council, Ms. Ortman takes histories and gives complete physical examinations, routine prenatal and postnatal care, emergency treatment, and immunizations. She makes frequent house calls to homebound patients, particularly to geriatric patients.

A typical day for the Cambridge practioner may include treating a 43-year-old man with chronic otitis media; administering intramuscular antibiotics after ascertaining an intolerance for the oral drug: consulting by phone with the physician on adjusting medications for a patient with Parkinson's disease; removing sutures from a 5-year-old child who had a cardiac catheterization in Seattle; performing a pelvic exam on a woman with chronic pelvic inflammatory disease; seeing a patient for thyroid regulation; removing foreign bodies from the surface of eyes; referring a patient with a suspected fracture from a logging-mill accident for diagnostic x-rays; performing routine physical examinations on pre-school children, high-school athletes, and bus-drivers.

Because the economy is largely agricultural or forestry-connected, the incidence of allergy with sinus problems is high, necessitating desensitization injections. Ms. Ortman estimates that she herself can handle 90 percent of all upper respiratory tract infections.

She finds that she has the time to give supportive therapy to the large number of women presenting menopausal symptoms and reciving hormonal treatment, and, in well-child care, to discuss development and nutrition, and to offer anticipatory guidance and reassurance to parents. She is often able to determine changes in cardiac status, making appropriate changes in therapy. Patients with acute illness, with positive lab findings, are generally referred to the physician either by phone consultation or a visit. Referrals to specialists may be made after consultation by phone with the Council physician, if a problem is acute.

A lab technician is not available in the clinic so that the nurse must perform her own laboratory procedures. Feeling a need for additional training in this area, Ms. Ortman spent extra time perfecting her techniques with the hospital lab technician in Council.

Because the nurse is the only immediate medical resource, she may be called anytime—nights as well as weekends. Three quarters of these problems can be handled over the phone.

Many people in Cambridge are seeking medical attention for their problems much earlier since the nurse practitioner is in the community, and they do not have to travel miles for medical assistance. More than ever, patients present themselves before a problem becomes a crisis and it is possible to emphasize the value of preventive medicine. One 86-year-old woman came to the Cambridge Clinic shortly after it opened, complaining of shoulder pain she associated with a fall some six months earlier. Unwilling to travel the 22 miles to Council, the woman suffered until she could seek the services of the new nurse practitioner. She ordered an x-ray, confirming the diagnosis of an anterior dislocation of the shoulder, and gave much needed relief to a gratified patient.

The community is very proud of the Cambridge clinic and its acceptance is excellent. During June of 1971, the second month of full operation of the clinic, 352 visits were recorded; in October, 302. In the first five and one-half months' experience, there are records on 437 families even though the population of Cambridge is less than 400. Cambridge Clinic draws from the surrounding communities of Hell's Canyon, Brownlee, Indian Valley, and Midvale. In that same period, the nurse estimates that physician consultation or referral was required on an average of 19 percent of the patients seen in a given week. Most patients have learned that the practitioner's judgment can be trusted and they feel comfortable with her.

COMMON POLICIES AND CONCERNS

Both clinics have converted to problem-oriented records, permitting better communication with the physician and allowing a much broader approach to the patient. All records are reviewed by a physician. Prescriptions written by the nurse practitioners are countersigned by a physician when he is at the clinic.

The nurses are on a fixed salary. All billings are handled through each clinic's office, and there is no differentiation in charges for services performed by the nurse practitioner. In addition to malpractice insurance carried by the nurses themselves, the physicians pay a minimal fee for additional insurance to cover the nurse practitioners.

Health professionals have become increasingly concerned about the legality of having delegated to nurses more and more functions ordinarily understood to be within the practice of medicine. The advent of the nurse practitioner caused further concern in Idaho. Therefore, a physician (co-author of this article) and a nurse legislator had introduced into the 1971 Idaho legislature a bill to amend the Idaho Nurse Practice Act, which passed in February. This permits the professional nurse to perform acts "of medical diagnosis or prescription of therapeutic or corrective measures . . . as may be authorized by rules and regulations jointly promulgated by the Idaho state board of medicine and the Idaho board of nursing which shall be implemented by the Idaho board of nursing." This liberal and progessive law allows the nurse practitioner to function effectively without the constraints which might result in other legislation licensing physician's assistants or by the use of rigid definitions in the medical or nursing practice acts.

Continuing education is as vital to the nurse practitioner as to any other health professional. The regular contact with the physician provides a constant teacher-student relationship with considerable give and take. Both are stimulated to do further study. All of the medical consultants to the community, including the Idaho Department of Health teams, the University of Oregon Medical School Circuit Riders, and the Southwest Idaho Medical Society, have helped to teach the nurse practitioners how to handle problem cases.

There is a need for such education on a formal basis. Idaho has no medical school, and, to date, no training for the nurse practitioner exists in the state, although two schools of nursing are exploring the development of such programs.

AN EXCITING FUTURE

What is the future of the program? Physicians in the project view it with increasing enthusiasm as experience grows. Their morale is improved, with more freedom to carry out community activities and spend more time with their families without throwing additional strain on their medical associates. In addition, physician time is released for those problems requiring a high level of medical skill. With this kind of doubling of the health care team, more patients can be cared for without further increasing the physicians' loads.

The nurse practitioners have found more professional satisfaction than in any previous experience and feel they are making a unique contribution as part of the health team with a special emphasis on "care" to the patient. They realize that they are completing their first year of such practice under the watchful eyes of the entire state. Other rural communities with similar manpower problems are interested in instituting this concept into their own areas.

Certainly, because of this project, health care is more available and more accessible to a greater number of Idahoans in this segment of the state. And the project seems to have proved already that if the problem of medical manpower shortage is to be solved, the use of nurses in such expanded roles is one important solution.

JULY 10, 1972.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Nurse practitioners are, as you know, serving a very useful function in many parts of our Nation. Their capacity to perform in the most effective fashion is, however, limited by current Medicare regulations. For this reason, I am writing to request your consideration of needed changes in those regulations.

Under existing Medicare regulations, as described to me in a recent letter from an Idaho constituent, nurse practitioner services are not reimbursable under Medicare unless a physician is physically present and taking active part in the case of the patient.

This regulation sems unfair and unwise to me because it is not always feasible for a physician to be present, and yet valuable and needed services by the nurse practitioner can still be rendered in his absence. Let me offer two examples from my State of Idaho to illustrate the advantages in utilizing nurse practitioners and the difficulties caused by the current Medicare regulations.

The small town of Cambridge, Idaho, has no resident physician but does have one full-time nurse practitioner at its Medical Clinic. Many of the individuals this nurse practitioner sees are Medicare patients. One day a week a physician from a town twenty-five miles from Cambridge visits its Medical Clinic and reviews the patient's charts. Moreover, this physician is in regular communication with the Cambridge nurse practitioner by phone. The doctor also reviews most of her decisions at the time they are made or from the charts at the time of his weekly visit.

A second example from Idaho concerns residents of nursing homes. Reports indicate that it is almost impossible to obtain house calls for those in nursing homes or to have any meaningful physician follow-up of any kind. Nurse practitioners are filling this vacuum.

Clearly, these two examples point to the essential work being done by nurse practitioners in Idaho and the barriers to their effective performance caused by the Medicare regulations. Certainly these regulations must be having a similar undesirable result in many other parts of the country.

It seems ironic to me that the Department of Health, Education, and Welfare would encourage the development of nurse practitioners, while also curtailing their usefulness through restrictive Medicare regulations.

May I suggest the following as a proposed solution to the difficulties resulting from existing Medicare regulations in the area of nurse practitioners. Would it not be wise to do away with the current restrictive regulations and provide for Medicare reimbursement for the services of nurse practitioners who are acting in accordance with their respective State medical practices acts?

I will appreciate very much your careful consideration of this important matter, and I hope that you will be receptive to a modification of the Medicare regulations in the manner I have suggested.

Sincerely,

FRANK CHURCH,
Chairman.

THE POSITIVE STORY OF AGRICULTURE

Mr. CURTIS. Mr. President, for more than a year now I have been contacting executives of some of the Nation's top companies that do business with farmers to urge that they join in a nationwide effort to tell the positive story of agriculture to American people, particularly those living in the urban and suburban areas.

I have participated in a number of meetings which a group of these executives have held with representatives of various farm commodity organizations.

The effort is beginning to pay dividends in terms of better public understanding.

An example of this is an advertisement published in the July 31 issue of Time magazine, now on newsstands throughout the country.

The advertisement was placed and paid for by Pioneer Hi-Bred International, Inc., of Des Moines, Iowa. The text of the message tells an important story that every American should know about agriculture. I ask unanimous consent to place the text of the advertisement in the RECORD.

Mr. President, the Scottsbluff Star-Herald on Saturday, July 29, 1972, had an excellent editorial commenting upon this Pioneer seed corn ad. I ask unanimous consent that following the text of the advertisement, the editorial be printed in the RECORD.

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

THESE AMERICANS HAVE HELD THE LINE ON PRICES SINCE 1950

There's a lot of talk about prices these days. And how to beat inflation. Unfortunately, there aren't any easy answers. But there are some effective inflation-fighters in this country. They haven't had a major price increase in the goods they sell for a generation. Who? The sometimes forgotten farmers in America.

Check the facts:

1950:	
Corn (bushel)	$1.52
Wheat (bushel)	2.00
Beef (100 lbs.)	29.35
Hogs (100 lbs)	18.00
1971:	
Corn (bushel)	1.08
Wheat (bushel)	1.31
Beef (100 lbs.)	33.12
Hogs (100 lbs.)	17.50

Average yearly price from U.S. Department of Agriculture.

Take a look at the prices farmers received for a bushel of corn or wheat in 1950. Twenty-one years later, in 1971, prices were substantially *lower*. In 1950, farmers sold beef cattle for $29.35 per hundredweight. Twenty-one years later, the price had inched up *less than 1% a year*. Prices received for hogs decreased. Maybe you'll agree the best inflation fighters in the country work on America's farms.

CHEAPER THAN DIRT

Here's a real eye-opener. Next time you're at the supermarket, price a 5-pound bag of flour, a 5-pound bag of corn meal and a 5-poung bag of potting soil. You'll find it's no exaggeration to say our farmers sell their products cheaper than dirt.

THE HIGH COST OF WINNING

All the while our farmers have been doing business at prices substantially out of the 1950's, the cost of the goods and services they buy are straight out of the 1970's. How can they survive buying high and selling low? The sad fact is many don't. In the last two decades, nearly half our farmers have left the land for already crowded cities because ends couldn't be met.

NOW YOU KNOW

Statistics say the American farmer is the most efficient worker in the world. Each farmer provides food for forty-five people. Compared to 20 in 1950. He is one of the very few of us who literally makes something where nothing was before. That could be why, in spite of the built-in risk of trying to beat Mother Nature year in and year out, you'll hear them all say, "I'm proud to be a farmer."

Now, you may ask why the folks at Pioneer are telling you all this. In 1972, nearly half of all the corn growers in this country planted our hybrid seed. Over the years, we've gotten to know a whole lot of farmers . . . so we decided we ought to speak up with the facts. Our friends on farms all over the country deserve it.

[From Scottsbluff Star-Herald, July 29, 1972]

CORNY IDEA?

A Pioneer seed corn ad in Time Magazine? Sure enough, on page 61 of the current issue, just past the book review section, is a full page ad by the seed company.

Only the ad isn't trying to sell corn. It's trying to sell the idea that farmers are the best inflation fighters in the United States. And it does a pretty creditable job of achieving this end.

Beneath a drawing of an aerial view of a typical American farm, the seed corn firm notes that "There is a lot of talk about prices these days. And how to beat inflation. Unfortunately, there aren't any easy answers. But there are some effective inflation-fighters in this country. They haven't had a major price increase in the goods they sell for a generation. Who? The sometimes forgotten farmers of America."

The facts, as presented by the advertisement, are well known to farmers and agribusinessmen, but they may be new to the largely urban-dwelling readers of Time. An accompanying graph compares some 1950 prices with 1971 prices, for example: In 1950 corn was $1.52 per bushel compared to $1.08 in 1971, wheat was $2.00 compared to $1.31 in 1971, beef per hundredweight was $29.35 compared to $33.12 and hogs $18.00 compared to $17.50 in 1971. Of course, prices have fluctuated somewhat since 1971 but the story remains essentially the same—farmers are not sharing in the economic gains of the country.

Pioneer has a nice little analogy about food and dirt, too. "Here's a real eye-opener. Next time you're at the supermarket, price a 5-pound bag of flour, a 5-pound bag of corn meal and a 5-pound bag of potting soil. You'll find it's no exaggeration to say our farmers sell their products cheaper than dirt."

The company also points out that each farmer is feeding 45 people today compared to only 20 back in 1950, a fact which should be of especial interest to the city folks who rail against food price increases while they demand more pay for less work.

All things considered, the Pioneer people have presented the farmers side of the story concisely and with great effect, and they have done it in a branch of the media which circulates in areas where this story needs to be told.

SIXTY-EIGHT CITIES PROVIDE REDUCED TRANSIT FARES FOR SENIORS

Mr. CHURCH. Mr. President, for most Americans, it is a routine matter to visit friends, shop for groceries, or go to the doctor.

However, these tasks can become formidable obstacles for older Americans struggling on limited, fixed incomes.

Today transportation is a very serious problem for millions of persons 65 or older. In fact, it represents the third largest expenditure in the Bureau of Labor Statistics' intermediate budget for a retired couple—after expenses for housing and food.

During the past few years several transit systems throughout the United States have reduced bus fares for seniors.

One of the most recent additions to this growing list is Miami, Fla. Beginning on October 1, elderly persons riding the buses in Dade County will be entitled to a 50-percent reduction in their fares.

As chairman of the Committee on Aging, I am pleased to report that a recent working paper, prepared for the committee by Dr. Manolo J. Reyes, helped to make the case for reduced transportation rates in Miami.

In his report entitled "Elderly Cubans in Exile," Dr. Reyes presented powerful arguments for fare reductions not only for aged minority groups, but for all older Americans.

Reduced fares now enable many older Americans—who formerly lived in solitary confinement in their homes—to participate more fully in society. This increased mobility can, of course, help counteract isolation and loneliness. Equally important, it can also enable the elderly to obtain the services which they so desperately need.

Approximately 68 cities, as of January 1972, provided reduced fares on public transportation for older Americans.

Mr. President, because I now receive many inquiries about municipalities granting fare reductions for seniors, I ask unanimous consent that a listing of these communities be printed in the RECORD.

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

TRANSIT SYSTEMS WITH SENIOR CITIZENS FARES

(As of Jan. 1, 1972)

Fresno Transit, Fresno, California.
Gardena Municipal Bus Lines, Gardena, California.
Long Beach Public Transportation, Long Beach, California.
So. Cal. Rapid Transit District, Los Angeles, California.
Montebello Municipal Bus Lines, Montebello, California.
City of Oceanside Transpn. System, Oceanside, California.
Oxnard Transit, Oxnard, California.
Sacramento Transit Authority, Sacramento, California.
Ventura City Transit, San Buenaventure, California.
San Diego Transit Corp., San Diego, California.
San Francisco Municipal Railway, San Francisco, California.
Santa Barbara Metropolitan Transit District, Santa Barbara, California.
Torrance Transit System, Torrance, California.
Pueblo Transportation Company, Pueblo, Colorado.
The Connecticut Company, Hartford, New Haven, Stamford, Connecticut.
City & County of Honolulu, Honolulu, Hawaii.
Chicago Transit Authority, Chicago, Illinois.
Springfield Mass Transit District, Springfield, Illinois.
Fort Wayne Public Transportation Corp., Fort Wayne, Indiana.
Municipal-Coach, Michigan City, Indiana.
South Bend P. T. C., South Bend, Indiana.
Terre Haute Transportation Utility, Terre Haute, Indiana.
Sioux City Transit, Sioux City, Iowa.
Trombly Motor Coach Service, Andover, Maine.
Dept. of Streets Rwys., Detroit, Michigan.
Grand Rapids Transit Authority, Grand Rapids, Michigan.
Municipal Transit, Greenfield, Mass.
Marinel Transportation, Inc., Chelmsford, Mass.
Union Street Rwy. Co., New Bedford, Mass.
Twin Cities Area Metropolitan Transit Comm., St. Paul, Mpls., Minn.
Albuquerque Transit, Albuquerque, New Mexico.
Asheville Transit Authority, Asheville, N. Carolina.
Statesvilie Motor Coach Co., Statesville, N. Carolina.
Las Vegas Transit System, Las Vegas, Nevada.
Broome Transit System, Binghamton, New York.
Ithaca Community Transit, Ithaca, N.Y.
Jamaica Buses, Inc., Jamaica, N.Y.
N.Y.C. Transit Authority, New York, N.Y.
Regional Transit Service Inc., Rochester, N.Y.
Lane Transit Dist., Eugene, Oregon.
Mt. Ashland Stage Lines, Melford, Oregon.
Tri-Met, Portland, Oregon.
City of Salem, Salem, Oregon.
Garfield Heights Coach Line, Inc., Bedford, Ohio.
Cincinnati Transit, Inc., Cincinnati, Ohio.
Cleveland Transit System, Cleveland, Ohio.
Euclid Muni. Transit System, Euclid, Ohio.
Maple Heights Transit System, Maple Heights, Ohio.
Toledo Area Regional Transit Authority, Toledo, Ohio.
Mahonine Valley Regional Mass Transit Auth., Youngstown, Ohio.
Port Authority of Allegheny County, Pittsburgh, Penna.
Transportation & Motor Buses for Public Use Authority, Altoona, Penna.
R. I. Public Transit Authority, Providence, R. I.
Sioux Transit, Inc., Sioux Falls, S. Dakota.
Dallas Transit System, Dallas, Texas.
D. C. Transit System, Inc., Washington, D. C.
Dept. of Transpn. City of Seattle, Seattle, Washington.
Tacoma Transit System, Tacoma, Wash.
Yakima City Lines, Yakima, Washington.
Massachusetts Bay Transportation Auth., Boston, Mass.
AC Transit, Oakland, Calif.
Erie Metropolitan Transit Auth., Erie, Penn.
Metropolitan Transit, Inc., Dearborn, Michigan.
Saginaw Transit Co., Saginaw, Mich.
Southeastern Penna. Transpn. Auth., Phila., Penna.
Iowa Regional Transit Authority, Des Moines, Iowa.
Regional Transit Authority, Cedar Rapids, Iowa.
Davenport City Lines, Inc., Davenport, Iowa.

COMMENTS ON REPRESENTATIVE ASPIN'S PRESS RELEASE

Mr. GOLDWATER. Mr. President, on July 31, 1972, Representative ASPIN issued a press release which assailed the DOD cost estimates for the B–1 program. As noted below, the press release contained a number of inaccuracies and unfounded assertions which invalidate Congressman ASPIN's arguments.

COST OF THE B–1 BOMBER

Representative ASPIN asserted that certain officials "have estimated that the B–1 costs are underestimated by at least $3.6 billion" based upon a projected "cost of $60 million per plane as opposed to the official Air Force estimate of $45 million"—yet in fact the current official DOD and Air Force estimates are $45.5 million per aircraft based upon total program costs including R.D.T. & E.; and $35.2 million per aircraft based solely upon procurement costs. These costs include an OSD-approved average inflation factor through the production phase of the program. These approved figures are reported quarterly to the Congress in the B–1 selected acquisition report.

It is recognized that credible cost estimates will be one of the dominant factors involved in obtaining final approval for B–1 production. Accordingly, the Air Force is proceeding with a carefully structured development program designed to eliminate the hazard of cost increases associated with some earlier aircraft development programs.

In this regard, the B–1 system management approach has been focused on the maintenance of cost stability. The system program director is prepared to make the performance/schedule tradeoffs needed to maintain cost stability. No single characteristic will be allowed to drive the cost.

Not all cost growth, however, is the result of poor estimates and/or inadequate management control. Other factors also contribute, for example: First, economic inflation in excess of the amount estimated; second, program changes dictated by funding restriction; third, changes beyond the scope of current development dictated by new threat assessments, and fourth, changes in requirements. Any changes in cost resulting from these factors are identified and reported to Congress in the quarterly selected acquisition reports—SAR.

The Air Force is confident that the B–1 engineering development program, as presently planned and being conducted will provide sufficient data on the soundness of the design, the predictability of performance, and the credibility of costs, to permit an informed and logical decision on production. The development program, itself, will be pursued on a prudent basis. The development schedule is conservative and no decision on production is contemplated before acquisition of the planned actual flight experience on the aircraft. The current Air Force estimate for the B–1 program, assuming production is approved by Congress, is approximately $11 billion—as contained in the SAR. This figure is in "then year" dollars, which includes a factor to account for the effect of inflation on the cost.

WEIGHT OF THE AVIONICS PACKAGE

Representative ASPIN asserted that the Air Force assumes "that the B–1 will contain only 3,800 pounds of electronic equipment"—whereas in fact the current Air Force estimate for the weight of the avionics suit is about 5,000 to 6,000 pounds. Moreover, the estimate of the weight of the B–1 avionics suit will be further refined as the avionics development program proceeds, and the precise weight of the production package will be known upon completion of the avionics development program.

COST OF THE AVIONICS SUIT

Apparently using 3,800 pounds as the base weight of the avionics suit, Representative ASPIN stated that "each pound of additional electronic equipment is expected to cost an additional $1,000 for each plane"—whereas the total estimated cost of the avionics suit has remained constant for over 2 years even as the weight estimate has been further refined to the current estimate; and the cost-per-pound of the avionics suit is expected to be much less than the $1,400 incremental figure cited by Representative ASPIN.

The official cost estimate for the complete avionics suit is, and has been since December 1970. $4.83 million per aircraft. This estimate is in "then year" dollars. that is, it includes an allowance for inflation, and is based upon Air Force-validated contractor inputs plus the known costs of off-the-shelf equipment.

In this connection, it is important to recall major objectives of the B–1 avionics development program, approved by the Secretary of the Air Force in August 1971. These objectives include making maximum use of available off-the-shelf avionics equipment—whenever adequate to do the job—remaining within the programed B–1 funds, and providing an adequate development base to allow a B–1 system production decision to be made on a timely basis. Inherent in these objectives is the concept of minimum risk and complexity, which is an important consideration in terms of the management and control of program costs.

Currently, it is expected that the cost-per-pound of the avionics suit will be less than $1,000 per pound. Again, this figure considers the Air Force-validated contractor inputs, known costs of off-the-shelf equipment, and current estimates of the weight of the avionics package.

Also of importance is the fact that official Air Force cost estimating procedures, used to predict costs before hard development data are available, independently indicate that the cost per pound for a mixed avionics package—such as that to be carried by the B–1—would be less than $1,000 per pound.

MAXIMUM AVIONICS WEIGHT CAPABILITY

Representative ASPIN's allegations are premised in part upon the implication that the Air Force plans to add more avionics equipment to the B–1, up to its maximum limit of about 10,000 pounds—but the fact of the matter is that the Air Force has no intention to build and deliver the B–1 with 10,000 pounds of avionics.

It is true that the maximum possible weight of avionics which the B–1 could carry is about 10,000 pounds. The exact figure is 10,450 pounds. This capacity was used to size the aircraft, and was deliberately established at this high level as a matter of prudence. Specifically, space, weight, power, and cooling capacity are being engineered to preserve options for growth should future mission demands so warrant. But again, there are no plans to deliver the B–1 loaded to the maximum capacity.

In this regard, there is historical evidence which illustrates that it would be highly imprudent not to design the B–1 with excess capacity for avionics. Specifically, one reason the B–58 bomber was retired from the force long before its useful aerodynamic life was exhausted was that it was incapable of accepting, in a cost-effective manner, improved avionics needed to counter an increasing Soviet air defense threat. On the other hand, a principal factor which has contributed to the long useful operational life of the B–52 has been the ability of that aircraft to accommodate improved avionics in phase with threat developments.

The essential characteristics of a new bomber—including its maximum avionics weight capacity—are dictated by potential threat developments over the extended period of time—several decades—represented by the development lead time of a new bomber plus the long expected useful life of the bomber. It would be extremely unwise to design a new bomber—which will be operational beyond the year 2000—without the capacity for future growth if needed. However, this does not mean that the B–1 will be delivered with 10,450 pounds of electronics. Indeed, the Air Force has no intentions or plans to deliver the B–1 with other than the avionics package currently being developed—and, as noted earlier—the weight of that package is estimated at about 5000–6000 pounds.

SUMMARY

In summary, the estimates noted by Representative ASPIN are in error. The cost of the B–1 program is not "underestimated by at least $3.6 billion" as Mr. ASPIN claimed was estimated by "officials of the Office of Systems Analysis in the Pentagon"; the cost of the aircraft is not projected at $60 million by any officials within DOD; his estimate for the weight of the B–1 avionics package is clearly in error; the estimate he provides for the cost-per-avionics-pound is in error; and his understanding of the meaning of the 10,450 pound avionics capacity of the B–1 apparently is faulty. Singly and in combination, these deficiencies underscore the invalid nature of Representative ASPIN's press release and his position concerning the B–1 program.

THE NEW ARMS MERCHANTS

Mr. CHURCH. Mr. President, during this year's debate on the military assistance bill, the Senate has formulated several significant policy decisions limiting U.S. involvement in the transfer of conventional weapons to various governments. I sponsored one of these, an amendment banning American-financed arms to the nations of South Asia.

In June, the Christian Science Monitor ran a six-part series on global arms sales and transactions. This timely and thorough study showed the pervasiveness of the international arms traffic; it showed that the United States is the world's largest and most active arms merchant; it showed the folly of arming governments that have yet to solve more pressing national problems for their peoples' welfare. Right now, $200 billion is being spent worldwide on armaments, and in 1980, if nations continue to spend 7 to 9 percent of their output on arms, the yearly cost will be $350 billion.

The Monitor series concluded with a number of proposals that could help stem the flow of armaments among nations. These included curbs on the use of surplus hardware, standardization of licensing requirements for arms sales, more rigid safeguards on the reselling of arms sales, more rigid safeguards on the reselling of arms to third parties, curbs on promotional efforts of armament makers and governments, and the encouragement of nations to seek out nonweapons commodities for redressing trade imbalances. Important, too, is a closer watch on arms traffic, so that the public is alerted to the dimensions, waste, and tragedy such traffic traces in the world.

The two largest suppliers of arms—the United States and the Soviet Union—need to discuss and negotiate limiting the flow of arms to smaller, often rival, nations. As the Christian Science Monitor wisely and realistically editorialized:

It would be folly indeed for the world's powers to congratulate themselves on controlling the nuclear demon, which is causing no actual destruction, while ignoring the grim daily havoc caused by conventional arms or surplus weapons.

I commend the Monitor for running this whole series and ask unanimous consent that the article entitled "The New Arms Merchants," written by John K. Cooley, be printed in the RECORD.

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

THE NEW ARMS MERCHANTS

TRACKING DOWN MEN AND NATIONS THAT FUEL WORLD'S BRUSH-FIRE WARS

(By John K. Cooley)

In Washington a committee of senators listens glumly as a U.S. Defense Department spokesman explains why the American taxpayer must provide $225 million for the Cambodian armed forces in the current year.

Thousands of miles away, aboard the Neuklong ferry between South Vietnam and Cambodia, an eyewitness reports: "New U.S. arms issued to South Vietnam are constantly being peddled on the black market.

"Many are bought and sold on the ferryboat. These include tents, guns, C rations. One Cambodian lieutenant bought, probably to resell for his own profit, enough M–79 rocket grenade launchers to equip a whole platoon."

On the other side of the world in Amman, Jordan, a U.S. embassy official tells a visitor: "The Jordan military gets a slice of everything that comes into this country. Where

its funds come from is just a bookkeeping measure." All U.S. aid to Jordan this year is worth about $120 million.

In Berne, Switzerland, a private arms trader negotiates a fat contract to sell hundreds of surplus North Atlantic Treaty Organization (NATO) tanks to a West African country whose people still suffer from malnutrition.

A few miles away, an arms buyer for the Irish Republican Army (IRA) discusses with an agent for the Czechoslovak firm of Omnipol a deal to replenish the IRA's arsenal of rifles and submachine guns in Belfast. The funds he pays were collected in the United States through an office in the Bronx, New York.

In these and countless other ways, the sale, loan, and gifts of weapons and other implements of war have become big business—and even bigger politics.

So big, in fact, that the worldwide trade in arms—in all its aspects from the smuggled crate of revolvers crossing a Latin American frontier to the transfer of the latest sophisticated Phantom or MIG jet combat plane to an American or Soviet client state—has become the weightiest and most important tool of international power and diplomacy.

Some of the findings recently reached by an independent body of experts in a study for the United Nations Secretary-General boggle the imagination: While 10 years ago the world was spending $120 billion annually on arms and warfare ($150 billion at 1970 price levels), the figure reached and almost certainly passed $200 billion after 1970.

The prospect, says the United Nations report on "Economic and Social Consequences of the Arms Race and of Military Expenditures," is that even if annual military expenditures do not claim more than their present 7 to 9 percent of world output, "they could well reach the level of $300 to $350 billion [at 1970 prices] by 1980, with a total outlay for the current decade of about $2,650 billion. . . ." This, of course, at the expense of education, public health, economic growth, environmental controls, and other matters vital to the welfare of the world.

This ballooning growth of arms costs has come about during a decade when there were no major wars between big powers.

PRIVATE DEALERS FEW

More, it happened even as the United States and the Soviet Union were starting to make progress in limiting strategic weapons, and as most major powers agreed to halt the spread of nuclear arms and to ban the terrible weapons of chemical and bacteriological warfare, and the use of the sea beds for war.

Gone are the days of the "honest" private dealers like Basil Zaharoff, whose influence upon governments and policies before and during World War I were immense.

The private arms peddlers and brokers, once called "merchants of death" but with access to presidents and kings, are probably fewer in number and certainly less influential now. A few, like Samuel Cummings of Interarms, have probably amassed fortunes.

But all available research now shows that not more than a tiny fraction—less than 5 percent—of the world's arms business is in the hands of such individuals.

Instead, governments and the giant armaments, aerospace, and electronics industries of the "military-industrial complex"—depending sometimes wholly on government orders—have long eclipsed the private traders.

Hence, private dealers now concentrate on the flourishing trade in sporting weapons and handguns and "sporterized" surplus military weapons. This is a specialty of big British gun importers and merchants.

The private merchants also operate in surplus and "scrap" weapons. These have helped keep many conflicts, such as recent ones in Nigeria and Central America, going strong.

AID STATISTICS CHALLENGED

In reply to recent questions asked by the United Nations about arms and development aid programs, many governments provided confident figures or statements indicating that arms aid was on the back burner.

But as Dr. Gunnar Myrdal, the Swedish scholar who heads the Stockholm International Peace Research Institute (SIPRI) and who has devoted much of his career to studying the developing world, points out, "The statistics on aid and financial assistance is grossly juggled and falsified, giving the appearance that [non-military] aid and assistance from the developed to the underdeveloped countries is much bigger than it really is."

For the last 25 years, all the wars have been fought not in the industrialized regions of the West or Communist East, but in the developing countries of Africa, Asia, and Latin America. As SIPRI says in its 910-page study published last November and entitled, "The Arms Trade With the Third World" (soon to appear in an abbreviated and updated form), four nations are responsible for over 90 percent of all exports of arms to 91 developing countries.

These supplying nations are the United States, which alone "accounts for over a third of the world's total weapons," the Soviet Union, Britain, and France in that order.

After them, as arms exporters, follow Italy, West Germany, Czechoslovakia, Belgium, the Netherlands, Israel, Sweden, Switzerland, Austria, and Australia.

A third group of nations is fast coming into the picture. All have enough domestic arms-manufacturing capacity to become big exporters within the next decade: Argentina, Brazil, East Germany, Egypt, India, Indonesia, Japan, North Korea, Norway, Poland, Portugal, South Africa, Turkey, and Yugoslavia.

A fourth category of countries with little or no capacity of their own also exists. These will shortly export or already do export the surplus arms they once imported: South Vietnam is one of these.

And some nations in the second group of major exporters, who were once wholly dependent on big powers for their arms supplies, are now selling new systems and their own refinements of old systems back to the big powers. For example, according to an analyst at the Institute for Strategic Studies (ISS) in London:

"The Israelis have begun selling their military electronics to the United States [their biggest and main supplier], including code and communications systems." The Israelis are manufacturing and exporting multipurpose aircraft and have begun to make, with a view to export, a new SKS submachine gun which is to replace the famous Uzzi, already sold to a number of Asian African, and European states.

As worldwide weapons technology grows, so do licensing, coproduction, and cooperation agreements.

The newest trend is for countries of the developing world to make arms for each other: India has tried to help Egypt manufacture military jet engines; and a Pakistani shipyard in Karachi beat out British, West German, and Japanese firms in getting a contract to build new light warships for Saudi Arabia and Abu Dhabi.

PROFITABLE FOR MANY FIRMS

The farming-out of U.S. defense and procurement contracts has spread around the world, just as Soviet-licensed manufacturers have proliferated in East-bloc countries and such Third World countries as India.

Many a West European firm, especially in Belgium, West Germany, Italy, Denmark, and neutral Austria, has been banking on a further prolongation of the Vietnam war. They fear that U.S. military procurement in Europe will end with peace in Southeast Asia.

Elizabeth Pond, correspondent for The Christian Science Monitor, reports from Tokyo that Japan is still bound by its no-war Constitution and by laws making it illegal to export "combat weapons" to countries at war, Communist countries, or "unfriendly" ones. But as in Europe, U.S. "special procurement" for the war in Southeast Asia has helped Japanese defense and defense-connected industries recover from the effects of the Axis defeat in World War II.

Another by-product of the world's arms-transfer bonanza is the movement of experts and weapons know-how across international frontiers. As SIPRI staff analyst Jozef Goldblat puts it, "No practical way exists to halt the flow of weapons knowledge, like any other knowledge," from one country to another.

Efforts to halt the transplanting of arms talent have ranged from the often-ineffective controls on information of the U.S. Battle Act of 1951 to terrorism, used by the Israeli secret service to dissuade German rocket and missile experts from working in Egypt in the early 1960's.

Nevertheless, U.S.-trained Chinese nuclear scientists as well as Soviet-trained ones (before the Sino-Soviet break of 1960) have helped build nuclear weapons systems in China; German aerospace experts have pioneered in the United States and French programs; British scientists and technicians helped develop Australia's military rocketry; Canadians helped India gain fairly advanced nuclear know-how.

Trans-national weapons technology can cross-fertilize itself, too. French experts helped provide Israel with rockets, missile systems, and nuclear weapons capability. But Israeli research and development has aided the French aircraft and weapons industries, and Israel now exports the "Gabriel" missile which France's Marcel Dassault helped develop.

A side political effect of the arms boom has been the reinforcement in power of military governments the world over. Greece, Taiwan, Iran, Pakistan, and several Latin American countries are examples of areas where the military, supplied by the United States, has reinforced its political power and sometimes exercised dictatorships.

In the Soviet bloc, military men in the Warsaw Pact countries have become dependent on Moscow for the power they hold through continued flow of Russian arms. In non-bloc countries like Egypt, which depend on Soviet weaponry, the relations between the military and the Soviets have become a key determinant of the country's policies.

From the UN, SIPRI, and ISS reports, and many interviews with those involved in the arms trade in a dozen countries, these disturbing facts emerge:

Along with military expenditures, standing armies, too, are growing and have reached about 50 million around the world. Many have been given or sold weapons of unimaginably lethal power.

Nearly all of this increase in military manpower during the past decade has been in developing countries, which can least afford to divert their labor forces from the arts of peace. And these same countries are spending at twice the rate of the world average for guns; proportionately far more than for bread, schools, or houses.

As the 1970's move onward, if progress continues in controlling the U.S.-Soviet strategic arms race, the world may well begin to wonder whether it is not time to look soberly at the possibility of devising some new system of conventional-arms world controls—before the arms business so engulfs

the world's resources that it becomes utterly impossible for economic development to keep pace with population growth.

Before turning to the issue of control, arms export motives and policies of the main exporters and the private traders must be squarely faced and understood. The next four articles in this series will attempt this.

UNITED STATES CALLED NO. 1 SELLER OF WAR MATÉRIEL

(By John K. Cooley)

From Washington, an intricate U.S. Government bureaucracy, working with the American defense industry, pumps an ever-growing stream of arms to friends of the U.S. throughout the world.

"The United States," says the Stockholm International Peace Research Institute (SIPRI), which documents its assertion in detail, "is the largest supplier of military equipment in the world, accounting for nearly half the world's total trade in weapons."

The Institute for Strategic Studies (ISS) in London says that 70 percent of U.S. arms exports are handled directly by the U.S. Government. Private U.S. industry negotiates the rest, subject to government approval.

Once an arms deal is cleared, the Phantom jets, battle tanks, missiles, or electronic systems concerned move into the "pipeline." This favorite jargon term is used by the network of over 10,000 military and civilian staffers in U.S. Military Assistance Groups and service attache offices in American embassies around the world.

In addition, technical representatives ("techreps") of the major U.S. defense industries—like Lockheed Aircraft Corporation, General Electric, General Dynamics, and McDonnell Douglas Corporation—work in the important world capitals, pushing sales, arranging details, and managing supporting aid and maintenance.

From 1950 until this year, U.S. military aid, sales, and all forms of arms exports together may be estimated at the astronomical figure of some $70 billion.

UN REQUEST HONORED

The United States, replying to a United Nations request, sent worldwide for data on military exports during the past decade, said that less than 5 percent of all U.S. defense production, and over half of all arms exports, went to the industrial countries of Europe and the Far East—the rest to developing countries, especially Israel, which in this year's administration requests alone gets $500 million out of a world total of $700 million in sales on favorable credit terms.

Before the U.S. took over from France in 1967–68 the role of Israel's main arms supplier, it sent relatively few arms to the countries directly involved in the Arab-Israel conflict. Most went to the "forward defense areas" in the struggle with communism.

Thus, between 1950 and 1968, main recipients of U.S. military assistance (not including sales) were France, $4.1 billion; Turkey, $2.6 billion; South Korea, $2.5 billion; Taiwan, $2.4 billion; Belgium, $1.2 billion; Italy, $1.2 billion; and Britain, $1 billion.

Another $9.7 billion (aside from Vietnam war requirements) was divided up among other nations of East and Southeast Asia. Latin America got $687 million. And $218 million went to Africa, more than half of which went to Ethiopia—chiefly because of the presence of the U.S. communications intelligence base at Kagnew in Eritrea (where the U.S., with Israel and West Germany, heavily supports the counter-insurgency drive of Emperor Haile Selassie's army against the Arab-backed Eritrean nationalist guerrillas).

Since 1968, sales to Iran, which long ago ceased receiving large amounts of aid, have been skyrocketing over the $1 billion mark each year and are still rising.

Washington began to change its earlier arms giveaway policies to an aggressive sales program in 1961, when Robert S. McNamara became Secretary of Defense.

SALES HEAVILY PROMOTED

Until 1969, the Pentagon's famous supersalesman was Henry Kuss. He developed a reputation for aggressive sales techniques and imaginative promotion of U.S. arms sales abroad. The Christian Science Monitor's State Department correspondent, Lucia Mouat, reports that today Mr. Kuss is in business for himself in Arlington, Va.

When practical, says a government official, the U.S. prefers government-to-government sales out of its own inventories, with the Defense Department taking the item "off the shelf" or sometimes adding it to the next Army, Navy, or Air Force order and then shipping it to the government concerned when the goods arrive.

This is said generally to be cheaper than commercial channels for the buying government. U.S. quality-control procedures, if the recipient lacks expertise, may go with the hardware. This enables the Pentagon to keep closer watch on where the hardware goes and how it is used.

However, as George Thayer noted in his book "The War Business," a big private dealer or a broker for a government may, if refused a license by the State Department, go to the Central Intelligence Agency (CIA), the U.S. Agency for International Development (AID) or another agency to try to find a way to circumvent embargoes and controls. Both the CIA and AID back counterinsurgency and security operations of various kinds.

Often the dealer is advantaged in such situations by being a combat veteran with good military and overseas connections, and, as Mr. Thayer says, "knows the shop talk." This definitely helps.

HUGE STAFFS INVOLVED

Washington officials close to the arms exports programs maintain that Mr. Thayer's 1969 estimate of 500,000 government employees involved in the arms trade is too high. Nevertheless, they admit that a number of other agencies besides State and Defense do come into the arms-export picture.

One is the Treasury Department, where credit is involved. AID, though less often than formerly, says one official, is consulted "on the total political, military, and economic picture of a country if credit or even cash is involved. It doesn't make sense to have AID saddle a receipient country with development loans and then expect that country also to meet heavy payments for arms."

"The meshing of all these factors," says the same official, "is very difficult, even as a strictly academic exercise. We try to do it as much as we can and as delicately as we can, advising them that perhaps they're going to have to come to grips with priorities. But there's a limit to how far you can push this. Countries dont like the 'big brother' approach." But AID is moving away from this advisory role.

Last year, the Pentagon sales responsibility was placed in the new Defense Security Assistance Agency (DSAA) under a deputy assistant secretary of defense for sales and military assistance. The DSAA director has been Lt. Gen. George M. Seignious II, now replaced by Vice Admiral Raymond E. Peet, with direct access to Defense Secretary Melvin Laird.

Directing sales negotiations under Admiral Peet is David Aine, who has been concerned with U.S. arms exports since 1964. His office—one of the best known in the Pentagon to foreign arms recipients—is Room 4-B 659. From a very large operation under Mr. Kuss, the office is down now to a staff of 13 professionals, including Mr. Aine and six secretarial employees.

Three other Defense Department Agencies which sometimes enter the export picture are the Advanced Research Projects Agency; the Defense Industry Security Clearance Review Office under William Scanlon, which checks security clearances for industrial workers on classified equipment; and a Defense Contract Audit Agency headed by William Petty.

DIAC HANDLES LIAISON

More important is the Defense Industry Advsiory Council, headed by Assistant Secretary of Defense Barry Shillito. Its job is to handle liaison between the sales staff and U.S. armaments firms, as well as major U.S. banks financing arms transactions.

The State Department is far more active in arms exports than it used to be, especially its Office of Military Assistance and Sales, located in the Bureau of Politico-Military Affairs, headed by Ronald I. Spiers.

Within the same bureau is a further bewildering array of offices all concerned with arms transfers: International Security Operations; International Security Policy and Planning; Military Assistance Sales, headed by Christian Chapman; Atomic Energy and Aerospace, headed by John Sipes; Disarmament; Communist Political-Military Affairs; and a Security Assistance Planning and Analysis Staff.

The State Department also has an Arms Control and Disarmament Agency and a Defense Supply Agency. This latter outfit handles mainly procurement for the U.S. armed forces, but it might also be an occasional source for sales abroad of such commonplace defense items as rifle cartridges.

In general, the State Department role is to review the policy implications of an arms transfer. Its munitions control office handles the licensing of approved sales of items on the State Department's munitions list.

TRADE ADVANTAGE SOUGHT

The Department of Commerce does what it can to promote U.S. arms sales abroad because they help the U.S. balance of payments. Sometimes, too, U.S. arms sales to client or friendly states can indirectly stimulate U.S. weapons research and development, and even the sales of defense-connected products from those same states back to the U.S.

The example of Israel is instructive. Since 1967, it has generally bought $300 to $400 million more in U.S. military equipment than the roughly $500 million yearly now granted in U.S. credits. But Israel has nearly a billion dollar annual income from U.S. tax-free "charity" grants and from bond sales to work with in addition to the $500 million military credits.

In January, 1972, U.S. sources disclosed licensing agreements enabling Israel to build its own JA–79 jet engines for the Phantom, and assistance in building a steering mechanism for the Super-Mirage. This is a plane Israel is building, based partly on plans sold to Israeli intelligence agents in Switzerland by Alfred Frauenknecht, a Swiss engineer imprisoned after conviction for espionage on Israel's behalf.

In 1970, Israel's own arms exports, from the Uzzi submachine gun to the Gabriel missile, earned over $70 million. The U.S. Federal Aviation Administration has certified Israel's all-purpose Arava aircraft, and 36 of the planes were exported during the first three months of 1972.

The U.S. Defense Department has been evaluating a patent of Etan Harlew, an Israeli engineer, for RAGE (Radiation Amplification for Gamma Emissions), a gamma-ray weapon which, Mr. Harlew told a New York Times reporter is "primarily a commando weapon to be carried into the heart of enemy territory by small, highly-trained units."

ISRAEL HAS OWN EXPERTS

Tadiran, an Israeli communications system, is one of those already purchased by the U.S. Analysts of the Institute for Strategic Studies in London say Israel has already begun to sell both communications and code systems to the U.S. The Tadiran company, according to its director, Dr. Abraham Harel, has manufactured and marketed "equipment under license from leading American companies."

Since the 1967 war, big U.S. defense firms such as Sylvania, Westinghouse, Zenith, and Laurence Rockefeller Associates have begun operations in or with Israel. North American Rockwell has invested heavily in Israeli avionics.

However, steady Israeli purchases of McDonnell Douglas Phantom jets or Raytheon's Hawk missiles (also sold to some Arab countries, including Saudi Arabia and Jordan) take place outside Israel's domestic economy. To the extent that they are bought with credits and not tax-free gifts, the U.S. taxpayer is supporting them—like so much other U.S. military aid abroad.

Since 1967, when loud calls for reform of arms export programs were heard in congressional committee rooms, there have been changes and restrictions.

But opposition to the size and often seemingly uncontrolled and uncontrollable scope of the U.S. military aid program is growing at home. Like the Vietnam war, it is a political issue among the many which are likely to pursue President Nixon into his next administration, if he is reelected. Abroad, it will continue to be the largest and most dramatic symbol of American power, both used and abused.

EUROPEANS MEAN BUSINESS WHEN THEY PEDDLE ARMS

(By John K. Cooley)

LONDON.—Over the past two decades, West Europe's prosperity has brought with it a tremendous upswing in the manufacture and export of arms.

Today, the needs of the North Atlantic Treaty Organization (NATO), the burgeoning licensing agreements granted by U.S. firms in Europe, and big trans-national ventures in co-production like the joint British-German-Italian jet fighter-bomber, place West European producers third—behind the United States and the Soviet Union—as exporters of arms.

Lester Suffield, head of defense sales at the British Ministry of Defense, says, "We do business with friends and relations, NATO and other countries that are good friends of ours."

Officials in France's Délégation Ministerielle pour l'Armement (DMA), the French Defense Ministry organism responsible for French arms manufactures and sales, and those in West Germany's Foreign Ministry would say much the same thing.

POLICY DIFFERENCES

So would their counterparts in Belgium, the Netherlands, Italy, Sweden, Switzerland, and Austria, though the last three non-NATO neutrals would have some important reservations.

But even among the NATO group, there are important differences in arms-export policies and in the philosophies behind them. Britain, the third biggest single arms supplier in the world, and France—close behind or overtaking Britain—have supplied opposite sides in some conflicts, such as the Nigerian civil war.

France, selling for frankly commercial reasons, places political considerations almost out of sight in some areas. It combines both commercial and political motives in other areas, like the Middle East. But it demands strict licensing and end-use guarantees.

Britain leaves far more loopholes for transfers to third parties, yet often ranks politics only a bit behind commercial advantage.

Sweden and Switzerland, jealous of their traditional neutrality and stung in some recent cases where their arms reached African and Mideast conflict areas, now say they refuse to send arms anyplace where war rages, or might even threaten.

West Germany, after getting burned in its relations with the Arabs through big arms transfers to Israel in 1965, and with black African states because of earlier help to Portugal, has gotten out of the arms-aid business almost entirely, leaving the West European field to Britain and France.

World War II left Britain second only to the United States as a weapons exporter. But its withdrawal from its overseas empire, the turning of its markets to other suppliers, and the drop in productivity of its defense industries drastically cut British weapons exports until the Labour government consciously began encouraging them in 1965.

BRITONS MIXED FEELINGS

Many Britons had ambiguous feelings about the resulting boost to Britain's ailing balance of payments. The feeling was expressed by Henry Stanhope in the Times of London in March, 1971: "It isn't as though the British are reluctant to sell arms, but they would really prefer to sell butter."

As Britain joins the European Economic Community, it steps up both its own national arms sales and its co-production ventures on the Continent.

British Government arms-sales projections for 1971 were (at early 1971 exchange rates) about $2.7 billion for the United States, as compared with Russia's $2.04 billion and Britain's $648 million, of which $139 million should have been earned by the Defense Ministry and the rest by private British industry.

Britain's breaking of its embargo on another old customer, South Africa, is still resisted widely in Britain on moral-political grounds, though one British arms executive asks: "Why should my plants be out of work when French and Italian firms are now getting those fat South African contracts?"

Mr. Suffield, who was director of Britain's Leyland Motors Corporation before taking over the defense sales post in 1969, takes no stand on the tricky South African issue—the Pretoria regime periodically reminds London that it could deny Britain strategic naval base rights at Simonstown, if it wanted to. But Mr. Suffield observes: "The Conservatives are more inclined to sell South Africa "defensive" arms than Labour was."

Despite the embargo, British-licensed goods—like the Rolls-Royce Bristol-Viper engine for the Atlas Impala jet trainer and light-strike aircraft, built in South Africa under Italian license, plus spare parts for British Canberra, Buccaneer, and Shackleton military and naval aircraft—flow to Pretoria anyway.

In the Middle East, the Libyan army coup in 1969 knocked out a big British air-defense system sale. The British Aircraft Corporation canceled the deal when Libyan payments stopped.

Libya then bought at least 120 French Mirage jets. These included the advanced combat Mirage V, denied Israel under an embargo imposed by the late President Charles de Gaulle. Mirage deliveries to Libya are spaced over the next few years.

Britain defends its arms-export program as commercially advantageous. In two typical recent years, 1968 and 1969, British arms exports—mainly sales, but including some aid on easy credit terms—totaled $400 million out of total foreign exchange earnings of $6.2 billion, reports the Stockholm International Peace Research Institute (SIPRI).

But, adds SIPRI, "there is no inherent reason why arms should be preferable to other sorts of goods in increasing exports." Many executives of Britain's ailing automotive industries and its reviving aerospace plants would disagree.

France follows closely behind Britain in arms exports and may pass it this year, especially if the still-expanding aerospace firm of Marcel Dassault, merged with Bréguet, places some major jet contracts it is now angling for in Europe and Latin America.

Dassault's latest coup was an announcement May 22 that a consortium of Dassault, Lockheed Services Corporation, and Aristotle Onassis' Olympic Airways would build a giant aerospace support complex in Greece. Called the Hellenic Aerospace Industry, Inc., it is to provide maintenance, repair, and equipment for both military and commercial aircraft and guided missiles. The site is Tanagra air base, 38 miles north of Athens.

French arms sales dropped a bit from a record $1.46 billion in 1970 (the year of the Libyan Mirage deal) when they were 8 percent of all French exports, to $1.4 billion in 1971 (at May, 1972, exchange rates; the real drop may have been greater but hidden by monetary devaluation factors). Of the 1971 sales, $1.04 billion or 73 percent were combat aircraft, helicopter, and missile sales, the French Defense Ministry says.

Ground warfare hardware was 21 percent of the total, electronics 5 percent, and naval armaments 1 percent.

VIGOROUS SALES CAMPAIGN

Both President Georges Pompidou's government and the biggest private firms, like Dassault-Bréguet, Aérospatiale, and Engins-Matra, employ vigorous overseas sales campaigns to keep their 270,000 workers busy (another million French workers, estimates one French industrialist, are working in defense-connected industries).

French analysts like to stress the greater productivity of their aerospace industry over that of Britain: While the big British aircraft and missile merchants last year did only $800 million in business to France's $1.04 billion, the U.K. plants employed twice as many people.

"France makes more political limitations than any other kind. We sell no more anti-guerrilla arms to areas of guerrilla warfare [a reference, apparently, to South Africa and the Portuguese colonies, where there have been French sales in the past]. No arms go to front-line combat zones like the Middle East or southeast Asia [though French weapons were sold in 1968–69 to Iraq, a minor Arab belligerent in the 1967 Arab-Israel war, and to Cambodia in the past].

"The anti-guerrilla ban was imposed after the Biafra war. French-speaking black African countries have priority. But we are not selling supersonic jets in Africa, partly because they are simply too expensive and the states there cannot afford them [an argument the U.S. also applied against shipping supersonic jets to Latin America, until Britain and France got into the market].

"In our actual arms contracts, there are no political clauses. We have no policy of military aid, except in certain African countries. The essence of our policy is that we sell to independent countries who want to have the means to defend themselves."

In practice, France has often stepped in where others either feared to tread, or were no longer welcome. It has been South Africa's main heavy-arms supplier since the British arms embargo took effect in 1966. It sold Mirages and submarines to Pakistan and other equipment to India, when the U.S. embargoed both countries in their 1965 war.

ARMS TO ATHENS

France recently lost a bid to persuade Greece's military rulers to buy Mirages instead of U.S. Phantoms, before announcement of the aerospace maintenance complex near Athens. But all the time that Washington maintained a half-hearted political em-

bargo in Greece—from April, 1967, until late 1970—France was selling heavy equipment to Greece anyway, as was West Germany.

West Germany's return to preeminence in arms manufacture and participation in export after World War II is a familiar story, too long to retell here. However, the U.S., through heavy West German arms procurement from the U.S., has both limited this growth and increased the rate at which surplus Bundeswehr war material has been thrown onto the world market.

Until the mid-1960's, Bonn exported arms especially to NATO countries, like France, Turkey, and Portugal. But scandals erupted over German arms and aircraft being used for Portuguese counterinsurgency action in Africa.

In 1965 came the sales coup of U.S. arms merchant Samuel Cummings of Interarms in peddling, at a huge profit, 74 surplus Luftwaffe F–86 Sabre jets to Venezuela.

Germany grew far more cautious: Afterward, West German major weapons exports to "third world" countries dropped from $111.5 million in 1966 to a mere $600,000 in 1969 (at 1968 prices), reports SIPRI.

Under West Germany's law of 1961, export license decisions are decided by Bonn's National Security Council, composed of the Federal Chancellor and the Foreign and Defense Ministers, and some top military brass. Since a Cabinet decision of Feb. 24, 1971, Bonn cannot sell arms to "areas of tension," determined by analysts in several ministries of the federal government.

EXPORT PRESSURE

West Germany's defense budget is 11 percent higher than last year, but the amount allotted to research and development is 3.7 percent less.

"As the gap between needs and income grows," admits a Foreign Ministry official, "pressure is, of course, generated for more exports."

Another Bonn official hints darkly that, just as the U.S. Central Intelligence Agency (CIA) has its own favorite arms programs that escape normal governmental controls (like those in Laos and Thailand), the West German federal intelligence service (Bundesnachrichtendienst, or BND in Bonn parlance) may not act in too orthodox a fashion either. "Arms intended for Indonesia," he recalls cryptically, "ended up in Biafra. We could do nothing about that."

Both Sweden and Switzerland, Europe's main arms-manufacturing neutrals, try hard to restrict arms exports to areas where no conflict situation exists.

"We're ready to sell arms to anyone who is able to prove he doesn't need them," as Jan Pravits, a counselor of the Swedish Defense Ministry in Stockholm, puts it. Both countries try to make all their own arms at home and not depend on foreign sources.

(Sweden makes a highly competitive combat jet aircraft, the Viggen or Lightning, and exports a few. But Switzerland has found Mirage III manufactured at home under license insufficient and is now on the verge of buying either Mirage "Milans" or U.S. Corsairs.)

Both countries have highly advanced arms industries. Both are stepping up trade and exchange of defense know-how with a third European neutral, Austria. Products like the Viggen and Switzerland's Oerlikon Artillery are much sought after, especially in the "third world," where, despite embargoes to combat zones, Egypt has been able to buy Oerlikon antiaircraft guns at least as recently as late 1968.

Sweden, like other governments, is wary of requests from possible "buyers," which may be intelligence operations (prying for defense secrets) or blackmail attempts. As a signer of the nuclear nonproliferation treaty and a monitor of violations of the nuclear test-ban accords, Sweden is also very careful about export of its own huge uranium ore deposits.

Like Sweden's industries, Switzerland's more numerous and widely scattered defense industries also manufacture precision civilian goods like watches. This helps reduce some of the pressures in Switzerland to export. A group of Social Democrat and Communist Swiss parliamentarians is trying to force a popular referendum on a law banning all Swiss arms exports, especially artillery, missiles, and Switzerland's own Pilatus observation and liaison aircraft.

ILLEGAL EXPORTS

The subject has been hypersensitive since November, 1968. Then, a Zurich court meted out several prison sentences after it was discovered that the Buerhle-Oerlikon works had exported at least $20 million worth of its fine artillery to South Africa, Nigeria, Egypt, and Israel—using forged end-use certificates showing that the hardware was going to Iran, France, and Indonesia.

Besides Oerlikon, three Swiss firms—Zurich's Contraves A.G., which specializes in missiles and guidance systems, and Hispano-Suiza (artillery and fire-control systems, among other items), and Schweizerische Industriegsellschaft Neuhausen—accounted together in four typical recent years for about 80 percent of Swiss arms export.

In addition, there are five federal government arms plants. Together with the private firms named, they employ about 15,000 Swiss. Further, Oerlikon produces about two-thirds of its total output outside Switzerland. Many thousands of other Swiss workers earn their living in defense-connected jobs.

"Make no mistake," say Dr. Ernst Moergerli of the Swiss Federal Military Department, "the Federal Council [Switzerland's supreme governing body] has always interpreted the export laws as strictly as possible. It will continue to do so, even if our economy might benefit from more liberalism."

THE COMMUNIST WORLD: GUNS, BUTTER—INFLUENCE

(By John K. Cooley)

One evening in 1954, the late President Gamal Abdel Nasser of Egypt sat down to dinner wih two of his leading advisers, one of whom is still alive today and advising President Anwar al-Sadat.

Two other dinner guests that night were U.S. Army colonels. Their mission was to seek a basis for U.S.-Egyptian agreement on providing about $20 million in U.S. arms for Egyptian internal security. In return, U.S. Secretary of State John Foster Dulles and Britain hoped Egypt would join an anti-Soviet Middle East security pact.

After dinner, Mr. Nasser told them: Your enemy is Russia. Ours is Israel. In this region we know of only two enemies: the Israelis, with whom we are still technically a war, and the British, who occupy Arab territory. The Arabs don't know anything about the Russians. It is foolish to try to stir them up to a fear of Soviet invasion."

A year later, President Nasser had been refused Western arms (except for a brace of .38 Colt revolvers sent as a gift from President Eisenhower). So he closed the big Soviet arms deal that was to change the history of the world, despite last-minute attempts by the U.S. State Department to dissuade him.

WESTERN SPHERE NO LONGER

As Rober Stephens, diplomatic editor of the London Observer, writes in his recent "Nasser, A Political Biography":

"The Soviet arms deal did not bring the Cold War into the Middle East: It was already there. . . . But the arms deal ensured that henceforward the Middle East could no longer be regarded as a purely Western sphere of influence. The West could no longer hope simply to seal off the Arab world from Soviet penetration.

"Russia had re-established herself as a Middle East power after an absence of nearly 40 years. She had secured a a cheap price a valuable political foothold in the most imporant Arab country whose influence also extended into Africa."

Today, a generation later, it is the Israelis who occupy Arab territory, not the British. There is still no peace in the Middle East. And the Arabs, especially the Egyptians, know very much more about the Russians than they did at the time of Mr. Nasser's dinner party.

There are somewhere between 10,000 and 20,000 Soviet military and civilian personnel in Egypt. Five years after the 1967 Arab-Israel war, Cairo is the pivotal point of Soviet presence.

The Egyptian case, like that of India, which emulated Egypt in signing a 15-year friendship treaty with Moscow and used massive Soviet arms deliveries to defeat Pakistan last December, is classic. Through a more-or-less carefully planned policy of exporting $7 billion or more arms to date to countries spurned by the West, or to anti-colonial states, or simply to nations important to Soviet policy objectives (often the three are combined), Russia and its junior ally Czechoslovakia have in less than 20 years fashioned a global network of influence, prestige, and power.

It was no accident that both President Nixon and the Soviet leaders regarded their agreements signed in May on strategic-arms limitations as crucial. Moscow, in its two-front contest with the United States and its Communist rival, China, has made arms the most crucial instrument of its policy. It is the second-largest arms exporter in the world, after the United States.

1955 A CRUCIAL YEAR

The year of the Egyptian-Soviet arms deal, 1955, was a key one in this Soviet program of winning friends and influence through arms exports. Before that, as the Soviet arms relationship with Egypt, Syria, Yemen, and the Algerian revolutionaries developed in the Arab world (which was still resentful of the fact that Moscow, through Czechoslovakia, had armed the Israelis for their first successful war with the Arabs in 1948), Moscow also began to supply the "nonaligned" nations of the "third world" in Asia, mainly India and Indonesia.

This strengthened resistance of those countries to Western-sponsored security pacts like SEATO and CENTO. Then, in 1950, 20,000 Soviet military advisers entered China, controlling and reporting on the Chinese armed forces.

In 1959 came the Sino-Soviet break. According to the Chinese, the Soviets tore up the 1957 Sino-Soviet defense technology agreement and refused to provide China with a nuclear bomb, which China was soon to build itself.

A new factor entered the world power equation. In today's three-way game between Russia, China, and the United States, arms exports are still the major pieces moved on the chessboard of the world—though they are often coordinated with capital-aid projects like steel mills and dams which sometimes mean butter as well as guns for the recipients.

The year 1960 saw the beginning of Soviet arms shipments to the revolutionary Cuba of Fidel Castro, culminating in the Soviet backdown in the Cuban poker game of missiles in 1962. During this same period, Soviet arms aid also began to flow to North Vietnam, which, with North Korea, India, and Egypt, remains a main recipient today.

Soviet arms supplies to Cuba did drop sharply after 1963, and as the Stockholm International Peace Research Institute (SIPRI) observes, "It was only Cuba's de-

pendence on sugar exports to the Soviet Union which prevented Cuba from breaking off relations completely. Cuba had no practical alternative to the Soviet Union as an arms supplier and trading partner: China has not been in a position to replace the U.S.S.R. as a purchaser of sugar from Cuba."

PAKISTAN CLOSED PESHAWAR

Just as the Soviets broke through what they viewed as Western encirclement in the Middle East from 1955 on, so the Communist arms merchants in Moscow and Prague improved relations with Afghanistan, Burma, and, more casually, Pakistan.

After the Indo-Pakistan war in 1965 and the peace agreement sponsored by the Russians at Tashkent in 1966, Pakistan agreed to end the U.S. base facilities at Peshawar from which U.S. espionage flights had taken off over the Soviet Union.

After the period of the 1956 Suez war, a high point of Soviet prestige in the third world and the start of rapid French and British decline in the Middle East, the Soviet military hardware helped establish good relations with Indonesia.

In other cases, as in Iran in 1966 and '68, Soviet aid deliveries had the effect of stimulating a reluctant United States to sell more of its own arms, for fear Moscow would become the main supplier.

In Africa, Soviet success was uneven. China competes strongly in East Africa and is winning itself a favored place with the huge Tan-Zam strategic railway project. This will ship Zambian copper ore to the East African coast without needing to pass through Portuguese-controlled territory. It will also be a boon to southern Africa liberation movements, supplied with arms by the Soviets and China. (FRELIMO, the largest guerrilla group operating in Mozambique, gets supplies from both.)

Soviet arms to the Sudan have not won permanent influence for Moscow there. Since a Communist coup failed last July, Sudanese President Jafaar al-Nimeiry's military government has cut many of its ties with Moscow.

Though the Soviets were and still are Algeria's main arms supplier, it is U.S. oil technology that seems to be most helping Algeria toward economic independence away from its old petroleum and gas markets with France, the former colonial power. If the deal is finally approved by the Federal Power Commission in Washington, Algeria is to stake its entire future economic development on huge natural-gas sales to the United States over the next 25 years.

HOW MUCH NORTH VIET CLOUT?

Whenever a country abandoned an earlier anti-Western stance, such as Indonesia in 1965 and Ghana in 1966, Soviet arms supplies generally stopped and Soviet influence waned. In North Vietnam, one of the biggest question marks for Western analysts has always been, and still remains, how much influence Russian and Chinese arms suppliers win in Hanoi for their governments.

The typical Soviet arms deal is financed by a Soviet loan, repayable at 2.5 percent interest over 6 to 12 years (in contrast to much longer-term, interest-free Chinese loans to some areas.) However, barter and compensation agreements sometimes permit, or require, an arms recipient to pay partly or wholly in merchandise, such as Egyptian cotton or manufactured goods.

A study prepared for the Institute of Strategic Studies (ISS) in London estimates the present annual level of Russian arms sales at about $600 million.

Moscow, like its ally Prague earlier, has lately turned to aggressive salesmanship to compete with the Western merchants on their own ground. The Soviets are developing a lively export business in sporting weapons, handled by their firm of Raznoexport. Aviaexport does business on a purely commercial basis in civil aircraft with all the world by mail, phone, telex, and personal contacts.

All military exports are left to the Soviet Defense Ministry, where authority to conclude arms deals is evidently delegated only from the highest rungs of the Soviet power ladder. Soviet arms and Russian government arms salesmen and experts dominate completely East Europe's COMECON economic system, even as U.S. arms used to do in West Europe before its arms industries received new leases on life in the 1960's.

IRE OVER NIGERIAN SALES

Soviet teams selling Ilyushin airliners, which like their Western counterparts can be and are used for military cargo, have roamed much of the world: Last year in Latin America alone they visited Chile, Uruguay, Argentina, and Brazil without winning any orders, reports Monitor Latin-America correspondent James Nelson Goodsell. Russian civil and military aircraft are competitive in Africa, though the captive markets of East Europe remain the best.

Despite centralized controls, Moscow like the West has experienced slips and occasionally left loopholes for unwanted transfers to third parties. In big recipient countries like Egypt and India, Soviet military men generally keep the more sophisticated gear, like air-defense systems, under tight supervision. However, there are reports that Russian arms were resold by Egypt to Nigeria during the civil war there. This was done in secret, and there was considerable Soviet anger.

Some Russians arms aid seems to buy base rights—"facilities" is the word Egypt, Syria, and Iraq prefer. But not always. At the time of the Cuban missile crisis, Guinea, though an important Soviet arms recipient since cut off by France in 1958, refused a Soviet request for airbase facilities at Conakry.

The Soviet fleet buildup in the Mediterranean and the Indian Ocean has increased Moscow's desire for naval as well as air facilities. These can be provided by the influx of Russian technicians into ports like Alexandria in Egypt, Latkia in Syria, and the Bay of Bengal port of Visakhapatnam in India.

FRICTION WITH CLIENTS

Though Western analysts may exaggerate Soviet friction with arms clients—Western media, apparently wrongly, reported recently that a Romanian general had been shot for opposing Soviet military mentors—the friction is often there.

Since July, 1970, there have been persistent reports of Egyptian pilots returning home from the U.S.S.R. without completing their training: Language barriers, weather, and the general quality of life in the Soviet Union, report many Arabs, Africans, and others, are not always conducive to learning.

As Moscow cautiously sidles toward better relations with Israel, there is growing Arab concern about the military know-how that some of the new Russian Jewish immigrants are bringing into Israel. On Jan 17, Cairo Radio repeated the Soviet claim that permission to emigrate was withheld by the Soviets from specialists and technicians.

Nonetheless, the Russian Jewish immigrants have included a war hero, a leading physicist, and some other men with military backgrounds.

Since the Egyptian arms deal of 1955, for which it was the intermediary, Czechoslovakia has been neatly combining commercial acumen with Communist-bloc politics. It is one of the world's major suppliers, ranking perhaps sixth, behind France; and nearly all Prague's arms transfers are straight business deals for profit.

The big Czech arms trading company is Omnipol, with offices at 11 Washington Square in Prague. Two Omnipol sales executives deal constantly with the outside world. Omnipol operates another main office in Vienna. Many deals with Western customers and those from the third world, according to Samuel Cummings of Interarms, the West's biggest private arms dealer, are concluded by Omnipol representatives in Vienna, Prague, and London.

Omnipol is a state firm subordinate to the Czech Foreign Trade (not Defense) Ministry. Some of its bigger coups have been sale of arms to both the federal Nigerian government and the Biafran regime of Lt. Col. C. Odumegwu Ojukwu during the Nigerian civil war; business with both the Ethiopian Government and the Eritrean revolutionaries fighting it; and the Kurds of northern Iraq as well as the Baghdad government they were fighting fiercely against until March, 1970.

IRA GUERRILLAS BUYING

One of Omnipol's latest customers has been the Irish Republican Army provisional faction, fighting an urban guerrilla campaign against the British Army in Northern Ireland. However, the Czech Government denied responsibility when a big IRA-bound Omnipol shipment was intercepted by Dutch police at Amsterdam's Schipol airport last October.

According to Mr. Cummings of Interarms, who buys extensively from Omnipol himself, "Some governments we work with have standardized on Czech light weapons. Even when they are no longer oriented toward the East bloc, they still like those weapons. Often they prefer to buy them from us rather than going directly to the Czech Government."

Bulgaria's state arms-trading firm, Texim, specializes in shipping light and heavy arms to buyers in the Middle East and Africa. One day in 1968, dock workers at Beirut's busy port pulled a wrong lever and a big crane unloading a Texim consignment from a Bulgarian freighter dropped a cluster of crates from a height of several yards.

The crates were marked "sewing machines," but when they broke open, hundreds of rifles, revolvers, machine guns, and many thousand rounds of ammunition spilled out on the dock. The cargo and ship were impounded for a time. No one came forward to claim the hardware: It remains one of thousands of unsolved mysteries of Beirut's thriving arms traffic.

China has won and kept influence in the Arab world through its consistent arms support for the Palestinian guerrillas, even at the low ebb of their fortunes in 1971, when the Syrian Army seized and held shipments of tanks, artillery, and other heavy weapons from China transshipped through Algeria.

Sudanese President Nimeiry recently disclosed to a Beirut magazine that the Sudan had secretly been taking delivery of Chinese-made MIG jets and other heavy arms since an agreement he reached with Chairman Mao in 1970. These included a complete tank bridge and eight MIG–17 fighter aircraft, "more suitable to Sudan's needs" than Soviet hardware it had received earlier, General Nimeiry said.

The Sudanese Army's chief of staff expressed admiration for the Chinese delivery of "a complete set of spare parts with every tank and aircraft, unlike the Russians, who used spare parts as a tool to pressure us and sold the parts at several times the price of the weapons themselves."

The ISS reported on May 1 that China had begun to produce twin-engined Mach 2 jet aircraft—better than the Shenyang MIG–19's sent to North Vietnam, later to Pakistan, and this year to Tanzania as well—and a nuclear-propelled attack submarine.

In terms of influence, if only as a nuisance to the Soviets or a boost to otherwise friendless guerrilla movements, Peking has usually gotten maximum returns for minimum outlays from its small-arms exports.

According to SIPRI figures, Chinese exports to third-world countries have amount-

ed to only 2.2 percent of the world total. They have gone mainly to North Korea and North Vietnam, which account for more than 90 percent of major Chinese weapons exports. Aircraft, artillery, and ammunition to Pakistan in its wars of 1965 and '71 and afterward, and a few aircraft to Cambodia in 1964, account for most of the rest.

CULTURAL REVOLUTION BUSTLE

However, small arms, training, and infrastructure assistance have gone to a much larger number of countries and guerrilla movements that have served Chinese policy aims from time to time. The most active period was from the escalation of the Vietnam war in 1965 until 1968—interestingly, the precise period when the "cultural revolution" in China brought most Chinese foreign aid and diplomacy to a halt.

The only country ever to get large numbers of Chinese military fighting volunteers (as distinguished from instructors and advisers) was North Korea. A force of 300,000 called the People's Volunteers were sent in the Korean War in 1950 to fight the South Korean and U.S.-UN forces.

Peking has never hidden its preference, in giving arms aid, for agrarian-type peasant movements such as the Naga rebels in India or the Kwilu guerrillas in the Congo. However, it does prefer larger and more established guerrilla groups, even if they are not especially leftist, to smaller radical splinter ones.

Nor has Peking balked at giving military or economic aid to nonsocialists or even to monarchs like Prince Sihanouk of Cambodia when it suited a Chinese strategic purpose.

Nonetheless, Chinese military aid, outside of North Korea and North Vietnam, has been doled out sparingly. The late Chinese Foreign Minister Chen Yi gave the reasons in an interview in 1963 to the Australian film producer John Dixon:

"The question of world revolution is one for the countries concerned," said Mr. Chen. "If countries are not ripe for revolution, then China can't do anything about it. However, China will support revolutions against imperialism and oppression. . . . But, it must be noted: Chinese troops will not cross our borders to advance revolutions."

Whatever lies ahead for the world, it appears in 1972 that neither Moscow nor Peking intends to send more than arms to their friends. But equally, each intends to continue squeezing the maximum political value out of the arms it does send.

[From the Christian Science Monitor, June 23, 1972]

PRIVATE ARMS DEALERS, LEGAL—AND ILLEGAL

(By John K. Cooley)

LONDON.—Last month's Soviet-American strategic arms limitation (SALT) treaty is viewed by many people and governments as a giant stride toward disarmament.

It has not, however, bothered the private arms traders. Quite the contrary.

Samuel Cummings, the 44-year-old American who heads Interarms—by far the world's largest private buyer and seller of arms—points out: "We don't worry about the SALT agreement because it will have no effect whatsoever on the movement of conventional arms, the arms we deal in.

"If anything, I would venture a modest prediction that it will cause an increase in conventional arms movement in the world, not only by private firms and producers, but also by governments.

"The inevitable result of denying or limiting strategic arms, the balance-of-power arms, is a greater movement of the conventional types.

"Anyhow, our business isn't controlled by us. It's controlled by the big powers who give the licensing.

"And we are merely, in my view, a reflection for better or for worse of the times in which we live. . . . The whole arms business . . . is essentially based on human folly and as such is self-perpetuating. It increases in direct proportion to human folly as the world's population increases.

"LICENSED ARMS DEALER

"It's a sad commentary, and I don't make it in any hypocritical sense but strictly in a brutally realistic and, from our side, commercial sense."

Mr. Cummings spoke in a telephone interview from his residence in Monaco. From there, he controls International Armaments Corporation in the U.S., with main offices and warehouses in Alexandria, Va., and a staff of about 40; and Interarms U.K. in Britain, with a staff of 100, and warehouses in Manchester and Acton outside London.

Mr. Cummings, who comes from Philadelphia, began his present career after his World War II Army service by buying up captured German helmets and reselling them at a profit. Since 1953 he has been registered with the U.S. Government as a licensed arms dealer.

Essentially, Interarms' work is to buy up surplus military arms and resell them, either as sport weapons—after "sporterizing" or converting them—or to other governments. The sale to other governments has included everything from surplus uniforms to heavy tanks and jet combat planes. It is shrouded in secrecy because, says Mr. Cummings, "our clients prefer not to have publicity, and governments keep the figures classified anyway."

TURNOVER TOP SECRET

Mr. Cummings says Interarms' turnover is "top secret' too, but adds that "while we have been aiming for $100 million yearly, it is still in eight figures only, not nine."

Mr. Cummings has taken legal proceedings against some who called him a "trafficker." That, "by European definition," he says, "is someone who does not pay any attention to the law . . . We are buyers and sellers under American and British Government licenses; we have only those depots physically in England and America, and every transaction is made only with the proper official approval by all governments concerned."

Clients of Interarms are found on every continent. Its Middle East business is so sensitive that even the names of its Mideast agents are kept secret.

Under the U.S. Gun Control Act of 1968, Interarms and other traders cannot import even "sporterized" ex-military guns into the United States. This has vastly helped U.S. gun manufacturers. Before 1968, Interarms, says Mr. Cummings, sold more big-bore rifles (of 30-30 or hunting caliber) than all U.S. makers put together.

ARMS "SPORTERIZED"

Elsewhere in the world, Interarms buys as much surplus as it can and sends it to England, where it is "sporterized." This usually consists of shortening the stock, or of eliminating a bayonet lug and putting on a target sight. The converted guns are then sold throughout the British Commonwealth.

France prefers not to work with private dealers, though Interarms' Paris representative, Jacques Perles, does make a few transactions. "France," says Mr. Cummings, "prefers to push new production almost exclusively as an industry base for themselves. They're not so much interested in surplus."

Back in 1965, Interarms' West German representative bought no less than 74 surplus West German Air Force F-86 Sabre Jets and resold them at a huge profit to Venezuela. Similar deals for Sabres, ostensibly for Iran but which ended up in Pakistan, caused major outcries in Bonn.

As a result of this, and of gunrunning by others to Biafra, last December's strict new legislation virtually ended private West German sales, even surplus.

On May 23, 1961, the late Drew Pearson charged Interarms was owned and financed by the U.S. Central Intelligence Agency (CIA). George Thayer said in his 1969 book, "The War Business," that Interarms located and imported foreign weapons for the CIA and other U.S. Government agencies that need them for intelligence and other purposes. But this was written before the 1968 U.S. control laws took effect.

As for the allegation of a CIA connection, Mr. Cummings now says: "It won't be believed, but I can only tell the truth. As I said when Mr. Pearson was still alive, it's just absolute nonsense."

Mr. Cummings says he has refused transactions only when he had reason to believe they would harm the United States. Like his main competitor, Parker-Hale, Ltd., of Birmingham, England (which is nevertheless far, far behind Interarms, says Mr. Cummings), he cannot sell to Soviet or Chinese bloc countries because of U.S. and British Government restrictions. But both firms do buy large amounts in the East, especially from Omnipol of Czechoslovakia.

A HYPOTHETICAL CASE

"We can sell only where government licenses permit . . . but if I could be told tomorrow in Washington that the Russians now need a new series of American weapons and we have no objection to your selling them now, then I would sell, if I could."

China's arms exports have been soley through the Chinese Defense Ministry. Neither Interarms nor any other private trader appear to have worked with them as yet. However, Mr. Cummings recalls that Interarms bought in Indonesia some American arms that the Chinese had captured in Korea from the United States during the Korean war. China had sold them to the Indonesians, who in turn resold them to Interarms.

Some runners-up in the private trade include Cogswell & Harrison, with a retail sales outlet in Piccadilly, London. In the past they have had sales agreements with Belgium's big Fabrique Nationale and Vickers. Like Cummings, they have bought surplus from the Crown Agents, the government outlet. At Bexleyheath, south of London, is the firm of Intor, Ltd., run by Maj. William Leslie who specializes in supplying Arab rulers of the Persian Gulf emirates.

Though Samuel Cummings appears virtually without important competitors in the United States, a few Canadians compete with him on their home ground. International Firearms of Montreal, according to George Thayer, had U.S. subsidiaries in Vermont, had the firm of Federal Arms in Florida, and outbid Interarms on some pre-1968 Latin American imports, causing a shakeup in Interarms' management. Levy Bros. in Toronto specializes in military vehicles now, but has dealt in several other weapons lines in the past.

Most picturesque of the private international traders is "Colonel" Hubert Fauntleroy Julian, an ex-pilot known as the "Black Eagle of Harlem." His life has been one long thriller novel since his birth in Trinidad in 1898.

REBELS RULED OUT

It has included trying to build and train an airforce in Ethiopia, then crashing a royal plane two days before Emperor Haile Selassie's coronation; challenging Adolph Hitler's air force commander, Hermann Goering to a dogfight in 1940, and acting as roving "ambassador at large" for the late Moise Tshombe of the Congo.

Mr. Julian, who talks breezily and sports a monocle, operates a U.S.-registered arms supply firm called Black Eagle International Associates. He describes it as "a small company worth only $15 million."

He visited Beirut on business recently and told a reporter of the Beirut Daily Ctar, "The best markets are in aLtin America, and, after

that, Africa. But we don't sell arms to any rebels, revolutionaries, or guerrilas . . . because it would cook my license with the U.S. authorities. The profit is relatively small, and besides I think it is immoral. The weapons we sell are used only for defense."

As a black man himself, does he sell weapons to "black power" partisans in the United States? No, because this would be "asinine and senseless . . . Black Eagle International never sells domestically. We only export . . . (Besides) those black people think they have power but are talking a lot of nonsense."

Mr. Julian says Sidney Poiter will soon star in a film about him. Although he is reputed to have been a millionaire since the age of 60, he says, "It's disgraceful to think that munitions dealers can be millionaires. When you think of all those unheralded scientists working to curse disease, earning a pittance, it's disgrace. It's a crime that we spend so much money on arms."

GUNRUNNING'S MURKY REALM

If one moves out of the domain of the licensed traders and into the murky realm of what is usually called gunrunning—evasion of license controls—one finds it flourishing throughout the world.

On Sept. 24, 1971, Irish Republican Army (IRA) arms buyer David O'Connell (he prefers the Irish spelling, Daithi O Connail), left Dublin in the company of Maria McGuire, a multilingual former English literature student at University College Dublin.

Mr. O'Connell had orders from the IRA Provisional Council to locate and purchase, with about a quarter million dollars, new stocks or arms for the IRA's guerrilla operations in Northern Ireland. In July he had already visited a few of the better-known licensed dealers and also a few of the fly-by-night brokers. Apparently, Czechoslovakia's Omnipol looked like the best prospect.

"For the benefit of a new philosophy of Ireland," he later told a Times of London reporter, "the Irish people will do business across any boundary and any ideology. The money for his shopping trip, he added, had been raised in Ireland and America "by every method, short of robbing banks."

RAIDS INCREASING

An official British Government report, however, mentions multiplying raids on banks, post offices, and jewelry shops in both southern and northern Ireland: "The greater part of the proceeds do eventually get into IRA hands . . . a small amount compared with the financial support from foreign countries."

The main "foreign country" is the U.S., and the principal group raising money last year was the Irish Northern Aid Committee with its main office at the Bronx, N.Y., and claiming 80 branches in the U.S. and about 80,000 members. Another group, the National Association for Irish Freedom, held a rally in New York City early this year at which its backers openly asked for "arms for the IRA."

During his shopping tour, Mr. O'Connell said he usually paid 25 percent of the price in cash as down payment and balance on delivery.

"Operation Patriot," as the IRA called it, became an involved deal. It depended on a DC–6 cargo plane owned by a charter firm in Miami. The plane had ferried supplies to Biafra during the Nigerian civil war. Its call sign was Charlie Tango Kilo, and its registered owner was an American, Chalmers Goodlin.

PLANES REGISTERED

Mr. Goodlin registered several planes in Ireland during the Biafra operation. And arms dealers believe that all or none of O'Connell's purchases may have been ordered originally for Biafra in Prague and never delivered.

On Oct. 16, 1971, Charlie Tango Kilo picked up the IRA arms consignment in Prague and flew to Schipol airport, Amsterdam. The cargo was consigned to a "Mr. Goodman" who apparently never existed, care of an Amsterdam hotel.

When the plane landed, heavily armed Dutch police, tipped off by British intelligence who had almost certainly penetrated the gunrunning network somewhere, were waiting. They detained everyone abroad and unloaded four tons of automatic weapons, rocket launchers, rockets, hand grenades, and ammunition, all brand new.

FRACTION OF TRADE

One of the passengers was "U.S. businessman" Ernest Koenig, who spoke better German than English, and who had helped Biafra—selling in four West German Air Force surplus DC–3's from an American aircraft broker. He told the Dutch police he believed the cargo was to have been transshipped "elsewhere" on a Belgian Sabena flight.

Gunrunning like this represents only a fraction of the perhaps $200 million annual private trade in arms, and only, of course, an infinitesimal fraction of the multi-billion-dollar arms trade carried on by the big governments. But it is a major headache for governments just the same. And in the case of some wars, like that in Biafra, it has played a definite role in keeping the bloodshed high and the war longer than it might have been otherwise.

According to Swiss and other European police sources, major centers of the European gunrunning trade are Berne, Zurich, Hamburg, Munich, and Milan. Shipments not caught by customs (West German customs is especially severe in checking) leave the ports of Hamburg, Antwerp, Marseilles, Barcelona, Rotterdam, Genoa, and Naples. As often as not they end up in Beirut, Jedda, or Dar es Salaam under a variety of bills of lading, such as "engine parts" or "pumps."

Many guns are run from the U.S. to Mexico: A secondhand rifle selling for $20 in the United States may fetch $150 south of the border. A Munich gun dealer showed this reporter a Saarland pistol selling for $25 about which he said, "You can get $125 for this in Turkey.

A big difficulty in catching gunrunners is they are often protected or covered by government agencies using them for clandestine operations. The American CIA; France's espionage service, the SDECE; mercenary organizations winked at the British Government in places like Yemen; West Germany's intelligence service, the BND; to say nothing of the Soviet KGB are only a few of those accused of using gunrunners or running guns themselves.

In 1965–66, a U.S. firm, Aero Associates, acquired 10 surplus B–26 bombers and contracted to fly them to Portugal for use in crushing the Angolan nationalist rebellion. A pilot named John Richard Hawke delivered one plane to the Azores, but then flew one too low over the White House security zone in Washington and was arrested in Miami.

AIR DROPS VIA CIA

A Buffalo, N.Y., court acquitted Mr. Hawke and all his associates of violating the Export Control and Neutrality Act, even though they had been breaking it, according to the case brought on behalf of the State Department; the CIA was covering the flight.

Between 1949 and 1961, the CIA, using the charter firm Air America still operating today in Southeast Asia, contrived to make massive air drops to Chinese Nationalist forces then operating in Thailand and Laos.

The CIA had done the same thing in mainland China in the early 1950's: two CIA men captured by the Communist Chinese were given long prison sentences, though the U.S. Government protested their innocence and called them "civilian employees of the Department of the Army" at the time.

One of them was released during preliminaries for President Nixon's Peking trip this year, while the other, reports the Monitor's Hong Kong correspondent Henry S. Hayward, is apparently still in a Chinese jail.

PATHAN GUNRUNNERS

Human ingenuity knows no bounds when it comes to the smuggling of arms, like narcotics.

A nitroglycerine explosive called "Nobel's Explosive 1449," used in recent IRA bombs, was exported from England to an Irish Republic quarry just a few miles south of the Ulster border. Imports of guns, ammunition, and explosives move into Ulster hidden in trucks, double trunks of cars, false door panels, various nooks and crannies in Dublin-Belfast trains, and small boats.

Up in the northern mountains of Pakistan, the haughty Pathan tribesmen have been gunrunners from time immemorial. Today, Pakistan President Zulfikar Ali Bhutto worries about new variations on an old tradition: the home manufacture of guns. These go to partisans of several tribes and to political groups that want to break away from Pakistan and found a new Pathan state.

There are persistent but uncheckable reports in Beirut of a group of Syrian and Lebanese traders in Abidjan, capital of the Ivory Coast, who buy surplus NATO arms from Europe and transship them to Arab states of the Middle East.

Late last year, radical Army officers in Bolivia charged that top political figures were with Israel.

Judging by the past and present, the weapons merchants and their trade has become inseparable, as Samuel Cummings says, from "human folly." But easing the effects of that folly is the concern of those who seek ways to control the trade in conventional arms.

[From the Chrisian Science Monitor, June 24, 1972]

WHY NOT LOCK UP BOTH ARMS MONSTERS?

(By John K. Cooley)

STOCKHOLM.—In their May 26 strategic-arms-limitation treaty, President Nixon and the Soviet leaders took a giant step toward defusing their science-fiction arsenals of lethal nuclear missiles.

Another menace remains in the world: the far more ancient monster of conventional armaments. Its teeth have grown to the point where they take a $200 billion bite of the world's resources each year.

When he designated the 1970's as a Disarmament Decade, former UN Secretary-General U Thant pointed out that "the world becomes less secure with every generation of new sophisticated weapons."

However, as countless people in Asia, Africa, North and South America, and Europe learned to their grief again this year, the older and less-sophisticated arms are also expensive, as well as deadly.

The first real attempt to limit conventional arms in modern times was the Brussels Act of 1890. Seventeen nations, including the United States, agreed to embargo arms and the slave trade in northern Africa. Both trades, however, continued to flourish there.

LEAGUE TRIED AND FAILED

After World War I, the League of Nations tried to regulate the arms trade, especially that controlled by the well-publicized private "merchants of death." The league failed at the Geneva Convention of 1925 and again at the Disarmament Conference of 1933.

Since World War II, with most of the trade out of private hands and in those of governments, the efforts continued. But they never captured the world's imagination and support again.

Despite endless discussions and debate of

disarmament inside and outside the United Nations bodies, "the regulation of the arms trade has never again been a major subject of international discussion," say the Stockholm International Peace Research Institute (SIPRI).

In most countries, disarmament has made dull reading. Most people were simply not interested—except, perhaps, in defeated Japan and Germany, where arms and disarmament were matters of crucial personal concern to millions.

PUBLICITY WAS URGED

Two non-producers of arms, Malta in 1965 and Denmark in 1967–68, proposed draft UN resolutions to give maximum publicity to arms transfers as a first step toward control. So did the Swedish and British delegates to the UN's Conference of the Committee on Disarmament (CCD) in Geneva in 1970.

The big powers were not entirely unfavorable. However, each time such proposals were made, the smaller arms-producing nations and many others that get their military hardware exclusively from these big powers objected, saying such measures would discriminate against them.

Another kind of approach has been to try to limit conventional arms in certain geographical regions, especially the Middle East. In the 1950's, the United States, Britain, and France attempted to protect their own Mideast military alliance by excluding arms other than their own. The Soviets unsuccessfully pressed for a complete refusal by all sources to deliver arms to Mideast countries.

After the 1967 Arab-Israeli war, U.S. President Johnson offered to publicize and limit U.S. shipments to the Mideast. Moscow said it was not opposed, but could only agree after Israel withdrew from conquered Arab land. There the matter remains.

EFFORTS IN LATIN AMERICA

Latin American, the only major populated area where a nuclear-free zone has been created by treaty, has also seen its share of recent regional conventional-arms-limitation efforts.

The U.S. in 1967 unsuccessfully tried to exclude missiles, supersonic aircraft, warships heavier than destroyers, and tanks over 30 tons from Latin America. The Inter-American Committee on the Alliance for Progress, now virtually extinct, agreed that a country's military expenditure should be considered when deciding how much foreign aid that country should get.

Apart from the U.S. "bonfires for bombers" proposal to destroy existing stocks of certain weapons (to start with U.S. B–47 and Soviet TU–16 bombers), there have been a few other types of public and private international efforts. Reduction of troop levels in Europe by NATO and by the Warsaw Pact, and current moves by Mediterranean states to get the U.S. and Soviet fleets out of the Mediterranean, are examples.

QUOTA SYSTEM PROPOSED

This year, U.S. delegates in Geneva proposed a regional quota system. Arms-buying nations would work out limits to amounts and types of arms they would buy. This would put the burden on purchasers, not in the big suppliers in Washington, Moscow, London, and Paris.

U.S. officials say that with minor exceptions, none of the smaller nations in the regions concerned—the Mideast, Latin America, South Asia, Africa, or Southeast Asia—is interested. Again, the small states argue, this would put a discriminatory burden on buyers and leave the supplier unrestrained.

The big powers now face the need to try a fresh approach to limiting conventional arms. In this, they can count on important help from Stockholm's SIPRI. It has already furnished, on demand and on an impartial basis, special studies and consultants for the SALT talks in Helsinki and for the CCD work in Geneva.

SIPRI's headquarters, on Stockholm's busy Sveavagen Boulevard, is the scene of dedicated effort by a brilliant international group—people from the West bloc, the East bloc, and the uncommitted nations—which is showing important results. SIPRI was set up in 1966, after Swedish Prime Minister Tage Erlander proposed in 1964 a peace research institute as a way to commemorate Sweden's 150 years of unbroken peace.

MYRDAL STRESSES POLITICS

Financed with an incredibly modest budget of ¢600,000 yearly provided by the Swedish Parliament, but wholly independent of the Swedish Government, SIPRI's work so far in the field of disarmament and arms regulation is unique in the world.

SIPRI's governing board chairman is Prof. Gunnar Myrdal, the famed international economist, who believes that political problems are more important causes of "third world" conflicts than economic ones. His wife, Alva Myrdal, as Sweden's Disarmament Minister, has made the rich Swedish experience in the field of arms control available to the conferees at Geneva and in the Helsinki SALT talks.

The eight-man SIPRI governing board includes other scholars and scientists from Czechoslovakia, Yugoslavia, England, the Netherlands, and Norway. Britain's Dr. Frank Barnaby is director for the current year.

A 24-member scientific council includes prominent scholars, statesmen, and international civil servants, such as Dr. Raoul Prebisch of Argentina, Mrs. Myrdal, Soviet Academician M. D. Millionschikov, and Prof Kenneth Boulding of the University of Colorado in the United States.

PERMANENT RESEARCH PUSHED

Half of a staff of 35 is engaged in permanent research. SIPRI has published 12 books and many smaller studies on subjects from chemical and biological warfare to "The Arms Trade With the Third World."

"We really are international and not Swedish in outlook," says assistant director Sven Hirdman. "At various times the staff has included a Fiji social scientist, an Egyptian, and an Indian."

"We recruit staff," adds administrative assistant Gustav Almenberg, "according to the projects required. Specialized knowledge, as well as international balance, is our aim."

SIPRI's new Yearbook of World Armaments and Disarmament, 1971–72, published this month, contains a long institute research report on the nuclear test ban, analyzing the technical, military, and political issues involved in any comprehensive test-ban treaty, as well as detailed data on the state of conventional and nuclear arms in the world. It analyzes, too, among other things, moves to exclude foreign warships from areas like the Mediterranean.

DATA SOURCES LISTED

Like SIPRI, the London Institute of Strategic Studies (ISS) believes the secrecy wraps must be removed from the world arms trade if the monster is ever to be locked up. On the conventional trade, "the human repercussions are still too great for it to be the exclusive preserve of government machines cocooned in secrecy," concludes an ISS publication by John Stanley and Maurice Pearton, "The International Trade in Arms."

The annual ISS publications, "Strategic Survey" and "The Military Balance," a magazine called Survival, and special defense and disarmament studies in the Adelphi Papers series are, with the SIPRI publications, the main published sources of impartial arms information available in the world today.

A goal of total conventional disarmament, sending the monster up for life, would still seem today, as it did to the League of Nations in 1933 or to the UN's founders in 1945, the "impossible dream"—to be pursued only by the Don Quixotes and Sancho Panzas of international politics.

A DECADE'S PROGRESS

However, the world has made progress on arms control in the past decade. Not the least examples are bans on nuclear testing in the atmosphere (though not observed by China and France); the nuclear nonproliferation treaty (not signed or ratified, however, by such countries acquiring nuclear weapons know-how as Israel or India); a ban on biological weapons signed by most major nations this year; and last year's prohibition of weapons of mass destruction from the world's seabeds.

Research and interviews in the main European countries concerned with the arms trade, and data supplied by Monitor staffers on other continents, suggest there are a series of minimum first steps the arms producers and arms users could take immediately. These steps could provide some bases for a new approach, at Geneva or elsewhere, toward international control of conventional arms.

First of all, a serious international look is needed at the disposal of surplus. The hardware of the last two decades is being superseded by ever-deadlier new weapons.

Vast stocks of surplus tanks, aircraft, artillery, and equipment of all descriptions, despite present licensing systems, find their way to those who want to kill other people—especially in local wars and insurgencies in Africa, Asia, and Latin America.

GOVERNMENT RESPONSIBILITY

Governments could accept direct responsibility for control, as the West German Government has already done, in disposing of their surplus. If governments need the expertise of private traders, they could be hired as brokers to make controlled sales of material not destroyed.

If major surplus exporters like the U.S., the Soviet Union, and Britain standardized their unilateral control measures, it should not be too difficult to arrive at a system of international surplus control.

Second, the major arms-exporting governments could standardize, through unilateral measures and mutual agreement, their licensing requirements. As this survey has shown, requirements for end-use certificates and guarantees against resale and third-party transfers differ vastly from country to country.

A standard licensing code and an international end-use certificate protected by financial and security guarantees could be proposed in the United Nations and adopted by the governments concerned.

This reporter asked officials of the British, French, West German, Swedish, and Swiss Defense Ministries if they could conceive adopting such an international certificate. All but Britain (which paradoxically insists on them for surplus, but not for government sales of new arms) agreed that they could.

Such a system would safeguard people of poorer countries from receiving arms they don't need and can't afford. Their neighbors and the suppliers would be protected from unauthorized deals that increase the personal power of military rulers and the profit of gun-runners at the expense of peace.

Third, some arms transfers would be discouraged by requiring partners in a co-production venture to follow the same policy on where their joint product goes. One example of possible concern is contained in recent reports that Arab states are currently trying to get either England or France, separately, to sell the Anglo-French Jaguar combat jet which they will not sell together.

Another example is concern of Egypt and other African nations that sophisticated weapons systems, produced under U.S. li-

cense or as co-ventures in Israel, are resold by Israel to their enemies, such as the white-supremacy governments in southern Africa.

Fourth, there should be careful examination in the UN bodies, the CCD in Geneva, or elsewhere, of private arms promotion, advertising, and sales campaigns by the big armaments makers, especially in small countries, and how they might best be checked and regulated.

SMALL COUNTRIES GAIN CLOUT

Smaller countries like South Vietnam are rapidly gaining dangerous influence over the policies of big powers by getting involved in arms promotion and in the trade itself.

Fifth, attention might be given, at the highest level, to the so-called "offset accords." Under these, "host" countries like West Germany help pay costs of stationing U.S., British, or French troops by buying U.S., British, or French arms (the latter in French-speaking African states). Roughly the same kind of process is apparently promoted by the Soviets in East European states where Soviet combat forces are stationed, and in Egypt and India, where there are Russian air-defense troops, instructors and advisers.

The UN or other supranational groups, as well as the U.S. Congress and national parliaments, could urgently seek ways to pay such costs by selling the "host" countries civilian goods instead of arms.

Sixth, ways could be sought to clamp down on hidden arms exports that are not reported to national legislatures. Though U.S. Senate committee hearings in 1967 and the ensuing Foreign Military Sales Act of 1968 closed some of the loopholes in the U.S., many remain—for example, in the disposal of surplus from the various wars the U.S. is now fighting, directly or by proxy, in Southeast Asia.

Seventh, more hard research, of the type recently done by the Swedish Defense Ministry, might yield more understanding of how "defensive" weapons such as antiaircraft missiles can be prevented from becoming "offensive."

Eighth, great international improvement is required in systems of reporting arms deals and analyzing statistics. SIPRI is working on this now. It has discovered serious falsification and underestimates in some big-power statistics.

Secrecy and the juggling of figures obscure, in some areas (such as Japanese arms production and exports, the U.S. effort in Laos and Thailand, and the Soviet involvement in Egypt), the true extent and nature of these commitments.

NEW ACCENT ON THE HARM

Ninth, another long, hard look might be taken at the possibility of giving maximum world publicity to the harmful effects of the arms race. People in all countries need to be told more about its damage to all phases of human advancement: education, social welfare, living standards (through the $200 billion eaten up each year), the environment, and the political and moral climate generated by militarism and the military spirit.

Tenth, at the national level, there is need for continued, searching attention to what military exports go where, and why. This is connected, of course, with the questions of reporting and publicity. Obviously this is easier in the open societies of the West than in the Soviet Union, East Europe, or China.

Even there, however, there are signs that military aid policies are questioned by some citizens, especially when the economic burden of continuing them becomes overburdening: One of the reasons Nikita S. Khrushchev was fired from the Soviet premiership in 1964 was his unauthorized commitment of aid to Egypt.

In any case there is need for constant scrutiny of military exports everywhere, East and West.

SATELLITE SYSTEMS NOTED

In remarks at the July, 1971, Salzburg International Seminar, Professor Myrdal observed how the two superpowers, assisted by some of the smaller states, "have used their aid to build up systems of what in fact are satellite underdeveloped countries. They have encouraged them to use their scarce resources on procurement of armaments, and have also given weapons as military aid.

"Even the many underdeveloped countries, who want and profess non-alliance and neutrality in the great conflicts between blocs of developed countries, have mostly become heavily dependent on aid of both types. . . .

"While the superpowers cannot dare to go to war with each other—and while also the other developed countries feel compelling reasons not to break the peace—it is apparently deemed less dangerous to permit, or even to spur, wars in the underdeveloped world."

In this century, especially since World War II, governments in all the world's continents, but especially the biggest governments, have tried to buy influence with arms. But the price is more than the world's people are able to pay.

Now, in the Disarmament Decade, is really the time to put the arms monster away for good.

THE MAFIA AND MEAT PRICES

Mr. CURTIS. Mr. President, we hear a great deal of talk about the price of meat. First of all, we should determine what the facts are. The first important fact I should like to call to the attention of the Senate is, as my colleague from Nebraska (Mr. HRUSKA) has so aptly said, farmers do not sell meat; they sell cattle.

Second important fact that we should remember is that cattle just barely reached—this year—the price that they were bringing 20 years ago. We should think about that.

More facts have been called to our attention in an article entitled "How the Mafia Drives Up Meat Prices," written by Ralph D. Wennblom, and published in Farm Journal for August 1972. I believe Senators should read it. I ask unanimous consent that the article be printed in the RECORD.

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

HOW THE MAFIA DRIVES UP MEAT PRICES

(By Ralph D. Wennblom)

(To pay tribute for labor peace in the world's biggest meat market, New York stores are forced to charge shoppers an extra $1 million a week for meat. And you get blamed for it.)

Certain members of Congress from New York have clamored the loudest for price controls on meat. Meanwhile, back in Manhattan, the forces of organized crime systematically add on at least $1 million a week to the meat bills of 18 million consumers in the Greater New York area.

This is important because the New York market is the country's biggest, and bellwether for wholesale meat prices.

These racketeers probably make more profit on meat between the unloading dock and the store counter than you normally do from feeding the animals for several months.

That such a situation was allowed to develop, much less persist, is a disgrace. Congress needs to face the problem head-on and do whatever is needed to clean it up. *Fast.*

Unfortunately, the key people in the syndicates of organized crime are hard to nail in court. No one in the meat business is senseless enough to face up to the mobsters on their own, and precious few people have the courage to cooperate with law enforcement officials. It's simpler and safer to cooperate with the crooks. Fears of reprisal against your business, your family and your life are very real.

People were reluctant to talk with me as I gathered information for this article. "These people are gangsters," said one source. "I look the other way when they're around, and you writers damn well better too, or you'll make a splash all right—in the river with a chunk of concrete tied to your ankle."

But I talked with enough informed people to convince me that organized crime has infiltrated certain labor unions and the meat business in New York City. "No one is exempt, there isn't a store that gets around all of their schemes for extorting payments for labor peace, bribes, kickbacks," said one informant who knows the New York meat market well. "Everybody pays off somewhere along the line sooner or later, and they would all love to get out from under it."

From an out-of-town meat packer: "We can't get our meat into New York City under our own label."

From a supermarket chain: "We simply gave up trying to operate—closed out our New York City stores."

Other cities are also involved. An authority on supermarket operations told me that "there are areas in this country where you pay a premium for meat. For what reason, I wouldn't want to say. But there are many metropolitan cities involved with this. And it reeks—just reeks with rottenness. I've known the premuim to be as much as 3¢ a pound on a wholesale carcass, which is a wad of money when you're talking about hundreds of thousands of pounds a week."

Law enforcement officials agree that the problem is not confined to New York. "If organized crime's take here is as big as our information indicates, the possibility is great that they're also operating in other cities," says William Aronwald, Special Attorney with the Joint N.Y. Strike Force on Organized Crime.

Ownership of legitimate businesses by organized crime, which they then run in an illegitimate way, is part of a trend. "They especially like the meat business because it lends itself to concealing large earnings from gambling and loansharking," says one Federal source.

For more than a year, a secret grand jury has been holding hearings in New York City to determine whether certain people engaged in the meat brokerage business, and corrupt union leaders, are fronts for organized crime.

The nature of the investigation came to light a few weeks ago when the office of Manhattan District Attorney Frank Hogan had to tip its hand and invoke a court order to bring a balky witness, Herbert Newman, back from Florida to testify about conversation overheard by the District Attorney through court-authorized wiretaps.

Newman's testimony, as well as all proceedings of the Grand Jury, are secret. Both Alfred J. Scotti, the gusty Chief Assistant District Attorney in charge of the Rackets Bureau, and Assistant District Attorney Franklyn H. Snithow, who are in charge of the investigation, refuse to comment on the case. Except to say that they don't call the groups the Mafia "because we don't want to get involved in a controversy over nomenclature."

But there's no doubt that they believe there's collusion between organized crime and the meat business. The order asking for Newman's return specifically stated that their investigation seeks to determine "whether there exists a conspiracy unlawfully requiring representatives of certain supermarkets to make payments of money to certain labor union officials and to certain

individuals fronting for organized criminal elements."

"Whether representatives of the supermarkets were required to pay inflated prices in order to obtain labor peace;

"Whether certain officials of certain supermarkets have accepted unlawfully payments of money from Herbert Newman, Moe Steinman, Sol Steinman and others for having caused the said supermarkets to purchase meat from wholesale suppliers at inflated prices."

Newman is the retired president of Trans World Fabricators, a meat wholesaling firm.

In an article on the links between organized crime and the meat industry, the New York Times for May 9, 1972, reported: "One of the leading credit-clearing houses for the food industry, Market Services, Inc., lists Sol Steinman as its vice president. A source there described him as the brother of Moe Steinman, who is the director of labor relations for Daitch Shopwell." (Daitch Shopwell is a chain of supermarkets in the New York area, whose sales run more than $150 million a year.)

Continued the Times: "Moe Steinman was a key witness at the State Commission of Investigation's 1969 hearings into the infiltration of organized crime into legitimate business. He admitted during the hearings that he had a close social relationship with John Dioguardi, who is known as Johnny Dio and is described by law-enforcement officials as a captain in the crime-syndicate family operated by the late Thomas Luchese." (Dio is now in jail for the fraudulent bankruptcy of a meat company.)

Because meat packers operate on such thin margins, slaughtering usually doesn't appeal to the racketeers. They prefer to take over when the dressed meat arrives at the unloading dock. Without the mob's permission, your meat probably won't be unloaded. Or 10 carcasses somehow get "lost" enroute to the buyer's cooler. Whatever "tribute" you pay to get it unloaded promptly without pilferage is shared by the racketeers and corrupt union leaders.

Once in the wholesaler's cooler, the meat becomes fair game for everyone up the line except the consumer who can do nothing except pick up the tab for the financial shenanigans and blame farmers for high meat prices.

"Costs are so inflated along the way," I was told, "that a New York supermarket can't afford to use meats as 'specials' as many supermarkets do."

Exactly how much more meat costs in New York City than it should is impossible to prove. But every shakedown is passed along, and the retailer ends up charging for all of them. If you assume that 18 million people in the Greater New York area buy 50 million pounds of meat a week, 2 cents a pound to organized crime amounts to $1 million a week; 3 cents, $1½ million.

Here are average retail prices for U.S. Choice cuts from the U.S. Department of Labor's Bureau of Labor Statistics for April 1972:

	New York per pound	Chicago per pound
Round steak	$1.77	$1.16
Sirloin	1.56	1.36
Porterhouse	1.81	1.64
Rump roast	1.63	1.20
Rib roast	1.19	1.28
Chuck roast	.86	.81
Hamburger	.97	.75
Pork chops	1.37	1.00
Loin roast	.92	.79

With beef, about a third of the carcass goes over the counter as hamburger. By marking up its hamburger, a supermarket is able to keep sirloin and porterhouse prices more nearly in line. Freight from Chicago is 2c to 3c a pound, according to *Supermarket News*.

To raise the money to pay the syndicate and corrupt labor leaders, some companies exchange invoices among themselves to indicate purchases of meat from each other when, in fact, no meat changes hands.

Or, a company pads a real purchase to accumulate the surplus cash needed for the extortion payment or bribe.

In other instances, the syndicate manipulates the market and forces the buyer to pay more than the "going price" for meat, part of which they may kick back to the buyer.

Whatever the approach, once a buyer "cooperates" with the mobsters, he soon finds himself in over his head and settling on the racketeers' terms.

Unless stores meet those terms, they can find themselves in trouble with three unions: meat cutters, teamsters and retail clerks. "The meat industry can't attack the meat unions because unless the industry is successful, it will work out very badly for them," says Nicholas Scoppetta, Special Assistant U.S. Attorney who successfully prosecuted three officers of Local 174 of the Amalgamated Meat Cutters and Butchers Workmen's Union for extortion in 1969. "In that trial, the people who had been victimized by the union didn't parade down and say 'let me tell you about this problem.' We had to dig it out. All of them testified only after being compelled by subpoena."

Scoppetta saves his sharpest scorn for businessmen who "find it profitable to deal with the elite criminal element."

Racket-buster Scotti puts it more bluntly. "Our efforts would be substantially aided by the cooperation of organized labor and the meat industry," he says. "It is most regrettable that greed causes the industry to be blinded by expediency. They don't really care because they know that the cost can be passed onto the helpless consumer."

Scotti saves his strongest wrath for corrupt unions. "One New York local has been dominated by underworld characters for more than 30 years," he said in a court proceeding. "The racketeers use it as an instrument of extortion—to shake down meat dealers, supermarkets, chain stores, even other unions."

Scotti says flatly that unless unions devote themselves exclusively to the welfare of their members, and the meat industry concentrates on protecting the integrity of its business, "both will become helpless captives of organized crime." Maybe they already have.

CAPT. EUGENE VAUGHN, SCOTTSDALE, ARIZ., HONORED FOR THWARTING ATTEMPTED AIRLINE HIJACKING

Mr. FANNIN. Mr. President, the hijacking of airliners by criminals and political radicals has reached epidemic proportions. Records reveal that there have been more than 150 hijackings since the first such incident occurred in 1930. All but 12 of the crimes have occurred in the last 5 years. Twenty-seven hijackings occurred the first 6 months of this year. The most recent incident was July 31 when a DC8 jet was commandeered over Florida by a hijacking gang. A demand for $1 million was met and the plane was ordered flown to Algeria.

Legislation has failed as a deterrent to hijacking. Law enforcement agencies and the airlines themselves admit to being less than pleased with the results of their efforts. The Phoenix Gazette reported last week that the sky marshal program started 21 months ago has cost the taxpayers $44 million. The newspaper added that the air marshals have not yet captured their first hijacker.

There is no easy solution to the growing problem of air piracy, but I invite the attention of this body to the courage displayed by Capt. Eugene Vaughn of Scottsdale, Ariz., in thwarting a hijacking attempt on the Pan American Airlines 747 he commanded.

Captain Vaughn has been widely praised for the heroism he displayed on July 3 when he refused to fly his giant aircraft with 136 passengers and a crew of 17 to Hanoi.

At the risk of his life, Captain Vaughn landed his aircraft at Saigon and then fought with a young Vietnamese who slashed at him with a knife. The would-be hijacker claimed to have a bomb in his possession.

The Arizona press quoted Captain Vaughn as saying:

> I decided immediately that I wasn't about to fly those passengers to Hanoi and let them be held prisoners in order for the North Vietnamese to use them as pawns in possible negotiations for settling the war. I decided right then it was going to be his life or mine.

In the subsequent struggle, Captain Vaughn held the Vietnamese citizen and a retired police officer, W. H. Mills of Richmond, Calif., fatally shot the hijacker.

Today in Washington, D.C., Captain Vaughn is to receive the Man of the Year Award from the National Aviation Club.

This is the fourth time in the last 3 days that Captain Vaughn has been honored for his courage and heroism. Yesterday he received the President's Award from Pan American Airlines as well as an award for valor from the Military Order of World Wars.

As he departed from Phoenix on Monday with his wife, Allene, and their 13-year-old daughter Janet, Captain Vaughn received an award from the Fraternal Order of Police, Phoenix Lodge No. 2.

Mr. President, all Arizona is proud that Captain Vaughn is a citizen of our State. On behalf of my fellow Arizonans I extend congratulations to him on the honors he has received.

CHEATING THE POOR HOMEBUYER

Mr. HARTKE. Mr. President, I find it deplorable that "the most farsighted, most comprehensive, most massive housing program in American history" has become the most publicized scandal of the day. The 1968 Housing Act which directed the Federal Housing Authority—FHA—to do business in the inner city has become the plaything of speculators, mortgage companies, inspectors, appraisers, and attorneys whose combined fraud may cost the FHA as much as $200 million.

The 1968 act coupled with the old 221 (d)(2) program was supposed to bring housing to thousands of persons in low-income, less-than-standard areas. The FHA was to accomplish this by replacing the test it had always applied before insuring suburban mortgages with a new

criteria which would allow less-than-standard houses and apartments to be eligible for mortgage insurance backed by a special risk fund.

Instead of providing housing for the poor, the program set up an open field for speculators. A new market was opened in which speculators bought homes and made only surface repairs on them. After receiving inflated FHA appraisals of the property, these houses were sold to low-income families for exorbitant prices. Mortgage companies had no worry over extending mortgages because they could always collect their unpaid bills from the Government.

The result of this inadequately regulated program is that thousands of persons have been left with heavy mortgages on disintegrating homes. It is estimated that HUD now holds title to 44,540 decaying houses which the Department bought up when mortgages were foreclosed. Many people have just packed up and left their dream homes leaving whole neighborhoods of deserted, dilapidated property.

A Brooklyn grand jury in March indicted 40 individuals and 10 corporations on 500 counts resulting from this bilking of the public. Among those indicted were seven FHA employees. To date, five Justice Department task forces, five grand juries, and four congressional subcommittees have investigated this latest swindling technique. The Subcommittee on Antitrust and Monopoly has for weeks been conducting hearings into housing fraud in New York. Evidence presented to this committee points to practices within the FHA which favor mortgage companies over banks, and general irresponsibility within the FHA.

The public has a right to expect Government agencies to be well-run, and their programs competently administered.

Mr. President, this situation was explained in a recent article in the National Observer. I ask unanimous consent that the article be printed in the RECORD following my remarks.

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

[From the National Observer, June 24, 1972]

HOUSING MESS

(By Diane K. Shah)

George W. Romney's house, sprawling gracefully in understated ($150,000) elegance atop a landscaped hill, is a showplace even on East Valley Road in the veddy exclusive Detroit suburb of Bloomfield Hills.

Romney's 44,540 other houses are mostly headaches.

These houses, which Romney would like to unload, were bought up by the Department of Housing and Urban Development (HUD) when mortgages were foreclosed. Many are like the tired-looking frame house at 2593 Drexel in a black neighborhood, 15 miles and several social strata downwind from Bloomfield Hills.

In Detroit alone Romney, as Secretary of HUD, owns 7,074 houses, making him the city's most titled—and most reluctant—landlord. What's more, in the last 3½ years Romney has picked up 5,000 houses in Philadelphia, more than 3,000 in New York City, and probably 1,500 in St. Louis.

It adds up to a national housing mess, if not a national housing scandal.

DREAMS BECOME DEBACLES

To date, four congressional subcommittees, five grand juries, five Justice Department task forces, and dozens of FBI agents have been investigating how HUD has come into so much property. Hearings continue this week before Sen. Philip A. Hart's antitrust and monopoly subcommittee.

Unlike the Bloomfield Hills estate, a glittering monument to Romney's personal financial success, the other houses are crumbling memorials to HUD and Federal Housing Administration (FHA) programs gone awry. The programs were intended to make it easier for low- and moderate-income Americans to buy houses. But through HUD and FHA administrative bungling and—so Federal indictments charge—occasional swindling, coupled with the fraud perpetrated by a supporting cast of villains, the dream of homeownership for many dwindled into debacle.

Thousands of persons have been saddled with hefty mortgage payments on disintegrating, FHA-approved houses. Thousands more have simply packed up and vanished leaving their rotten lemons to decay entire neighborhoods and Romney to pay off the mortgages.

CAST OF VILLAINS GROWS

Observes Ralph Nader: "In some other countries with different tradition, the equivalent of Secretary George Romney would have resigned in disgrace after those indictments were handed down and after the evidence indicate fraud on such a widespread scale."

As investigations unfold, the cast of villains swells and the plot grows more complex. Already under indictment are speculators, real-estate brokers, mortgage companies, inspectors, appraisers, attorneys, and Dun & Bradstreet, the nation's largest collector and dispenser of credit information, which is accused of supplying FHA with false credit reports. And whether through complicity, neglect, or naivete, banks, secondary money markets, and title companies are being scrutinized for their roles in what investigators are calling the nation's most outrageous scandal.

There's no telling how serious the housing mess is. Aside from the houses HUD now owns, indications are that double or triple that number are going into default. In Detroit alone, the General Accounting Office estimates, 23,000 houses are in default, owners having skipped from one to three payments. If all are foreclosed—and HUD predicts at least 6,559 will be by year's end—it could cost FHA $200,000,000. FHA has already shelled out $24,000,000 in New York City; the U.S. attorney's office in Brooklyn says the total may reach $200,000,000.

SOCIAL WEB DISINTEGRATING

Though both HUD and FHA officials avow that new administrative controls should cut losses, none can tell how soon. At any rate, FHA Commissioner Eugene Gulledge notes, "It hasn't cost the taxpayer a cent" because of FHA's well-endowed insurance funds.

Mere numbers, of course, do not tell the story. Abandonment is already rampant in many cities, and FHA foreclosures only exacerbate the problem. Cores of a half-dozen cities, like so many mini-Dresdens, are rapidly decomposing into garbage-strewn ghost towns, ripe for crime and vandalism. Entire neighborhoods, such as north Philadelphia, Detroit's lower east side, Chicago's Woodlawn area, and the Brownsville-East New York sections of Brooklyn, are all but uninhabitable.

Concedes Romney: "Vast central-city areas are experiencing such serious blight that the whole human social web that makes living possible is breaking down into a veritable jungle."

"BETTER TAKE IT NOW"

Predictably, housing experts are trying to analyze what has gone wrong and what to do about it. Their solutions range from closing loopholes in existing programs to throwing out all housing programs and starting over again. Either way nobody sounds optimistic. Meanwhile, the situation worsens.

The scandal works like this: Speculators flood a racially changing neighborhood and coax or frighten white homeowners into selling cheaply. They then apply cosmetic repairs to the houses and secure—often with a bribe—an inflated FHA appraisal of the property. Next they sell to low-income, minority families who are led to believe they are moving into paradise.

"He showed us the place with a flashlight," recalls Nathan Wilkins of the Philadelphia speculator who sold him a house. "It was night and he said the electricity was shut off. He said it was a good house, that it had just been remodeled. He said somebody else wanted to buy it and we better take it now."

PLOT AND SUBPLOT

After moving in, Wilkins found the roof leaking, the upstairs basin emptying into the dining room, and paper peeling from the walls. Records show the speculator paid $1,750 for the house, which the FHA subsequently appraised at $9,000, the price Wilkins paid. The speculator bought 85 similar houses for a total of $222,000 and sold them for $603,000—an average markup of 172 per cent.

Selling a lemon is but the main story. A subplot, turned up by New York Secretary of State John P. Lomenzo's office two years ago, runs like this:

In April 1969 Mrs. Ortrud Kapraki, a Brooklyn real estate broker, allegedly sold a house to Enrique Perez for $22,000. To make sure the FHA would insure a mortgage, Mrs. Kapraki submitted with the mortgage application a 1968 income-tax return that identified Perez as the owner of an auto shop. The return, prepared by accountant A. E. Abad, showed that Perez grossed $15,286 that year repairing cars.

Perez in fact had earned only $6,224. He owned no auto shop. He never repaired cars. Furthermore, the signature on the fraudulent tax return was not Perez's and he had never met Abad. Nevertheless FHA approved the mortgage. Mrs. Kapraki has since been indicted.

EVERYONE CHEATS THE BUYER

Other subplots involve mortgage companies offering short-term loans to speculators who then buy houses and bring in more mortgage business; mortgage companies charging the seller too many "points" and keeping the excess or splitting it with the speculator; mortgage companies selling bad paper to the Federal National Mortgage Association (Fannie Mae) and to banks; title companies overlooking obvious irregularities at closings to insure that the deal goes through; and everybody—mortgagees, speculators, lawyers, and title insurers—collecting his gratuity.

"Everybody is in bed with everyone else, indiscreetly cheating on the poor home buyer," one investigator sighs.

Conceivably such fraud has been speculator sport since 1967, when the FHA first agreed to do business in the inner city. But not until Congress passed the 1968 Housing Act did the fraud become the pastime of so many. Proclaimed by President Johnson as "the most far-sighted, most comprehensive, most massive housing program in all the American history," the 1968 act did in fact provide houses for thousands of persons—and free lunch for hordes of crooks and indigestion for FHA.

The act coupled the old 221(d)(2) program, which permitted FHA to insure "less-than-standard" houses, with a new special-risk fund to back mortgages in "less-than-standard areas." It created the 235 subsidized program, under which FHA insures mortgages up to $24,000 and HUD pays, at most, all but 1 per cent of the interest. And

it created the 236 subsidized program, which works the same way for apartments.

To speculators the act meant wide new markets to exploit with on-the-spot payoffs from mortgage companies, which could always collect unpaid bills from Uncle Sam. To a reluctant FHA the programs meant trading the "economic soundness" test it had always applied to insuring suburban mortgages for one of "acceptable risk." To Romney it meant becoming godfather to another Administration's ill-conceived baby.

FHA EMPLOYEES INDICTED

Romney didn't like it. "The programs were enacted without having been adequately tested to determine whether they could work well, whether they would even work at all, or whether they were structured in such a way as to invite abuse," he complained.

Though Romney now contends he "began to realize there were some problems" in May 1969, he insists he didn't recognize the full scope of the scandal until a year later. Nevertheless, not until a barrage of grand jury indictments began capturing bigger headlines than Romney's record number of housing starts did he publicly confess that perhaps he hadn't been keeping his house in order.

Among the 10 corporations and 40 individuals named in a 500-count indictment by a Brooklyn grand jury in March were seven FHA employes, among them appraisers and one underwriter. A Philadelphia grand jury later indicted 46 persons, among them the former head of the Philadelphia insuring office of FHA, Thomas Gallagher, Jr., who is accused of taking $73,000 in bribes from a building contractor. (Romney had asked the Philadelphia office in the spring of 1970 if there had been any problems with FHA programs. He was told everything was fine. A high FHA official says this completely misled Romney as to the extent of the scandal.)

Johnson's Congress may have enacted the housing legislation, but these were Romney's boys. Not surprisingly, lack of qualified personnel comprises a large chunk of Romney's apologia.

ROMNEY WANTS FIRING POWER

On the day of J. Edgar Hoover's burial, Romney, testifying before Rep. John S. Monagan's House Subcommittee on Legal and Monetary Affairs, noted: "Hoover refused to accept the job as FBI director unless he could hire and fire people like a corporation executive, without regard to civil-service qualifications or seniority. HUD's problems could be alleviated if I could do that too." But he also admitted, "While the staffing situation has unquestionably contributed to our problems, it is also obvious that the administration of housing programs, particularly in some cities, has been imprudent, negligent, and in some cases plainly corrupt."

Only two months earlier Romney had found out just how lax (his word) HUD and FHA administration had been. That was when he read for the first time the audit reports he had commissioned in early 1971 on the 235 and 236 programs. Among other things, the audit turned up 362 alleged violations of the 235 program involving falsification of applications and fraudulent certifications of repairs, plus 27 alleged violations of the 236 program involving fraudulent applications.

AUDITS TELL SAD TALE

The audit found that FHA appraisers, pressured by higher-ups to carry out Congress' mandate to approve as many houses as possible for the poor, were producing four appraisals a day; too many, said the auditors. Some made only "windshield" appraisals of houses as they drove by. Others accepted deficient houses with an attitude that, "This is good enough because it's better than what these people had before." Sometimes FHA called upon "fee" appraisers, local real estate people who often had conflicting interests. And FHA field reviews, intended to turn up irregularities, were not being performed often enough, if at all.

More bad news came in the 236 audit.

The 236 program was designed to attract co-operative, nonprofit, or limited-dividend corporations to building apartments for the poor. They were baited with generous tax shelters, an annual return of 6 per cent on the initial investment, plus other incentive fees. With HUD paying most of the mortgage interest, down to 1 per cent, the owners could charge below normal rents.

Generally they charged more. Because HUD wasn't overseeing the projects as it should, inconvenient locations were chosen, driving away tenants. Architectural fees were unduly high. Excess construction costs were allowed. Mortgage amounts were inflated. Unnecessary interest-subsidy payments were made. Operating costs were underestimated (to win quick HUD approval). Therefore rents were high. Another serious flaw: With tax shelters designed to offer the best benefits within a 10-year period, there was little incentive for long-term ownership and sound management.

Romney acted. He ordered the FHA in Philadelphia and Detroit to stop using fee appraisers and to tighten up appraisal procedures of their own staffs. He demanded that all appraisers file personal finance statements to weed out any who might have conflicting real-estate interests. He requested more careful screening of applicants' credit history. He implemented a computerized "early warning" system in Detroit to detect immediate defaults and coaxed FHA employes to counsel strapped families and seek forbearance from mortgage companies. He set up counseling programs for prospective home buyers. He ordered strict checking of housing values in speculator-dominated areas. And when finished he proclaimed eagerly, if not prematurely, "As is presently applied, this has ended speculator profiteering."

The Senate apparently didn't think so. Its version of the 1972 Housing Act prohibits kickbacks by lawyers, title companies, insurance companies, and others in closing costs on all FHA-insured houses. Minor alterations were also made in housing programs to curtail speculator activity in inner cities.

TOLL GATES COSTLY

Some housing experts say that's not good enough. Rep. Wright Patman, whose House Banking and Currency Committee turned up the first evidence of fraud two years ago, never liked the subsidy programs and still doesn't. "There's a little bit for the land speculators, the builder, the lender, the closing attorney, the title company, the insurance company, and on down the line," the Texas Democrat complains. "By the time the project reaches the end of the line it is so top heavy that you can't be sure just who did get the subsidy."

Patman's remedy: A direct lending program to homeowners through a National Development Bank. The bank, he says, "could handle much of this financing without the costly procedure of financial toll gates."

Like Patman, many housing experts favor yet more Federal involvement. Says Samuel Kaplan, development director at the New York City Educational Construction Fund: "We can't leave it to private interests any more. They have abused the system, raped our landscape. We can't leave it to local politicians who have been dictated to by greed either."

In a radical departure from current thinking, Kaplan suggests that private developers should be required to meet Federal guidelines as to number, of low-income units schools, community services, etc. What the developer leaves out, the Government would subsidize and own. Additionally, private owners would be subject to strict profit margins and rent control.

Taking a softer though similar line, Simeon Golar, New York City Housing Authority chairman, suggests giving Washington power to override local zoning laws and other red tape that have impeded housing programs. "If municipalities fail to live up to their responsibility," Golar says, "HUD should have the power to move in and do the job."

"UPSIDE-DOWN FEDERALISM"

Bucking more Federal control, Congressman Thomas L. Ashley, an Ohio Democrat, favors a block-grant system under which local housing officials could spend lump-sum Federal money as they see fit. This, he says, would reverse the "upside-down federalism" where Washington makes the picayune decisions on mortgage and income limits, and the private sector decides the fundamental questions of where to put the housing—and in fact whether to put it up at all.

Other solutions call for guaranteed minimum incomes and direct housing allowances.

Nobody, however, pretends to have the perfect solution. Romney asserts that no housing programs alone are going to salve inner-city housing problems anyway. "We need to find cures for other social conditions first," he notes, "chiefly poverty, crime, drug addiction, lagging education, poor health-care facilities, inadequate public services, soaring taxes, and unemployment.

On an equally gloomy note, Joseph P. Fried writes in his book *Housing Crisis U.S.A.* that, "The vision of an America acting to provide a decent home and a suitable living environment for all its citizens seems as realistic as the hope of a palace-studded Camelot suddenly arising out of the squalor and decay of Brownsville in Brooklyn."

COVERAGE OF MUNICIPAL EMPLOYEES IN FAIR LABOR STANDARDS ACT

Mr. TAFT. Mr. President, the amendments to the Fair Labor Standards Act, as passed by the Senate, have not yet been submitted to the conference with the House. One of the differences relates to extending coverage to municipal employees. When the matter was on the Senate floor, I attempted to exclude such coverage and to explain some of the difficulties which would result to municipal budgets in connection with it.

This position has since been further documented by correspondence which I have received from various cities in Ohio showing the devastating affect on municipal budgets likely to result from passage of this legislation.

For the benefit of the Senate and conferees, I ask that these letters be printed in the CONGRESSIONAL RECORD.

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

BRATENAHL VILLAGE,
Cleveland, Ohio, July 28, 1972.

Hon. ROBERT A. TAFT,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: I would appreciate your reviewing Senate Bill 1861, which extends coverage of the Fair Labor Standards Act to municipal employees, which also includes all summer time help.

It would be appreciated by the citizens of Bratenahl, as well as the Council and myself, if you would delete from this proposed legislation that portion which applies to municipal employees including police and firemen. To include municipal employees, police and firemen under this proposed act would be catastrophic financially as far as this community is concerned. As you well know, almost every village and city in the

State of Ohio is in dire need of financial assistance, and to have this additional burden placed upon the Village and other communities in this State would be a disaster at this time.

It would be deeply appreciated if you would find it possible to delete the municipal employees, police and firemen from being covered under this proposed act.

I wish to thank you on behalf of the citizens of Bratenahl Village, the Council and myself for any assistance which you might be able to give in this matter.

Sincerely,

WILLIAM A. KLEIN,
Mayor.

CITY OF CAMBRIDGE, *July 27, 1972.*

Re: Minimum Wage Bill S–1861
Senator ROBERT H. TAFT, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: This bill, as passed by the Senate, will work a *very expensive hardship* on our City budget. (The increase in Fire Department salaries alone would be some $40,000.00 per year.)

If you wish, I can supply you with the specific facts of how this bill would affect the wages of part-time help, clerks, police and fire men.

Therefore, we believe that the House version which excludes municipal employees should be supported.

Thank you for your attention to this letter.

Sincerely,

ROBERT P. SCOTT,
Mayor.

OFFICE OF THE MAYOR,
East Palestine, Ohio, July 27, 1972.

Hon. ROBERT TAFT,
The Senate,
Washington, D.C.

DEAR SIR: We are very much opposed to the Minimum Wage Bill S. 1861 passed by the U.S. Senate as it would create a serious fiscal problem for the city.

It is our policy to employ college students during the summer months, but the passage of this bill would also prevent this, thus creating a hardship for them.

We strongly urge you to support the House version, excluding municipal employees.

Respectfully yours,

JAMES H. LYNCH,
Mayor.

CITY OF LAKEWOOD, OHIO,
July 28, 1972.

Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

DEAR BOB: I was shocked to learn that the Senate has approved S. 1861 which would eventually require municipalities to pay all municipal employees time and a half over 40 hours, including members of the safety forces. I feel particularly strong about the inadvisability of paying firemen time and a half over 40 hours, since their present work week of 56 hours includes 16 hours of time devoted to sleep and many hours devoted to free time.

In addition, the 56 hour week requires them to work two 24 hour periods every six days, giving them four full days for outside employment. This is one of the emoluments of being a fireman which has made the job to popular and which, for instance, has given us at this time an eligible list of over 70 men waiting for the next vacancy in the Division of Fire.

Of paramount importance is the fact that Congress should not dictate to the cities rules and regulations concerning wages and salaries unless Congress is also willing to provide the necessary funds which we do not possess. I urge you to support the House version of this bill which excludes municipal employees so that we may continue to meet our obligations without deficit financing.

Sincerely,

ROBERT M. LAWTHER.
CITY OF NORTH OLMSTED,

CITY OF OAKWOOD,
Dayton, Ohio, July 28, 1972.

Senator ROBERT TAFT, Jr.,
Dixie Terminal Building,
Cincinnati, Ohio.

SIR: I am writing to you regarding Senate Bill No. 1861 which extends the coverage of the Fair Labor Standards Act to municipal employees. We wish to urge your support of the House version of this bill which will exclude municipalities from the coverage of the bill. Perhaps it has not been brought to your attention, but many cities have firemen who work twenty-four hours on and forty-eight hours off duty. This generally works out to be a fifty-six hour work week.

This mutually beneficial arrangement has allowed firemen to hold extra jobs while being paid a good wage. In our case, that wage is $5.04 per hour. This bill would, in our case, mandate sixteen hours a week additional hours at time and a half. This would require us to either lay off firemen or reduce services in other areas. We feel that this is a most inequitable requirement given the fact that our men now make over $11,000 a year on straight time.

We urgently ask that you support the version which would exempt municipal employees.

Very truly yours,

J. D. FOELL,
City Manager.

JULY 28, 1972.

Hon. ROBERT TAFT,
Senate Office Building,
Washington, D.C.

DEAR SIR: The City of North Olmsted is greatly concerned by Bill S–1861. S–1861 as passed by the U.S. Senate would create a serious fiscal impact on North Olmsted. We cannot afford to pay time and a half for overtime hours worked by our Municipal employees.

An estimate of additional costs for time and a half for our City would be $137,000 on $2,300,000 annual payroll. This would increase our labor cost automatically 6%. We do not have the money without drastic cuts in service.

Our North Olmsted Bus line alone, which is one of the few relatively stable Bus lines in the country operating out of the fare box, because of S–1861 would have to pay $58,000 of time and a half for overtime. We may as well close the doors on the Bus line.

Please support the House version of a minimum wage Bill which excludes municipal employees.

Very truly yours,

RALPH E. CHRISTMAN, *Mayor.*

CITY OF PIQUA,
Piqua, Ohio, July 27, 1972.

Subject: Minimum wage bill.
Hon. ROBERT TAFT, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TAFT: We are writing concerning Senate Bill 1861 which has been before the Senate the past few weeks. We do ask that you give careful study to the House version of this bill which calls for a $2.00 minimum and excludes municipal employees. Our main concern in the Senate Bill 1861 is with the provision covering firemen which would gradually cut their hours from 56 to 40 hours and anything over 40 hours would be at time and one-half. This would present a very difficult situation for the municipal governments in the way of financing the overtime pay. At the present time, our firemen are on 24 hours and off 48 hours on a regular base salary. Under Senate Bill 1861 it would necessitate hiring extra firemen to make up for the reduction of the hours served per week.

We appreciate any attention that you can give to the House version of this bill which would exclude municipal employees.

Very truly yours,

ROBERT B. MAY,
Acting City Manager.

CITY OF ROCKY RIVER,
Rocky River, Ohio, July 27, 1972.

Subject: Minimum Wage Bill passed by U.S. Senate.
U.S. Senator ROBERT TAFT, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to urge you to do everything in your power to eliminate the Municipal employees from coverage under this Bill, and to support the House version which excludes Municipal employees.

In my City's particular case, we are already paying time and half to all of our employees who put in more than 40 hours per week, with the exception of our Fire Department which we pay time and a half over 54 hours per week. At least 24 hours of this 54 is spent sleeping and since we pay them far in excess of this minimum wage that this Bill provides for, the only result of this Bill would be confusion to this Department. We would either have to reduce their hourly rate or reduce the safety force itself.

Since the Senate Bill as it now reads also includes summertime or student help, this Bill will probably result in no students being hired. I can't believe any City would pay $2.20 per hour for a towel boy at one of the swimming pools. In one instance the Federal Government promotes summer jobs, and in the other instance by the passage of this Senate Bill 1861, makes it difficult if not impossible to implement a summer program.

I would suggest further that the sponsors of this Senate bill allow the Municipalities to be heard before they make a mistake that I believe will be damaging to all Municipalities.

Very truly yours,

EARL MARTIN,
Mayor.

CITY OF TOLEDO, OHIO, *July 27, 1972.*

Hon. ROBERT A. TAFT,
U.S. Senator,
Washington, D.C.

HONORABLE SENATOR TAFT: Recently the United States Senate approved Senate Bill 1861, which raised the minimum wage to $2.20 an hour and extended coverage of the Fair Labor Standards Act to all Municipal employees. While we have no quarrel with the amount of the minimum wage of $2.20 an hour, for it has no real impact upon us of any really serious consequence, we are concerned about the provisions of the bill which mandates time and a half for hours worked in excess of 40 hours per week. Apparently the only exception in the Senate Bill to the overtime provision would be police and firemen who would be covered by a special provision defining the overtime ceiling as hours worked over 48 hours per week in 1972. Time and one-half would be required for hours worked in excess of 48 hours per week in 1972. The ceiling would be gradually reduced over a five (5) year period down to 40 hours per week. This provision in the Senate Bill would immediately affect all Municipalities with full time firemen, most of whom are already working in excess of 48 hours per week.

The House version of the Minimum Wage Bill excluded Municipal employees from the coverage under the Fair Labor Standards Act. We understand the bill now must go to a conference committee to work out the difference between the two bills.

We wish to point out that if the Senate version of the Bill becomes the law, it would have a disastrous financial impact upon our City. Our Finance people tell us it could cost the City of Toledo between $500,000 and $600,000 per year in overtime payments just to firemen who work a 52-hour week. Frankly, we are having a difficult time in balancing the budget with present sources of revenue. We have just provided our employees with a 2% increase in pay effective July 1, 1972, with an additional 2% to be granted July 1, 1973. This pay raise was provided with the knowledge that there is no additional room in our budget for any further pay increases or benefits. The news that we may be faced with overtime pay for firemen under the Senate version of the Minimum Wage Bill comes as a shock to us for we have no way of paying it.

I am sure you will be hearing from other communities in Ohio in much the same vein as this letter. The Senate Bill is a real threat to our financial stability, such as it is, and anything you can do to insist upon exemption of Municipal employees from the provisions of the Bill will be greatly appreciated by the City of Toledo.

Thank you very much for your consideration.

Yours very truly,

JOHN J. BURKHART,
Chief Counsel.

CITY OF TROY,
Troy, Ohio, July 27, 1972.

Hon. ROBERT TAFT, Jr.,
U.S. Senate,
Washington, D.C.

SIR: The City of Troy is vitally opposed to Senate bill 1861; a bill raising the minimum wage to $2.20 an hour and extending coverage of the Fair Labor Standards Act to municipal employees, including summertime help. The bill calls for overtime to be paid to city employees beyond 40 hours with policemen and firemen being held to a ceiling of 48 hours per week beginning in 1972. Policemen and firemen are to also go to a 40 hour week over a five year period.

The City of Troy already pays overtime to policemen and firemen if called to extra duty beyond the current schedule. Policemen are scheduled for a 40 hour week at present. However, firemen work 56 hours per week; a system of 24 hours on and 48 hours off. To reduce their working hours to 48 hours per week would require the City of Troy to hire six additional firemen, an increase of 22% to the present force. To reduce their hours to 40 hours per week would require the City of Troy to hire 12 additional firemen, an increase of 50% to the present force, to accomplish the same level of service currently established. A first class fireman now receives $9,875.00 plus fringe benefits in the amount of $2,142.00, or the equivalent of $12,017.00. Because of the one day on—two days off schedule, most hold at least one additional job on a regular basis.

Summertime helpers are hired for the parks, golf course and swimming pool. To maintain the same level of services, approximately 20 additional employees would be required in this category.

This all adds up to a sum in excess of $200,000 per year for our City, with no improvement in services to the people. The only way this sum can be made up would be to increase taxation or to reduce the already minimal services being provided our citizens.

City employees in the State of Ohio are already protected by State Civil Service Regulations and, in most cases, by the American Federation of State, County and Municipal Employees Union (AFL–CIO), the International Association of Fire Fighters or the F.O.P. With such double and triple protection, municipal employees are certainly not overworked or underpaid or treated unfairly in any respect. Their living standards are equal to or better than their counterparts in business and industry.

It is, therefore, urged that you oppose Senate bill 1861, but favor the House version of the bill which excludes municipal employees from coverage under the Fair Labor Standards Act.

Sincerely,

MARLEN E. REBER,
Director of Public Service and Safety.

CITY OF ZANESVILLE, *July 27, 1972.*

Hon. ROBERT TAFT, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: Last week the Senate approved S. 1861, a bill raising the minimum wage to $2.20 per hour and extending coverage of the Fair Labor Standards Act to municipal employees.

It is not my view that all aspects of the bill are uncalled for, but merely that the all encompassing solution to a problem creates more problems than it solves since it does not take into consideration the unique nature of municipal corporations. With respect to various aspects of the bill the following is presented for your consideration.

1. Whether the proposed minimum wage rate is $2.00 or $2.20 per hour is of no great significance to regular 40 hour per week employees. If applied to college students hired during the summer the situation is that we will not hire them under any condition. In the case of the Neighborhood Youth Corp program, the problem gets a little more difficult in view of the 80% federal funding, but even here we will take a long look if the minimum rate starts to make other employees disgruntled. Everyone has a pecking order.

2. The overtime factor payment for over 40 hours means that our municipal unions will not have to enter collective bargaining on this point—if it's in the bill they win without negotiating. The worst feature is the payment of overtime to firemen. This municipal group of employees is unique in more than one way. In Zanesville an initiative petition filed by firemen mandates 24 hours on duty—48 hours off duty—or what averages out to a 56 hour week. In 11½ years I have never heard of a fireman who wants this to be changed. Only a fool would try to put them on a 5–8 hour days schedule because they would move heaven and earth before permitting this to happen. When the payment for overtime (over 40 hours) goes into effect for firemen they walk into a 14% wage increase, since Council cannot change the initiative ordinance.

3. The total effect of this bill will be to increase Zanesville's payroll cost some $120,000 annually. If revenue sharing becomes a reality and Zanesville receives the $360,000 now estimated as its share, the proposed bill will immediately wipe out 33⅓% without improving public service.

In view of the difference in the House and Senate version of this bill there will be a need for the bill to go to a conference committee. Therefore I am asking that you consider this data and request the conference committee to recognize the serious problems already facing municipal corporations, much less compound the problems.

Sincerely yours,

SAMUEL GREY,
City Manager.

P.S.—Your consideration will be appreciated.

COSTS ANTICIPATED DUE TO PROPOSED MINIMUM WAGE LAW AND EXTENSION OF THE FAIR LABOR STANDARDS ACT

Fire Department costs for time and a half after forty-eight hours:

8 hours a week times 52 weeks a year equals 416 hours a year per employee; times 45 employees equals 18,720 hours of overtime; times $2.939 average hourly wage rate equals $55,018.08 cost at straight time; times 50 cents equals $27,509.04 cost of time and a half after 48 hours.

Fire Department costs for time and a half after forty hours:

16 hours a week times 52 weeks a year equals 832 hours a year per employee; times 45 employees equals 37,440 hours a year; times $2.939 average hourly wage rate equals $110,036.16 cost at straight time; times 50 cents equals $55,018.08 cost of time and a half over 40 hours.

Fire Department overtime:

60 hours pay divided by 56 hours work equals 1.0714 or a 7.14 percent increase in pay for time and a half over 48 hours.

64 hours pay divided by 56 hours work equals 1.1429 or a 14.29 percent increase in pay for time and a half over 40 hours.

Overtime all city employees:

$82,987, 1971 cost at straight time, times 1.02, adjustment for 51 weeks, equals $84,647; times 1.055 equals $89,302, 1972 costs at straight time, times 1.5 equals $133,953, 1972 costs at time and a half.

$133,953, 1972 costs time and a half, minus $89,302, 1972 costs straight time, equals $44,651. 1972 additional cost of time and a half.

Cost of $2.20 minimum wage for the recreation department:

$2.20 minimum wage divided by $1.43 present lowest recreation wage, equals $1.5385, raising the lowest wage from $1.43 to $2.20 is a 53.85 percent pay increase.

Assuming a proportional increase for all temporary recreation department employees:

$37,650, 1972 costs at present wages, times $1.5385, equals $57,925, 1972 costs with $2.20 minimum wage.

$57,925, 1972 costs with $2.20 minimum wage, minus $37,650, 1972 costs at present wages, equals $20,275, 1972 additional costs due to $2.20 minimum wage.

FOREIGN TRADE AND INVESTMENT ACT OF 1972

Mr. HARTKE. Mr. President, from the start of the current debate of foreign trade and investment, the Washington Post has expressed reservations about my own Foreign Trade and Investment Act of 1972.

In a recent editorial, the Post finally recognized that the level of unemployment is a matter of first importance in the politics of every industrialized country. For the average workingman, the Congress and the executive branch of the Government are the court of last resort in any effort to achieve economic justice.

The Hartke-Burke bill has recognized this from the start. And with an eye to preserving American jobs, Hartke-Burke has set about to refashion our foreign trade policies.

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

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

ON TRADE, A SURPLUS OF BOMBAST

Although Mr. Connally has left the Treasury, some of his more unfortunate rhetoric continues to echo through American foreign policy. While Henry Kearns is hardly a primary figure in the administration, he is, after all, president of the Export-Import Bank and it can only generate hostility and suspicion when he threatens Europeans over trade policy.

In a recent speech in Rome, Mr. Kearns assured an audience of businessmen that "unless the United States achieves a sizeable surplus of exports over imports, our ability to maintain our heavy world commitments will be weakened." If we cannot get a surplus by raising imports, he further suggested, we can get it by restricting imports and embarking on a trade war. This language is a throwback to Mr. Connally's campaign of last autumn, when he was pretending that the American balance of payments is made up only of trade and aid. In fact, foreign aid, military costs and the current trade deficit are only a part of the balance of payments. There are also the enormous movements of capital and profits back and forth across our borders. The Europeans know the figures, and they know that Mr. Kearns knows the figures. They take the view that they did their bit for the American balance last December, when they agreed to the devaluation of the dollar. To return to the Connally theme now can only amplify European doubts about American intentions regarding the Atlantic alliance.

To finance American commitments abroad, the need for a trade surplus is in fact highly questionable. American investments abroad are now returning profits at an annual rate of nearly $8 billion a year. If we can achieve a trade balance of zero, with exports equal to imports, it is quite reasonable to hope that this flow of profits can balance military costs and the outward movement of public and private capital.

The essential reason for the sensitivity of exports and the trade balance is not foreign commitments. It is employment at home. The level of unemployment is a matter of the first importance in the politics of every industrialized country. More exports mean more jobs, and that is why all of the rich countries are now competing to achieve and maintain trade surpluses. Our trading partners tend to see our pressure for a trade surplus as an attempt to export our unemployment, and that is why threats like Mr. Kearns have an inflammatory effect in capitals where we need cooperation.

The proper course for the United States is to proceed toward the world negotiations on trade and monetary reform that we promised last December. Unfortunately, as the Kearns speech suggests, we are not making much progress toward serious and realistic discussions.

B'NAI B'RITH YOUTH ORGANIZATION WORKS FOR RATIFICATION OF GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, occasionally I hear the following remark:

No one really cares about the Genocide Convention.

Recently I received a gratifying letter which contradicts this remark and verifies that genocide is a topic of concern for some individuals. I would like to quote part of my letter from Mr. Richard Bernstein of the B'nai B'rith Youth Organization.

The B'Nai B'rith Youth Organization, like its adult sponsoring organization, has taken a long and strong stand for the treaty's ratification. How may we help? In three weeks we will be holding our annual International Convention and would like to consider this issue in our social/political action workshops.

I commend the members of the B'nai B'rith Youth Organization for their willingness to devote their time and resources to this issue and I value their support. I think that the support of an organization which concerns itself with human rights reflects the worth of the Genocide Convention.

I have encouraged the members of this organization to express their views to their Senators. I have explained that this would be the best course of action since ratification lies in the hands of the Senate.

I ask the Senate to listen to the pleas of the B'nai B'rith Youth Organization. I call upon the Senate to ratify the Genocide Convention without further delay.

THE ORDER OF AHEPA

Mr. MOSS. Mr. President, the Order of Ahepa was founded 50 years and 1 week ago today, on July 26, 1922. Its purpose is a most worthy one—to foster the best ideals of man's moral character and to translate these ideals into acts.

For half a century AHEPA has provided an opportunity for men of outstanding moral character to contribute much comfort, aid, and cultural and educational stimulus to their country and to the world. Indeed, their nine objectives are intensely reminiscent of those truths which Jefferson and our other Founding Fathers held to be self-evident. These nine objectives are:

First. To promote and encourage loyalty to the United States.

Second. To instruct members in the tenets and fundamental principles of government and in recognition and respect of the inalienable rights of mankind.

Third. To instill in members a due appreciation of the privileges of citizenship.

Fourth. To encourage its members always to be profoundly interested and actively participating in political, civil, social, and commercial fields of human endeavor.

Fifth. To pledge its membership to do its utmost to stamp out any and all political corruption. 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 to 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.

This organization, which has a membership of 28,000, has matched its words with deeds. It has raised tremendous sums of money to provide educational, cultural, and medical services to hundreds of thousands, and relief assistance to other thousands who were victims of hurricanes, floods, and earthquakes in this hemisphere and elsewhere.

The Order of Ahepa is a nonpartisan, nonsectarian organization which has 430 local chapters in 49 States, Canada, and Australia. I might add, I am proud that Utah has three local chapters, in Salt Lake City, in Ogden, and in Price.

It is a pleasure to honor this fine organization on this, the occasion of its golden anniversary.

LOWERING THE AGE BARRIERS FOR SERVICE IN CONGRESS

Mr. BAYH. Mr. President, several months ago I introduced Senate Joint Resolution 170 on the floor of the Senate. The joint resolution proposes a constitutional amendment to lower the age of eligibility for the Senate and House of Representatives by 3 years, the same reduction as was accomplished last year in the voting age by the passage and ratification of the 26th amendment. I introduced Senate Joint Resolution 170 because I firmly believe that these younger people are mature enough and well-educated enough so serve in Congress. They have earned the right to serve by their participation in all aspects of today's society—from paying taxes and the draft to responsible political and community activity. And perhaps most important, they have something constructive to offer by serving in Congress—courage and energy, creativeness, and idealism—attributes always in short supply anywhere in our society.

In order to give every Member of this body an opportunity to evaluate the arguments in favor of this amendment, I ask unanimous consent that two recent editorials on this subject be printed in the RECORD.

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

[From the Boston Record-American]

YOUTH COMES OF AGE

Not long ago, the idea of cutting three years off the age eligibility for the Congress and the U.S. Senate would have been shocking. Not any more. The emergence of youthful voting power at this week's elections outdated that kind of thinking.

So, the proposed constitutional amendment filed jointly by Rep. Robert F. Drinan (D–Mass.) and Sen. Birch Bayh (D–Ind.) caused hardly a ripple of objection. It was generally accepted as further recognition of the role youth must play in the nation's future—and soon.

When one stops to think of it, it is quite logical as an extension of the voting rights granted to youth by the 26th Amendment. This is again becoming a youthful country, as it was at its origin. The average age of the American citizen is only 27.

Teenagers, by the thousands, cast their first ballots this week in state and local elections. A surprising number of youthful candidates won important elective office.

In Boston, 22-year-old Lawrence S. DiCara, a recent Harvard graduate, was one. He was elected to the Boston City Council. So was Henry F. Fitzgerald, Jr., 21, in Everett. In Pawtucket, R.I., an 18-year-old Brown freshman, Maureen Massiwer, became the youngest office holder in Rhode Island history when she was elected to the school committee.

And in the little Indiana town of Ayrshire, population 243, Jody Smith, 19, was chosen mayor. In East Lansing, Mich., home of Michigan State University, 75 percent of the students voted and elected candidates to the City Council. In Boulder, Col., University of Colorado students formed a solid voting bloc of 8000 and elected a slate of five

liberal Council candidates. And so it went across the country.

It is highly unlikely, as Rep. Drinan concedes, that many candidates for Congressional office would soon be elected at the age of 22 or to the Senate at 27 if the amendment were adopted. That is true now, when the minimum ages are 25 for the House and 30 for the Senate.

But many of this youth generation are mature beyond their years. They need only the opportunity to produce takers to the challenge. The constitutional right to serve in Washington—to have both a voice and a vote in Congress—would provide both the opportunity and the challenge.

[From the Washington Daily News]

YOUNG CONGRESSMEN

The most attractive argument put forth by Sen. Birch Bayh, D-Ind., and Rep. Robert F. Drinan, D-Mass., for lowering the age requirement for congressmen is that this would rekindle faith among America's youngsters in our system of government.

They have proposed a constitutional amendment that would correspond to the last amendment to the Constitution—the 26th, which lowers the voting age from 21 to 18.

Thus, their proposed amendment would lower by three years the eligible age for election to the House from 25 to 22 and to the Senate from 30 to 27.

Not unexpectedly, they publicly foresee considerable support for their proposal within Congress and report optimism that three-fourths of the States would adopt it as readily as they adopted the 26th amendment.

Perhaps so. Perhaps not. The argument that an 18-year-old today has the right to translate his private opinion into a vote for an elected representative of his choice has almost transparent merit.

But it's a long leap to assume that a youngster only four years his senior is likely to be seasoned enough to make law for all the people. Admittedly, the relationship between age and intellectual maturity always has been chancy. Our Republic has seen its share of senescent teen-agers in high places. But, as a rule of thumb, experience in the difficult worlds of law or commerce or industry—or even theology, as Father Drinan knows—has proved an invaluable background for the burdensome task of trying to shape just law. And, over the years, the people generally have reflected a preference that some such experience be a prerequisite for congressional service.

Thus, even if the Bayh-Drinan amendment should prevail, the electorate would have to be convinced that the 22-year-old aspirant to a House seat, or the 27-year-old aspirant to the Senate was an exceptional young person indeed. As well he or she might be.

And if passage of the Bayh-Drinan amendment made youngsters feel greater trust in government, it would be a good thing—particularly since we are becoming a progressively younger population.

But as a practical matter it's unlikely it would much change either the preference of the electorate for seasoned candidates or, therefore, the complexion of the Congress.

FDA BAN ON USE OF DES

Mr. RIBICOFF. Mr. President, today, the FDA announced that it was banning the use of DES in animal feeds as of January 1, 1973, but would continue to allow implantation of DES in food animals under currently existing regulations.

This response comes after overwhelming evidence was presented to the FDA that DES is a cancer-causing substance and that existing methods for preventing the presence of DES residues in our meat supply are totally inadequate. The FDA action is—at best—a minimal response. It is inadequate in at least two ways.

First, if DES is dangerous enough to ban because it causes cancer, it is certainly dangerous enough to ban right now. There is absolutely no reason why the American people should be subjected to 4 more months worth of potentially dangerous food supplies. This action is all too reminiscent of the FDA's weak efforts to ban lead-based Christmas tree tinsel in 1971, when the agency decided to tolerate one more dangerous Christmas for the children of America before banning the hazardous product.

Second, the use of DES even as an implant is too dangerous, and ought to be discontinued. It is argued that no residues of DES have been detected from such implants, but adequate scientific studies have not been done to be sure that no residues could still be present. Until we are absolutely sure that no residues will continue to exist, DES implants ought to be suspended.

I ask unanimous consent that Nicholas Wade's article on DES and the FDA that appeared in Science magazine of July 28, 1972, be inserted in the RECORD at this point.

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

DES: A CASE STUDY OF REGULATORY ABDICATION

(By Nicholas Wade)

A restaurant worker in New York was so fond of chicken that he had for his supper each night the necks left over from the birds consumed by the patrons. At that time, in the 1950's, the poultry industry was producing a particularly tender-meated chicken called a caponette, whose soft flesh was the result not of castration, as in the capon, but of the implantation of a pellet of diethylstilbestrol, or DES. The DES, a synthetic chemical that mimics the action of the natural female sex hormones, was implanted in the young chickens' necks. On his diet of caponettes' necks, the New York restaurant worker attained immortality as a medical textbook example of gynecomastia—the growth of female-sized breasts on a man. Last year DES itself made medical history in what the *New England Journal of Medicine* described as a "unique situation in human oncology." A hitherto extremely rare kind of vaginal cancer was noticed in eight young women admitted to a Massachusetts hospital. Their only point in common was that some 20 years previously they had all, as fetuses, been exposed to DES (in one case to a related chemical) when their mothers were treated with it to prevent a threatened abortion.

DES is a chemical of bizarre and far-reaching properties, chief of which is that it is a spectacularly dangerous carcinogen. Some 22 countries have taken steps to ensure they do without DES in their food supply. The hormone is a regular ingredient of the American diet because the federal government permits its use as an additive in cattle feed. Fed to some 75 percent of the 30 million cattle slaughtered each year, DES makes the animals fatten faster and on less grain, thereby saving cattlemen some $90 million yearly. In the past 9 months, the chemical has enjoyed a crescendo of notoriety—culminating in hearings last week before Senator Kennedy's health subcommittee—because residues of DES in possibly cancer-causing quantities continue to this day to appear in beef.

The attempts of the Food and Drug Administration (FDA) and the Department of Agriculture (USDA) to protect the consumer from DES form an illuminating case study of the use of scientific information in regulatory decision-making. The DES case also illustrates the gulf between the present law and rational policy, as well as the basic and as yet unresolved dilemma of food protection: Is there a "no effect" level at which a carcinogen can safely be allowed in food?

The history of the attempt to control DES is a record that includes negligence, deception, and suppression by the USDA and prevarication by the FDA. DES was first approved for use in cattle in 1954, with the condition that it be withdrawn from feed 48 hours before slaughter so that none would remain in the meat. Under the law, the FDA was supposed to recommend a method for detecting DES in meat, and the USDA was to inspect meat. For 11 years, until 1965, neither agency bothered to check meat for DES on a regular basis. This abdication was in spite of the clearest warning signals. For example, in 1959 the National Cancer Institute advised that "it would seem the better part of reason to exclude this known potent carcinogen from our diet and to eliminate such food additive practices as have been shown to lead to any detectable residues . . . in our food."

The methods available in 1959 were good enough to pick up DES residues in poultry but not in sheep or cattle. The Delaney anticancer law of 1958 says unambiguously that no known carcinogen shall be allowed in food, so the FDA had no option but to prohibit the use of the hormone in poultry. It was clearly only a matter of time before detection methods improved sufficiently to pick up DES residues in beef and mutton. The FDA was not hurrying, however, and in 1962 someone persuaded Congress to emasculate the Delaney law as it affected DES. The new clause, a piece of fine-print chicanery known as Section 512 (d) (a) (17) of the Food, Drug, and Cosmetic Act, said that it is okay to feed carcinogens to meat animals, as long as no residue is left in the meat when the chemical is used according to label directions that are "reasonably certain to be followed in practice." In other words, if you find DES in meat, that's the fault of the farmer for disobeying the "reasonable" regulations. So don't ban DES, jail the farmer.

The loophole didn't face any test until 1965, the first year the USDA started to check beef regularly for DES. Even then, the USDA's anxiety about DES remained less than extreme, as is illustrated by the case of John N. S. White, a former USDA meat inspector in Los Angeles. Noticing that cows fed particularly heavy doses of DES developed anatomical abnormalities, White prepared a scientific article suggesting that DES should be more strictly controlled. He was told not to publish it. When he persisted he received the following encouragement in a letter from a USDA personnel officer:

"I have before me a file disclosing that you acted contrary to supervisory instructions by offering for publication an article entitled 'The Effect of Feeding Stilbestrol to Beef Cattle' . . . You are hereby reprimanded for failure to follow supervisory instructions and conduct causing embarrassment to the Department. You are also warned that a repetition of this type of offense could result in severe disciplinary action and very possibly removal."

White eventually got his article published, by the expedient of quitting the USDA.

When the USDA did start looking for DES residues in meat, it used an analytical method capable of detecting DES down to levels of 10 parts per billion (ppb). Only the year before, in 1964, DES had been shown to cause tumors in mice when fed at a level of 6.5 ppb, and the "no effect" level, if any, had not been discovered, then or since.

Hence even meat shown to be clear of DES by the USDA's method could still contain dangerous quantities of DES. Little wonder that a senior USDA chemist described the method as a "regulatory control chemist's nightmare."

It was the nightmare, nonetheless, which allowed the DES issue to slumber on for 7 years more. Maybe because of the coarseness of the detection method, the USDA did not bother to test more than a perfunctory number of samples each year, even though DES turned up in a suggestive quantity. In 1966, the USDA found DES in 1.1 percent of 1023 samples. Since some 30 million cattle are slaughtered each year, 1023 is not too healthy a sample from which to draw statistically valid conclusions. A reasonable step to ensure that DES was not contaminating the public's beef might have been to increase the sample size. Yet in 1967 the USDA tested only 495 samples, 2.6 percent of which contained DES. In 1968 545 samples were taken, in 1969 505, and in 1970 only 192.

The USDA's sampling program showed every appearance of dwindling to the vanishing point in a few more years. For 1971, however, the USDA actually increased its sample size to 6000, yet by some strange circumstance found DES residues in none. That, at least, is what USDA Assistant Secretary Richard Lyng told Senator William Proxmire (D-Wis.) on 31 August. The truth was that DES had been detected in ten animals, in quantities up to 37 parts per billion, but a lower official had ordered these results to be suppressed. The explanation proffered when this became known was that the residues were not to be reported until confirmed by a second method of analysis. No second method was available, so the results had not been reported. In his letter of apology to Senator Proxmire, Lyng called the episode an "inexcusable error" and a "gross malpractice."

In a critique of the DES case, Harrison Welford, of Ralph Nader's Center for the Study of Responsive Law, concludes that up until April 1971, some 17 years after DES was first approved for use in cattle "neither the USDA nor the FDA could make a serious estimate of how much DES was getting into the nation's beef. This result is an object lesson in the ways bureaucracy can silently evade the consumer protection mandates of Congress," Welford says.*

The cases of vaginal cancer discovered in April 1971 suggested that the silent evasion policy had nearly outrun its usefulness. When the USDA admitted in October that it had, after all, been finding DES in beef, the FDA had a crisis on its hands. For a start, the Natural Resources Defense Council filed a suit requiring the FDA to ban DES. The residues of DES being found in beef were confined to the liver and averaged typically 2 ppb—the lower limit of the new detection technique. This concentration of DES amounts to about 0.3 microgram for a 150-gram serving of liver, a quantity that represents an appreciable addition to a woman's own natural supply of estrogen. Whether or not regular exposure to such quantities of DES represents a cancer hazard no one knows, but witnesses from the National Cancer Institute and elsewhere have advised that it would be prudent to avoid such exposure.

The FDA's response to the crisis last October was not to ban DES, but to lengthen from 2 to 7 days the mandatory period between the withdrawal of DES from a cow's feed and the time of the animal's slaughter. The continuing presence of DES residues in beef could have been either because it took longer than 2 days for DES to be cleared from an animal's system or because some cattlemen were breaking the law by neglecting to withdraw DES before slaughter. Which explanation had the FDA acted on? If the latter, a cattleman who neglected to withdraw DES had just the same chance of being caught—about 1 in 5000—whether the withdrawal period was 2 days or 7. Did the FDA then have scientific evidence to indicate that the 2-day withdrawal period was insufficient? Apparently not.

In a hearing on 11 November before Congressman L. H. Fountain's (D—NC.) subcommittee on intergovernmental relations, the commissioner of the FDA, Charles C. Edwards, explained that "sound scientific data" supported the belief that DES is cleared from an animal's system within 2 days. This may have been belief at the top of the FDA hierarchy; at humbler levels there was doubt if even the new 7 day period was long enough for DES to be cleared. According to a position paper drafted on 8 February 1972 by A. J. Kowalk and R. L. Gillespie, scientists in the FDA's Division of Toxicology, a single experiment formed "practically the only evidence to support a 7-day withdrawal period." This study is "weak scientific justification," Kowalk and Gillespie said, because only one animal was used, only a single dose of DES was fed, and half the drug could not be accounted for. And far from justifying a 7-day withdrawal period, the data even from this experiment could be interpreted to indicate that residues of DES will remain in the animal for longer than 7 days.

The practical value of the FDA's 7-day withdrawal period was no less contentious than its scientific basis. Roy Hertz, of Rockefeller University, an adviser to the FDA at the time that DES was banned from use in poultry, opined to the Fountain subcommittee last October that the new 7-day withdrawal period would be even harder to enforce than the 2-day period. He categorized the FDA's new procedures as "unfeasible and impractical and ill-advised" because they would increase rather than reduce the hazards of exposure to DES. The only justification for using DES in cattle would be under threat of famine, Hertz said.

"We are absolutely convinced that, if we do have and enforce sound controls, DES can be used safely and effectively," Edwards proclaimed. But it was Hertz's predictions that were correct. DES, which appeared in 0.5 percent of the samples tested in 1971, is at present being found in 2 percent (admittedly the USDA's testing procedure has also grown more sensitive over the same period). In the week ending on 24 June, DES was found in an astounding 10 percent of all samples tested. As for the threat of famine, under which the saving of grain by use of DES might make some sense, the present wheat surpluses are the highest in a decade, even though farmers were paid $1 billion this year not to grow wheat.

At the hearings before Fountain's subcommittee on 11 November and 13 December, the FDA's basic game plan was to rely on Section 512(d)(1)(H) the specially created loophole for DES. To objections that, legalisms aside, a potent carcinogen was nevertheless getting into people's food, the FDA's response was, first, that DES is no more carcinogenic than the natural estrogens and, second, that a carcinogen ingested in small enough doses can reasonably be regarded as safe. When it was pointed out that Congress had passed the Delaney clause specifically to protect the public against this kind of judgment, the FDA scuttled back into its Section 512(d)(1)(H) bolthole. And when asked what would happen if the new regulations failed to prevent DES from turning up in food, Edwards stated categorically that he would have no choice but to ban DES immediately.

Although the FDA is supposed to be protecting the consumer against the manufacturer no less than vice versa, FDA witnesses at the Fountain hearings seemed to be grasping at any straw to defend DES, even the assertion that to ban DES would create more animal excrement, leading to the eutrophication of lakes and streams. A less absurd bulwark of the FDA's defense is the contention that, for any carcinogen, there exists a dose sufficiently low that, for all practical purposes, it is safe. On this issue a diversity of voices is heard. On the one hand, two committees of independent experts have advised that, once a substance is agreed to be a true carcinogen, then none, or for all practical purposes none, of it shall be allowed in food. †

HOW LITTLE IS ENOUGH?

On the other hand, the Food Protection Committee of the National Academy of Sciences (NAS) states in a 1969 report that under certain conditions people of sound toxicological judgment can ascertain "toxicologically insignificant" levels of a chemical. Any claim by the NAS food protection committee to be an independent, unbiased, and representative body of experts must be weighed against the fact that it is supported by grants from the food, chemical, and packaging industries, and five of the nine scientists who prepared the 1969 report were employed by food or chemical companies.

Which side did the FDA favor, Fountain asked during the DES hearings. "We cannot with confidence determine what a practical safe level would be of a carcinogen," the FDA said in written response. "However. . . we must be pragmatic." The FDA "accepts and endorses the Delaney clause." On the other hand, "arbitrarily to ban foods that contain miniscule amounts of known (cancer-) inducing factors would lead to chaos and an inordinate waste of vitally needed food." Who could doubt just where the FDA stood on this vital issue?

"If we find the new program is not going to work," FDA commissioner Edwards told Fountain last December, ". . . we will take immediate steps to ban this particular drug from the animal food supply." Five months later, when DES residues had not decreased but quadrupled, it was time for the FDA to deliver on its promise. On 16 June, Edwards announced that he would hold a public hearing in order for the FDA to "make absolutely certain it has all the facts." The only legal mechanism for holding a hearing is for the FDA to propose to withdraw the drug, as has been done. But formalities apart, it appears that even now the FDA has not decided to ban DES. "We have not yet concluded that withdrawal of approval for DES is the appropriate course of action," Edwards said in his 16 June announcement.

The FDA's decision to hold hearings on DES did not please everyone. Fountain dismissed it as "merely a tactic for delaying the regulatory action which the law requires." And the new head of the National Cancer Institute, Frank J. Rauscher, courageously took public exception to the policy of his fellow bureaucrats. Anything that adds to man's carcinogenic burden should be eliminated if possible, Rauscher told Morton Mintz of the Washington Post, and it would be "prudent" to eliminate DES pending the outcome of the FDA's public hearing.

Why has the FDA invested so much credit in the defense of a mediocre and probably unwinnable cause? Cynics have observed that

*H. Welford, *Sowing the Wind* (Grossman, New York, in press).

† The two committees are the Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens, which reported to the surgeon general on 22 April 1970, and the Panel on Carcinogenesis of the FDA Advisory Committee on Protocols for Safety Evaluation, which reported in December 1969. The former committee, chaired by Umberto Saffiotti of the National Cancer Institute, said zero carcinogens should be allowed in food; the latter committee, chaired by Norton Nelson of the New York University Medical Center, opted for "levels which are the practical equivalent of zero."

the Administration has been visibly concerned about the rising price of meat in an election year, and the banning of DES would cause a small but perceptible rise—3.85 cents per pound—in the price of beef. The circumstance that the FDA's present course of action will probably not lead to a decision on DES until shortly after 7 November does not in itself invalidate this explanation. Another consideration the FDA may have in mind is that if they cannot hold the line with DES, which has a legal loophole tailored for it, a lot of other chemicals may fall domino-like into the jaws of the Delaney clause: "DES will not be the only substance to generate these kinds of issues," Edwards complained darkly to Kennedy's subcommittee. More important, perhaps, the defense of the carcinogenic food additives is a self-sustaining activity, from which the FDA can withdraw only at the price of admitting that the critics were right all along.

ARMY'S REQUIREMENT FOR ADVANCED ATTACK HELICOPTER

Mr. HUGHES. Mr. President, close air support is not a single mission to be performed exclusively by a single service or a single category of aircraft. The Army uses helicopters in the performance of its primary role of conducting sustained land combat. In the environment of the ground soldier the attack helicopter performs its firepower function in much the same manner as artillery, tanks, machineguns, and mortars. It is a logical part of the ground forces and fits naturally into the Army organization and command system.

The armed helicopter has been utilized in the close air support role in the Republic of Vietnam for almost 10 years with outstanding results. With the current attack helicopter, the Cobra, the Army has flown over 1 million combat hours in Vietnam with a loss rate per flying hour and per sortie less than the losses of jet fighters in South Vietnam.

The recent North Vietnamese offensive into the Republic of Vietnam has vividly illustrated the Army's rationale for employing the attack helicopter. The North Vietnamese Army deliberately chose the time for these attacks so that a cover of poor weather would lessen the U.S. capability to provide effective close air support. With ceilings at 1,000 feet and below fixed wing close air support was severely curtailed or prohibited. However, Army helicopters continued to operate regularly in support of the ground troops engaged in combat in spite of reduced numbers and a very limited antitank capability.

At An Loc on April 12, 1972, Army attack helicopters met the initial onslaught of enemy tanks into the city. Utilizing aerial rockets and automatic weapons, the attack helicopters killed the first tanks to enter the city. The remaining tanks and ground troops withdrew and did not reappear in strength for about a month.

In a single day at Kontum, two TOW equipped helicopters destroyed 10 of 12 enemy tanks and tracked vehicles and were credited with saving the city. These helicopters have killed a total of 24 tanks and 23 pieces of enemy materiel during the recent North Vietnamese offensive.

The Army has traded-off ground vehicles, equipment and units in order to accommodate the attack helicopter into its structure. It has determined the deficiencies of current attack helicopters and has supported the development of an advanced attack helicopter as a means of increasing Army combat capabilities. It is prepared to integrate an advanced attack helicopter into the force structure within its decreasing strength ceilings.

The Army needs a full time, around the clock, aerial weapon system. The means to fill this need are at hand. As we reduce the Army we must be mindful to provide a smaller Army with modern technology that will give the Nation the maximum effectiveness for its defense dollar.

TOM GONZALES RESIGNS

Mr. MONTOYA. Mr. President, over the weekend, Thomas L. Gonzales terminated his employment in the U.S. Senate as head page for the majority, an assignment he had held for the past year. It is indeed a pleasure for me to congratulate Tom for a job well done during the past 4 years that he has served the Senate.

"T.G." as he is known by his fellow pages, exemplified mature judgment, integrity, and dedication in the discharge of his duties and in the fulfillment of his responsibilities to his peers and superiors.

Notwithstanding the demanding and challenging task he so ably fulfilled in the Senate, Tom, an honor roll student at the Capitol Page School, found time to serve as president of the student council and was editor in chief of this year's yearbook, "The Congressional."

In my opinion, Tom's excellent employment record in the Senate and his outstanding academic achievements thus far should serve as an inspiration and a motivating force to other young people.

Tom is now in Mexico City, where he is serving as an intern in a law firm for the balance of the summer. In September he will enroll as a freshman at Amherst College, and I know that Senators join me in wishing him continued success.

Former Head Page Tom Gonzales has often said that ample opportunities exist in the United States for young people who are not afraid of working and meeting challenges head-on. Tom should know. He was born in Monterrey, Nuevo Leon, Mexico.

OREGON VOLUNTEER TUTOR PROGRAM TO HELP CHILDREN LEARN TO READ

Mr. HATFIELD. Mr. President, the ability to read is essential to every American.

Yet, according to a survey by Louis R. Harris Associates, conducted for the National Reading Center of Washington, D.C., 21 million of our fellow citizens are functionally illiterate throughout this Nation today.

They cannot live full and productive lives. They are unable to read well enough to make out a job application, or to learn enough to advance to a better job. They cannot fill out an application for a driver's license, or a loan form at a bank. To them, a newspaper is a comic strip, and a book does not exist.

Most of us in this Chamber, Mr. President, are relatively unaware of this situation and its implications; indeed, throughout the Nation Americans simply take it as a matter of fact that every citizen can read.

In my State of Oregon, I am glad to report, there is a realization of the reading problem and a new program of citizen action to deal with it.

Oregon citizen-volunteers are now dedicating themselves to the proposition that every child in our State has the right-to-read.

Where teachers are too few or overburdened, and money is limited or unavailable, citizen volunteers are readying themselves to step in as tutors to help primary-grade youngsters get a good foundation in reading instruction.

They are determined that today's child will not become tomorrow's illiterate adult.

Recently, in Portland, Oreg., 135 citizen volunteers came from throughout our State to attend a 2-day reading tutor-training workshop, sponsored by our State board of education and the National Reading Center.

These volunteers represented 43 Oregon school districts and 12 intermediate education districts, in 23 of our counties.

And there were representatives from organizations which are actively helping and sponsoring this tutor-training project.

These volunteers have now returned to their home communities throughout our State. They are prepared to rain other volunteers to become reading-tutors in their neighborhood schools and, under the guidance of the classroom teacher, help our youngsters in the primary grades to get a good grasp of reading skills.

Mr. President, the National Reading Center makes no charge for the training and materials of these workshops, and the program to help children with reading is now active in 21 States and five metropolitan areas.

I take this opportunity to commend the Oregon Board of Education, the National Reading Center, and especially the citizen volunteers and organizations participating in this right-to-read effort.

To my fellow-citizens of Oregon who wish to volunteer their good help in this new endeavor, I suggest they contact Miss Ninette Florence, specialist in reading education, Oregon Board of Education, Salem 97310, or call (503) 378–3569.

Mr. President, I ask unanimous consent that at this point in my remarks the RECORD include an article on Oregon's reading tutor-training program from the Salem Statesman newspaper, and a list of Oregon's representation at the recent reading tutor-training workshop held in Portland:

First. Salem Statesman article

Second. List of Oregon participating organizations at the workshop.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

OREGON VOLUNTEER TUTOR PROGRAM TO HELP CHILDREN LEARN TO READ

VOLUNTEERS SOUGHT TO HELP PROBLEM READERS

Wanted: Volunteers to help stamp out illiteracy.

Ninette Florence, State Department of Education reading specialist, is looking for volunteers to undergo training to help teachers with children who have reading problems.

Oregon has an estimated 16,000 adults who cannot read in any language, including nearly 8,000 persons 25 years and older who have no formal schooling at all.

A national Right to Read program is under way to upgrade reading skills of all Americans. Its goals are to help illiterate adults to read and to prevent youngsters from becoming illiterate adults.

A major thrust of the program in Oregon is at problem readers in the primary grades.

In a two-day workshop in Portland Thursday and Friday reading specialists plan to train 150 volunteers who will then train others to tutor elementary children in reading.

Volunteer tutors will receive 16 to 20 hours of training, including working experiences with children.

OREGON REPRESENTATION AT PORTLAND READING TUTOR-TRAINING WORKSHOP

SCHOOL DISTRICTS

Banks, Burns, Central, Central Point, Columbia District No. 13, Condon, Corbett, Dallas, David Douglas, Eugene, Falls City, Fern Ridge, Fort Rock, Grants Pass.

Gresham, Hermiston, Hood River, Klamath County, Lakeview, Lincoln County, Lowell, Medford, Mulino, Neah-Kah-Nie, Newberg, North Clackamas, North Marion, Oakland.

Pendleton, Phoenix, Pilot Rock, Portland, St. Helens, Salem, Sandy, Seaside, South Umpqua, Sweet Home, Tillamook, Weston, Winston-Dillard, Woodburn, Yoncalla.

Plus: (Vanconuver, Wash.; Edmonton, Alberta, Canada).

INTERMEDIATE EDUCATION DISTRICTS

Clatsop, Columbia, Gilliam-Wheeler, Harney, Lake, Lane, Marion, Polk, Tillamook, Umatilla, Union, Washington.

COUNTIES

Benton, Clackamas, Clatsop, Columbia, Douglas, Gilliam, Harney, Hood River, Jackson, Josephine, Klamath, Lake.

Lane, Lincoln, Linn, Marion, Multnomah, Polk, Umatilla, Union, Washington, Wheeler, Yamhill.

VOLUNTEER ORGANIZATIONS

Oregon Board of Education; Chapman School Volunteers; Harney County Coordinated Child Care and Indian Tutoring Program; Oregon Literacy; Vocational Rehabilitation; Neighborhood Youth Corps.

Volunteers in Portland; Metro Youth Commission; Parent Teachers Association; Retired Teachers Association; Russian Community Group; Washington County Community Action.

OREGON COMPANY FIGHTS NOISE POLLUTION

Mr. HATFIELD. Mr. President, recently the efforts of a company in southern Oregon to combat noise pollution were noted in a fine editorial in the Daily Tidings, the newsaper of Ashland, Oreg.

The Parsons Pine Co. has announced steps it plans to take to alleviate noise pollution caused, ironically, by efforts taken by the company to cut its air pollution.

Parsons Pine Co. demonstrates that it recognizes the harmful effects of noise pollution, and has announced voluntary steps to solve the problem.

As my colleagues are aware, combating noise pollution has been a long interest of mine, and I am a sponsor of a Senate bill and some strengthening amendments as well. I have spoken many times, both here in the Senate Chamber, and at various seminars and convocations relating to noise pollution. As one who is committed to working to solve noise pollution problems, I take pride in noting the response of an Oregon company in solving this problem.

Mr. President, I ask unanimous consent that the editorial from the July 12, 1972 issue of the Daily Tidings be printed in the RECORD.

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

EFFORT TO STOP NOISE IS TO COMPANY'S CREDIT

From the frying pan into the fire.

Apply the phrase, if you will, to Parsons Pine Products in Ashland.

The wood products firm, one of the few pillars of Ashland's economic base, used to have a problem with sawdust. The dust was escaping from the plant and was settling on the neighborhood.

To solve that problem in the interest of less air pollution, and to help increase production, the firm recently installed new machinery.

If turns out that in order to solve one problem the company ran into another in the form of noise pollution. The new machinery is so noisy that neighbors are objecting and that employes of the firm can't even make themselves understood when they try to talk to each other in the yard.

The company's location in the middle of what amounts to a residential neighborhood makes it particularly susceptible to problems of this sort. Dust settling ouside a plant located out in the sticks wouldn't be too much of a problem. Neither would noise be bothersome to neighbors if there were no neighbors.

Its location plans special restrictions of an environmental sort on the Parsons plant. Besides being concerned with environmental rules governing all such plants, Parsons also has an obligation to be as good a neighbor as is possible under the circumstances.

The company recognizes its special responsibility in this regard. It took steps to take care of the dust problem as best it could. Now the firm is taking steps to reduce the newly created noise pollution as well.

The company said it would experiment with coating the noise-creating machinery to cut down on the volume of sound. And if that doesn't work, a company spokesman said, the firm will enclose the machinery with a noise-absorbing housing.

These steps will require a certain amount of cash outlay, spending that is not directly related to the company's output or its profit. The fact that the firm is trying everything it can to eliminate the noise problem speaks well of its citizenship and concern for its neighbors.

ADDRESS BY OHIO STATE REPRESENTATIVE CHESTER T. CRUZE TO NORTHERN HAMILTON COUNTY BUSINESSMEN'S CLUB

Mr. TAFT. Mr. President, recently Ohio State Representative Chester T. Cruze made an interesting address on taxes to the Northern Hamilton County Business Men's Club. I ask unanimous consent that the address be printed in the RECORD.

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

THE TAX OF TAXES—COMPLIANCE COSTS AVERAGE ABOUT 20.7 PERCENT OF TAX PAID

There is increasing concern among the nation's legislators and businessmen that the tax drain imposed upon business profits is excessive to the point of harming the future growth of the economy. Concurrently, there has developed an awareness that the true impact of the tax drain goes beyond the tax payment and includes the cost of compliance with the income tax law. In legislating the revenue statutes, the Legislature has seen fit to charge every taxpayer with the responsibility of assessing, collecting, and paying his own tax. In the case of a small or medium size corporate or business enterprise, the costs of meeting this charge may increase the effective rate of taxation by an appreciable amount.

Most people forget that in addition to the additional costs of paying the tax, there is an unestimable and hidden cost to the Ohio income tax that all must pay—that tremendous amount of time, aggravation, and planning it took in the filing of the tax forms. In most instances a small Hamilton County businessman will file 31 tax reports per year, 49 supplemental forms, write out 72 checks and file 12 withholding social security statements for a total of 164 manuscripts per year, according to a small businessman who compiled such a report (See attached exhibit). Most of these must have the assistance of a professional tax lawyer or accountant and all require additional bookkeeping costs. In fact, recent studies by the National Tax Journal show that the compliance costs are about 20.7% of the tax paid. The Wall Street Journal of June 5, 1972, reported that one company's compliance costs were even greater than the tax paid.

Included in the total cost of tax compliance are fees paid to attorneys, accountants and tax consultants, as well as subscription to tax services and other sources of tax information.

The cost of complying with tax regulations is not borne entirely by the accounting or tax departments or those employees directly connected with tax matters. Almost every department in the company must keep some record or make some report which is needed for tax purposes. Because of this, some companies indicate that it is impossible to accurately estimate the cost of complying with tax regulations.

Managements of business concerns should be conscious of the compliance cost generated in attempting to minimize the annual tax bill. The decision to adopt any tax alternative should not be made without first comparing the compliance costs of all available alternatives along with other considerations. As new tax legislation is enacted, enterprise management should evaluate the cost of complying with such legislation before deciding to support or oppose its adoption.

How does the tax on corporate or business income compare with other possible methods of taxation in terms of compliance cost? Legislators investigating alternative methods of taxation should consider compliance cost effects to get the true impact of any new tax.

Compliance costs of the new income tax are best illustrated by payroll deductions. Payroll deductions place the corporation or business in the role of an agent-collector of government revenues, while the tax on corporate or business income, embodying the

self-assessment feature, is levied in accordance with the statutes and regulations which dictate how taxable income will be determined.

In most cases, the compliance costs are difficult to measure, and the study is an inexact science. If the cost of compliance were defined as the cost that would never have been incurred had there never been an income tax law, the costs would have been treated in quite a different way. How many fewer square feet would there be in the building?

Would the accounting system or accounting principles and procedures be different from those existing today? In what ways would the accounting system and procedure be different? What would be the cost effect? In the small firm, would there be any accounting system at all, beyond a cash book? The answers to these questions would be so conjectural as to render the results of an investigation meaningless, but one gets the general idea.

In terms of high compliance costs, state and local taxes are considered by most experts to be more bothersome than federal taxes.

In the August, 1959, issue of Business Record, one business executive reported the following:

"While the work and cost involved in the preparation, filing, and contesting of our federal income taxes remain relatively stable, in recent years the time and expense devoted to state and local taxes have increased substantially, and, from a survey of proposed and enacted legislation and recent court decisions, it appears that the cost of compliance in the latter field will continue to become more burdensome to interstate business."

Another reported that:

"It is extremely difficult to assess our cost of keeping records and of preparing and filing all federal, state, and local tax returns. As requested, individual personnel in all the various departments devote some of their efforts to consulting with our tax department staff and we do not feel it worth while to keep specific records to assess these costs on either a time or a dollar basis. We also confer with outside counsel on the various taxing problem. However, fees paid to tax attorneys and public accountants are generally billed on a lump sum basis for their over-all work during the course of the year."

Of course, compliance costs are not limited to corporation or business entities.

In a study by John H. Wicks, on "Taxpayer Compliance Costs from Personal Income Taxation," it was shown that compliance costs on individuals could run as high as 32.1% as a percentage of tax liability.

The problem is now new, however. Complaints regarding the high costs of collecting taxes are as old as taxes themselves. Indeed the early literature of public finance consists largely of such complaints. So important were the early wastes and abuses connected with tax collections that in 1776, when Adam Smith formulated his famous four maxims of taxation, he included, as one of the four, this proposition: "Every tax ought to be so contrived as both to take out and keep out of the pockets of the people as little as possible, over and above what it brings into the public treasury of the state." In framing this maxim Adam Smith had in mind not merely the cost to the public treasury of administering the tax. He considered other costs as well, including the private costs of tax compliance. Thus he explained:

"A tax may either take out or keep out of the pockets of the people a great deal more than it brings in to the public treasury. . . . By subjecting the people to the frequent visits and the odious examination of the taxgatherers, it may expose them to much unnecessary trouble, vexation, and oppression; and though vexation is not, strictly speaking, expense, it is certainly equivalent to the expense at which every man would be willing to redeem himself from it."

The designers of the Ohio Income Tax did not heed this advice. And so Ohioans pay an additional $270 million per biennium on the tax on taxes; not to mention the $15 to $20 million in increased government administrative costs.

In addition, we must have special journals, subsidiary ledgers and employee pay forms; also, a great deal of manpower is required to make the bookkeeping entries, fill in forms and write checks. Even more time consuming is the time required to find errors and balance books. Sometimes the correction of an error and finding the cause will take from one hour to two days.

REQUIRED AND PROPOSED TAX REPORTS TO FILE FOR AN UNINCORPORATED RETAILER WITH 5 EMPLOYEES

Type	Number of tax reports	Number of supplemental forms (monthly reports)	Number of checks	Number of employee withholding statements	Total
Cincinnati income:					
Employee	1	12	12	(1)	25
Business	1		1		2
Estimated	4		4		8
Ohio income:					
Employee	1	12	12	6	31
Business	1		1		2
Estimated	4		4		8
Ohio sales tax	2	12	12		26
U.S. unemployment	1		1		2
Ohio unemployment	4		4		8
Ohio workmen's compensation	2		2		4
Ohio personal property	1	1	2		4
U.S. withholding and social security	4	12	12	6	34
U.S. income tax	1		1		2
U.S. income tax, estimated	4		4		8
Total	31	49	72	12	164

(1) Unknown.

MOBILE HOMES AND WINDSTORMS

Mr. BROCK. Mr. President, mobile homes have been the object of considerable discussion in the past months. In almost every newspaper in the country photographs of the damage reaped by Hurricane Agnes have depicted scenes of destroyed and damaged mobile homes. In Florida alone reports by the Office of Emergency Preparedness revealed that over 500 mobile homes sustained extensive damage during the tempest. In fact, an official of the Office of Civil Defense stated that mobile homes were the No. 1 factor associated with loss of life in wind-related disasters.

Much of the reported damage could have been minimized had these homes been equipped with proper tiedowns. All too few communities presently require such devices. Tiedowns are exactly what the name implies: An anchorage system securing the home to its site by means of frame ties and straps which ideally should extend over the shell and under the skin of the unit. Over-the-coach ties would cost only $150 and will withstand winds up to 130 m.p.h. Without them mobile homes are the most vulnerable form of dwelling to the ravages of wind damage resulting from hurricanes, tornadoes, and severe thunderstorms. A mobile home which is not adequately secured can be blown completely off its foundation, leaving only the frame.

Mr. President, as the principal sponsor of the National Mobile Home Safety Standards Act of 1972, S. 3604, I believe that a tiedown regulation along the lines of that developed by the Office of Civil Defense should be implemented to prevent unnecessary human suffering and property loss. I would expect that such regulation would result from passage of my legislation.

The place of mobile homes in American housing was first assured during World War II when the lack of building activity caused the Government to purchase 38,000 22-foot trailer houses used to temporarily house Government personnel. Today, the total absence of single-family housing under $15,000 has caused a tremendous growth in the demand for mobile homes as permanent residences. Yet, mobile homes are still used in special cases for temporary housing.

In 1969 several thousand mobile homes were purchased by the Department of Housing and Urban Development for emergency housing in the aftermath of Hurricane Camille.

Now, as the eastern half of the United States rebuilds the damage wrought by Hurricane Agnes, mobile homes will again play a role in providing temporary housing for storm victims. More than 22,000 applications have been received by HUD for emergency housing.

To meet this demand, HUD Secretary George Romney requested that mobile home manufacturers delay promised deliveries to provide units for over 10,000 sites now being prepared by the Army Corps of Engineers in storm-ravaged areas of New York and Pennsylvania.

Mr. Romney estimates that these sites will be ready within 3 weeks.

Mr. President, there are literally thousands of persons who desperately need relief housing, and mobile homes are only one phase of providing this relief. All available housing sources are being

pressed to relieve the situation—private rentals, vacant Federal housing, repaired existing homes, travel trailers, as well as mobile homes. But of all of these, mobile homes are proving to be the most versatile and efficient form of temporary housing.

Clearly mobile homes are closely associated with windstorms both in terms of their proneness to damage and the role they have played in temporary quartering for disaster victims. Mobile home safety regulations are needed—needed to prevent the useless injuries and losses presently sustained by owners subjected to an incident of accident and injury for higher than in the conventional site built, single level home.

Insurance rates on mobile home reflect the higher probability of damage over a conventional home. Last year, the cost of insurance on a $6,000 mobile home equalled coverage for a $40,000 conventional home.

Mr. President, I believe that adequate safety standards will in the long run reduce the overall cost of owning a mobile home and thereby make this unique form of dwelling an even more attractive mode of housing available to the American people.

IN TRIBUTE TO SENATOR ELLENDER

Mr. GRAVEL. Mr. President, I wish to add my voice to the chorus of voices paying tribute to our late distinguished President pro tempore, Allen Ellender. He was a great southern gentleman of charm and wisdom, and I personally learned a great deal from him.

As a freshman Senator there is, of course, a lot to learn, and Allen Ellender was a generous and patient teacher in this regard. Like my colleagues in this body, I will miss him very much. So will the country at large to which he had given such outstanding and sustained public service.

And on a narrower canvas Senator Ellender was a friend of Alaska. The many and diverse needs that the creation of a new State entails were sympathetically listened to and often favorably entertained in the crucial matter of appropriating public funds to meet those needs. Alaska and its citizenry owe much to Allen Ellender, and I know they join me in expressing gratitude for his service and a profound loss at his passing.

NO-FAULT INSURANCE

Mr. CURTIS. Mr. President, I find it very difficult to accept the premise which is inherent in S. 945 that the several States cannot resolve the matter of auto accident reparations reform themselves. As a matter of fact, I feel very strongly that the States are in far better position than Congress to determine the need of their own citizenry in this regard—they are closer to their people, know better what will be most helpful to them and are better equipped to develop a system meeting their needs.

I think it would be most hazardous and unwise for Congress to thrust upon the States legislation having such far-reaching effect as to subject every motorist, every accident victim, the insurance industry, the State regulatory system and the judicial system to a host of uncertainties. Nor would it be sound policy to abort the reform programs already enacted in a number of States before they are given ample opportunity for determination of how they will work.

We must keep in mind that there has been action on no-fault at the State level. Even though the Department of Transportation's study was not completed and reported to Congress until March of 1971, in the middle of the normal State legislative sessions, three States, Delaware, Florida and Illinois, last year enacted modified no-fault systems and one, Oregon, adopted a mandatory first party coverage system without alteration of the tort system. This year, an off year for most State legislatures, of the States which did meet, each considered this problem seriously and two States, Connecticut and New Jersey, in fact enacted modified no-fault systems, two others, Maryland and Virginia enacted mandatory or mandatory offer first party coverage systems, and one, South Dakota, enacted an elective first party coverage system similar to a program which has been in effect in Minnesota since January 1 of 1970. Massachusetts, as you know, had previously enacted a modified no-fault law in 1970 which took effect January 1, 1971. Many States, moreover, have studies underway this year calculated to produce enactment of no-fault legislation next year—no sooner than could be anticipated under S. 945—and it is my firm belief that, if the States are left alone, there will be a substantial enactment of such legislation by the States. I think that there is a sincere effort now being demonstrated by the States to resolve this issue at the State level and that congressional intervention, accordingly, is unnecessary.

Aside from that, I have some strong feelings also which produce reservations on my part as to the propriety of S. 945 and the glowing accounts of insurance premium rate reductions promised by its proponents.

There are, I believe, serious legal deficiencies in S. 945 which bear on its constitutionality under the eighth, 10th, and 14th amendments to the U.S. Constitution. I ask these questions:

Can Congress, in view of the 10th amendment to the Constitution, overthrow the basic tort law of a State as exemplified by that State's adoption of the common law or civil law, subsequent statutory enactments and the judicial decisions rendered by the courts of the State?

Can Congress deny jurisdiction of the Federal Courts to enforce the Federal rights which would be created under S. 945, except diversity of citizen cases?

Can Congress impose standards for regulation of attorneys' fees in cases before State courts?

Can Federal insurance requirements alter basic State contract law causes of action?

Can Congress contravene State workmen's compensation laws, including cases of workers not in interstate commerce?

Can Congress require the executive branch of State government to interpret and enforce Federal laws?

Can Congress delegate to the States optional authority to interpret, make regulations for, and enforce a Federal law?

Can a Federal law grant insurers an ambiguous and broad right to reimbursement for benefits paid?

Can Congress, in accord with section 107 of S. 945, impose an excessive fine prohibited by the 8th amendment to the U.S. Constitution?

Can a Federal act impose a penalty which may be enforced through State courts only?

Can Congress contravene State laws governing the legal rate of interest on contracts?

Can Congress contravene State laws regarding assignment of contractual claims or benefits?

S. 945 says that Congress can do all these things. I am, frankly not so sure that it can and that is why I recommend that the bill should be referred to the Judiciary Committee for its determination on the vital issue of constitutionality before it is voted on on the floor of this Senate.

I question propriety also for the effect that S. 945 would have on the many small but well-run insurance companies operating in our country today. The requirements of S. 945 for uniform policy provisions, rate classifications, and territories will, I believe, put the auto insurance business in a competitive straitjacket which will eventually lead to no competition at all. The burial of competition plus the heavy exposures to loss which are produced by S. 945 must inevitably lead to a heavy concentration of economic power in giant insurance corporations since the smaller companies will be either forced to merge or to go out of the automobile insurance business entirely. This is hardly striking a blow for the free enterprise system and certainly is not in the best interests of the people of this country.

I question propriety, moreover, for the inequities which S. 945 would produce in treatment of vehicle damage and the shifting of accident costs. S. 945 relieves negligent drivers of liability for damage they inflict on other vehicles, unless parked. Thus, a vehicle owner would have to pay for damages to his car out of his own pocket or purchase collision insurance either of which he may not be able to afford. The negligent person is not accountable and this produces yet another inequity which sees accident costs being charged against the insurance records of people who suffer losses rather than against those who caused the losses as is presently the case. The net effect is that the major cost burdens of auto insurance will shift onto the shoulders of private passenger vehicle owners since most of the injuries of truck-car accidents are suffered by car occupants.

Finally, I am not convinced that S. 945 will produce auto insurance premium rate reductions.

The matter of determining reform of

the auto accident reparations system should, at this time, be left to determination by the States on the basis of the needs of their own citizenry. If the Senate is disposed, however, to enactment of Federal legislation in this regard, I again recommend that any such legislation should be referred to the Judiciary Committee for determination of constitutional issues which may be involved.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE ORDERED HELD AT DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House of Representatives on the bill (H.R. 15474) to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia be held temporarily at the desk.

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

RELIEF OF ALBERT G. FELLER AND FLORA FELLER

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 247.

The PRESIDING OFFICER (Mr. HUMPHREY) laid before the Senate the amendment of the House of Representatives to the bill (S. 247) for the relief of Albert G. Feller and Flora Feller which was, on page 2, line 2, strike out "in excess of 20 per centum".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the Senate bill.

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

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow following the remarks of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, for not to exceed 15 minutes.

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

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS

Mr. ROBERT C. BYRD. Mr. President, I aks unanimous consent, for the purpose of making it the unfinished business tomorrow, that the Senate proceed now to the consideration of Calendar Order No. 929, S. J. Res. 241, the so-called interim agreement.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

Calendar Order No. 629 (S. J. Res. 241) a joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the joint resolution.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—for the purpose only of establishing it as a second track item at a future date—that the pending business (S.J. Res. 241) be temporarily laid aside and remain in a temporarily laid-aside status until the close of business today, and that the Senate proceed to the consideration of Calendar Order No. 852 (S. 945), the so-called no-fault insurance bill with no opening statements thereon today.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

Calendar No. 852 (S. 945) a bill to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment in the nature of a substitute.

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALISTIC REPUBLICS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now return to the consideration of what will tomorrow become the unfinished business, Senate Joint Resolution 241.

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

TREATY ON LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I propound a unanimous-consent request as follows, having been authorized by the distinguished majority leader to do so after conferring with the distinguished Republican leader and various other Senators on both sides of the aisle:

Ordered that during the consideration of the SALT treaty (Ex. L. (92d Cong., 2d sess.)) debate thereon be limited to 8 hours, including the time for debate on the adoption of the resolution of ratification, to be equally divided between and controlled by the distinguished manager of the treaty, the Senator from Alabama (Mr. SPARKMAN), and the distinguished ranking minority member of the Committee on Foreign Relations, the Senator from Vermont (Mr. AIKEN); that the time under their control may be yielded to any Senator on any other question in relation to the treaty; provided that time on any reservation or understanding be limited to 2 hours, the time to be equally divided between and controlled by the mover of such reservation or understanding, and the distinguished manager of the treaty, the Senator from Alabama (Mr. SPARKMAN); provided further that time on any amendment to a reservation or understanding be limited to 30 minutes to be equally divided between the mover of such and the manager of the treaty, the Senator from Alabama (Mr. SPARKMAN), except in any instance in which the manager of the treaty supports such amendment, in which instance the time in opposition thereto be under the control of the mover of the reservation or understanding.

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

ORDER FOR EXECUTIVE SESSION TOMORROW TO CONSIDER SALT TREATY

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that on tomorrow, immediately following the conclusion of routine morning business, the Senate go into executive session and proceed to the consideration of the SALT treaty, Executive L, 92d Congress, second session.

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

ORDER FOR SENATE TO RETURN TO LEGISLATIVE BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order tomorrow, at any time prior to a final vote on the adoption of the resolution of ratification, for the distinguished majority leader or his designee to return to the consideration of legislative business.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HUMPHREY). Pursuant to Senate Concurrent Resolution 63 of the 92d Congress, and on behalf of the Vice President, the Chair appoints the Senator from Nevada (Mr. CANNON) to the Joint Committee to make arrangements for the inauguration of the President-elect and the Vice President-elect, to the same rank and in lieu of the Senator from North Carolina (Mr. JORDAN), resigned.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will go into executive session and proceed to the consideration of the SALT Treaty, Executive L, 92d Congress, second session, on which there is a time limitation with respect to debate on the treaty, debate on the adoption of the resolution of ratification, consideration of any reservation, understanding, or amendment to any reservation or understanding. It is not anticipated that the Senate will reach a final vote on the treaty tomorrow. The final vote on the treaty will occur on Friday. However, there may be votes on reservations and/or understandings, or amendments to reservations and/or understandings tomorrow. There also may be votes on the interim agreement or any other business which the majority leader might wish to call up before the Senate concludes its business tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 8:24 p.m. the Senate adjourned until tomorrow, Thursday, August 3, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 2, 1972:

RAILROAD RETIREMENT BOARD

James L. Cowen, of Illinois, to be a Member of the Railroad Retirement Board for the remainder of the term expiring August 28, 1972, vice Howard William Habermeyer, resigned.

NATIONAL SCIENCE BOARD

The following-named persons to be members of the National Science Board, National Science Foundation, for terms expiring May 10, 1978:

Wesley G. Campbell, of California, vice Thomas F. Jones, Jr., term expired.

T. Marshall Hahn, Jr., of Virginia, vice Charles F. Jones, term expired.

Anna J. Harrison, of Massachusetts, vice Horton Guyford Stever, term expired.

Hubert Heffner, of California, vice Athelstan F. Spilhaus, term expired.

William H. Meckling, of New York, vice Emanuel R. Piore, termed expired.

William A. Nierenberg, of California, vice Richard H. Sullivan, term expired.

Russell D. O'Neal, of Michigan, vice Robert S. Morison, term expired.

Joseph M. Reynolds, of Louisiana; reappointment.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Jack G. Merrell, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. George B. Simler, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Alexander Day Surles, Jr., [redacted] Army of the United States (major general, U.S. Army).

U.S. MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of major general:

Samuel Jaskilka	Robert H. Barrow
Edward S. Fris	Herbert L. Beckington
Thomas H. Miller, Jr.	

The following named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Clarence H. Schmid	Kenneth McLennan
Edward A. Wilcox	Joseph Koler, Jr.
William L. Smith	George R. Brier
Arthur J. Poillon	

CONFIRMATIONS

Executive nominations confirmed by the Senate August 2, 1972:

ATOMIC ENERGY COMMISSION

Dixy Lee Ray, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1977.

U.S. DISTRICT COURT

Marshall A. Neill, of Washington, to be a U.S. district judge for the Eastern District of Washington.

HOUSE OF REPRESENTATIVES—*Wednesday, August 2, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Your faith should not stand in the wisdom of men, but in the power of God.—I Corinthians 2: 5.

O Thou who hast made Thyself known as one who is always ready and able to renew our strength and to restore our souls, grant unto us a realization of Thy presence as we wait upon Thee in prayer and as we prepare ourselves for the work of this day.

May our faith in the power of righteousness, the strength of justice, and the influence of good will never be dimmed by doubt nor destroyed by despair as we seek to solve the pressing problems of these trying times.

Guide Thou our President, direct our Speaker, and lead our representatives as they endeavor to preserve and to promote those principles which make for national unity and world peace.

Humbly and heartily do we pray in the spirit of Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced