

SENATE—Monday, August 14, 1972

The Senate met at 10 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

PRAYER

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

Almighty and ever-living God who hast ordained the church for man's redemption and the state for the ordering of man's life and hast placed both under Thy rulership, grant that all who are in positions of public trust may be faithful ministers of Thy will and purpose. Especially be with Thy servants in this place, enabling them in the discharge of their responsibilities to be calm, confident, wise, and just, their faith in Thee sure and steadfast. In crucial moments show them the pathway of justice and truth and help them to walk in paths of righteousness for Thy name's sake and the blessing of all mankind. And to Thee shall be the thanksgiving and praise, now and forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 14, 1972.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 11, 1972, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the

Committee on Banking, Housing and Urban Affairs; the Subcommittee on Internal Security of the Committee on the Judiciary; the Committee on Public Works; the Committee on the District of Columbia, and the Committee on Finance may be authorized to meet during the session of the Senate today.

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

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS TO 10:55 A.M. TODAY

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until 10:55 a.m. today.

The motion was agreed to; and at 10:06 a.m. the Senate took a recess until 10:55 a.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HARRY F. BYRD, JR.).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON GENERAL SCHEDULE POSITIONS IN NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on general schedule positions in that Administration, for the year ending June 30, 1972; to the Committees on Post Office and Civil Service and Appropriations.

REPORT ON RELATIVE COST OF SHIPBUILDING

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on relative cost of shipbuilding, as of June, 1972 (with an accompanying report); to the Committee on Commerce.

REPORT ON THE POLECAT BENCH AREA, WYOMING

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Polecat Bench Area, Shoshone Extensions Unit, Pick-Sloan Missouri Basin program, Wyoming (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON NEGOTIATED SALES CONTRACTS

A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report of negotiated sales contracts, during the period January 1 through June 30, 1972 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3441. A bill to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act (Rept. No. 92-1043); and

S. 3752. A bill to extend programs for assistance to medical libraries (Rept. No. 92-1044).

By Mr. GRAVEL, from the Committee on Public Works, without amendment:

S. 3917. An original bill to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes (Rept. No. 92-1045).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

James R. Schlesinger, of Virginia, to be the Representative of the United States of America to the Sixteenth Session of the General Conference of the International Atomic Energy Agency; and

William O. Doub, of Maryland, T. Keith Glennan, of Virginia, Robert H. McBride, of New Hampshire, Herman Pollack, of Maryland, Dwight J. Porter, of Nebraska, and James T. Ramey, of Illinois, to be Alternate Representatives of the United States of America to the Sixteenth Session of the General Conference of the International Atomic Energy Agency.

ESTABLISHING A CEILING ON SOCIAL SERVICES—REFERRAL OF SENATE JOINT RESOLUTION 257 TO COMMITTEE ON FINANCE

Mr. HUMPHREY. Mr. President, on Friday last I consulted with the major-

ity and minority leadership of the Senate, as well as the chairman of the Finance Committee and the ranking Republican member (Mr. BENNETT), along with the Senator from Delaware (Mr. ROTH), the Senator from New York (Mr. JAVITS), and the Senator from California (Mr. TUNNEY), in reference to Senate Joint Resolution 257, which is on the calendar as Order No. 993.

I would like that resolution to be referred to the Finance Committee and to be taken from the calendar. This has been cleared with the leadership on both sides, and I ask unanimous consent that the joint resolution be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BEALL (for himself and Mr. MONDALE):

S. 3911. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care. Referred to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 3912. A bill to amend the National Flood Insurance Act of 1968. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BOGGS:

S. 3913. A bill for the relief of Eva D. Domingo. Referred to the Committee on the Judiciary.

By Mr. FANNIN:

S. 3914. A bill to require mandatory imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. GOLDWATER):

S. 3915. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. NELSON, and Mr. STEVENSON):

S. 3916. A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GRAVEL, from the Committee on Public Works:

S. 3917. An original bill to authorize the construction of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addi-

tion to the United States Capitol Grounds, and for other purposes. Ordered to be placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL for himself and Mr. MONDALE):

S. 3911. A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care. Referred to the Committee on Labor and Public Welfare.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

Mr. BEALL. Mr. President, on behalf of Senator MONDALE and myself, I introduce the Emergency Medical Services Systems Act.

This bill was designed to encourage State and local communities to implement programs to improve and expand emergency medical services in the Nation so as to prevent needless loss of lives and to assure nationwide availability and accessibility of emergency medical services to mobile citizens.

Specifically, the legislation authorizes:

First. The establishment of an Emergency Medical Service Administration within the Department of Health, Education, and Welfare, headed by a director appointed by the President.

Second. A Federal matching program to the States for grants to communities within the States for development and operation of emergency medical service systems. The Federal contribution would be limited to 75 percent of the costs for the initial year, 50 percent for the second year, and 25 percent in any year thereafter.

Third. The Federal Director to issue standards governing the operation of emergency medical service systems which would include the establishment of minimum requirements for emergency medical service equipment; licensure by States of ambulance service procedures; communications and reporting; levels of adequate liability insurance to cover ambulance operations; and personnel training.

Fourth. Direct Federal assistance up to 50 percent of the costs of a community for the initial purchase of ambulance facilities.

Fifth. A Federal research and development program under which the director would be authorized to conduct or contract for studies and research on the problems and conditions of emergency medical care and methods with particular attention to the utilization of technological advances in the improvements of emergency services. This would also include at least one statewide emergency transportation system.

For those provisions providing for community emergency medical services systems and for initial purchasing of ambulance facility equipment and communication systems, the bill authorizes \$150 million for each of 3 years. For the other expenses in administering the program, the bill authorizes \$50, \$60, and \$75 million over a 3-year period.

Mr. President, recently the east coast

of the United States was the victim of the terrible tropical storm Agnes. This storm, which swept the east coast of the United States from June 16 to June 23, left unbelievable damage to property and caused large loss of human lives and unmeasurable human suffering. The press of the Nation rightfully gave this story front page attention. The Office of Economic Preparedness estimated the total damage nationally at \$3 billion and that 118 individuals were killed as a result of Agnes.

While I do not wish to minimize the tragedy of Agnes because it was one of the greatest natural disasters experienced by this Nation, I do want to use the occasion to dramatize the tremendous daily toll of human lives and property damage that occurs in this country as a result of accidents.

As I indicated, during the 6 days that Agnes was rampaging through the east coast 118 lives were lost. However, on each of those days an average of 316 Americans died of injuries resulting from accidents, or a total of 2,212 accident victims during the same 6 days of the Agnes storm. This comparison, I believe, does serve to emphasize the importance of action in the emergency service area.

Mr. President, emergency health care for too long has been a neglected health area, which has rightfully been called the "hidden crisis" in health care by Secretary DuVal.

Yet, injuries are the killer of Americans ages 1 through 37, second leading cause of deaths between the ages of 1 through 48 and fourth cause of death among the total population. One out of every four citizens in this country will have some type of accident this year. Every eighth hospital bed is occupied by an accident victim.

The National Safety Council has estimated that accidents cause loss of 150,000 lives annually, 55,000 individuals were killed as a result of motor vehicle accidents alone. In addition, these accidents cause approximately 10 million disabling injuries leaving 400,000 individuals totally disabled. The total cost to the Nation of these injuries is estimated at \$25 billion. Each year the number that dies from trauma or serious injuries is greater than the total of all Americans killed in Vietnam.

All of us are potential victims. Yet, the public in general tends to regard accidents as unfortunate occurrences that are inevitable.

In Vietnam this premise is not acceptable with the result that a trauma victim in Vietnam probably has a better chance of survival than a victim here in the States. This is because the military has developed during the second and Korean world wars an organized system of transporting and treating emergency victims. This procedure has been perfected further in Vietnam until the Secretary of Defense has been able to say that the death rate of such victims in Vietnam is near zero. I would point out that this measure also would encourage the utilization of the skills of returning corpsmen in appropriate emergency service positions. Veterans could employ the skills they acquired in the military to save lives here at home.

Mr. President, I am convinced that the technology know-how exists to make similar dramatic improvements here at home. We need only to rationalize and categorize our emergency facilities and services, and additional resources to enable the application of known life saving methods. Heart attack victims could also benefit from improved emergency care arrangements. Some experts have estimated that prompt and early care might save 150,000 heart attack victims annually.

I am very proud of the pioneering effort that is underway in my State in this area. Maryland has probably the most sophisticated trauma center in the Nation located at the University of Maryland hospital in Baltimore. A system of rapid transportation has been developed using a helicopter system operated by the Maryland State Police. I have been working very hard with the center and others in the health area in an effort to enable the State of Maryland to expand this pioneering work statewide. I am pleased that the President has taken such an interest in this problem and has proposed a program designed to exploit technology in this area for the development of systems of emergency health care.

A number of grants have already been made pursuant to the President's program and Maryland is in line for a subsystem grant to improve their communication system. Dr. R. A. Cowley, the able head of the Maryland Trauma Center, has told me that Maryland could cut its accident death rate in half if the total Maryland system were to be implemented.

This Congress and the administration have accelerated our attack against cancer and heart diseases. In both of these areas we are looking for new discoveries and new breakthroughs. In the trauma area I am convinced that the technology and know-how exists to dramatically reduce the tragic accident deaths. This is an area where action will lead to immediate payoffs in terms of lives saved. Legislation encouraging emergency medical care is badly needed. Action in this area can mean the difference between life and death for accident victims.

The proposal I advance today is the product of the interest and work of the AMA. I want to take this opportunity to congratulate the AMA and the doctors of America for their help in focusing national attention on this area of need of the health system.

I also want to encourage doctors and hospital administrators and all other members of the health team, as well as the general public, to get interested in this area.

For our ultimate success will not depend on what is done at the Federal level, although Federal assistance will help, but on the response and action by the States and communities.

I ask unanimous consent that a summary and the full text of the bill be printed in the RECORD.

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

S. 3911

A bill to establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare to assist communities in providing professional emergency medical care

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act may be cited as the "Emergency Medical Service Systems Act."

FINDINGS; DECLARATION OF POLICY AND PURPOSE

SEC. 2. (a) The Congress finds—

(1) That there is an urgent need for the development and improvement of emergency medical services in many urban, suburban and rural areas throughout the Nation.

(2) That countless lives have been and are being lost through the lack of prompt and professional emergency services, and many of these lives could be saved if such care were more readily available.

(3) That while programs can best be planned at the local and regional level, implementation will require coordination at community, regional, State and national levels.

(b) It is the policy of the Congress and the purpose of this Act to encourage the implementation of programs for delivery of emergency medical services, to assure nationwide availability and accessibility of such emergency medical services, and to prevent the needless loss of life by upgrading the quality of emergency medical services in the United States. This purpose should be achieved through the establishment of a Federal entity having the authority to set standards for ambulance and life support equipment, ambulance-to-hospital and disaster radio communication, personnel training, and other components of qualified emergency medical services systems, including appropriate utilization and training of discharged military medical corpsmen, and the authority to provide financial assistance to qualified emergency medical service systems operated by or under the supervision and auspices of local political subdivisions or combinations thereof.

ESTABLISHMENT OF EMERGENCY MEDICAL SERVICES ADMINISTRATION

SEC. 3. There is established within the Department of Health, Education, and Welfare an Emergency Medical Services Administration (hereinafter referred to as the "Administration"). The Administration shall be headed by a Director (hereinafter referred to as the "Director") who shall be a qualified health care professional appointed by the President, by and with the advice and consent of the Senate.

DIRECTOR OF THE ADMINISTRATION; TECHNICAL AND PROFESSIONAL PERSONNEL

SEC. 4. (a) The Director, under the general direction and supervision of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), shall carry out the functions and responsibilities vested in or transferred to him or the Administration by or under this Act, and shall perform such related duties as may be prescribed by the Secretary to carry out the purpose of this Act.

(b) The Director shall serve at the pleasure of the President and shall receive basic pay at the rate prescribed for level V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code.

(c) With the approval of the Secretary, the Director shall appoint such technical and professional personnel as he deems necessary, in addition to the regular personnel of the Department under his jurisdiction and control, to carry out the functions of the Administration, and shall fix the pay of the personnel so appointed, without regard

to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

FINANCIAL ASSISTANCE FOR DEVELOPMENT AND OPERATION OF EMERGENCY MEDICAL SERVICE SYSTEMS

SEC. 5. (a) In order to make funds available to local communities to assist in the development and operation of qualified emergency medical service systems, the Director is authorized to allot funds to qualified States for distribution to communities as provided in section 6.

(b) A community, within the meaning of subsection (a), shall be a political subdivision or a regional combination of subdivisions and may encompass an area of one or more counties, or a part or contiguous parts thereof, and may be situated in more than one State.

(c) A qualified emergency medical service system, within the meaning of subsection (a), shall operate within standards which the Director shall by regulations prescribe, shall provide comprehensive emergency medical services, directly through facilities and staff of the community or indirectly through contractual arrangements with public or private agencies, organizations, or other entities, and shall include:

(1) Well-equipped emergency vehicles, staffed by emergency medical service technicians, with special consideration given to the utilization of discharged military corpsmen, trained and equipped to provide necessary life support at the scene of accident or illness and during transportation;

(2) A communications system that assures prompt response to the need;

(3) High quality emergency care facilities, staff and equipment at the hospital level;

(4) Medical self-help training programs that reach large numbers of area residents;

(5) Adequate highway signs to locate emergency medical services;

(6) Emergency medical services adequate to meet the needs of the community or region;

(7) Periodic evaluation of the quality of services to be provided through systems of inspection by the State, and such other quality control measures as the Director shall deem appropriate;

(8) Registration of ambulance attendants through a national registry program, maintained by a voluntary organization such as the Registry of Emergency Medical Technicians-Ambulance which shall provide for periodic review of personnel.

(9) Such other components as the Director may add.

GRANTS TO STATES

SEC. 6. (a) The Director shall allocate and pay to each State which qualifies under section 7, with respect to any fiscal year, from the funds appropriated pursuant to section 16(a) for such year, an amount (based on the population of the State and other conditions, such as population density and the availability of physicians and hospital facilities, demonstrating or bearing upon the adequacy of emergency medical services in the State) which reflects the needs of such State and its political subdivisions for improved emergency medical services relative to the corresponding needs in other qualified States.

(b) Funds made available to a qualified State with respect to any fiscal year under subsection (a) shall be disbursed by the appropriate agency of such State to eligible communities as defined in section 8, in accordance with the State's emergency medical services program and on such additional terms and conditions (consistent with such program) as such agency deems appropriate.

for the development and operation of qualified emergency medical service systems.

(c) Under regulations prescribed by the Director, any funds which have been disbursed by a State to a community with respect to any fiscal year for the development and operation of an emergency medical service system, and which remain unexpended and unobligated, may be withdrawn from such community (and redistributed to other communities in that State), if the State Administrator as referred to in section 7(a) deems the withdrawal of such funds warranted on the basis of subsequent inspections made or information received. Funds allocated by the Director to any State for any fiscal year under subsection (a) which remain unexpended and unobligated may be withdrawn from such State and redistributed by the Director to other qualified States.

QUALIFICATION OF STATES

SEC. 7. A State shall be qualified for assistance under section 6 with respect to any fiscal year if it has in effect a comprehensive emergency medical service program, submitted by the Governor or the State and approved by the Director, which—

(a) Provides that the emergency medical services program within the State shall be administered by the appropriate State health agency (hereinafter referred to as the State agency), and shall be directed by an Administrator appointed by the Governor (hereinafter referred to as the State Administrator) who shall disburse funds in accordance with the provisions of this Act;

(b) Provides for financial assistance to communities for the development and operation of emergency medical service systems pursuant to plans approved by the State Administrator;

(c) Provides for application by communities for such financial assistance to the designated State agency;

(d) (1) Provides that, preliminary to any final action or recommendation of approval by the designated State agency of any community application or financial assistance, the State Comprehensive Health Planning Agency, and the local health planning agency (if any) shall review such application and submit comment thereon in writing to the designated State agency; and

(2) Provides, further, that in evaluating any community application for assistance, such health planning agency or agencies shall give consideration to the importance of linking together in a regional system emergency medical services in rural and small communities which do not have the necessary resources to develop and support their own emergency medical services systems, and to the adequacy of the plan to meet the needs of the community, and shall consult with the State medical and local medical societies and other appropriate professional and voluntary health agencies in the area to be served;

(e) Provides a program for the collection, preparation and dissemination to the general public within the State of information on availability and accessibility of emergency medical services in the State;

(f) Provides for a system of inspection and periodic evaluation of the quality of services performed by communities receiving assistance under this Act; and

(g) Provides for periodic reports by the State to the Director, as the Director may by regulations direct, on the conduct of activities under this Act.

COMMUNITY QUALIFICATION FOR ASSISTANCE

SEC. 8. As conditions of eligibility for financial assistance under this Act—

(a) A community shall make application therefor to the designated State agency, in such a manner and providing such information as the Director may by regulations direct; and such application shall include

therein or be accompanied by a plan, as an integral part of such application, for development or improvement of an operating qualified emergency medical service system (as defined in section 5(c)) within such community; and

(b) The appropriate health planning agency or agencies in the State shall, in accordance with subsection 7(d), review and comment upon the application; and

(c) The application shall be approved by the State Administrator.

PAYMENTS TO COMMUNITY

SEC. 9. (a). The designated State agency shall make payments to a community, for the purpose of this Act, only under the following conditions:

(1) Such community meets the conditions of eligibility under section 8.

(2) The State Administrator has, on the basis of reports submitted by the community along with its application for funds, and on-site inspection, review, and other information and data which the Director may deem necessary, specifically approved any such payment as suitably contributing to the achievement of the plan for a qualified emergency medical service system.

(b) Payments to a community under this section may be made with respect to any fiscal year for development and operation of a qualified emergency medical service system, in an amount not to exceed 75 per cent of the costs incurred or to be incurred by such community during such fiscal year for the development and operation of such qualified system; and such payments may be continued in an amount not to exceed 50 per cent of costs incurred or to be incurred by such community during the next succeeding fiscal year for the development and operation of such qualified system, and in an amount not to exceed 25 per cent of costs incurred or to be incurred by such community during any fiscal year thereafter for the development and operation of such qualified system.

(c) (1) Whenever the State Administrator, after reasonable notice and opportunity for hearing to a community, finds that a community is not adequately performing pursuant to the emergency medical service plan which he approved as a condition of eligibility for assistance under section 8(c), he may deny any further payments to the community under this plan. He shall give the community notice of any such denial and state a reasonable time to correct the condition as a basis of reinstatement of payments. If the condition is not corrected within the time stated, or within any extension of time which may be granted by the State Administrator, the State Administrator may withdraw his approval of financial assistance to the community under this plan, and shall give notice of any such action to the community. Any determination by the State Administrator under this subsection shall be subject to appeal by the community to the Director within 30 days following notice thereof.

(2) On appeal duly made from a determination of the State Administrator under subparagraph (1), the Director shall have authority to confirm, reject, or modify the determination of the State Administrator, and shall within 30 days following such action of appeal make a determination in the matter and give notice thereof to the community.

(3) The community shall be entitled, further, to court review of the Director's determination under subparagraph (2) by commencing an action in the federal district court for the district in which the community is situated within 30 days following notice of the Director's determination.

ESTABLISHMENT OF STANDARDS FOR OPERATION OF EMERGENCY MEDICAL SERVICE SYSTEM

SEC. 10. The Director shall establish, keep current, and from time to time publish standards to govern the operation of an emer-

gency medical service system. Such standards shall be designed to insure that such services are provided and available on the widest possible basis, and shall include (without being limited to) standards and minimum requirements for:

(a) Emergency medical services equipment, including:

(1) Type of emergency ambulance and related rescue vehicles, including mobile intensive and coronary care units;

(2) Type and amount of rescue resuscitation and life support equipment to carry on-board ambulance vehicles;

(3) Radio or radio-telephone equipment for communication between ambulance and hospital.

(b) Licensure by States of ambulance service providers based upon periodic inspection of such providers' vehicles and equipment and periodic review of the training level of its personnel and the adequacy of its dispatching and communications system.

(c) Communications and reporting, including:

(1) Establishment of a universal emergency telephone number;

(2) Ambulance to hospital communications, with tie-in to other public service agencies for daily and disaster radio communications;

(3) Establishment of methods and standards for inter-regional emergency communication, including radio, microwave relay and other technology;

(4) Establishment of emergency medical services information and data retrieval systems, including telemetry, biomedical data relay, and human intellect augmentation systems;

(5) Filing of reports on emergency rescue and ambulance services and the integration of these reports with patients emergency care records;

(d) Levels of adequate liability insurance to cover any ambulance operations;

(e) The performance of training, advisory functions, and quality control by physicians designated as responsible for the medical supervision of ambulance services, including standards for training curricula;

(f) Facilities and routing:

(1) Establishment of emergency medical services operations centers;

(2) Categorization of emergency medical services capabilities;

(3) Establishment of methods for marking the location of emergency medical facilities and the establishment of routes thereto.

FINANCIAL ASSISTANCE FOR INITIAL PURCHASE OF AMBULANCE EQUIPMENT

SEC. 11. (a) In addition to providing financial assistance for the development and operation of qualified emergency medical service systems, the Director is authorized to assist in the establishment of new ambulance service in any political subdivision or regional combination in a qualified State by making grants to such subdivision or combination for the initial purchase of ambulance vehicles, equipment, and communications systems to be used in the provision of ambulance services by or under the supervision and auspices of such political subdivision. A grant under this section shall be in an amount not exceeding 50 per cent of the cost of purchase of the ambulance vehicle, equipment, and communications system involved, and shall be made only to a community which demonstrates to the satisfaction of the Director that, with the acquisition of such vehicles, equipment, and systems, it will rapidly be able to provide ambulance service as part of a qualified emergency medical service system. Such special grants shall be limited to designated items of equipment published by the Director and shall be made only with respect to purchases approved by the Director.

TRANSFER OF EMERGENCY MEDICAL SERVICES PROGRAMS OF THE FEDERAL GOVERNMENT TO THE EMERGENCY MEDICAL SERVICES ADMINISTRATION

SEC. 12. (a) All functions, powers, and duties of the Secretary of Transportation and the National Highway Traffic Safety Administration relating to emergency medical services (standard numbered 11) which are being exercised under, in connection with, or as a part of the uniformed standards for State highway safety programs are transferred to and vested in the Secretary of Health, Education, and Welfare, to be exercised and carried out by him through the Director and the facilities and other personnel of the Administration.

(b) Within 180 days of the effective date of this Act, the President may, in addition to the functions, powers, and duties transferred by subsection (a), transfer to the Secretary any functions, powers, and duties relating to emergency medical services which are being exercised by any other federal departments or agencies.

(c) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Secretary and the agencies noted, as were employed, held, used, or available for use exclusively or primarily in connection with the functions, powers, and duties transferred by subsection (a) or (b) shall be transferred to the Administration along with such functions, powers, and duties.

(d) The transfers under subsections (a), (b), and (c) shall be made in accordance with such regulations as the Director of the Office of Management and Budget may prescribe to carry out this section.

(e) With respect to any function, power, or duty transferred by subsection (a) and exercised after the date of the enactment of this Act, any reference in any law, document, or record to the previous governmental program shall be deemed as a reference to the Director and the Administration.

APPLICATION OF STANDARDS TO FEDERAL PROGRAMS

SEC. 13. (a) The standards established by the Director under section 10 shall apply to and govern the operation of all ambulances and other emergency medical services, except those ambulances and services operated under the auspices of the Department of Defense, which are provided or assisted in any way under Federal Law or under programs established, carried on, or supported under Federal Law.

(b) The Director shall consult with and provide technical and other advice and services to the heads of the various Federal departments and agencies having jurisdiction over programs or activities involving the provision of ambulance or other emergency medical services or the provision of assistance in any form, directly or indirectly, to entities furnishing such services, in order to insure that the requirements of this section will be met and that all such programs and activities of the Federal Government will be effectively coordinated with a view to the widest possible achievement of the purpose of this Act.

ADVISORY COUNCIL

SEC. 14. (a) There is established a National Advisory Council (referred to hereinafter as the "Council"). The Council shall advise, consult with, and make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all emergency medical services.

(b) The Council shall consist of an Assistant Secretary of the Department of Defense, the Department of Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor and the Department of Transportation, the Chief Medical

Director of the Veterans Administration, the Deputy Director of the Office of Emergency Preparedness, and the Chairman of the National Advisory Council on Comprehensive Health Planning Programs, who shall serve ex-officio. In addition, the Council shall be composed of twelve members appointed by the President who shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in emergency medical services, three shall be doctors of medicine, and the remainder shall be representatives of consumers and the ambulance industry. The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less than four times a year.

(c) Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS-18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

GENERAL PROVISIONS

SEC. 15. (a) In administering the provisions of this Act, the Director is authorized to utilize the services and facilities of any other agencies of the United States and of any non-Federal public or nonprofit private agencies or institutions, in accordance with agreements entered into between the Director and the heads of such agencies or institutions, on a reimbursable basis or otherwise.

(b) The Director is authorized to conduct or contract with others to conduct studies and research projects on the problems and conditions of emergency medical care. Such studies or projects shall particularly be directed toward the utilization of technological advances in the improvement of emergency medical services. Such studies shall include (but not be limited to):

(1) Planning and development for emergency medical services programs;

(2) Establishment and improvement of medical emergency transportation systems, including at least one statewide system, using aircraft, helicopters, radio-equipped vehicles;

(3) Providing for cooperative use of equipment and personnel of the Armed Forces for medical emergency transportation assistance;

(4) Design, development, and demonstration of advanced methods of, and equipment for, medical emergency transportation communications;

(5) Development and operation of training programs for emergency medical service personnel.

(c) The Director, with the approval of the Secretary, shall prescribe such regulations as may be necessary or appropriate to carry out this Act.

(d) The Director shall submit to the Secretary for transmittal to the President and the Congress a full and complete annual report on activities under this Act, including such recommendations as he may consider necessary or desirable for legislative or administrative action to improve and make more effective the program under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. (a) For grants under sections 6 and 11, there is authorized to be appropriated the sum of \$150,000,000 for the fiscal year ending June 30, 1973, the sum of \$150,000,000

for the fiscal year ending June 30, 1974, and the sum of \$150,000,000 for the fiscal year ending June 30, 1975.

(b) For other expenses incurred by the Director and the Administration in carrying out this Act, there is authorized to be appropriated the sum of \$50,000,000 for the fiscal year ending June 30, 1973, the sum of \$60,000,000 for the fiscal year ending June 30, 1974, and the sum of \$70,000,000 for the fiscal year ending June 30, 1975.

(c) Any amounts appropriated pursuant to this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1975.

SUMMARY OF BEALL-MONDALE EMERGENCY MEDICAL SERVICES SYSTEMS ACT

This bill would establish an Emergency Medical Services Administration within the Department of Health, Education, and Welfare. It would be headed by a Director who is a qualified health care professional appointed by the President. Emergency medical service programs in the Department of Transportation would be transferred for centralization in the new Administration. In addition, the President is given the authority to transfer within 180 days after enactment emergency medical services being exercised by any other federal departments or agencies.

The Director would allot funds to the States, and the States, in turn, would distribute funds to the communities for the development and operation of community emergency medical service programs.

To qualify the State for allotment, a governor would submit to the Director, for approval, a State plan for improvement of emergency medical services throughout the State. Such plan would provide for financial assistance to eligible communities within the State, and would designate the appropriate State health agency to administer the plan and disburse funds under the direction of a State Administrator appointed by the governor. It would also provide for review and comment by the State Comprehensive Health Planning Agency, and the local health planning agency, if any, on community applications for assistance.

As a condition of eligibility for financial assistance, a community would submit a plan for a "qualified emergency medical services system", providing for prescribed services, equipment and programs. Such plan would be reviewed for comment by the State Comprehensive Health Planning Agency, and local health planning agency, if any, before referral to the State Administrator for final approval.

A "qualified emergency medical services system" would operate within standards prescribed by the Director and would include as minimum requirements:

(a) Well-equipped emergency vehicles, staffed by emergency medical service technicians, with special consideration given to utilization of returning military corpsmen, trained and equipped to provide all necessary life support at the scene of accident or illness during transportation;

(b) A communications system that assures prompt response to the need;

(c) High quality emergency care facilities, staff and equipment at the hospital level;

(d) Medical self-help training programs that reach large numbers of area residents;

(e) Adequate highway signs to locate emergency medical services;

(f) Emergency medical services adequate to meet the needs of the community or region;

(g) Periodic evaluation of the quality of services to be proved through systems of inspection by the State, and such other quality

control measures as the Director shall deem appropriate;

(h) Registration of ambulance attendants through a national registry program, such as the Registry of Emergency Medical Service Technicians-Ambulance which shall provide for periodic review of personnel; and

(i) Such other components as the Director may add.

A community emergency medical service area could be a county, part of a county, or a multi-county area and could be situated in more than one state. Federal funds would be provided only on a matching basis, federal contribution being limited to 75% of the costs incurred for development and operation of a "qualified system" in the first year of grant, and, if continued, 50% in the second year, and 25% in any year thereafter.

Payments to a community could be made only upon specific approval of the State Administrator, based on State reports, State and local planning agency comments, and such on-site inspections, review and other information as he deemed necessary for determining that the payment suitably contributed achievement of the plan for a qualified system.

Standards would be issued by the federal Director from time to time. These would establish minimum requirements for:

(a) Emergency medical services equipment, including:

(1) Type of emergency ambulance and related rescue vehicles, including mobile intensive and coronary units;

(2) Type and amount of rescue resuscitation and life support equipment to carry on board ambulance vehicles;

(3) Radio or radio-telephone equipment for communication between ambulance and hospital.

(b) Licensure by States of ambulance service providers based upon periodic inspection of such providers' vehicles and equipment and periodic review of the training level of its personnel and the adequacy of its dispatching and communications system.

(c) Communications and reporting, including:

(1) Establishment of a universal emergency number;

(2) Ambulance to hospital communications, and disaster radio communications;

(3) Establishment of methods and standards for interregional emergency communication, including radio, micro-wave relay and other technology;

(4) Establishment of emergency medical services information and data retrieval systems, including telemetry, biomedical data relay, and human intellect augmentation systems;

(5) Filing of reports on emergency rescue and ambulance services the integration of these reports with patient emergency care records.

(d) Levels of adequate liability insurance to cover any ambulance operations;

(e) The performance of training and advisory functions by physicians designated as responsible for the medical supervision of ambulance services, including standards for training curricula;

(f) Facilities and routing:

(1) Establishment of emergency medical services operating centers;

(2) Categorization of emergency medical service facilities;

(3) Establishment of methods for marking the location of emergency medical facilities and the establishment of routes thereto.

Additional programs would be provided in the bill authorizing the Director:

(a) To make direct payments contributing 50% of costs to a community for the initial purchase of ambulance vehicles; and

(b) To make grants to public or private non-profit organizations or enter into contracts with public or private organizations

for emergency medical service projects including studies and research for:

(1) Planning and development for emergency medical services programs;

(2) Establishment and improvement of medical emergency transportation systems including at least one statewide system using aircraft, helicopters, radio-equipped vehicles;

(3) Providing for cooperative use of equipment and personnel of the armed forces for medical emergency transportation assistance;

(4) Design, development and demonstration of advanced methods of, and equipment for, medical emergency transportation and communications; and

(5) Development and operation of training programs for emergency medical service personnel.

A National Advisory Board, composed of assistant secretaries of various departments in the executive branch and 12 Presidential appointees would advise the Secretary. The appointees would include representatives of local government, consumers, and the ambulance industry, and three doctors of medicine.

The Director would make annual reports to the President and the Congress on the activities under the Act.

For the assistance to community emergency medical service systems and the initial purchase of ambulances by communities, the bill authorizes \$150 million for each of three years. For other expenses in administering the program during that same period, the bill authorizes \$50, \$60 and \$75 million.

By Mr. SCHWEIKER:

S. 3912. A bill to amend the National Flood Insurance Act of 1968. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL FLOOD INSURANCE ACT AMENDMENTS
OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the National Flood Insurance Act and ask that it be appropriately referred.

Of the six States involved in the Agnes disaster, Pennsylvania was hardest hit. According to Government estimates, about 70 percent of the total damage occurred in Pennsylvania. Of the damage inflicted on Pennsylvania, about 70 percent of the total occurred in the area of Wilkes-Barre. Many other communities, including the capital city, Harrisburg, were very hard hit.

Hurricane and tropical storm Agnes caused over \$3 billion in property damage, flooded 5,000 square miles of land areas, and caused 118 deaths. Clearly, it is the worst natural disaster in the entire history of the United States.

The Office of Emergency Preparedness has said that hundreds of cities, towns, and rural communities along 4,500 miles of major rivers and 9,000 miles of streams and tributaries were flooded. Over 500,000 people suffered losses. 116,000 dwellings and mobile homes, and 2,400 farm buildings were damaged or destroyed 5,800 businesses were destroyed.

It is indeed regrettable that very few citizens were covered by flood insurance under the Federal program set up by the National Flood Insurance Act. Nobody in Harrisburg, for example, was covered. Only two people in Wilkes-Barre had flood insurance. Although 93 communities in Pennsylvania had qualified

for flood insurance, very few individual citizens had obtained it.

One of the problems has been in distributing the insurance. I have received reports, for example, of individuals who tried to obtain flood insurance through insurance agents, but were unable to do so. This program was designed to be available to all qualified citizens, and the Department of Housing and Urban Development must take every action necessary to encourage the widespread availability of flood insurance as a practical matter. HUD has taken one step in that direction by establishing a \$10 minimum commission, regardless of the size of the premium. It is hoped this will encourage agents to sell the coverage and broaden the protection currently available to the public. I strongly urge HUD to take whatever other additional administrative steps may be necessary to broaden the availability of flood insurance.

The National Flood Insurance Act Amendments of 1972 would do the following:

First, it would double the statutory flood insurance coverage limits. That is, it would double both the subsidized limits on various types of structures and contents, as well as doubling the maximum limits of flood insurance coverage. The subsidized limits on single family residential units would be raised from \$17,500 to \$35,000. The limits on other residential units and nonresidential structures would be increased from \$30,000 to \$60,000. The coverage for the contents of residential structures would be raised from \$5,000 to \$10,000, and the coverage for the contents of nonresidential structures would be substantially increased from \$5,000 to \$60,000. The latter provision regarding the contents of nonresidential structures is concerned primarily with businesses, and the \$5,000 present limit is clearly very insufficient. Therefore, my legislation would increase that coverage to \$60,000. In each case, non-subsidized flood insurance at actuarial rates could be obtained in an amount equivalent to the amount of the subsidized coverage. Therefore, maximum coverage is double the amount of the subsidized coverage.

Second, my legislation would increase the authorization for total coverage in force under the national flood insurance program from \$2.5 billion to \$10 billion. Although legislation is now pending in the 1972 Housing Act to increase the limit to \$4 billion, even this is inadequate for any substantial expansion of the program. I feel that a \$10 billion statutory limit is more realistic.

Third, the bill requires individuals to purchase flood insurance as a condition of the issuance of Federal mortgage insurance in identified flood-prone areas. That is, in order for an individual who lives in a flood-prone area to obtain FHA, VA or Farmer's Home Administration mortgage insurance, he must purchase flood insurance. HUD defines a "special flood hazard area" as any area which has a 1 percent annual chance of flooding. I believe we should encourage the purchase of flood insurance in areas which are clearly subject to flooding by conditioning the insurance of Federal

mortgage insurance on the purchase of flood insurance.

Fourth, the bill broadens the availability of the flood insurance program to any individual who wishes to obtain it. Flood insurance would be available whether or not the community in which the individual resides has been approved for flood insurance. However, in order to encourage local communities to sign up for the flood insurance program and meet Federal land-use requirements, the premium rates on policies issued in communities which have not been approved would be 25 percent above the subsidized rate offered to residents of approved communities. In other words, we would not foreclose anyone from getting flood insurance who wants it, but we would put additional pressure on local communities to sign up for the program by making the rate for those who had not, 25 percent above the federally subsidized rate.

Fifth, as an additional incentive to get communities to sign up, those communities which have been identified as being special flood hazard areas would be required to participate in the national flood insurance program. If they do not participate, future Federal financial assistance for construction programs such as urban renewal would be reduced. The penalty for inaction by a local community would increase as time goes on. Under my bill, beginning July 1, 1976, the availability of FHA, VA, and Farmer's Home Administration mortgage insurance and guarantees for new construction to local residents would be restricted. Federal financial assistance under all other construction programs would also be reduced over a 4-year period. In fiscal year 1977, the availability of these programs would be reduced by 10 percent. In 1978, an additional 20-percent reduction would occur. In 1979, 30 percent, and in 1980, 40 percent. Thus, the total reduction over a 4-year period would be 100 percent. After fiscal year 1980, communities would not be able to obtain this Federal assistance.

Let me make it clear that this last provision applies only where a community has been identified as being a special flood hazard area. In other words, we are only talking about communities where there is a substantial likelihood of flooding. In these cases, communities would be strongly encouraged to take actions necessary to minimize the impact of future flooding. The reason I have suggested tying this into Federal financial assistance for construction programs is that such construction projects in flood-prone areas are particularly subject to being damaged by floods. It simply makes good sense to require local communities to take measures to minimize the impact of flooding.

I am pleased that the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs will hold hearings on flood insurance tomorrow. I will testify at those hearings. Because of the importance of strengthening the existing flood insurance law, and in view of the personal interest in this matter taken by the chairman of the subcommittee, Senator WILLIAMS, I am confident that legis-

lation to improve this law will be acted upon by the full Senate within a short period of time.

Mr. President, I ask unanimous consent that the text of the National Flood Insurance Act Amendments of 1972 be printed in the RECORD at this point.

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

S. 3912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Flood Insurance Act Amendments of 1972".

INSURANCE LIMITS

Sec. 2. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended by striking out "\$17,500", "\$30,000", and "\$5,000" and inserting in lieu thereof "\$35,000", "\$60,000", and "\$10,000", respectively.

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "\$30,000" (each place it appears) and "\$5,000" and inserting in lieu thereof "\$60,000" and "\$60,000", respectively.

(c) Section 1306(b)(1)(C) of such Act is amended by striking out "\$30,000" and "\$5,000" and inserting in lieu thereof "\$60,000" and "\$60,000", respectively.

PROGRAM LIMITATION

Sec. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "\$2,500,000,000" and inserting in lieu thereof "\$10,000,000,000".

Sec. 4. (a) Chapter I of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

"REQUIREMENT OF FLOOD INSURANCE COVERAGE FOR FEDERALLY INSURED OR FEDERALLY GUARANTEED MORTGAGES"

"Sec. 1321. (a) No officer or agency of the United States shall insure or guarantee or enter into a contract or commitment for the insurance or guaranty of any mortgage or real estate loan if the property to which such mortgage or loan relates is situated in a flood-prone area as determined by the Secretary under section 1360, unless such property is covered by the flood insurance program under this title (to the extent that such program applies or has been extended to property of the type involved under section 1305 (a) and (b)).

"(b) For purposes of subsection (a), the terms 'insure or guarantee' and 'insurance or guaranty', with respect to mortgages on real estate loans, include or refer to the insurance of any mortgage (or financial institution) under the National Housing Act or title V of the Housing Act of 1949, the insurance or guaranty of any loan under chapter 37 of title 38, United States Code, and any other insurance or guaranty issued under Federal law with respect to a mortgage on real estate or with respect to a loan made to finance the purchase, acquisition, or rehabilitation of real property."

(b) The amendment made by subsection (a) of this section shall apply with respect to mortgages executed and loans made on or after the first day of the seventh month which begins after the date of enactment of this Act (except that such amendment shall not apply with respect to any such mortgage or loan which is executed pursuant to a contract or commitment entered into before such first day).

PROVISION OF FLOOD INSURANCE IN CERTAIN AREAS NOT MEETING REQUIREMENTS OF PROGRAM

Sec. 5. The National Flood Insurance Act of 1968 is amended—

(1) by striking out "The" in section 1305 (c) and inserting in lieu thereof "Except as provided in section 1322, the";

(2) by striking out "After" in section 1315 and inserting in lieu thereof "Except as provided in section 1322, after"; and

(3) by inserting after section 1321 (added by section 4 of this Act) a new section as follows:

"FLOOD INSURANCE COVERAGE IN NONQUALIFYING AREAS"

"Sec. 1322. Notwithstanding any other provision of this Act, flood insurance coverage may be provided under this title in any State or area (or subdivision thereof) which has not complied with the requirements of section 1305(c) or 1315, if—

"(1) the property with respect to which the insurance is sought is eligible for coverage under section 1305 (a) or (b); and

"(2) the premium charged for the coverage provided is at a rate which exceeds by 25 per centum the rate which would otherwise be chargeable on similar property in a State or area (or subdivision thereof) meeting the requirements of sections 1305(c) and 1315."

REDUCTION OF CERTAIN FEDERAL BENEFITS IN THE CASE OF COMMUNITIES NOT PARTICIPATING IN THE FLOOD INSURANCE PROGRAM

Sec. 6. (a) Notwithstanding any other provision of law, in the case of any unit of local government which is determined by the Secretary of Housing and Urban Development under section 1360 of the National Flood Insurance Act of 1968 to be located in an area which has special flood hazards, and which is not participating in the flood insurance program established under such Act, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Administrator of Veterans' Affairs shall reduce the aggregate Federal benefits for such unit of local government by 10 per centum on July 1, 1977, by an additional 20 per centum on July 1, 1978, by an additional 30 per centum on July 1, 1979, and by an additional 40 per centum on July 1, 1980.

(b) For the purpose of subsection (a), a reduction of the aggregate Federal benefits of a unit of local government shall be carried out by applying the percentages referred to in such subsection to each of the following:

(1) The aggregate dollar amount obligated or expended in connection with any contract or other agreement entered into by such unit under title I of the Housing Act of 1949, title I of the Demonstration Cities and Metropolitan Development Act of 1966, title VII of the Housing and Urban Development Act of 1965, title VII of the Housing and Urban Development Act of 1970, and title VII of the Housing Act of 1961 during the fiscal year ending on June 30, 1977;

(2) The number of dwelling units covered by mortgages insured under section 203 of the National Housing Act in the jurisdiction of such unit which were purchased during the fiscal year ending June 30, 1977;

(3) The number of dwelling units with respect to which the Administrator of Veterans' Affairs furnished financial assistance under chapter 37 of title 38, United States Code, which were purchased during the fiscal year ending June 30, 1977; and

(4) The number of dwelling units with respect to which the Secretary of Agriculture furnished financial assistance under title V of the Housing Act of 1949 during the fiscal year ending June 30, 1977.

By Mr. FANNIN:

S. 3914. A bill to require mandatory imposition of the death penalty for individuals convicted of certain crimes. Referred to the Committee on the Judiciary.

Mr. FANNIN. Mr. President, we are all aware of the recent Supreme Court decision of Furman against Georgia which virtually outlawed the imposition of the death penalty. I believe only two of the Justices concluded that the infliction of the death penalty is constitutionally impermissible in all circumstances under the eighth and 14th amendments of the Constitution. Although the majority of the Court did not consider the death penalty as "cruel and unusual" punishment per se, its decision virtually eliminated its use in the United States. In the presentment of the three particular cases in Furman against Georgia, the majority Court decided that the imposition of the death penalty within the context of the facts of those cases was "cruel and unusual punishment."

One specific malady was cited by several Justices. Our present system of discretionary sentencing in capital cases "failed to produce evenhanded justice." The rate of infliction of the death penalty was rare when measured against the number of cases in which it was legally permissible and available. The system which selected the person upon whom the sentence would apply was termed "arbitrary," "rare," "freakish." The language boiled down to the statement that "punishment was not being regularly and fairly applied."

Mr. President, I now introduce a bill that eliminates the discretionary aspects in the imposition of the death penalty for a narrow list of crimes that are of a most heinous nature. During the last 10 years we have witnessed a disturbing increase in crime in this country. Skyjackings, assassinations and the murder of our law enforcement and judicial officers have created a national problem that calls for swift and decisive action. It is my contention that capital punishment is an efficient tool of our system of law enforcement. I believe that it acts as a deterrent to certain crimes and I believe that society will suffer from its absence.

My bill will make mandatory, upon conviction, the sentence of death for the following:

First, the commission of aircraft piracy where loss of life occurs as a direct consequence of such act;

Second, the assassination of the President or Vice President of the United States or a State governor;

Third, the murder of a law enforcement officer, judicial officer, or fireman, while pursuing his official functions or because of his official position;

Fourth, the commission of murder by a prisoner serving a life sentence; and

Fifth, treason.

Mr. President, my bill would also mandatorily impose the sentence of life imprisonment, without possibility of parole, for those convicted of commissions or attempts to commit aircraft piracy in which a loss of life did not occur.

These crimes because of their implications and potential danger to society warrant the most drastic measure. Since 1968 there have been 147 hijacking attempts, 90 of which were successful. There were 27 hijacking attempts in all of 1971—there have already been 28 in 1972. These skyjackings endanger hundreds of innocent travelers. Three pas-

sengers and one crewman have been killed since 1971. It is just a matter of time until a major tragedy results from one of these skyjackings.

The murder of a President, Vice President, Governor, law enforcement officer, fireman, or judge is a direct attack on our society and our form of government. This threat to the viability of our political system calls for the imposition of the most severe sentence.

Murders committed by prisoners serving life sentences cannot be tolerated. Life prisoners must be informed that they cannot kill with immunity. The lives of other prisoners as well as prison officials are in peril.

I believe my bill will pass the muster of constitutional scrutiny by this Supreme Court. It will provide a more credible deterrent than we have had heretofore. Every person who contemplates committing one of these heinous offenses will know that he will surely receive the death penalty upon conviction if he carries out this contemplation. We must employ every means available to protect law-abiding citizens from such violence. We must, as a society, display our intolerance and our complete moral condemnation of these acts. In my opinion, and I believe the majority of Americans share my view, these crimes demand society's most emphatic denunciation.

The topic of capital punishment has always stirred public controversy. The arguments cling initially around the question of whether it is really a deterrent. We flounder to grasp at statistics that will support our various positions but the question defies empirical analysis. Statistics really prove nothing, as the Florida Commission on Capital Punishment concluded:

There is no reliable method for determining who has contemplated committing a capital crime but refrained due to the fear of the death penalty as distinguished from other forms of criminal punishment.

I have carefully studied the statistics that allegedly prove that the death penalty does not deter crime. These statistics compare the homicide rates of non-capital-punishment States with States that have available the death sentence.

They also compare the homicide rate before and after the abolition of capital punishment to certain States. Most conclude that there is no evidence that the existence of the death penalty has an effect on the homicide rate. On the opposite side of the viewpoint authorities, including the late J. Edgar Hoover, conclude that such analysis on homicide rates is faulty because the comparisons fail to extract the very small fraction of homicides that are subject to the death sentence and thus influenced by it. The inclusion of such homicides as unpremeditated second-degree murder, manslaughter, as well as those committed by juveniles and the mentally insane in statistical analysis destroys the validity of results on the deterrent effects of capital punishment.

In the absence of statistics and a subject matter which defies such analysis I would concur that:

Common human experience would support the conclusion that death must be a more effective deterrent than any less severe punishment. Because people fear death the most, the threat of death must be the greatest.

In this void of empirical proof as to the effect or noneffect of capital punishment on crime, we are forced to rely on our intuition and logic. My intuition and logic call for the restoration of capital punishment in these very narrow categories.

Mr. President, I do not believe that I underestimate the value that Americans place on human life, I cherish life as dearly as anyone but I confess, I have little sympathy for those who would commit the crimes enumerated in my bill. I fear that when people begin to believe that organized society is unwilling or unable to impose upon the criminal offenders the punishment commensurate with the act, then society has sown the seed of anarchy—of self help—of vigilante justice and lynch law. The Societal foundation will erode and rot with the consequence that our cherished ideals and accomplishments will vanish in a sea of terror. We will have failed and that degree of tragedy is incomprehensible.

Mr. President, it is the duty of Congress to enact this legislation and remedy this void.

By Mr. KENNEDY (for himself, Mr. JAVITS, Mr. NELSON, and Mr. STEVENSON):

S. 3916. A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, State and local governments seeking to find ways to deal with the problem, and for other purposes. Referred to the Committee on Labor and Public Welfare.

WORKER ALIENATION RESEARCH AND TECHNICAL ASSISTANCE ACT OF 1972

Mr. KENNEDY. Mr. President, I am introducing today with the Senator from New York (Mr. JAVITS), the Senator from Wisconsin (Mr. NELSON), and the Senator from Illinois (Mr. STEVENSON), legislation to respond to the problem of worker alienation in America.

The Worker Alienation Research and Technical Assistance Act of 1972 provides for research into the problem of alienation among American workers in all occupations and industries and technical assistance to those unions, workers, companies, State and local governments seeking to find ways to relieve this problem. The bill provides \$10 million for fiscal year 1973 and \$10 million for fiscal year 1974.

As a nation, we have prided ourselves on the skills, the dedication, the imagination, and the initiative of the American worker. The growth and development of our economy has been based on his high level of performance. And through the years, the Nation's history has witnessed a steady rise in wages and fringe benefits that seemed to offer a just recompense to the men and women in textile mills, steel factories, and auto plants.

But the institutions of this country did not ask whether the rights of workers

were being protected as the level of material compensation climbed upward. We stopped looking at working conditions. We stopped looking at health hazards in the workplace. We stopped looking at physical hazards in the workplace. Finally, decades later, we passed the Occupational Safety and Health Act of 1970.

And once again, satisfied that we had moved to relieve the physical hazards, we stopped looking.

We continue to marvel at the speed and assumed efficiency of the automated conveyors and high-speed tools that have been introduced into our plants. Seemingly mesmerized by the novelty of the modern industrial machines, we have forgotten once again that there are human beings behind those machines.

For the critical component in the modern workplace remains the worker, and the noneconomic requirements of the worker have been forgotten.

In hearings that the Subcommittee on Employment, Manpower and Poverty held this month which I was privileged to chair, we heard from some of the workers—workers from an auto plant in Lordstown, Ohio, where the conveyor sends 101.6 Vega automobiles out the factory door every hour, where workers must execute their assembly line operation every 36 seconds.

Gary Bryner, president of the UAW local at Lordstown, talked of the "symptoms of the alienated worker" where the absentee rate is moving ever upwards, where the turnover rate is enormous and where the use of alcohol and drugs is becoming an ever more serious problem.

The lack of corporate concern for the worker is described by Bryner in the orientation of new assembly line employees:

He is brought into the plant and his orientation session ends and starts with his papers on insurance and his assignment to a foreman who immediately puts his warm body on the line.

The job assignments within the plant in the same classification are solely the right of management, no say for the employee . . . The job content, and there is not much to that . . . when you have 36 seconds to do a job, and all we are left with is the dead-end job . . . jobs that offer little challenge to the more educated worker, little chance for advancement, and hardly any chance to participate as a worker.

The frustrations of workers also was expressed by Dan Clark, an auto assembly line worker.

When it is 95 outside, it is 120 or so in that paint shop . . . you have no ventilation really at all. And of the noise level in the body shop which was cited a year and a half ago as higher than acceptable standards, Clark said, "I know I put cotton in my ears, because I cannot take it too much longer.

And so, he added:

In the 1930's our fathers or forefathers revolted. They wanted the rights for a union . . . In 1970, we revolted and all we want to do is improve on things. That is all we want. Why should we be criticized for something like that? All we want is improvement in working conditions . . ."

The disregard for the worker as a human being was cited by James Wright, now director of National Policy Affairs, National Center for Urban Ethnic

Affairs, and a former steelworker. He testified:

I can recall when a friend of mine was killed in a car accident, and I took the day off to attend his funeral, and I was disciplined for two days because this was an unexcused absence.

These are some of the problems and frustrations and discontents that are producing a class of angry and rebellious workers in America.

And for a nation concerned about productivity, our failure to heed the signs of restlessness among workers in our plants and factories seems difficult to grasp.

For we have the statistics of the National Commission on Productivity to tell us that something is wrong with the economic machine. In one major industry, absenteeism increased by 50 percent, worker turnover by 70 percent, worker grievances by 38 percent, and disciplinary layoffs by 44 percent in a period of 5 years.

Yet, to a large degree, the response of government, of unions, and of business has been to ignore the problem. We do not even know the extent of the problem. We do not know how many men and women unnecessarily suffer mental or physical illnesses whose cause is linked to their jobs. We do not know the extent of the use of drugs among young workers. We do not know the cost to the economy from the subsequent loss of productivity, or the cost to the society of pockets of despair among its workers. Nor do we know what changes in the design of the job and in the environment of work could produce increasing job satisfaction and increasing productivity at the same time.

While there have been some experiments, as our hearings revealed, there was almost universal agreement that far too little is being done.

Witnesses from the business world, including Robert Ford of American Telephone & Telegraph Co., Lyman Ketchum of General Foods, and Sidney Harman of Jervis Corp., all discussed some of the attempts by their corporations to respond to the problem of worker alienation. But all agreed that there exists a vast area of inadequate information on a national level, a vacuum which helps prevent the education of government, business, and union leaders to the problem.

Their view was confirmed by Irving Bluestone, vice president of the UAW, who added that working models and practical on-the-job experiments are needed in addition to basic research.

The motivation for attempting such a program begins with the worker. For he is a citizen, a human being. And it should not be the potential for increasing his productivity that spurs our interest; but our concern, as Bluestone stated, to "find new ways to make human beings more human."

And so in the bill that I am introducing today, we hope to break down the resistance of our institutions to the idea of humanizing the workplace. We hope to make the quality of life for the worker on the job just as much a consideration in the eyes of labor and management as the quality of the product.

This bill authorizes the Secretary of Health, Education, and Welfare and the

Secretary of Labor to conduct research to determine the extent and severity of job discontent and to assess the costs to the economy of the problems of absenteeism, turnover, sabotage, and loss of productivity associated with worker discontent.

In addition, research is directed into the incidence of mental and physical disease among workers.

The research also will cover the methods now being used in both the United States and Europe in trying to meet the problems of worker alienation. We heard from Ford Foundation witnesses, who recently had traveled to Europe, of the innovations that have been tried there.

The bill also provides that the research results and recommendations will be made available to workers, to unions, to companies, to schools of management and industrial engineering and to the general public.

Technical assistance also will be made available to groups of workers, to unions, to companies, to State and local governments for the following efforts:

First, practical experimentation in meeting the problems of alienation in their own places of work.

Second, the development and conduct of pilot demonstration projects to improve our knowledge of how to relieve job satisfaction. These projects could include job enrichment, autonomous work groups, job restructuring, increased worker participation in decisionmaking, increased job mobility and compensation on the basis of new skills learned.

The bill also provides for assistance in developing curricula and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods.

This was felt to be critically important by most of the witnesses because of the impact that industrial engineers and plant designers have on the conditions of work and their present lack of concern for the worker.

The bill also authorizes the Secretary of HEW to insure that Federal agencies seek to maximize job satisfaction and to consider that factor in the design of new Federal facilities.

At the same time, the bill authorizes the Secretary of Labor to seek assurance that job satisfaction is considered by Federal contractors.

What we are seeking to do in this bill, which we intend hopefully to link to this year's comprehensive manpower bill when it is presented to the Senate, is to have the Federal Government take the initiative to avoid the continued drift into alienation by many of our workers.

For by providing the data and disseminating the results of research and technical assistance, we can stimulate among unions and corporations and the public in general not only an understanding of the scope and severity of this problem but an awakening to the ways in which they can begin to resolve it.

And what we are asking is the question asked by a former steelworker: How can a man get basic justice and equity in his place of work?

For I believe that if we succeed in raising the quality of life for the Amer-

ican worker on the job, we will be raising the quality of life for all our people.

Mr. President, I ask unanimous consent to have the bill I am introducing printed at the conclusion of my remarks.

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

S. 3916

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 "Worker Alienation Research and Technical Assistance Act of 1972."

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) alienation of American workers because of the nature of their jobs is a problem of growing seriousness to the national economy and to individual workers;

(2) alienation often results in high rates of absenteeism, high turnover, poor quality work, a decline in craftsmanship, and lessened productivity;

(3) alienation often results in high levels of frustration among workers with the following consequences: poor mental health, poor motivation, alcoholism, drug abuse, and social dissatisfaction among workers.

(4) it is in the national interest to encourage the humanization of working conditions and the work itself so as to increase worker job satisfaction, and to diminish the negative effects of job dissatisfaction; in so far as possible, work should be designed to maximize potentials for democracy, security, equity and craftsmanship.

(5) it is in the national interest to promote the fullest development of the abilities, creativity, skills and personal growth of all American workers.

(6) the problem of worker discontent and alienation has for too long been largely ignored by government, management and unions.

(7) promising efforts to deal with the problems of alienation carried out in this country and in Europe are not widely known.

SEC. 3. (a) The Secretary of Labor and the Secretary of Health, Education and Welfare are hereby authorized to either directly or by way of grant, contribution or other arrangement,

(1) conduct research, to determine the extent and the severity of job discontent and the problems related to the nature of work in American worksites, included but not limited to:

(A) quality of work, levels of turnover, absenteeism, sabotage, and loss of productivity; and the monetary costs to the economy of those problems;

(B) worker health, including statistics on mental and physical health and emotional stability;

(2) conduct research on methods now being used in both this nation and abroad to meet the problems of work alienation, including more flexible hours of work, reduced working days, profit-sharing, additional responsibility for workers, job rotation, worker participation in the decision-making process with regard to the nature and content of his job, redesign of jobs and production patterns, autonomous work groups, and additional opportunity for education, training and advancement.

(3) collect and disseminate research results and recommendations for relieving worker discontent and for improving the quality of work, to workers, to unions; to companies, to schools of management and industrial engineering and to the general public;

(4) provide technical assistance to workers, unions, companies, State and local governments for (1) practical experimentation in

meeting the problems of alienation in their own places of work; (11) the development and conduct of pilot demonstration projects expected to make significant contributions to the knowledge in the field, to include but not be limited to such programs as job enrichment, guaranteed employment, reduced work days and weeks, autonomous work groups, job restructuring, increased worker participation in decisionmaking on the nature and content of his job, increased job mobility, job rotation, group productivity bonuses, compensation on the basis of skills learned, continuing education and training both to provide new careers and new opportunities for increased job satisfaction.

(5) provide support of the Triadic national survey on working conditions and work satisfaction of the Department of Labor;

(6) assist in the development and evaluation of curriculum and programs for training and retraining professionals and subprofessionals in work humanization approaches and methods;

(7) conduct pilot projects for a variety of experiments in both blue collar and white collar work redesign in selected Federal agencies to determine their effect in improved employee job satisfaction.

(b) In carrying out the research and technical assistance program authorized by this section, the Secretaries shall consult with the National Institute of Mental Health, the National Science Foundation, the National Institute for Occupational Safety and Health, and representatives of workers, unions, management, academic and medical experts.

(c) Each December 31, the Secretaries shall file an annual report including any recommendations for further legislation with the Congress. The Secretaries also shall file an interim report no later than 6 months after passage of the Act.

SEC. 4. The Secretary of Health, Education, and Welfare, in consultation with the Administrator of the General Service Administration, is directed to insure that Federal agencies seek to maximize job satisfaction of their workers and consider that factor in the design of new Federal facilities.

SEC. 5. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall consult with each other concerning the implementation of this Act for the purpose of avoiding duplication or conflict in the activities of their respective Departments under this Act.

SEC. 6. There is hereby authorized an appropriation of \$10 million in fiscal year 1973 and \$10 million in fiscal year 1974 to carry out the provisions of this Act.

Mr. STEVENSON. Mr. President, I join with Senators KENNEDY and JAVITS in introducing the Worker Alienation Research and Technical Assistance Act of 1972 because it is a necessary first step towards solving a serious and growing problem: The dissatisfaction among workers with the quality of their working lives.

In a nation in which productivity ranks as a national goal, more and more citizens profess dislike for the very process by which they produce our goods and services.

In a nation dedicated to freedom and the pursuit of happiness, more and more men and women feel they are pursuing economic rewards at the price of both freedom and happiness.

In a nation where a person has traditionally been described by the work he did, more and more citizens resent the work they do and resist the conditions under which they work.

In a nation built by hard work and energized by pride in that work, we can-

not allow meaning and craftsmanship to be engineered out of millions of jobs.

In a nation concerned about the quality of life and the social costs of economic activities, we must undertake a sober analysis of the quality of working life and the social costs of unsatisfying jobs.

We know that the problem is serious because we see the expression of this discontent. Our great industries are plagued by tardiness, absenteeism, rapid turnover, drug addiction, and even sabotage.

Between 1960 and 1970 the absentee rate at General Motors and at Ford more than doubled. Turnover and tardiness rates have risen. Complaints about poor workmanship and sabotage have grown. Some workers simply walk off in the middle of the day without even collecting their pay.

We know that the problem is increasing. Between 1969 and 1971, the number of American workers expressing dissatisfaction with their jobs increased by 73 percent, according to the Gallup poll. Over 17 million Americans find their jobs unsatisfying.

We know that the problem is likely to increase still more since the discontent is concentrated among the young, blacks, and women, three groups likely to become increasingly important in the workplace. I ask unanimous consent that an article by Neal Q. Herrick describing a national survey of worker attitudes be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STEVENSON. Mr. President, what are the causes of this widespread and growing discontent? How can it be stopped? A number of businessmen, labor union officials, and experts are convinced that the answer lies not only in changing the conditions of work but also in changing the nature of the work itself. In an article in the January, 1968, Harvard Business Review entitled "One More Time: How Do You Motivate Employees?" Frederick Herzberg drew a distinction between conditions which prevent job dissatisfaction and those which create job satisfaction. Factors which alleviate dissatisfaction are external to the work itself: fair pay, clean and safe working conditions, pleasant relations with supervisors and fellow employees. In too many cases these basic concerns have not been adequately resolved.

Important as these reforms are, they cannot in and of themselves provide a positive source of meaning and dignity. Only a meaningful and dignified job can do that.

Indeed, when asked to rank 25 aspects of work, including pay, working conditions, and relations with coworkers, workers ranked factors affecting the arrangement of the work highest. Good pay was ranked fifth. More important were interesting work and having the information, help, equipment, and authority necessary to get the job done. Younger workers especially were concerned with the interesting nature of the work, their chances for promotion, and the opportunity for self-development.

Too often work has been deliberately dehumanized to make the man as easily replaced as the machine he is making. In the name of efficiency, jobs have been designed to be so routine that the worker is almost part of the machine: tighten this bolt, affix this screw—every few seconds, 8 hours a day, 5 days a week, for 30 or even 40 years. But it is no longer efficient—if indeed it ever was—to design work so fragmented and devoid of choice that performance of the job is nothing more than a conditioned reflex. The rising tide of job dissatisfaction is a source of great concern, but I submit there would be even more cause for concern if workers passively submitted to a stultifying routine.

It is no longer realistic for the employer to expect that the worker will leave his autonomy and dignity in the locker with his coat and hat; we are not that kind of a people. For that reason, we have arrived at a point in time when the dictates of business efficiency and the imperatives of enlightened social policy coincide: both require that our generation put back into jobs what previous generations have taken out of them.

We can do it. Indeed, we have already begun to do it on a very limited scale. Instead of breaking down tasks into smaller, simpler units, some firms are recombining the simple tasks to enable one worker to produce a whole piece of work—so that the individual has control or decisionmaking power which affords him the opportunity to monitor his own performance.

Robert N. Ford, personnel director for manpower utilization at the American Telephone & Telegraph Co., who testified at recent hearings on this subject has successfully applied the principles to a number of different jobs. Producing a telephone directory involves 21 separate tasks. Before job restructuring, each task was performed by a separate individual with a separate job classification. There were manuscript receipt clerks, manuscript checkers, ad copy receipt clerks, ad copy checkers, and so on. Now one worker has total responsibility for producing the entire telephone directory for a small town. This has resulted in fewer errors and great pride. In another case, telephone workers were given total responsibility for a number of customers, from the processing of initial applications to the cutting off of service in case of non-payment. Despite these successes, only about 50 firms are actively pursuing job enrichment programs, according to a June 19 article in *Industry Week* magazine.

Some jobs, of course, are more easily redesigned than others. A few successful case studies does not mean that we should abandon the massive capital investment in our present assembly line factories. It does mean that we should explore better ways of building new factories so that they are designed to meet the social and physical needs of the men who will work in them as well as the technological requirements of the product.

To do that—and to attack the other causes of job satisfaction—requires a concerted effort by the public and private sectors. The bill we introduce today

promises to be an integral part of that effort. It authorizes research; technical assistance for pilot and demonstration programs; dissemination of results; and development of work humanization training programs. Equally important, it contains a forthright declaration that we have a national problem and that we intend to solve it.

The bill further declares that it is in the national interest to encourage humanization of working conditions and that work should be designed to maximize potentials for democracy, security, equity, and craftsmanship.

The bill authorizes research and technical assistance in support of demonstrations designed to meet the problems of worker alienation. The demonstrations can add much to our knowledge about such approaches as more flexible hours of work, profit sharing, worker participation, redesign of jobs, autonomous work groups, and additional opportunity for education, training, and advancement.

The bill specifically calls for pilot projects on both blue collar and white collar work redesign in selected Federal agencies.

I believe that the emphasis on all types of work is appropriate. Too often we have applied the principles of assembly-line efficiency to other kinds of work throughout the worlds of business and commerce. Each worker—the clerk, the accountant, the keypunch operator, even the junior manager—learns his task and repeats it endlessly.

Where new technology has freed the worker from the tyranny of the machine, too often it has placed him under a new tyranny: that of a stultifying office routine.

For such a worker the power of decision—of motivation, of reward or punishment—comes from above, not from within.

Do you wonder that such work is disliked? Not only is it boring, it isolates the worker. It closes him off from opportunities to use his talents to their outer limits—and threatens that most human of rights, the right to grow.

Many of the newer ideas in work humanization reverse this trend and emphasize opportunities for the worker to learn on his job.

The ability to respond to new situations with courage and flexibility has always been part of the American character. It has enabled us to attain the highest standard of living in the world. It should likewise enable us to respond to this challenge by developing new methods of production that will mean increases in the quality of working life as well as the quantity of work produced.

EXHIBIT 1

[From *Manpower*, January 1972]

WHO'S UNHAPPY AT WORK AND WHY

(By Neal Q. Herrick)

At one time, "tough-minded" men of affairs ridiculed any concern over workers' feelings. Workers, they said, cared about only one thing: Pay. The worker exchanged his time for an agreed-upon sum of money with which he then purchased his necessities and pleasures.

Now we are not so sure. Pay is at an all-time high, but worker dissatisfaction is

metamorphosing from a hobbyhorse of the "tender-minded" into a fire-breathing dragon as workers begin translating their dissatisfaction into alienated behavior. Turnover rates are climbing despite rising wage levels. Absenteeism has increased as much as 100 percent in the past 10 years in the automobile industry. Workers talk back to their bosses. They no longer accept the old authoritarian ways. In short, workers themselves are telling us the same things about their feelings and needs that academicians, psychologists, and philosophers told us in the past.

Corporate managers are becoming interested in such previously academic questions as "Who is dissatisfied?", "Why are they dissatisfied?", and "what are the implications of this dissatisfaction?" At least some of the answers to these and similar questions can be drawn from a national survey of more than 1,500 workers conducted late in 1969 by the Survey Research Center at the University of Michigan under contract from the U.S. Department of Labor's Employment Standards Administration.

YOUNG BLACKS MOST DISCONTENT

According to the survey, workers consider interesting work a more important job factor than pay. However, the survey also shows that the higher a worker's pay, the more likely he is to be satisfied with his job. These two findings are not necessarily inconsistent; people with high paying jobs generally seem to have more interesting work.

The workers questioned in the study were divided into 107 subgroups of workers broken down by various combinations of socioeconomic characteristics such as sex, race, age, and income. Of these groups black workers under age 30 were far and away the most dissatisfied with their jobs. Thirty-seven percent expressed negative attitudes toward their jobs. The second most dissatisfied group was workers age 29 and under with some college education. Women age 29 and under were the third most dissatisfied group. It is striking that, of the six most dissatisfied groups, all but one were made up of workers age 29 and under. The exception was individuals with some college experience who made less than \$5,000 a year.

Age also was a factor in 3 of the 6 least dissatisfied groups: Workers age 55 and older, workers age 45 and older earning more than \$4,999, and blacks more than 44 years of age. Age, however, was not a factor with the two groups expressing the least dissatisfaction—self-employed persons and construction workers.

One of every four workers under 30 felt dissatisfied. Only 13 percent of workers 30 to 44 expressed negative feelings toward their jobs; the percentage dropped to 11 for workers 45 to 54 and to 6 for workers age 55 and over. Perhaps younger workers are more dissatisfied because they are a "new breed" with higher expectations than their elders and no sobering contact with the 1930's to influence their values. An opposing view is that—as did their elders before them—young workers will become more satisfied as they grow older and accommodate themselves to the hard realities of the industrial world. The truth no doubt lies somewhere in between these views—still, the "new breed" aspect is fraught with significance for the future.

Somewhat apart from the subject of work satisfaction—but nonetheless having wide-ranging applications for employment policy—is the finding that only 10 percent of employed persons age 55 and over reported dissatisfaction with their lives. This was as low a percentage as for any age group and takes on real significance when contrasted with findings in 1965 and 1968 that from 27 to 30 percent of retired persons were unhappy with their lives in general.

Ranking job satisfaction by industry or occupation, construction workers and the self-employed were at the top of the con-

tentment scale. Only 1 in about 20 from these two groups was dissatisfied. In technical, professional, and managerial occupations, only about 1 in 10 was dissatisfied. But nearly 1 in 4 workers in service occupations and the wholesale-retail industry expressed job discontent. And manufacturing workers were not much happier.

Blacks were about twice as likely as whites to be dissatisfied with their jobs. This held true through age 44. Then, the percentage of dissatisfied blacks dropped to 7 as compared with 9 for whites age 44 and over.

The fact that young blacks were the most dissatisfied segment of the labor force and older blacks were among the least dissatisfied suggests that, while the generation gap may not be a racial phenomenon, it is greater among blacks than among whites. Also, while the dissatisfaction of blacks with both their jobs and their lives decreased sharply after age 44, their feelings of depression increased noticeably.

UNIQUE GENERATION GAP

One last comment on the black generation gap: Twice as many blacks over 44 were dissatisfied with their jobs. Older whites were about as dissatisfied with one as with the other. This seems to bolster the idea of a unique generation gap among blacks. Perhaps older blacks feel that just being employed is reason enough to be satisfied with their work lives. Problems of housing and social discrimination may account for their greater tendency toward dissatisfaction with life in general.

Black workers, as a group, appeared quite indifferent to being in the \$5,000-\$10,000 personal income category compared with the under \$5,000 bracket. The portion of black workers with negative attitudes toward their jobs—22 percent—was the same in both categories. Among no other group of people (with the exception of workers under 30) was the dissatisfaction rate as high in the \$5,000-\$10,000 salary bracket as in the under \$5,000 group. Even the dissatisfaction of young workers seemed to dissipate when they earned over \$10,000 a year.

The same disinterest in money, up to a point, appeared in the life dissatisfaction data. The percentage of blacks dissatisfied with life remained the same until the \$10,000-per-year mark was reached. However, blacks shared this latter characteristic with certain other groups (female workers and people with some college education).

In terms of "collar color," 17 percent of blue-collar workers expressed negative attitudes toward work compared with 13 percent of their white-collar brothers but the difference was concentrated in one age group.

An identical portion—24 percent—of blue-collar and white-collar workers under 30 expressed negative attitudes toward their jobs. However, in the 30-44 age group, the percentage of dissatisfied white-collar workers shrank to a low of 9 while the blue-collar percentage only diminished to 18. At 45 and above, the two groups again contained pretty much the same percentages of dissatisfied workers.

One reason for the disparity in dissatisfaction between white-collar and blue-collar workers in the 30-44 age bracket might be the "economic squeeze" that former Assistant Secretary of Labor Jerome M. Rosow said blue-collar workers face in their middle years. Certainly, blue-collar workers usually achieve their top earnings earlier in life, while white-collar workers begin to reap the rewards of their greater education in their thirties.

When worker dissatisfaction data were broken down by education, there was a surprising result: The percentage of discontented workers was the same among those with an elementary school education or less, those with a seventh to twelfth grade education, and those who had progressed beyond high school.

Among workers with low incomes, college

experience was a real handicap to attaining job satisfaction. Those who had progressed beyond high school and were making less than \$5,000 a year tended to be more dissatisfied than workers in the same income bracket who had not been to college. The same held true for workers in the \$5,000-\$10,000 bracket. Only when an individual with education beyond high school began earning \$10,000 a year was he as satisfied with work as his less educated brother.

Women were considerably more likely to express negative attitudes toward their work and toward their lives than were men. One is reminded of Freud's desperate question, "What do they want? What in God's name do they want?"

The answer seems clear. They want comparable jobs and equal pay. Among men and women in the same income ranges, differences in work dissatisfaction tended to disappear. The theoretical solution is simple: Equal employment opportunity.

Women's higher level of dissatisfaction with work—unlike their feelings about life—does not appear to be related to age. As with men, fewer women in the higher age groups, reported job dissatisfaction and the difference between women and men remained about the same all along the age spectrum.

MARRIED PEOPLE HAPPIER

Female dissatisfaction with life does not appear to set in until about age 30. Until then the proportion of dissatisfied women is about the same as the proportion of dissatisfied men. In the middle and older years, about twice as many women as men were dissatisfied with their lives.

At first glance, marriage would seem to substantially increase satisfaction on and off the job. Overall, 21 percent of unmarried workers said they were discontented with their jobs, a feeling expressed by only 13 percent of married workers. And only 9 percent of married people reported negative attitudes toward life, compared with 26 percent of unwed workers.

But it is best not to jump to conclusions when dealing with gross percentages. For example, when the data are grouped by age and income, the difference in job satisfaction almost disappears. Unmarried people are, after all, concentrated in the under-30 age group and young workers, as we have seen, tend to be highly dissatisfied.

Marriage itself, however, rather than some associated characteristic, seems to be tied to life satisfaction. Unmarried young people were twice as likely to be dissatisfied with their lives as their married counterparts. Unwed workers in their middle years were three times as likely to experience this general unhappiness. At age 45 and over, the ratio of unmarriages to married people expressing life dissatisfaction jumped to almost 5-1.

Income can cure a lot of things but it doesn't seem to make the unwed condition any more tolerable. Among workers making less than \$5,000 a year, unmarriages were twice as likely to be dissatisfied with their lives as marriages. And single workers earning more than \$5,000 were almost three times as likely to be dissatisfied with their lives as their married counterparts.

WORKERS RATE JOB ASPECTS

A major source of disagreement, among union and government officials, employers, and academics when they get together to discuss the problem of worker discontent is the question: "What's bugging them anyhow?" In general, union and government people seem to believe that it's a matter of money, while employers and academics feel that workers are angry because they expect—but do not get—fulfillment from their work.

Of course, when we talk of the "worker" we are talking about a nonexistent person.

Some workers are no doubt motivated solely by money and look at the world of work as a marketplace where they can exchange their time for money. Just as certainly, there are other workers who wish to be active in their jobs and express themselves through the medium of work.

We can also speculate that young people might be dissatisfied for different reasons than those in their middle years or older people, that blacks might have different causes of dissatisfaction than whites, and that women might have different grievances than men. Keeping in mind these individual and group differences among workers, the responses to questions asked in the survey point toward some tentative conclusions about what is bugging workers.

Workers were asked how important they considered some 25 aspects of work, including pay, working conditions, and relations with coworkers. The results may be surprising to those who believe workers are interested mainly in pay.

Of the five work features rated most important, only one had to do with tangible or economic benefits. And that one (good pay) was ranked number 5. Ranked above pay were interesting work, enough help and equipment to get the job done, enough information to get the job done, and enough authority to do the job.

Work aspects rated 6th, 7th, and 8th in importance were:

Opportunity to develop special abilities.
Job security.

Seeing the results of one's work.

Of the eight top-ranked work aspects, six had to do with the content of the worker's job.

Some observers contend that workers might overstate their concern with the noneconomic aspects of their jobs in order to put themselves in a more favorable light. I would suggest, however, that we take the worker at his word and seriously question our traditional notions regarding his needs and priorities.

In addition to being asked how important they considered the 25 job aspects listed, workers also were asked to what extent each one was present in their jobs. This provided a rough indication of the aspects of work which the most workers felt to be in need of improvement. Where more workers felt an aspect of work to be very important than believed it to be very true of their jobs, a "satisfaction gap" existed. Of the 12 job aspects in which such a gap was found, four were mainly economic, seven had to do with job content, and one involved personal relationships.

The largest satisfaction gap for the work force as a whole concerned feelings about promotional opportunity. Relatively few workers—55 percent of those interviewed—said that chances for promotion were very important to them. The facts of work life, however, created a large satisfaction gap, since only 25 percent considered good chances for promotion characteristics of their jobs. Opportunities for promotion have both economic and noneconomic implications. Money certainly is involved, but so is the possibility for personal growth and achievement.

The aspect with the second largest satisfaction gap was "good pay," with 64 percent ranking it very important and only 40 percent stating that it was very true of their jobs. Third was the "opportunity to develop one's special abilities," and fourth was the "adequacy of fringe benefits." "Interesting work" was fifth, and "enough help and equipment to get the job done" was sixth.

While these figures indicate that more workers feel their jobs fall short with regard to promotions and pay than on other aspects of work, it should be stressed that the satisfaction gap is only a very rough indication of the number who feel a discrepancy exists between their desire for a given work feature and the fulfillment of this desire. It

does not measure the relative importance of this discrepancy to the worker.

The overall survey shows that the chance to do meaningful work and to achieve and grow on the job is of great importance to the average American worker—perhaps even overshadowing financial considerations. It also appears that this chance is sadly lacking in the average job.

This need for job satisfaction can best be met through the humanization of work: Through restructuring the work situation so that jobs provide autonomy, interesting work, and the opportunity to be active, to grow, and to achieve. Widely varying rates of dissatisfaction in various industries suggest a targeting of efforts to improve the quality of work. Just as society gives particular attention to industries with exceptionally high accident rates, perhaps special assistance might be tendered by the Government—and special concern shown by employers and unions—in industries with particularly high dissatisfaction rates. Similarly, special efforts might be made to achieve the causes of unusually high job discontent among particular groups of workers, such as women, blacks, and younger people.

Work or life dissatisfaction were seldom reported by the self-employed. This supports the theory that independence of action is an important ingredient in satisfaction. It also points out the possibility of improving the structure of work by stimulating—through tax or other incentives and aids—economic opportunities for the very small businessman. A detailed examination of the occupations of the 205 self-employed workers in the University of Michigan sample would be a logical first step.

Major programs to employ the aged are needed. When only 10 percent of the sample of employed persons age 55 and older are dissatisfied with their lives, and when previous studies have shown that between 27 and 30 percent of retired persons express negative attitudes toward life, it is time to develop programs allowing older people an alternative to "dropping out" of life. As Erich Fromm points out, the human being is by nature active and, when inactive, begins to die.

CONSUMER EQUALITY NEEDED

Perhaps some innovation such as a major public service program for older workers should be considered. If it cannot be mounted on a voluntary base, some economic incentives, such as nominal compensation or travel expenses, could be used.

The University of Michigan study tells us nothing new about black workers. It has long been apparent that the healthy dissatisfaction of black people cannot be removed solely by equal employment opportunity. There must also be equal consumer opportunity: The minority group dollar must buy the same amounts and kinds of housing, education, and other consumer goods as do the dollars of other citizens. Having said this, however, it is still clear that proportionate representation of minorities—not only in the labor force as a whole but at all income levels—is necessary before there is even the chance of equal consumer opportunity.

Is the survey finding that women workers are more dissatisfied with their lives than men significantly related to women's longstanding second-class citizenship in the workplace? It is true that women have other crosses to bear than their disadvantages at work, but it would seem that—as with blacks—the basic dignity of satisfying and meaningful employment is a prerequisite to general feelings of worth and satisfaction with life.

The fact that the percentage of job dissatisfaction was the same among young blue-collar and young white-collar workers suggests that their discontent is as traceable to a time of life as it is to the workplace. There are, however, significant differences in the work situations and prospects of the two groups.

In a sense, the young blue-collar worker is living on borrowed time. The young white-collar worker could, if he would, look forward to doing more interesting work at higher pay as he moves into his middle years. The blue-collar worker has no such great expectations, or, if he has them, he is most sadly disappointed. As he passes his 30th and 35th birthdays, he becomes increasingly aware that there is no place for him to go (grow) at work. His income reaches a plateau and his work becomes fixed. Apparently, he resigns himself to a personally unrewarding worklife and perhaps denies to himself the importance of continued personal growth.

General Foods Corporation has come up with one promising solution to this problem. In at least one of its plants, the firm pays workers on the basis of the number of different jobs which they can do, rather than on the basis of the particular work they are doing at any one time. A General Foods worker in his thirties is unlikely to have learned every job in the plant. He still has something to gain and somewhere to grow as he becomes older.

Another possible approach is the establishment of a worker loan bank for education and training. Users would repay the loans out of increased earnings.

We must be very careful, however, not to view worker dissatisfaction as only a blue-collar problem. It is a workplace problem and should be approached by general remedies as well as solutions aimed at particular groups such as the blue-collar worker in his middle years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, I am pleased that the distinguished Senator from New Jersey, Senator WILLIAMS, has joined in the effort to get survivor benefits legislation enacted in this session.

I ask unanimous consent that Senator WILLIAMS be added as a cosponsor of this measure. This makes a total of 42 cosponsors of S. 325.

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

Mr. BEALL. Mr. President, I am also encouraged by the diligence and progress being made by the Armed Services' Subcommittee on Survivor Benefits, under the capable leadership of Senator BENTSEN, Senator THURMOND, and Senator BYRD of Virginia. I certainly am hopeful that the measure will be reported to the Senate floor as soon as possible so that final action may be taken on this "must" legislation this year.

S. 3441

At the request of Mr. ROBERT C. BYRD (for Mr. KENNEDY) the Senator from Wisconsin (Mr. NELSON) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 3441, a bill to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act.

S. 3752

At the request of Mr. ROBERT C. BYRD (for Mr. KENNEDY) the Senator from Wisconsin (Mr. NELSON) and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 3752, the Medical Libraries Act of 1972.

S. 3871

At the request of Mr. Boggs, the Senator from Utah (Mr. MOSS), the Sena-

tor from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors of S. 3871, a bill to provide a more effective program to prevent aircraft hijacking, and for other purposes.

S. 3877

At the request of Mr. BELLMON, the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3877, to prohibit the impoundment of funds from the highway trust fund which have been apportioned and appropriated.

S. 3880

At the request of Mr. BELLMON (for Mr. SCHWEIKER), the Senator from Nebraska (Mr. CURTIS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 3880, the National Diabetes Education and Detection Act.

COMPENSATION FOR DAMAGES TO CERTAIN COMMERCIAL FISHING VESSEL OWNERS—AMENDMENT

AMENDMENT NO. 1438

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

Mr. STEVENS. Mr. President, several times recently I have protested to this body the problems foreign fishing vessels have caused American fishermen by their practice of discarding monofilament nets which will not corrode or dissolve in the sea. These nets continue to fish, many times destroying vast quantities of fish before the great bulk of dead fish within them causes them to sink to the bottom. Other nets similarly cast adrift foul the propellers of American fishing vessels and cause extensive damage to the boats and great financial loss to their owners. I would ask unanimous consent to have printed in the CONGRESSIONAL RECORD at this point three letters I have recently received describing the practices. These are from Mr. Robert M. Thorstenson of Petersburg Fisheries and from Mr. Fred Haltiner, Jr., president of the United Fishermen of Alaska.

I urge my colleagues to note particularly the portion of Mr. Haltiner's letter which indicates that compensation should be due to fishermen who have been inconvenienced as a result of this practice.

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

PETERSBURG FISHERIES, INC.,
Petersburg, Alaska, June 15, 1972.

Senator TED STEVENS,
U.S. Senate Office,
Washington, D.C.

DEAR TED: Yesterday one of our halibut boats, the M/V Luada, was disabled on the fishing grounds when she got a floating fishing net in her wheel. She was in interna-

tional waters, in the Gulf of Alaska, outside of Seward. There was no major damage as she was well offshore and another boat, the M/V Chichagof, was dispatched to tow her in.

This is the third time in one year that one of our boats has become entangled in floating fishing nets. These nets look to be worn out trawls, made of polypropylene, that have been discarded by foreign fleets working off our shores. Because of the nature of the material, these nets do not sink and do not deteriorate.

This problem is not a new one in world fisheries as I read articles several years ago about this problem becoming acute in the North Sea and the Atlantic. However, it is new to Alaska and I think some attention should be focused on the problem.

We have been fortunate in the incidents we have had in that there was no loss of life or vessels. Two of our boats, the M/V Chichagof, which got a net off of Chignik in June 1971, and the M/V Viking Queen, which got a net in April, 1972 off of Cape Spencer, were both twin screw. They were able to proceed to port on the other engine.

However, should a single screw vessel encounter one of these nets which the weather was rough or if she was near a rugged shore, the results could be disastrous.

It is possible that legislation should be passed to deal with this problem. Also, the NMFS or the State Department should have communication with the foreign nations involved, asking them to stop the practice of dumping floating nets or lines.

Very truly yours,

ROBERT M. THORSTENSON.

PETERSBURG FISHERIES, INC.,
Petersburg, Alaska, June 15, 1972.

Mr. HARRY REITZE,
National Marine Fisheries Service,
Juneau, Alaska.

DEAR HARRY: Enclosed is a small piece of web taken from the propeller of the M/V Viking Queen on her arrival in Petersburg on May 17, 1972. The M/V Viking Queen picked up a very large piece of this web while traveling from Seward to Petersburg, someplace outside of Cape Spencer.

Fortunately, the M/V Viking Queen has twin screw so that she was able to continue on the way on one engine and therefore was not in danger.

However, before the engine was shut down the overload caused the exhaust temperature to rise from 600 degrees to 900 degrees. This sudden increase in engine load resulted in burned exhaust valve and thus an expensive overhaul upon her return to Seattle.

I feel that the dumping of these used nets in the open ocean creates a severe peril to U.S. vessels.

Very truly yours,

ROBERT M. THORSTENSON.

UNITED FISHERMEN OF ALASKA,
Juneau, Alaska, June 16, 1972.

HON. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: The presence of foreign fishing vessels in Alaskan waters is becoming more and more alarming to the fishermen of Alaska. The consistent practice of these vessels of dumping floating trawl web presents a navigational hazard.

The United Fishermen of Alaska protest this practice. We also would like to know if this dumping of trawl web does not constitute a violation of a treaty. Further it would seem right that fishermen who have been inconvenienced by loss of fishing time due to problems caused by running into this discarded trawl web be compensated.

We will be grateful for your efforts in working toward a solution of this problem.

Sincerely,

FRED HALTNER, JR.,
President.

Mr. STEVENS. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement by Mr. James W. Parker, an area management biologist with the Commercial Fisheries Division of the Alaska Department of Fish and Game. This indicates the extent of the area in which these nets have been found washed ashore. It also cites the 5AAC39.250, that prohibits the use of these nets by American fishermen; and I ask unanimous consent that the regulation itself be printed in the RECORD following Mr. Parker's statement. I believe that the regulation should be legislatively noticed by this body in considering the probable source of these nets.

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

STATEMENT OF JAMES W. PARKER, AREA MANAGEMENT BIOLOGIST, COMMERCIAL FISHERIES DIVISION, DEPARTMENT OF FISH AND GAME, SITKA DISTRICT

The sample of monofilament gillnet web and floats, forwarded to your committee by Elwood Mathews, was found on the beaches of small islands along the outside coast of Chichag Island by myself and another Alaska Department of Fish and Game Biologist in March of this year. Of about 12 beaches that we checked, there were two beaches where this type of fishing gear had washed ashore. The monofilament gillnet, webbing, with a four and a half inch measure, is most likely intended for the fishing of salmon. Title 5, Section 39-250 of the Alaska Administrative Code prohibits the use of monofilament salmon gillnet fishing gear by American fishermen. In recent years, it has become a common occurrence to find pieces and components of trawl webbing and gear on the outside coast beaches, however, to my knowledge this is the first monofilament gillnet web to be found or reported in this area.

REGULATION

5 AAC 39.250. Gill Net Specifications and Operation. (a) The trawling of gill net web is prohibited at any time or place where fishing is not permitted.

(b) Set gill nets shall be removed from the water during any closed period.

(c) Single or multiple strand monofilament salmon gill net web may not be used. For the purpose of this subsection, "monofilament" means any single filament having more than 50 denier, that is, weighing more than 50 grams per nine thousand meters of filament.

Authority: AS 16.05.250(3)

Mr. STEVENS. Mr. President, I have recently joined as a cosponsor of S. 3771, a bill introduced by the Senators from Massachusetts (Messrs. KENNEDY and BROOKE). This bill provides compensation to commercial fishermen whose gear has been destroyed by foreign fishing vessels. This is a good bill. It should be enacted into law.

However there would be at least considerable question as to whether these "marauding nets," which have been cast adrift, would be considered "vessels" under the terms of S. 3771. They should be if they have been cast adrift by foreign fishermen. They are, in truth, but an extension of foreign fishing operations. They cause damage similar to nets which are attached to the foreign vessels themselves. Both types of nets can foul propellers, like those of the MV's *Lualda*, *Chichagof*, and *Viking Queen*, Both can extensively damage other

American fishing gear. Both come within the legislative intent of this act.

Of course, the burden of proof must be on the fisherman-claimant to prove the damaging net was foreign. However, where the damage occurs in waters in which a particular type of net, such as monofilament, is prohibited to American fishermen, the presumption should be that this type of net was cast adrift by foreign sources. The burden should then shift to the government to show that this particular net was cast adrift by Americans in violation of the law.

I am today submitting an amendment to S. 3771 which would do just this. It would provide compensation to American fishing vessel owners for damage caused by foreign fishing nets. It would also provide a rebuttable presumption that the net was cast adrift by foreigners if it is found in an area where American fishermen are prohibited from using nets of this type or from fishing in the manner in which the net was fishing.

I ask unanimous consent that my amendment be printed in the CONGRESSIONAL RECORD at this point.

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

AMENDMENT NO. 1436

On page 2, line 4, add after the word "vessel" the phrase "or fishing net".

Page 2, line 13 add a new sentence: "If the damage is caused by a drifting fishing net and occurs in an area in which American fishermen are prohibited from using nets of this type or from fishing with nets in this manner, a rebuttable presumption shall arise in favor of the claimant that the net was cast adrift by a foreign government or by a citizen of a foreign government."

INTERIM AGREEMENT BETWEEN THE UNITED STATES AND THE U.S.S.R.—AMENDMENT

AMENDMENT NO. 1437

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

Mr. MATHIAS submitted an amendment intended to be proposed by him to amendment No. 1406, intended to be proposed to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENT NO. 1438

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

Mr. CRANSTON (for himself and Mr. TAFT) submitted an amendment intended to be proposed by them jointly to amendment No. 1406, intended to be proposed to the joint resolution (S.J. Res. 241), supra.

LAND USE POLICY AND PLANNING ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1439

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

Mr. JORDAN of Idaho (for himself, Mr. FANNIN, and Mr. HANSEN, submitted an amendment intended to be proposed by them jointly to the bill (S. 632) to amend the Water Resources Planning Act—79 statute 244—to include provision for a

national land use policy by broadening the authority of the Water Resources Council and river basin commissions, and by providing financial assistance for statewide land use planning.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1391

At the request of Mr. BELLMON for Mr. SCHWEIKER, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of amendment No. 1391 intended to be proposed to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes.

AMENDMENT NO. 1406

At the request of Mr. JACKSON, the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. JORDAN) were added as cosponsors of amendment No. 1406, intended to be proposed to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

ADDITIONAL STATEMENTS

SENATOR ROBERT C. BYRD, OF WEST VIRGINIA

Mr. ALLEN. Mr. President, the distinguished majority whip, the Senator from the Mountain State of West Virginia (Mr. ROBERT C. BYRD), has earned the respect and affection of all Members of this body. While keeping true to his own political philosophy, he maintains a fair and even hand in making certain that those with differing views have equal opportunity to express them. His love of God and country and his support of the rights of individuals are exemplary of mountaineers and models for each of us. Few Senators are his peer in ability, industry, and dedication.

As a part of a report on the State of West Virginia, the magazine Government Executive for August 1972, includes an interesting article on Senator ROBERT C. BYRD entitled "A Study In Contrast and Power."

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

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

SENATOR ROBERT C. BYRD—A STUDY IN CONTRAST AND POWER

A prominent newscaster, in a self righteous attempt to set one of his listeners straight, inadvertently became the butt of one in a continuing series of jokes: "Dear Mrs. —, Apparently you are not aware that there are two Byrds in the Senate. Senator Robert Byrd represents the State of Virginia and his father, Senator Harry Byrd represents West Virginia."

First of all there is no filial relationship whatsoever. Beyond that Senator Robert Byrd represents West Virginia, not Virginia and

Senator Harry Byrd represents Virginia not West Virginia.

While often confused with each other, there are a number of significant differences between the two Byrds. They both voted for the ABM, Carswell, defoliation in Vietnam and against busing, but they divided on some rather crucial issues. West Virginia's Robert Byrd voted for cuts in military spending, the Cooper-Church amendment, the 18-year-old vote and cuts in the oil depletion allowance—all issues which Virginia's Harry Byrd opposed.

Their backgrounds could not be more different. While the Virginia Byrd grew up in a world of aristocratic wealth and political power, Robert Byrd was an orphan at 10 months, the foster child of a coal miner. En route to the Senate he saw the "other" sides of a butcher's block and a grocer's stand.

Never guaranteed the success ordained on Byrd to history, money and politics, Robert Byrd arrived in the Senate via the classical route and in so doing has held more elective legislative offices than any other West Virginian in the State's 100 year history. He served first in the West Virginia House of Delegates, then the West Virginia Senate, next the U.S. House of Representatives and finally the U.S. Senate.

He has a reputation of being a power broker, a reputation which was substantiated by the manner in which he achieved his position of Majority Whip. He withheld the announcement of his candidacy until he was certain of a one vote majority—that being former Senator Richard Russell's death-bed proxy.

A further example of his expertise and prowess on the Senate floor was attested to by Senator Jacob Javits (R-N.Y.). After Byrd stopped Senator Robert Griffin (R-Mich.) from attaching an anti-busing amendment to the Economic Opportunities Act while most of the Bill's proponents were off the floor, Senator Javits complimented him saying: "I think the real hero of this measure was the acting Majority Whip, Robert C. Byrd, in resolving what yesterday seemed a situation that was leading nowhere and for taking us on a path which led so decisively to a conclusion."

Senator Byrd must have been an unwilling hero because the Act passed over his opposition, but nonetheless the recognition stands. The *New York Times* has also noted that "Senator Byrd is known for his command of (Senate) floor procedure."

Senator Byrd never did have anything good to say about the Economic Opportunities Act and has always voted against it. He feels that some of the programs it has funded have been disruptive and have caused more harm than good. Groups like VISTA and other "rabble rousers" should not be receiving Federal moneys.

He has met with President Nixon to urge the acceleration of the withdrawal of American troops from Vietnam. His rationale, however, was not what might be expected of such a request. We should withdraw "so that more funds will be available for increased weapons research and for strengthening our Navy and submarine force."

It is this kind of reasoning behind a rather confusing voting pattern that would enable an analyst to determine what makes Byrd tick. While he has lined up alternately with the philosophies of Proxmire on some occasions and Goldwater on others, he does have an overall philosophy.

"We should revive some of the staid old values of which most Americans are rightly proud and for which the world once admired us. The early Americans kept the flame of hope burning in their hearts. Through strength of character, dogged determination and love of God, they built for us who came after them a magnificent legacy."

In labeling the report of the President's

Commission on Campus Unrest a "namby-pamby" document, he added that the Commission "failed miserably in coming to grips with the problem of what to do about Marxist-oriented professors and the hard core subversive leaders of campus disorders." We must be "alert to the potential for disaster which exists in any policy of letting hoodlums and law breakers run wild in our institutions of higher learning."

On amnesty: "It would clearly be an insult to the loyal young Americans who did their duty in Vietnam. War is inhuman and cruel, the manifestation of man's lowest instincts. But wars have had to be fought throughout history and we must be prepared to defend our freedom and birth right."

But Senator Byrd occasionally surprises his liberal critics. In opposing the nomination of Attorney General Kleindienst, he felt "the hearings on the nomination left too many questions unanswered. Much of the testimony was contradictory and filled with inconsistency—the kinds of things which have contributed to the decline of public confidence in government."

He has also co-sponsored a bill to provide \$30 million to fight sickle cell anemia, consistently introduced amendments to raise the monthly minimum social security check to \$100 and favored a cut in Pentagon PR appropriations.

He has secured, through his position on the HEW Appropriations Subcommittee, \$10 million to accelerate research on black lung, \$10 million to establish clinics to treat black lung, \$38.2 million for educational programs for the handicapped, an additional \$30 million for National Heart and Lung, \$20 million for Social and Rehabilitative Service and an additional \$13 million for population research.

He has also been very good to his state. He exerted pressure on the White House to avoid a Presidential veto of the Black Lung Bill. A new Mine Health and Safety Academy will operate in Beckley, West Virginia, thanks to his efforts. Among other procurements for his constituents are a health center in Morgantown, a forest laboratory at Princeton, a sulphur fuel oil project at Cresap and radar equipment for the airport at Huntington.

SCIENTIFIC AND TECHNICAL UNEMPLOYMENT

Mr. KENNEDY. Mr. President, the Nation's scientists, engineers, and technicians are experiencing a higher level of unemployment than has ever been the case in our history. While the administration claims that fewer than 100,000 scientists, engineers, and technicians are unemployed, various of the scientific and technical associations assert, on the basis of surveys of their members that the figure may be closer to a quarter of a million. The Committee on Labor and Public Welfare has been concerned with this problem for several years; and as chairman of the Subcommittee on the National Science Foundation, I have been particularly interested in obtaining the best information possible. Unfortunately the Labor Department does not gather its unemployment statistics in such a form that one can readily determine the numbers of technical personnel involved. The difficulty is compounded by the fact that many unemployed technical personnel have been out of work so long that they no longer can collect unemployment compensation and do not appear in the unemployment statistics. Moreover, large numbers of scientists and engineers who have lost their professional positions have found nonprofes-

sional jobs—such as gas station attendant, taxicab driver, and so forth—which keep them off the unemployment rolls, but do not reflect the real loss to the Nation in their not using their highly productive skills for the benefit of the economy and the society at large.

Since the Senate will soon be considering S. 32, the National Science Policy and Priorities Act, I believe it is important to bring to the attention of the Senate certain subcommittee correspondence on the subject of technical unemployment. Accordingly, I ask unanimous consent that three letters from the Director of the National Science Foundation, to the Director of the National Science Foundation, and from the American Chemical Society be printed in the RECORD.

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

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., June 20, 1972.

Hon. EDWARD M. KENNEDY,
Chairman, Special Subcommittee on the
National Science Foundation U.S. Senate
Washington, D.C.

DEAR SENATOR KENNEDY: I appreciate receiving your letter of May 25 expressing your concern about a lack of adequate information on the extent and characteristics of unemployment of scientists and engineers. The Foundation is of course quite interested in such information both for its own program and because of its responsibility for the assessment of the national scientific and technological enterprise.

Over the years we have developed an increasingly better understanding of the employment problems of scientists and engineers, especially since the time that the unemployment phenomenon first appeared. Several of our National Register surveys, including the most recent one in 1970, collected employment data which provided an insight into the magnitude and character of the emerging problem. Our special 1971 surveys were designed to measure the changes which had taken place during a twelve-month period for a selected group of scientists and engineers. We knew that these 1971 results were not totally representative of the complete U.S. scientific and engineering manpower pool. However, the data were extremely useful within their specified limitations.

We had been considering the advisability of an additional special survey of the employment status of scientists and engineers in 1972. However, a number of factors convinced us that it would be preferable not to proceed at this time. These include: the currently changing conditions of the job market, the limitations of the available sample (we were planning to use the same population that was used in the 1971 surveys), and the fact that some information concerning the unemployment situation for scientists and engineers will become available later in 1972 from the Foundation sponsored Postcensal Survey of Professional, Technical and Scientific Personnel. Rather than to attempt an additional survey of limited value, we believe it to be more advantageous to direct our current endeavors towards the development of our new Manpower Characteristics Data System.

This system, well underway at this time, consists of three major subsystems. These will provide on a regular basis: detailed information on a key subgroup—the doctorate population; periodic and longitudinal data on characteristics of the entire science and engineering population; and a means of analyzing the flow of new entrants into the work force. The new system will be consid-

erably more representative of the U.S. population of scientists and engineers than its predecessor. It is based on the U.S. Census and with appropriate modifications for updating, it will also supply us with considerably more insight into the employment and activity patterns of new graduates.

I want to reassure you that the Foundation is interested not only in information dealing with the unemployment situation of scientists and engineers, but in all types of pertinent manpower information related to the supply and utilization of scientific and engineering personnel. We will continue to develop such information within the capabilities of our available resources.

If we can be of further assistance, please let us know.

Sincerely,
/s/ H. GUYFORD STEVER,
Director.

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., May 25, 1972.

Hon. H. GUYFORD STEVER,
Director, National Science Foundation,
Washington, D.C.

DEAR DR. STEVER: As you know, I am seriously concerned with the plight of unemployed scientists, engineers, and technicians. One of the major difficulties in developing national policy in this area is the lack of adequate data regarding the extent and characteristics of technical unemployment and underemployment.

Attached is a copy of a disturbing letter which we just received from the American Chemical Society. It is disturbing because of the worsening situation it reveals among chemists, especially among young chemists. However, the most disturbing sentence in the letter is the statement: "We understand that the National Science Foundation does not intend to make a survey this year among the various disciplines in science and engineering."

I realize that the data base used in NSF's survey last year left something to be desired. I have heard the criticism from technical groups that it was not entirely representative of the overall situation within the technical community, but that it tended to understate the problem. However, this is no justification for not trying to do a better job this year.

As you may know, I was disturbed that NSF didn't launch its first survey of technical unemployment until the spring of 1971, even though the problem was serious enough that I introduced my first economic conversion bill in August of 1970. Now a year has elapsed since NSF's admittedly inadequate survey last spring, and we are told that the Foundation does not intend to make another survey.

If this is true, it reflects the same lack of urgency in NSF's approach to this problem which I have deplored in the past. I urge you to take immediate action to assure that NSF does its share to develop adequate data with respect to technical unemployment and underemployment.

I would appreciate it if you would advise me at your earliest convenience as to the current situation with respect to this data, and what steps you are taking to improve the situation.

With best wishes,

Sincerely,
EDWARD M. KENNEDY,
Chairman, Special Subcommittee on
the National Science Foundation.

AMERICAN CHEMICAL SOCIETY,
Washington, D.C., May 22, 1972.

Mr. ELLIS MOTTUR,
Office of Senator Edward M. Kennedy, U.S.
Senate, Washington, D.C.

DEAR MR. MOTTUR: We are pleased to provide you with more complete data obtained from our March survey of the employment

status of ACS members, than was furnished in the May 8, 1972 issue of *Chemical and Engineering News*. We understand that the National Science Foundation does not intend to make a survey this year among the various disciplines in science and engineering. Thus, this survey will be the only accurate indicator of employment status of chemists this year. Generalization of our findings to the full technical community are unfair, but they indicate that governmental programs are not working as rapidly as would be desired.

Some of the findings of the survey, notably the dramatic increase in the unemployment of chemists under 25 (23.7% in 1972 vs. 7.0% in 1971), make it imperative that additional fact findings projects be undertaken immediately. The ACS would appreciate suggestions from you as to availability of funds for additional work in this area or comments that come to mind after studying the tables.

We are anxious to cooperate with any program that will give continuing and accurate data concerning technical manpower.

Sincerely yours,
DONALD R. LEIGHTON,
Manager, Office of Manpower Studies.

STATEMENT BY SENATOR HRUSKA ON REFERRAL OF SENATE RESOLUTION TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. CURTIS. Mr. President, my distinguished colleague from Nebraska (Mr. HRUSKA) is absent from the Senate today on public business.

I ask unanimous consent that a statement by him relative to Senate Resolution 299 be printed in the RECORD.

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

STATEMENT BY SENATOR HRUSKA

The substance and the desirability of S. Res. 299 have been considered in this body on two previous occasions. One was on May 8, 1972, beginning at page 16139 of the Congressional Record. A second occasion was June 22 at pages 21980 and following.

Those colloquys, chiefly between this Senator and the Senator from New York (Mr. JAVITS), resulted in the referral of the resolution to the Government Operations Committee for its study and recommendation by a day certain. It has now been returned to the Senate for further consideration.

Mr. President, the Government Operations Committee in its report now before us amended the original resolution to extend the time for reporting from this special committee to February 15, 1972. Otherwise, the text of the resolution remains as it was on June 22.

Reference to the Government Operations Committee accomplished one objective, namely, it resolved a rather discouraging aspect of the matter in the following fashion: Senate approval of the resolution had been sought on a virtually summary and expedited basis on the floor of the Senate. This undesirable effort was averted by the reference of the resolution to the Committee, whose report we now consider. This is in keeping with better, more deliberative, more established and more wholesome procedure.

Mr. President, my present position is that I shall defer to the judgment of the Government Operations Committee. I will not oppose the approval of the resolution, even though I find myself in respectful disagreement with the Committee's conclusions.

Objections which I voiced in June are still applicable. Some of them I shall restate and incorporate in these remarks.

The purpose of these present remarks is to make of record for future ventures of this kind into special or ad hoc committees some sound and wholesome reasons for preventing similar incursions into the provinces of

standing committees with definitely assigned responsibilities.

Mr. President, the interest of this Senator in the general subject of secrecy, confidentiality and classification of government documents generally is of long-standing study and activity. My desires and goals are to render the development and the availability of these documents in an open and in a timely way consistent with the best interests of sound government. This means that there must be taken into consideration at least two fundamental doctrines: (I) Separation of Powers, and (II) Executive Privilege.

The history of both doctrines goes back to the beginnings of the Republic. I believe that the incorporation at this point of some of my remarks on June 22 will illustrate the reasons for my interest in S. Res. 299.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this resolution should be referred to a committee for regular processing. There are a number of reasons and elements that can be found in support of that statement.

It undertakes to establish a select committee to study and report on laws, rules and questions relating to secret, confidential, and classified Government documents. There was an inquiry into a specific situation as to the conduct of an individual Member of this body but the subject generally, basically, and fundamentally, has never been referred to or been considered by a committee.

The resolution contains no provision for funding. I do not know that that will be necessary but, at any rate, there is no provision or any consideration as to whether funding would be needed.

The subject is extensive. It is profound. It is complex. A cursory and fleeting examination and report by a short-lived select committee, as contemplated here, would necessarily be superficial and would serve no useful purpose.

The resolution, Mr. President, is a usurpation and an encroachment on the province and the jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion. It is unseemly for the Senate to circumvent the functioning of the committee system in this fashion.

Now, Mr. President, it is suggested that the resolution arose and was brought about as a result of the closed-door session we had some weeks ago, when a Senator had received a document and breached, violated, imposed on, or exploited his immunity to the extent of publishing or seeking to publish that document. It presented a situation which would require, in the judgment of the Senator from New York and the co-sponsors of this resolution, the collective judgment of the Senate as to what should be done in such a situation, and that a smaller body than the Senate itself would be required for that purpose, the purpose being not to consider legislation, but this particular situation. As I understand it, that is the thrust of the argument made on behalf of the resolution.

Well, Mr. President, the leadership can undertake an informal discussion of this particular situation on its own, in its role as a leadership organization on both sides of the aisle. It can summon to its assistance and to counsel its any Member of the Senate that it wishes. It can call upon the chairman or the ranking members of committees if it wishes, and formulate some program or some proposal that it can bring forward before a future executive session of the Senate. That is entirely within its power and jurisdiction. It is its prerogative right now.

It is said now that we have to do something, that we have to have a crutch, that we have to have a resolution of substance here, something substantive.

Well, Mr. President, that is the province of a standing committee. I suggested that the leadership on its own can get together and

formulate a proposition of any kind they wish as to the particular conduct of a particular Senator under particular situations. That they can do. Then he would debate that in the Senate, either in open or in executive session, and go on from there.

But when it is to formalize an organization known as a select committee for the purpose of dealing with matters of substance, and dealing with rules and classified regulations that in here in this situation, then we get into the province of a standing committee with its expertise and authority. I say again that the standing committee that would be entitled to it would have reason and ground to be resentful of that kind of usurpation and intrusion. I do not say that they have, Mr. President. I think they have justification for it. There was no resentment in the heart of the chairman of the Government Operations Committee when he considered this. There was no resentment on my part that we were not given the matter to discuss and consider in the Judiciary Committee, nor in the mind of the chairman of the Judiciary Committee himself. No one got mad. But the point is we are repudiating and circumventing the functioning of the committee system in this fashion.

Why should it be considered by a standing committee? Because a standing committee has also had some exposure to the problem.

I should like to call attention to the fact that we developed 600 printed pages of testimony in the Subcommittee on Separation of Powers last year dealing with this entire subject. There have been hearings held last March in the Armed Services Committees in the House on this, on a bill that would set up a commission for the purpose of getting at this problem, H.R. 9853.

Of course it is a very deep, profound, and complex problem. But these committees have already been exposed to it. They have developed expertise, knowledge, and experience in it. It is they who should be considering any thing that goes into a substantive proposal in the nature of a rule or a law, or an interpretation of the law, and bring it back to the Senate for the purpose of handling it.

Mr. President, the question is asked, "What committee is it, and is there a committee that can handle the conduct of Senators under circumstances of this kind?"

My suggestion to that is again that the leadership can formulate some proposition and make it fair and present the issue in a particular case of a particular Senator. That is within their power. That is within the purview of their legislative duties. With regard to conduct beyond that of an individual, rules for general application, that is within the jurisdiction of the Government Operations Committee.

Mr. President, that is the way to handle a situation of this kind. The leadership needs to be called in on the question concerning to whom the Senator wishes to assign the duty of inquiring into the conduct of a particular Senator under particular circumstances. But when we leave that point, then we have any number of committees, as has been suggested, that would be eligible to consider the study and any specific measure or proposal.

It could be the Armed Services Committee if it is a proposition dealing exclusively or heavily with military secrets or weaponry or strategy, or documents of that kind.

It could be the Foreign Relations Committee if treaties are involved or documents relating to treaties.

It could be the Judiciary Committee where internal security is a matter that has been assigned and delegated to the Subcommittee on Internal Security.

It could be the Government Operations Committee whose authority cuts across and

covers all departments and their operation and performance.

That is why this matter should be referred to a committee and let the leadership develop its own devices for the purpose of dealing with a particular situation.

Senate Resolution 299, now pending before the Senate for final action, would establish a select committee to study questions related to secret and confidential Government documents. It has never been referred to any committee and contains no provisions for funding.

There is pending before the Committee on Government Operations, of which the distinguished senior Senator from Arkansas (Mr. McCLELLAN) is chairman, a bill, S. 2965, to provide greater access to Government information, and for other purposes. Under its provisions, there would be established an independent disclosure board charged with the supervision and review of the entire Government classification system.

Senator McCLELLAN is unable to be present today. In view of the close relationship in the subject matter of these measures, he believes it would be appropriate to consider them both at the same time. Accordingly, he has asked me, on his behalf, to request that the resolution be referred to the Committee on Government Operations. We have been informed that the Committee on Rules and Administration would have no objection to the reference.

So, pursuant to this request, Mr. President, I ask unanimous consent on behalf of the senior Senator from Arkansas (Mr. McCLELLAN) that Senate Resolution 229 be referred to the Committee on Government Operations.

The substance and logic of the foregoing remarks remain applicable to this present situation. At a later time in the discussion on June 22, the Senator from California (Mr. TUNNEY) stated:

Mr. President, I wonder if the Senator from Nebraska opposes the basic principle outlined in the resolution of the Senator from New York, that the Senate of the United States investigate through a delegation of authority to ten Senators or whatever number it might be, the various laws covering classification and the responsibilities of the individual Senators when matters that are classified come to them and their right to disclose such classified material to the American public.

Does the Senator oppose the Senate, through a Committee, studying this matter and furnishing the Senate with some guidelines which individual Senators will be able to follow in the future?

To this question by the Senator from California I made the following response:

Mr. HRUSKA. Mr. President, if the Senator will remember—perhaps he was not here when I made my remarks—I do not object to that. I think it would be notable for the majority leader, the minority leader, their assistants or deputies, and any number of Senators who want to get together for the purpose of counseling and deliberating on a matter, to go into that. That is fine. However, the matter they should consider would be the particular conduct of a particular Senator under particular circumstances, such as we considered in executive session some time ago.

However, as soon as we formalize that kind of body and charge it with the responsibility to come here with their findings and recommendations not only with respect to that type of situation, but also recommendations on laws relating to secrecy, confidentiality, and classification of classified documents and so forth, when you do that or seek to do it, then you are intruding upon the jurisdiction and the province of the standing committee.

It should not be so, and this Senate should not do that; they should not do that. It is a reflection on that committee that they were not asked. If you want to do something, ask them and let them do it.

In my experience here, on at least three occasions, we have gone into this matter in depth in the Committee on the Judiciary. The first time, in 1957 and 1958, under the leadership of the late and very lamented Senator Tom Hennings of Missouri, we struggled with that problem for the greater part of the summer and into the next year and turned up doing nothing. Why? It is that type situation, as pointed out in the testimony of Assistant Attorney General Erickson before the Committee on Armed Services in the House, that the thrust and burden depends on executive and administrative action, and their good faith in setting up rules that will be reasonable and accommodate the Senate and the House as much as possible without compromising those portions by way of secrecy necessary to conduct this Nation's affairs properly.

We got stalemated because we reached that situation. There may be penalties for disclosing classified documents. But on these other matters we reached that conclusion. Four or 5 years later we went back and we reached the same conclusion and the same result. I venture to say we will come to that same conclusion again.

I differentiate that from the situation where a particular Senator, acting in a particular fashion with particular documents comes into the Senate and, in the view of some Senators, either violates his immunity, abuses or exploits it. Some Members of this body might not like that and might want to take action not only to deal with that situation but also similar situations, following the precedent set in that case. That is a different thing. For that purpose I say there should be an informal meeting of the leadership. They have certain powers and responsibilities. They should meet and come here with a position paper or two, and supporting documents, and then let the Members of the Senate act upon that case and not try to raise this entire field which is very complex, very extensive and very profound, and it has all kinds of implications and ramifications which can be dealt with most effectively and properly by a standing committee that has acquired through its years of experience and literature some experience in that field.

This Senator went into great detail on the ramifications of this type of procedure when Senate Resolution 299 was called up at an earlier time. I refer the Senator to my statement on the Senate floor on May 8, 1972, beginning at page 16139. The reasons why I oppose this resolution are set out at some length there. I will not take the Senator's time to repeat them now.

Mr. President, the foregoing remarks should be sufficient to delineate the area involved and some of the considerations which go into the vast, massive, comprehensive and complex problem involved.

It would be my hope that these remarks together with the references made therein will be a foundation for considering any future and additional efforts to displace standing committees with declared and assigned powers and responsibilities by the formation of ad hoc or special committees which seem to invade that jurisdiction and that subject matter.

It is my hope that these remarks will serve that purpose.

THE LAST GI WOUNDED IN VIETNAM

Mr. MANSFIELD. Mr. President, Saturday's press carried an account of the "Last GI Wounded in Vietnam." We do

hope and pray that he is the last—the last wounded GI, the last grim statistic of this tragedy. But even so, the tragedy continues, the bombing continues, the war goes on, American boys are still confined as war prisoners.

So while this story of Jim McVicker—the GI in question—does make history in one sense, it also points up the need to press further and even more strenuously to end this disaster and to do so as quickly as possible.

I ask unanimous consent that this article, published in the Washington Star and Daily News of August 12, 1972, be printed in the RECORD.

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

LAST GI WOUNDED IN VIETNAM—JIM McVICKER MAKES SOME HISTORY

(By Ken Wagner)

DA NANG, Vietnam.—Jim McVicker stepped on a booby-trap in the jungle southwest of here Wednesday night and became a footnote in American history.

The 20-year-old rifleman was the last American to be wounded fighting with a U.S. infantry outfit in Vietnam. Yesterday, his unit—the 3rd Battalion, 21st Infantry—was deactivated. At that time it was the only U.S. ground battalion still in the field. "I don't particularly care to be the last grunt wounded," he said today, "but someone had to be."

McVicker, of Cascade, Idaho, now lies in the U.S. 95th Evacuation Hospital here. Bandages encase both legs where jagged shrapnel caused multiple wounds.

And pads are held across both eyes by a rubber band that stretches around his head. A piece of metal hit above his left eye, and it must be removed by surgery. There is some question about his sight. He will be flown to Okinawa next week for further treatment. Ceremonies with the lowering of the battalion's colors for the last time were held today on a Da Nang parade ground.

It was an emotional occasion, in a strictly military sort of way. There were speeches. Awards were presented. A South Vietnamese band played marches. And Lt. Col. Rocco Negriz of Fairfax, Va., termed his 1,043-man unit "the finest fighting men in the United States Army."

Negriz received the Legion of Merit for his service in Vietnam, which began last September. In addition, 10 American servicemen received Vietnamese military awards.

Some of McVicker's friends from his Delta company platoon visited him in the hospital today. They joked, pushed each other around in wheelchairs, bought cold drinks for McVicker and the six other men in his ward.

Someone asked how he felt about being the last "grunt"—slang for infantryman—to be wounded in Vietnam.

"I could have done without it," he said. "But I will be all right. I have always been proud to be a grunt. We had a mission to do and we did it."

His platoon was preparing a night defensive position when he tripped the hidden booby-trap, McVicker said.

"I remember the dirt and the metal coming up all around me. It must have blown me five feet in the air," he said. "I was conscious and afraid I would land on another mine when I came down."

THE AIR WAR

Mr. HUGHES. Mr. President, the United States is now fighting its third Indochina war. The first was fought by the French with U.S. financial and material support amounting to nearly 80

percent of its cost; the second by over half a million U.S. ground troops and their air support; and now the third—a massive air war. This third war began last week when the last regular U.S. combat unit was withdrawn from South Vietnam.

There is no end in sight to this third new war, and few limits to its ferocity. Yesterday, the newspapers reported that B-52's had carried out their largest raids ever against the North. Today the papers analyze President Thieu's latest call for "relentless" U.S. bombing.

What have we gained from this staggering use of air power? In the past, I have drawn upon the fine research of the Cornell Air War Study for evidence and analysis of the air war. This has been necessary for recent years because of the continued refusal of the Defense Department to declassify basic facts and figures about our air war and because the Pentagon has not conducted any detailed analyses of the effectiveness of air operations since 1967.

Yesterday the New York Times Book Review discussed the Cornell Air War Study. Robert Kleiman, a member of the Times' editorial board, praised this study and drew upon other recent revelations about U.S. air operations.

For example, Mr. Kleiman notes that—

The dollar cost to the U.S. in lost aircraft alone (almost 1,100 planes) was ten times the damage inflicted on North Vietnam by the 1965-68 bombing. And many crews were lost as well.

When the various circumstances under which bombs are not dropped on their planned targets are taken into account, Mr. Kleiman says that—

It is estimated that more than half the ordnance delivered falls outside the intended target area.

Under these circumstances, it is no wonder that schools, churches, hospitals, and dikes have been attacked, despite our best efforts and intentions.

Rather than war crimes trials, the Cornell researchers urge a public investigation of bombing policy. Mr. Kleiman specifically says:

Congressional hearings on the Lavelle case could provide an opportunity for this wider inquiry.

Mr. President, I fully intend to raise all the relevant issues of our bombing policy in order to get to the truth about General Lavelle and all others who may have been responsible for unauthorized offensive air strikes. I am also pleased that the distinguished chairman of the Armed Services Committee (Mr. STEN-NIS) has promised hearings on my bill requiring the disclosure of the basic facts on the air war. Now more than ever we must get the full story on the air war.

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

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

[From the New York Times, August 13, 1972]
THE BONUS AND THE ONUS—THE AIR WAR IN INDOCHINA

(By Robert Kleiman)

One of the indestructible myths about the Vietnam war is that the nation's leaders

drifted into it, unaware of where step-by-step decisions were leading. But as the scenario starts to unroll all over again, with massive bombing mounting toward the peak levels of the past, the myth needs close re-examination.

It was the introduction in February, 1965, of American air power on a large scale into the guerrilla war within South Vietnam that first transformed the role of the United States, from giving arms and the advice of a 24,000-man military mission into direct involvement in combat. Within weeks there began the sustained bombing of North Vietnam; organized units of the North Vietnamese Army invaded the South, and the United States committed ultimately more than half a million ground troops.

The week the American air war began, a visitor asked Gen. William C. Westmoreland, the United States military commander in Vietnam, whether the death and destruction already inflicted on the South Vietnamese countryside by American-built planes, some with American pilot-advisers aboard, would not escalate enormously now and prove self-defeating. Could the oft-proclaimed American objective of "winning the hearts and minds of the people"—in what was more a political than a military conflict—be achieved through the application of murderous firepower, which inevitably would kill innocent civilians as well as Vietcong?

"We've looked into that problem," the General replied, "with the help of a study group sent out by Rand [the civilian research organization]. Our conclusion was nutshellled at lunch the other day by the head of the team:

"We've got the onus; let's get the bonus."

Seven years and almost seven million tons of bombs later—more than three times the tonnage dropped by American planes in all theaters during World War II—the undoubted onus and the alleged bonus can be evaluated.

The Cornell University Air War Study Group, a team of 21 scholars of many disciplines led by Raphael Littauer, professor of physics at Cornell, analyzed all the significant official and unofficial reports available on the American air war in Southeast Asia, its policies, its methods, its effectiveness—and its cost, both to the United States and the peoples of Indochina. They distributed their findings privately in November, 1971, and then revised and updated them for this publication by Beacon Press.

"The Air War in Indochina" is a cold, clinical study. But its revelations—many extrapolated from piecemeal data, then assembled like a jigsaw puzzle—are startling. Some of its most striking estimates were recently corroborated by a leak of the secret 548-page National Security Council study memorandum on Vietnam (NSSM-1)—drafted in 1969 for President Nixon by eight Government agencies and coordinated by Henry Kissinger and his staff. NSSM-1 was printed in the Congressional Record of May 10, pg. 16748 and May 11, pg. 16778.

Mr. Littauer and his colleagues devote considerable attention to the bombing of North Vietnam. But what stands out in this study even more than the damage done to the enemy in the North is the devastation inflicted on our friends in the South.

Of the 6,300,000 tons of bombs dropped on Indochina from 1965-71, the Cornell group estimates that 600,000 tons were dropped on North Vietnam, while 3,900,000 were dropped on the South. (The remainder went into Cambodia and Laos, much of it on the Ho Chi Minh trail.) Allied artillery, mortars, rockets, other ground weapons and naval guns pounded Indochina with an added seven million tons of munitions in the same period, most of it in South Vietnam. South Vietnam is smaller than the state of Missouri.

The number of civilian casualties in North

Vietnam was estimated by a 1967 C.I.A. study cited in the Pentagon Papers at 29,000 for 1965-66. Two years later, in 1969, the Defense Department said in NSSM-1 that "it has been estimated that approximately 52,000 civilians were killed in North Vietnam by U.S. air strikes."

In South Vietnam the casualties have been much higher. Senator Edward Kennedy's Subcommittee on Refugees, relying on official reports, has estimated noncombatant casualties through April, 1971, from military action by the United States and the Saigon Government at a minimum of half a million persons, about one-third of them killed, a percentage of population that is more than double that suffered by German civilians under Allied bombing in World War II.

Vietnamese society has been completely dislocated by the bombing. In the North, urban populations have had to disperse. In the South more than six million (about one-third of the population) are estimated to have become refugees. The number of urban Southerners (including those in squalid refugee shantytowns) has almost trebled to an estimated 40 per cent of the population, making South Vietnam more urbanized than Sweden, Canada, the Soviet Union, Austria, Switzerland, Italy, and all other Southeast Asian states.

The original rationale for the large-scale use of air power was that it would save the lives of Allied troops. Army Brig.-Gen. Glenn D. Walker said, "You don't fight this fellow rifle to rifle. You locate him and back away. Blow the hell out of him and then police up."

Close air support of troops in action, often decisive in a conventional battle, can even be effective against guerrillas. But civilian casualties then mount. Guerrillas are highly mobile and hard to distinguish from the population—especially from fast-moving jet aircraft. Intelligence is often faulty. The Air Force is under pressure from ground units to use area weapons, such as napalm and cluster-bomb units, even against snipers. Area weapons, by definition, are indiscriminate.

Nevertheless, efforts were made, at the start, to limit civilian casualties. In August, 1966, after revelation of a dozen bombings of friendly troops and villages, General Westmoreland appointed a board of senior officers to improve control procedures. "One mishap—one innocent civilian killed, one civilian wounded or one dwelling needlessly destroyed—is too many," his directive stated.

But long before this review, which led to no known result, the whole character of the air war had been altered by its sheer volume. From about 1,000 sorties in the month of January, 1965, before American air units were engaged, the tempo had soared more than tenfold by the end of that year, and then doubled again by 1968 to over 20,000 a month.

What was being struck?

One of the extraordinary discoveries of the Cornell researchers was that in the end less than 10 per cent of the United States fixed-wing air activity in South Vietnam went into close air support of troops in combat. More than 90 per cent was used for "interdiction," a term that has been stretched far beyond attacks on supply routes to encompass harassment, reprisal, area saturation in Communist staging zones and, in regions where the Vietcong has been predominant, attacks "to influence the population: to cause them to move into areas under government control, or to make them stop supporting the insurgency."

In a guerrilla war, the study points out, the enemy "may live intermingled with the population or may actually be the population. . . . To interdict such an enemy means to blanket all possible areas with firepower. . . . Seen in this light, generalized interdiction in Vietnam takes on the character of strategic warfare. The targets are not well enough defined to qualify as tacti-

cal objectives. Rather, the attacks are directed against the over-all reserves of the insurgents, which are in the population itself, and against the will to continue the fight."

During the peak years of the air war in South Vietnam, when fighter bombers accounted for as many as 20,000 strike sorties a month, B-52's flew less than 1,600 sorties monthly. But the Cornell team discovered that about half the actual tonnage of aerial munitions dropped on South Vietnam was delivered by B-52's. (It undoubtedly is far higher now, with some 200 B-52's [about half the Strategic Air Command (SAC) force] now engaged in bombing Indochina—a five-fold increase since February and twice the peak number engaged pre-1972).

The penultimate in indiscriminate bombing is the area obliteration attack by giant B-52 stratofortresses of the SAC, each dropping about one hundred 500-pound bombs within a fraction of a minute. Four typical six-plane missions can demolish an area equal to that destroyed by the Hiroshima atom bomb.

Information from the Cornell study and NSSM-1 on the civilian devastation inflicted by the air war is fragmentary but revealing:

By the end of 1967 some 70 per cent of the villages in Quang Ngai province in South Vietnam had been destroyed. During at least one period in 1968-69, about 90 per cent of I Corps—the five northernmost provinces of South Vietnam—became a free fire zone.

Between 1966 and 1969, according to NSSM-1, the United States Navy alone reported that it had destroyed almost 35,000 "structures" and damaged about 43,000.

The C.I.A. in NSSM-1 complained about the lack of systematic information on civilian damage but concluded on the basis of limited data that, "the rural hamlets take a tremendous beating." I noted that one extended series of reports covering 5,870 of South Vietnam's hamlets revealed that each month 4 percent "are either bombed, strafed, defoliated or otherwise harmed during the course of friendly military operations. A higher percentage of hamlets would appear to experience one or more of these phenomena in a minor form." Extrapolation of these figures could suggest that the total number of hamlet attacks over 12 months, including repetitions, may have exceeded 96 per cent of the number of hamlets in those regions, if not in the country as a whole.

Mr. Littauer and his colleagues assert that "deliberate attacks on the civilian population were not part of the official policy," but evolved from a variety of "special situations." The military wanted to make selective attacks on the guerrillas while depriving them of the recruits, food and shelter provided by the population.

"The problem is often attacked in reverse," the study notes. "Rather than driving the guerrillas away from the population, the population is moved away from those areas in which the insurgents are established. . . . Adopting Mao Tse-tung's simile that a guerrilla lives among the population 'like a fish in the sea,' this tactic has been described as 'draining the sea away from the fish.'" This "refugee generation" permits the creation of "free fire zones" in which anyone remaining is considered the enemy. (Criticism has brought an order to call free fire zones "specified strike zones," but the practice continues.) In other areas, after hostile sniper fire—sometimes from small marauding Vietcong units long since departed—villages are warned by leaflet or loudspeaker, then bombed in reprisal and inundated with "I-told-you-so" leaflets. The pro forma advance approval of the Saigon-appointed Province Chief, usually an Army officer, covers the operation with a fig leaf of propriety.

By the very nature of air warfare, human error and a wide variety of technical factors take their toll. A major element is euphemistically called "contingent ordnance," bombs

dropped outside the target area. "Contingent ordnance" includes "navigational errors" common during bad weather and instrument bombing; "target misidentification" that sometimes destroys a friendly village (indicating that the planned target itself was a village); "surplus ordnance," left after the primary target has been attacked, that is used against secondary targets, less carefully selected; "antipersonnel weapons" that are the most effective means of suppressing anti-aircraft fire in North Vietnam, but which wreak heavy civilian damage; and "emergency dumping" of ordnance when planes are attacked by hostile fighters or damaged by ground fire. Finally, there is the "armed reconnaissance" mission, trying to hit "targets of opportunity" at high speed.

All in all, it is estimated that more than half the ordnance delivered falls outside the intended target area.

Ironically, greater precautions were taken at one time to avoid civilian damage in North Vietnam than in the South. Targets in the North were approved by the White House. No attacks in 1965 were permitted within a 30-mile radius of Hanoi and a 10-mile radius of Haiphong. Attacks on minor military facilities in populated areas were barred. In the month-long campaign in July, 1966, that destroyed 70 per cent of North Vietnam's oil storage capacity, much of it in urban areas, Washington insisted on extraordinary precautions: use of the most experienced pilots; visual identification of targets in good weather; an axis of attack that avoided the most populated areas; maximum electronic counter-measures against anti-aircraft fire to limit pilot distraction; use of weapons of high precision delivery; and limitation of SAM and AAA suppression to sites outside populated areas. But such careful restrictions were rarely applied after that. Last December's five-day, 1,000-sortie, series of "protective reaction" strikes against North Vietnam, in retaliation for the downing of four Phantoms over northern Laos, was almost entirely in bad weather with the ground invisible. Pilots later called it "a farce" and "sheer insanity" not to await better weather. President Nixon called it "very successful."

"When North Vietnam was first targeted, the Joint Chiefs of Staff found only eight industrial installations worth listing," the Defense Intelligence Agency reported to Secretary McNamara in November, 1965. Military-Congressional pressure later made the target list a political football in what the Cornell study describes as a "highly cynical numbers game." Early in 1967, on Joint Chiefs of Staff urging, President Johnson added a number of industrial targets within urban areas previously barred, and the Chairman of the Joint Chiefs reported that there were no important military targets left in the North; the only escalation possible would be the mining or bombing of ports and irrigation dikes and a land invasion of North Vietnam. Nevertheless, in July-August 1967, presumably to blunt criticism from the Senate Armed Services Committee, President Johnson expanded the area subject to armed reconnaissance and somehow found 44 new fixed targets.

The Air Force and Navy each were allotted a number of sorties fortnightly to avoid interservice rivalry. As a result, many missions evidently have been flown in poor weather to secondary targets to meet that "quota." The list of fixed targets usually was exhausted quickly, and pilots then worked off their quotas on armed reconnaissance missions against trucks, railroad cars, barges and even less important targets—rather than dump their bombs in the ocean before landing. With worthwhile fixed targets scarce, such armed reconnaissance missions made up nearly three-fourths of the sorties over the North flown in 1965 and 90 per cent by 1967.

Of all the tragedies in the devastation of Indochina from the air, perhaps the deepest lies in its overwhelming futility. The impact on the war of most of the bombing has been marginal at best and, more often, self-defeating.

The Joint Chiefs and the United States Command in Saigon claim in NSSM-1 that the bombing of North Vietnam and Laos was effective because it destroyed 12 to 14 per cent of the trucks and 20 to 35 per cent of the supplies on the infiltration trails. But the C.I.A. and the Office of the Secretary of Defense punctured that claim. The Kissinger summary noted: "OSD and CIA find that the enemy needs in South Vietnam—10 to 15 trucks of supplies per day [carrying 30 to 50 tons of weapons and ammunition]—are so small and his supply of war materiel so large that the enemy can replace his losses easily, increase his traffic flows slightly and get through as much supplies to South Vietnam as he wants in spite of the bombing." A study by the Pentagon's Office of Systems Analysis showed that while American attack sorties against North Vietnam increased about fourfold between 1965 and 1968, Communist main forces in South Vietnam increased 75 per cent in strength and ninefold in overall activity.

That the bombing stiffened North Vietnam's will to fight and reduced dissent at home is something on which all analysts agree. Economically, North Vietnam paradoxically also gained. Official Pentagon and C.I.A. estimates that aid from other Communist countries totaled four to six times as much as was destroyed. With vigorous road and rail building, even the capacity of the North Vietnamese transport network—a main target—increased under the bombing, the C.I.A. reported in NSSM-1. But the dollar cost to the United States in lost aircraft alone (almost 1,100 planes) was ten times the damage inflicted on North Vietnam by the 1965-68 bombing. And many crews were lost as well.

The military advised that a gloves-off bombing policy would solve the problem—advise President Nixon now has adopted. The mining of Haiphong and other ports and the removal of bombing restrictions on overland transport from China (accepting "high risks of civilian casualties") would have a decisive effect on the war, the Generals insisted in NSSM-1. But the C.I.A. and the Office of the Secretary of Defense argued that "the overland routes from China alone could provide North Vietnam with enough material to carry on, even with an unlimited bombing campaign." Events seem to have proven them right, despite the laser homing devices and other "smart bombs" that recently have knocked out bridges and other difficult targets.

President Johnson was shown in the Pentagon Papers to have received similar cautions about his military advice as early as the fall of 1965 from Defense Secretary McNamara and in 1966-67 from the Jason study group of 47 of America's most distinguished weapons scientists. After analyzing nine alternative bombing strategies, which included mining the ports and attacking the irrigation and flood-control dikes, the Jason study concluded: "We are unable to develop a bombing campaign in the North to reduce the flow of infiltrating personnel into South Vietnam."

Some dikes now are being hit, since bombing restrictions have been removed for targets nearby—an ominous hint that bombing could flood much of the country. The air war imposes other substantial strains on North Vietnam and a heavy penalty of human suffering on its population. Although Hanoi Poltburu suffers less, President Nixon may be gambling that Sino-Soviet feuding will hamper the flow of supplies and that the desire for accommodation with the United States may lead Moscow and Peking to exert enough

leverage on Hanoi to bring about a negotiated settlement. But this has not succeeded in the past despite some Soviet help in the Paris talks in 1968.

In South Vietnam, the bombing has also been marginal in value or self-defeating, except for the 10 per cent or less devoted to close air support. The latter evidently has been decisive in enabling the South Vietnamese Army to avoid a major defeat in the recent Communist offensive. A particularly futile use of air and artillery power has been in "unobserved fire," bombs and shells used against places where the enemy *might* be, but without reliable information that he was there. Thus two of the Pentagon's former top systems analysts, Alain Enthoven and K. Wayne Smith disclosed in their "How Much Is Enough?" (Harper & Row, 1971) that probably fewer than 100 Communist troops were killed by unobserved fire in 1966, when 65 per cent of the total tonnage of bombs and artillery shells was expended against such nontargets—at a cost of \$2-billion and significant alienation of Vietnamese civilians.

For irony, one systems analysis study calculated that the 27,000 tons of dud bombs and shells from such attacks could have provided the enemy with more explosives than he used in the mines and booby traps that killed more than 1,000 American troops that year. But Enthoven and Smith report that the only effect on the military of the study—and the later capture of a Communist training film on turning American duds into grenades—was an effort to improve munitions and reduce the dud rate.

The military uselessness of most of the bombing bears directly on the issue of American war crimes, something the Cornell scholars discuss but leave to the reader to judge. They note that detailed international law is lacking or outdated for air warfare. But grave violations can be inferred from the principles that govern the agreed rules of land and naval warfare. The most serious such violation, they point out, is of the rule requiring a reasonable "proportionality" in warfare between the damage caused and the military gain sought or anticipated. There is no sign in the air war report of the fear, hatred and racial contempt for the Asian that played a role in the Mylai massacre by American ground troops. Nevertheless, the unstated conclusion that shrieks out of Cornell's deadpan study is that the American air war in South Vietnam has included a long list of both officially-sanctioned and officially-ignored aerial Mylais.

How did this abuse of air power originate? Professor Littauer and his colleagues believe it was not deliberate decisions led to the vast over-employment of American airpower in Vietnam as much as it was a case of the vast "availability of airpower . . . setting the U.S. on the path it has followed." The historic evolution of strategic air warfare has also been a factor.

Attacks by the United States and its allies on the enemy's population are not new in warfare. They were frequent in the strategic bombing of World War II, but a pretense was made then that the targets were essentially military. Today, in the age of mutual nuclear deterrence, the main task of strategic air planners is to prepare openly to destroy the enemy's cities and urban population. All this undoubtedly has contributed to the ease with which the nation's leaders, its military commanders and its young airmen have drifted into attacks on predominantly civilian targets in Vietnam. Killing from the air is a distant, impersonal affair to the pilot, not to mention the whole chairborne chain of command, back to the White House.

Somehow, even as the ferocity of the air war has mounted, the military and civilian leaders of the United States have managed to look the other way. A news report noted as early as mid-1966 that no regular tabula-

tion of civilian casualties was being kept in South Vietnam. In early 1969, when the Kissinger staff drafted the 28 questions that produced the NSSM-1 study for President Nixon, Question 19 asked: "How adequate is our information on the over-all scale and incidence of damage to civilians by air and artillery?" The responses from the eight agencies questioned took up less than six pages of the 548-page document. The summary stated: "Every agency except MACV/JCS [the U.S. military command in Saigon and the Joint Chiefs of Staff in Washington] agrees that the available data on war damage to the civilian population is inadequate. . . . The responses received suggest that this is a very serious problem in need of further U.S. government attention and analysis."

Now, three years later—with civilian casualty estimates in South Vietnam exceeding the top figures of 1967-68—it is evident from the Cornell study that the indifference continues. "There are no spaces on bomb-damage assessment forms for reporting civilian damage," the Cornell study states. "The targets hit are assumed to be those described in the original briefing for the mission, however tentative their identification may have been. Jargon proliferates. A hootch (house) destroyed becomes a 'military structure,' a sampan is a 'waterborne logistic craft.' The jargon pervades the reports, invades the intelligence accounts and finally comes to influence even the policy thinking. . . . Many of the participants eventually come to accept the view that everything on the ground (at least in some regions) is 'the enemy' and that all ordinance expended helps to 'save the lives of our boys.'"

Mr. Littauer and his colleagues finished their book before the case of Gen. John D. Lavelle exposed the repeated bombing of North Vietnam—perhaps with wider military complicity—in violation of Presidential orders. But it would be unlikely to alter their conclusion that official American policy, rather than the aberrations of individuals, is primarily to blame for the air war's "unjustified devastation, reprisals, collective penalties, and grave breaches of the proportionality rule, as well as widespread destruction of food crops—all war crimes in land battle. The Cornell scholars urge a public investigation of bombing policy, rather than war crimes trials.

Congressional hearings on the Lavelle case could provide an opportunity for this wider inquiry. Beyond the war crimes issue, there is a crucial Constitutional question that is pointed sharply in a brilliant preface to the Cornell study by Neil Sheehan, *The Times* reporter who brought the Pentagon Papers to publication. He notes that the low visibility of the air war (no journalists accompany the planes), its relatively low cost in dollars and American casualties, its responsiveness to centralized control and its enormous destructive force have now made it possible for an American President "to conduct war with little reference to the wishes of the body politic at home."

More than Indochina is involved. The 1969 Nixon Doctrine for all of Asia seeks to fulfill military commitments with air and sea power in support of local ground forces. Sound though this strategy may be for conventional war, it has little value in an insurgency. It can only lead again to the kind of tragedy whose epilogue is being acted out in this year's re-escalation of the air war. The destruction of Vietnam in the effort to "save" it. The bonus, so far, has proved illusory. The onus we will all live with for the rest of our lives.

MR. STATE FAIR

Mr. MILLER. Mr. President, the Des Moines Sunday Register for August 13 contains an article entitled "Mr. State Fair" which describes the unique contri-

bution the Iowa State Fair's Secretary, Kenneth Fulk—appointed in 1962—has made to what is unquestionably one of the Nation's truly great State fairs.

The heart of our fair is, of course, agriculture—particularly the work and exhibits of the thousands of young people in 4-H and Future Farmers of America activities. Mr. Fulk's rich background in agriculture has been blended with a keen appreciation of quality entertainment, so attendance records will no doubt continue to be broken, and hundreds of thousands of families from Iowa and adjacent States will participate in one of America's greatest community institutions.

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:

MR. STATE FAIR

(By Joan Bunke)

You'd think a man putting together his tenth Iowa State Fair might look a bit worn around the edges.

Not Kenneth Fulk. The state fair secretary exudes an almost relentless heartiness, a smiling enthusiasm when he talks in an interview about the virtues of the annual migration of thousands of Iowans toward one sprawling patch of fairgrounds in Des Moines.

He's the epitome of what he himself believes the fair is all about: Involvement. Caught up in all facets of the fair (this year starts Friday and winds up—on down—Sunday, Aug. 27), Fulk sees the conglomeration of shows, exhibits, performances and plain people-watching as a matter of involvement.

"A fair," he declares, "is a place where people go to see how other people work, live and play." It's not only winning blue ribbons or cupie dolls (in games that require "skill," Fulk says, referring to the imbroglie over whether some midway games are matters of gaming or matters of skill.)

"You see," he says, "there's so much more to a fair than winning. It's being involved and participating. . . . This is what a fair can do that nothing else can do: It can give people from all walks of life a chance to get together and express themselves and get recognition. . . ."

Even a youngster on a merry-go-round is involved—"people are watching him"; even that chap tossing baseballs for a cupie doll has a sense of achievement, Fulk insists.

But basically, he admits, a state fair revolves around competition. "The whole thing about fairs is that people are striving to improve what they've got, to compare what they produce," Fulk says. "It's a matter of comparison and improvement. . . . Competition always sharpens up people. If you had a football game and weren't going to keep score, there wouldn't be much to it. . . ."

A BACKGROUND IN FARMING

It's when he talks about his own involvement as a youngster that Fulk, 56, really shows how much he is, indeed, doing his own thing today. "I showed at the Iowa State Fair the first time in 1929," he says, and his steer placed twenty-ninth in a class of 32. Still, the 13-year old Fulk was "very pleased" just at being there. He explains: "Why would I come to the fair when I knew I didn't have the champion? I wanted to be able to say that I saw Elliott Brown, who had the grand champion steer in 1927 in Chicago, and he and his father, John, showed the finest string of Angus cattle—and I wanted to say that I'd talked to Elliott Brown. I wanted to watch him, I wanted to see how they did their chores and took care of their stock. . . ."

Fulk, born and reared on a farm near Clarinda, says he's always been "very much

interested" in 4-H and Future Farmers of America work. He has been Iowa president of the FFA, was a member of top Iowa livestock judging teams in vocational agriculture and 4-H, and was a top national collegiate judge at the American Royal stock show in Kansas City.

He managed 100 Iowa farms for Metropolitan Life Insurance Co., then did a 50-month stint in the Marine Corps (enlisting before World War II started and emerging a first lieutenant; he's now a major in the retired reserve).

He was graduated in animal husbandry from Iowa State University (then Iowa State College) at Ames. He also farmed in partnership with his father and brothers, served as county extension director, worked for the Iowa Beef Packers Association and did basic research work in beef carcass study, worked for the Iowa Agricultural Marketing Division, and in December, 1962, was named secretary of the fair. (This year, his salary is \$15,500, plus use of a house on the fairgrounds.)

SOME ADDITIONS TO THE FAIR

Over the years, Fulk says, the fair has changed, broadening its base, but there are still youngsters with the same eagerness the young Fulk had: "A youngster who comes to the fair—he's heard about a certain person or a certain herd that does well and he wants to see and become a part of it. That's what a fair can do. You go to a theater, and you see someone else do something and then you leave. But at a fair, people become involved."

Because Iowa life has been changing, the fair has been changing, he points out. Because people "need to express themselves, we have tried to add things to the fair to give people this opportunity. For example, in recent years we've given heavy emphasis to crafts, art and hobbies. . . ." There's the third annual Iowa State Fair Arts Festival, which also provides a "creative outlet."

Since his appointment in 1962, Fulk has found the fair a growing proposition. Attendance in 1971 was 645,000, compared to 447,000 in 1962, and the fair's net profit last year was \$168,000, compared to \$67,000 in 1962.

The fair has altered in more than the figures department. The grounds, Fulk says, are "cleaner, nicer" although he thinks the fair is only "about halfway" toward its goal in that department.

STARS RAISE THE IMAGE

Fulk thinks the fair also has been made "more meaningful" via its emphasis on "the carcass approach to livestock improvement. . . ." He adds: "We're still pioneering new techniques. . . ."

In this sector, he says, is "that basic area which is fundamentally and economically important to Iowa. What the fair really is, is better pork chops and steaks and food for people. . . ." In addition, there are farm machinery and processors' displays that add another dimension, he says.

The fair's recent emphasis on name talent, "tremendous big stars in front of the grandstand, raises the whole image of the fair," Fulk says, then cracks: "And it makes the hogs look better to the guy in the hog barn, too—It does!"

(This year's names include Bob Hope, Sonny and Cher and Bill Cosby, among others.)

Themes, like last year's "Discover Mexico" and the 1972 Iowa fair's "Discover Canada," also have added some sparkle to what amounts to a people's jamboree at the fairgrounds.

For help in inveigling the "big" fair drawing cards onto the grandstand stages, Fulk credits Wall Lake's own Andy Williams. The singer, Fulk says in a rare piece of understatement, "has been real kind to us." It was Williams, says Fulk, who helped the fair get Lawrence Welk, Tennessee Ernie Ford, Red Skelton to work the Iowa fair.

The grandstand shows, according to Fulk's

research early in his tenure, had been racking up an average loss of \$20,000 for five week nights each year at the fair.

"So finally," Fulk says, "we got Andy Williams to come in on a special deal, and after he paid us to use the grandstand—he got the first \$60,000 and it took me three (State Fair) board meetings to convince the board that it'd be better to let him have the first sixty in case he made it than us lose another twenty—what happened, of course is that he grossed right at \$100,000, or a little over. So he got the first 60, we split the next 40—so we got 20 there, he kept us from losing 20, and we're sure we made at least twenty-five thousand on the outside gate . . .

"What Andy really proved was that Iowa people have culture, that Iowa people will pay for quality. To me it's a compliment to Iowa people that they do discriminate when they spend their money. I think that's a mark of culture, people who wisely use their money."

HE CALLS IT ONE OF THE GREAT FAIRS

In statistics on attendance, the Iowa fair ranks seventeenth or eighteenth highest in the country, Fulk says, "but we really rank a little higher than that . . . because we have a pretty 'hard gate.'" (The number of free passes is kept low).

Not without prejudice, but with pretty good statistics to back him, Fulk calls Iowa's "one of the great fairs . . . and the reason is because of the community in which it exists."

With all of the problems obviously connected with staging a fair, can Fulk enjoy it as much as the ordinary fairgoer?

"Or, I enjoy it more," he insists.

He goes to all the shows—"That doesn't mean I sit through them all; I move all the time . . . I'm all around, I walk up in the grandstand and listen to the sound, I sit a while . . . I always check the house . . . I move all the time."

He'll be on the move again this year—checking up on another fair—and being totally involved.

SKYJACKING

Mr. RIBICOFF. Mr. President, the alarming increase in skyjackings will be stopped only if all the nations of the world require that all passengers be screened by electronic weapons detection devices before they board commercial aircraft.

While all nations must work together to combat airline hijacks, it is time that the United States took the lead in developing an effective system for preventing these dangerous interferences with air travel.

We should begin by requiring the Federal Aviation Administration to impose regulations requiring that all passengers in regularly scheduled air transportation have their carry-on luggage screened with an electronic device.

Let us use our scientific detection know-how to fend off skyjackings. The alternatives are deadly shootouts at 20,000 feet or armed assaults on airport runways.

In this age of technology, electronic screening devices are a much safer and efficient response. Our immediate goal should be to prevent the would-be skyjacker from boarding the aircraft.

I am cosponsoring proposed legislation which will soon be offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), calling for such screening. It deserves our strongest sup-

port if we are to get at the rest of this growing problem.

It is not enough, however, just to set a good example to other nations, we must also take the lead in forging worldwide agreements to prevent hijackings. In order to accomplish this, I introduced Senate Joint Resolution 244 last June calling upon President Nixon to convene a world conference of nations to combat skyjackings and airport violence.

This joint resolution, which now has 32 Senate cosponsors, proposes that a conference be organized either by the United Nations, the International Civil Aviation Organization or any other suitable international body to establish "stringent security standards and procedures for the protection of human life in and around aircraft and airports."

My measure also advocates that airlines refuse to fly into countries "which harbor, assist or fail to take appropriate action" against skyjackers or others who interfere with international air travel.

An electronics screening requirement is a logical and vital step toward greater protection of air travelers here in the United States. Hopefully, other nations will follow our lead. If proven successful these procedures should be included in any new international agreements to prevent skyjackings.

I urge all Senators to keep these points in mind when we shortly consider legislation to deal with hijacking.

I ask unanimous consent that Senate Joint Resolution 244 and S. 3815 and a list of the cosponsors of Senate Joint Resolution 244 be printed in the RECORD.

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

S. RES. 244

Joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy

Whereas acts of terrorism and violence against international civilian carriers and passengers now constitute a growing menace to travel and threaten communications between nations and the transportation of people and goods, and

Whereas many governments and airlines have failed to take the necessary security precautions to prevent aerial piracy and insure the safety and well-being of persons of international travel: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, through the United Nations, the International Civil Aviation Organization or other suitable international body, a world conference for the purpose of establishing uniform, stringent security standards and procedures for the protection of human life in and around aircraft and airports, including restrictions on international flights to those countries which harbor, assist, or fail to take appropriate action against individuals or groups within their borders who plan, conspire, or engage in activities leading to violent interference with international travel.

SPONSORS OF S.J. RES. 244

Ribicoff, Javits, Kennedy, Gurney, McGovern, Pastore, Hughes, Tower, Hansen, Randolph, Stevens.

Scott, Case, Stevenson, Taft, Moss, Thurmond, Pell, Humphrey, Cannon, Cranston.

Williams, McClellan, Brock, Hollings, Dole, Hart, Church, Mondale, Bible, Muskie, Tunney, Chiles, Harris.

S. 3815

A bill to amend the Federal Aviation Act of 1958 in order to require the screening by weapons-detecting devices of all passengers in regularly scheduled air transportation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) is amended by inserting at the end thereof a new subsection as follows:

"SCREENING OF PASSENGERS IN AIR TRANSPORTATION

"(g) (1) The Administrator shall, as soon as practicable, prescribe regulations requiring that all passengers in regularly scheduled air transportation, and their carry-on baggage, be screened by magnetometers or other more effective weapon-detecting devices before boarding the aircraft for such transportation.

"(2) The Administrator shall acquire and furnish airports with devices necessary for the purpose of paragraph (1) of this subsection.

"(3) There are authorized to be appropriated such amounts as are necessary for the purpose of paragraph (2) of this subsection."

Sec. 2. The table of contents of the Federal Aviation Act of 1958 is amended by inserting at the end of the matter relating to section 307 the following:

"(g) Screening of passengers in air transportation."

LABOR SUPPORT FOR S. 32, THE NATIONAL SCIENCE POLICY AND PRIORITIES ACT

Mr. KENNEDY. Mr. President, I have just received a letter which is pertinent to the Senate's forthcoming consideration of S. 32, the National Science Policy and Priorities Act. The letter is from the American Federation of State, County, and Municipal Employees, and adds the support of that major union to the many other labor organizations which have already announced their support for this legislation. These include the International Association of Machinists and Aerospace Workers; the International Union of Electrical, Radio, and Machine Workers; the United Auto Workers; the Council of Engineering and Scientific Organizations; and the Council of AFL-CIO Unions for Scientific, Professional, and Cultural Employees—all of which collectively represent millions of American workers who would be directly affected by this legislation.

The letter from the American Federation of State, County, and Municipal Employees makes several specific points with respect to the implementation of S. 32, with which I completely concur. They point out that representatives of labor organizations should be included in those eligible for membership on the National Science Board and that labor organizations should be included in the nonprofit organizations eligible to apply for grants or contracts under title II and III of the act. This is in accord with my understanding of the intent and applicability of the legislation. In addition, with respect to section 305—assistance to State and local governments), they recommend that—

Federal funds provided under S. 32 shall not be used in a manner which in any way would deny or weaken promotional or employment opportunities for present State and

local government employees. Certainly such funds should not be used to displace present employees.

This again is in complete accord with my understanding of the intent and applicability of the legislation. As chairman of the Subcommittee on the National Science Foundation, which will administer these programs, I will make sure that these objectives are adhered to in practice.

I ask unanimous consent that the letter from the American Federation of State, County, and Municipal Employees be printed in the RECORD.

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

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EM-
PLOYEES—AFL—CIO,

Washington, D.C., August 9, 1972.

HON. EDWARD KENNEDY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: On behalf of the American Federation of State, County, and Municipal Employees, we are pleased to express our support for your economic conversion bill, S. 32, the National Science Policy and Priorities Act of 1972. Our support for this bill is based not only upon our conviction of the importance of peacetime research and training programs but also because of the comprehensive and systematic programs developed under this bill.

We are gratified that the role of state and local governments is taken into consideration in S. 32. We especially note that the bill provides for grants to be made to state and local governments and permits these governments to hire unemployed or underemployed persons to further the purposes of the Act. Although we certainly favor the intent of Section 305 (Assistance to State and Local Governments), we do have an urgent concern based on our experiences under the Emergency Employment Act of 1971. The manner in which EEA has been administered makes it necessary that employee protections be written into any legislation which will assist state and local governments to hire new employees. Specifically, we recommend that federal funds provided under S. 32 shall not be used in a manner which in any way would deny or weaken promotional or employment opportunities for present state and local government employees. Certainly such funds should not be used to displace present employees.

With respect to the National Science Board, established in Section 105, we believe that representatives of labor organizations should be included in those eligible for membership. Further, we hope that labor organizations are included as "nonprofit institutes and organizations" in those eligible to receive grants under Titles II and III of the Act.

We believe that passage of the National Science Policy and Priorities Act of 1972 would be a dramatic means of demonstrating the commitment of the Senate to peacetime research and training programs.

Sincerely,

PAUL J. MINARCHENKO,
Director, Department of Legislation.

PARTICIPATION BY NEBRASKA IN AMERICAN REVOLUTION BICEN- TENNIAL

Mr. CURTIS. Mr. President, my colleague from Nebraska (Mr. HRUSKA), today has forwarded to the American Revolution Bicentennial Commission a proposal for the celebration of the bicenten-

nial in 1976 in our State, particularly in the Omaha-Council Bluffs area.

I wish to go on record in complete and enthusiastic support of the Senator's proposal, which I shall ask shortly to have printed in the RECORD.

But first, I should say that it is fitting that Senator HRUSKA should be the one to take the lead in the bicentennial celebration in Nebraska.

As chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations of the Committee on the Judiciary, he recently held oversight hearings on bicentennial legislation. The Senate has passed that legislation and extended the authorization of the Bicentennial Commission. It was not without a struggle that this legislation was passed. The Commission has its detractors, those who would hamper the efforts of the Commission for various shortsighted reasons. But Senator HRUSKA firmly, patiently, and conscientiously guided this legislation to final passage, insuring that the 200th anniversary of this great Nation will be properly observed. It is not unreasonable to say that there might not be a Bicentennial Commission, and thus no proper bicentennial observance, had not Senator HRUSKA made the efforts he has.

I look forward to working with the Senator to bring this proposal for the Omaha-Council Bluffs area to fruition. Without further ado, I ask unanimous consent that Senator HRUSKA's proposal, contained in a letter to David J. Mahoney, chairman of the American Revolution Bicentennial Commission, be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., August 12, 1972.

MR. DAVID J. MAHONEY,
Chairman, American Revolution Bicentennial Commission, Washington, D.C.

DEAR MR. CHAIRMAN: In the interest of advancing the general program of your Commission, I hereby propose that certain aspects of the "Missouri Riverfront Development Program" in the vicinity of Council Bluffs, Iowa and Omaha, Nebraska be designated and recognized by your Commission as official Bicentennial projects.

The stretch of the Missouri River involved in this program runs all the way from Blair in Washington County, Nebraska, to the mouth of the Platte River as it enters the Missouri River. This is a distance of approximately 54 river miles.

This area is rich in the history of the development of the Middle West. Its beginnings and events relating thereto go back to the survey party of Lewis and Clark.

A well-planned overall strategy of development is in existence. A federally-funded effort by official agencies of the United States Government is in progress. This had been preceded by local planning, participated in by all of the communities of that segment of the Missouri River in both Nebraska and Iowa.

This Riverfront program is comprehensive in nature. The enclosed booklet will furnish the nature and the scope which it possesses. While it will be a program venturing in years beyond 1976, nevertheless certain of its aspects are capable of development and completion by the time the 200th anniversary of the Republic arrives.

Aspects of this general area would fit very nicely into the three Bicentennial themes: Horizons '76, Heritage '76 and Festival USA.

Specifically, there are pointed out the following:

Segments of a proposed scenic parkway along both sides of the Missouri River between Blair, Nebraska and Plattsmouth, Nebraska, to provide improved access to the Lewis and Clark Memorial, the SS Bertrand, Fort Atkinson and similar points of historic interest.

Improvements at Dodge Park, Crater Lake, Lake Manaha, the Blair and Bellevue crossings and other locations to expand the area's capacity to provide campgrounds and recreation sites for visitors. In this connection, the festivals and conventions of national fraternal, religious and professional groups should be kept in mind. The Czechs, for example, may find 1976 and the Omaha area a good combination for a festival. The Mormons have much to recall in our territory. A regional or national environmental meeting centered on the Fontenelle Forest is another possibility.

A downtown Omaha plaza.
A start on a downtown campus for the University of Nebraska at Omaha.

A start on the "new towns" which have been proposed in areas north and south of the Omaha metropolitan area.

A special emphasis on the role that the Missouri River has played in the history and future prospects of the area. This would blend with the expected Bicentennial emphasis on the high points of western exploration and expansion, but I also believe that efforts should be made to illuminate for a national audience how proposed developments along the River are the latest in a long line of efforts to tie the land and the River together.

This entire undertaking offers a model for planning Bicentennial activity which will be in harmony and in keeping with the history of the area and will be encouraging to the future development thereof.

It is expected that the entire Nebraska and Western Iowa congressional delegations will be stimulated and will assert themselves.

A similar proposal as contained herein is being simultaneously forwarded to the Nebraska Bicentennial Commission as well as to the Iowa Bicentennial Commission.

A more formal proposal will be made in due time as occasion will require.

Within this letter is only a broad outline description. Needless to say, my staff and I will be most happy to supply your Commission and the respective State Bicentennial Commissions with additional detailed information together with suitable witnesses to present the same. My personal appearance, if considered necessary or desirable, is assured.

With kind personal regards and best wishes,

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator.

NATIONAL TRIBAL CHAIRMEN'S AS- SOCIATION RESOLUTION ON REVENUE SHARING

Mr. MANSFIELD. Mr. President, on August 10, at its first annual convention, the National Tribal Chairmen's Association adopted a most important resolution. It concerns revenue sharing and the views of the tribal association, which to a great degree, represents the Indian community, with respect to that issue and to its potential impact on reservation Indians and tribes generally.

I believe the viewpoint of the Indians is most important in this matter and ask unanimous consent that the resolution be printed at this point in the RECORD.

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

EUGENE, ORE.,
August 12, 1972.

Senator MIKE MANSFIELD,
Capitol Hill,
Washington, D.C.:

Please introduce this resolution before Congress to be placed in the CONGRESSIONAL RECORD as requested in the following resolution entitled National Tribal Chairmen's Association.

A RESOLUTION

Whereas the exclusion of Indian Tribal Governments from the Federal assistance under revenue sharing would be inconsistent with President Nixon's clearly announced policy of Indian self-determination; and

Whereas the denial of Indian participation in revenue sharing is abdication of the Federal trust responsibility for the welfare of reservation Indians and denies Federal recognition of reservation Indian tribes as local governments; and

Whereas the National Tribal Chairman's Association commends Senator METCALF and co-sponsors of amendment numbered 1357 for bi-partisan effort to include Indian tribes in revenue sharing: Now, therefore, be it

Resolved, That the whole of the reservation Indian community in the United States of America be duly assembled and represented by this conclave of the National Tribal Chairmen's Association, respectfully urges the Congress not to leave the Reservation Indians and all other federally recognized tribes out of this important revenue sharing program under which all local governments will be assisted.

That, we believe this amendment is a test of congressional willingness to grant reservation Indians the right to shape their own future. We request that you not leave us out, thereby confirming the principle that the government of the Indian country should be by consent of the governed, that, we hereby request that this resolution be placed in the CONGRESSIONAL RECORD.

CERTIFICATION

The foregoing resolution was unanimously adopted by the National Tribal Chairmen's Association, a quorum being present at their first annual convention held in the Eugene Hotel, Eugene, Oregon, this 10th day of August, 1972. Signed—William Youpee President. Attested—Nathan Little Soldier, Secretary.

WILLIAM YOUPEE.

COUNCIL ON ENERGY POLICY

Mr. HOLLINGS. Mr. President, on August 10 the Committee on Commerce held joint hearings with the Committee on Interior and Insular Affairs, on S. 3802, a proposal to establish a high-level three member Council on Energy Policy. The function of this Council would be to establish a central point for the collection and analysis of energy information, to coordinate energy activities of the Federal Government and to prepare a long-range comprehensive plan for energy utilization. Enactment of this proposal would provide a single place where Congress and the President can seek information and policy recommendations regarding energy. It insures that a single body has responsibility for examining the overall energy picture. And, the proposed Council would be independent of operating agencies and not be subject to their inherent biases.

Legislative action to establish a coherent nation energy policy is imperative. Increasingly the Nation is faced with shortages of energy, unacceptable environmental impacts, soaring energy prices, and inadequate incentives for ef-

ficient utilization and conservation of energy resources.

An excellent analysis of the problem was made by S. David Freeman, director of the Ford Energy Policy Project. His statement at the August 10 hearing indicates the urgent need for unifying Federal actions in the energy area.

I ask unanimous consent that this statement be printed in the RECORD.

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

STATEMENT BY S. DAVID FREEMAN BEFORE THE SENATE COMMERCE COMMITTEE AT HEARINGS ON S. 3802 AND S. 3641 TO CREATE AN ENERGY POLICY COUNCIL, Aug. 10, 1972

Mr. Chairman and members of the committee, today's hearing is a momentous occasion for those concerned with formulating a National Energy Policy for this country. I congratulate the Committee and the sponsors of the bills before you for their initiative in holding this hearing to consider the mechanism for the development of a National Energy Policy. It is also gratifying to note that similar legislation has been introduced in both houses of Congress with widespread bi-partisan co-sponsorship (S. 3330 by Senator Jackson, and H.R. 15758 by Congressmen VanDeerlin and Keith).

I was especially pleased to receive your invitation to participate in these hearings. I know from my own experience in the Executive Office how much an agency like the Council on Energy Policy is needed as a first step to basic policy reform in this area. My testimony today reflects my experience from 1967 through 1971 in the Executive Office of the President, attempting in a small way to coordinate the work of the agencies dealing with energy.

I am now directing an Energy Policy Project that is sponsored by the Ford Foundation. Its purpose is to provide the information and policy analysis that will help inform the public as to the nature of the energy problems and the alternative solutions that may be developed. While I hope the Ford Foundation Project will make a contribution to the governmental process as well as to the substance of an energy policy, my testimony this morning does not reflect the work of that study, which is just getting underway. What I have to say is based upon my personal experience in government and my analysis of the energy problems in the months since I left government service. I am delighted to share with the Committee whatever insights I may now have without prejudice to any more definitive or different proposals that further study and analysis may suggest.

It should be clear by now to those who have been following the energy problems that one of the first steps necessary to achieving a solution is to bring some focus and direction to the efforts of the federal government. It is no secret that when it comes to energy policy in the federal government no one is really in charge in any meaningful way. As the Paley Commission Report suggested in 1952 "the hydra heads of energy policy must be reined together;" a suggestion more relevant today than then.

Take the current shortage of natural gas in this country, for example. The public asks why the shortage exists and how it can be eliminated. We hear a multitude of causes for the shortage, if we believe all the special pleaders inside and outside of government. Depending on which ax they grind, they blame the Federal Power Commission for keeping the wellhead price too low, the Interior Department for not leasing enough land on easy enough terms and with strong performance requirements, the environmentalists for blocking off-shore lease sales, the

Environmental Protection Agency for shifting too much of the market to natural gas through its pollution controls, the Congress for reducing the depletion allowance, the Atomic Energy Commission for spending research money for nuclear power that they believe should have gone to other clean energy sources, and on the petroleum industry for underestimating demand or holding back on deliveries to create a shortage and boost prices. Others claim the shortage of natural gas is in the resource base itself and that the wasteful patterns of consumption are growing faster than it is feasible to find and produce what is left.

Those conflicting views bring home the diverse and frequently inconsistent responsibilities of different federal agencies. No government entity has the responsibility and competence to sort out the charges, much less to develop an action program to provide an adequate supply of clean energy for America's future. Other examples of conflict between the energy programs of different agencies are legion. Perhaps more telling are the instances where the tough decisions are not made because there is no one in a position to push the decision-making process to a conclusion.

In the 1950's and 1960's it did not seem crucial that we develop a mechanism for making better sense out of our energy policy. The nation still had abundant sources of energy, prices were low, and the nation had not yet alerted itself to the fact that the air we breathe and our waterways were being used as public garbage cans for the waste products of a high energy civilization.

Now all of that has changed. We have moved rather suddenly from an era of apparent abundance to a period of scarcity in energy supplies that are compatible with our new found environmental ethic. Thus we find that the energy agencies are still operating under the ground rules of prior decades when more was always better and smoke was a sign of progress. It is little wonder that their programs don't mesh with those of new agencies such as the Environmental Protection Agency and the aspirations of the nation as a whole which demands new standards of performance. There is no one to develop a policy for reconciling the conflicts which are much more widespread than just a question of energy and the environment.

We now see the foreign policy of the nation very much intermeshed with our energy policy because imports are now supplying as much as half of the growth of energy supply and are likely to do so for the foreseeable future. Thus the State Department and the White House itself has a very deep interest in our energy policy as exemplified by the Middle East and recent discussions with the Soviet Union as to the importation of natural gas.

As we enlarge the importation of energy, balance of payments considerations that trouble the Treasury become a significant aspect of energy policy. And with tax reform a major concern we will be reassessing the special incentives to encourage exploration for fuels as well as considering new tax provisions to carry out other goals of energy policy. We thus find that for several reasons the Treasury Department is moving from a peripheral to a central role in the fashioning of our energy policy.

There is increasing concern about problems of monopoly in fuels production as well as other segments of the energy industry. The Justice Department's Anti-Trust Division thus plays a significant role in energy policy. And as we face up to the shortages of natural gas and other domestic sources of energy, we find that the basic price control mission of the Federal Power Commission must be reexamined.

If we look beyond the narrow confines of energy supply we find that energy policy is meshed with transportation policy. It is in this area that greater efficiency in the use of

energy is a good way to help solve the energy problems. We must question a transportation policy which gives a suburban consumer no choice other than to drive a one or two ton vehicle to move a 150 pound person to work. It is a policy which encourages travellers to use airplanes for a short 200 mile trip when a fast train could transport him at one-eighth the per capita consumption of energy. The responsibilities of the Department of Transportation are thus centrally related to an energy policy.

Indeed, we cannot consider energy policy without addressing the basic issue of how America is to grow. Of prime importance is how and where we plan to house our growing population. It will make a powerful difference whether people must travel thirty miles a day to work or whether they can be provided with decent housing, adequately insulated, in close proximity to their jobs. Thus the Department of Housing and Urban Development must be involved in energy policy formulation.

Mr. Chairman, with these examples I have attempted to sketch out the pervasive nature of energy policy. It involves a multitude of federal interests that go beyond the energy agencies themselves. These interests include foreign policy (State); the environment (EPA); transportation (DOT); taxation (Treasury); housing and urban planning (HUD); price control (FPC and Price Commission); anti-trust enforcement (Justice); international trade (Commerce and the Tariff Commission); and research and development (NSF). Indeed, energy policy is of vital concern to most of the major departments as well as many independent agencies.

It is thus apparent that to fit the pieces of the energy puzzle together we need an entity with a mandate that can cover all of government as well as reflecting the needs and aspirations of all segments of our high energy civilization. The establishment of a Department of Natural Resources would greatly strengthen the energy programs, now scattered in Interior and the Atomic Energy Commission, but it could provide only one of the many inputs needed to develop a National Energy Policy. There is no way for a single, line agency or department to fashion and implement a National Energy Policy all by itself. Our energy policies must evolve through the coordination of the on-going programs of a multitude of departments and agencies.

It is vital, therefore, that we establish an umbrella council such as proposed in S 3802 to be a focal point for the continuing task of shaping and reshaping our energy policies to meet the changing problems of the coming decades. The Council must be an entity that stands high in the pyramid of government and with sufficient stature and staff to coordinate and to integrate the conflicting views of the agencies and to chart a course of action. That standing and the strong voice such an agency would require can be achieved only by making it an integral part of the White House establishment.

The sponsors of S. 3802 and comparable bills properly lodge the proposed Council in the Executive Office of the President. It can then work as part of the Presidential team in concert with the Council of Economic Advisors, the Council on Environment Equality, the Office of Management and Budget, and the President's White House Staff.

S. 3802 provides for an independent Council, bi-partisan in nature and supported by staff of its own. I believe these provisions are crucial to the success of the entity. A Council that is a committee made up of the heads of the existing agencies would be a tragic mistake. Committees are at best a most awkward mechanism for getting anything done. This is not to suggest that the existing agencies cannot make an essential contribution to the development of a National Energy Policy. But an independent, high level Council is essential if the hard choices inherent

in reconciling conflicting views are to be presented to the people and decisions made.

The bill's provision for an independent staff for the Council is also essential. Without a strong staff of its own, the Council would be at the mercy of the special interests in government and on the outside. A strong staff at this level of government could also provide continuity from one administration to the next, which is important in this crucial and essentially nonpartisan area of concern.

S. 3802 would make the Council responsive to the Congress and to the public. This role of spokesman is vital because Congress and the public cannot be expected to make sense out of the babble which results from the many agencies now speaking out in all directions on the problems of energy. In the final analysis, the Congress must determine our National Energy Policy through the actions of the authorizing and appropriations committees, but the Congress cannot develop coherent policies unless there is a focal point in the Executive Branch which can serve as the authoritative spokesman on energy matters. Such a spokesman can reflect the best thinking of all the executive agencies backed by the White House. The Council to be established by S. 3802 would serve that function.

The actual development of a National Energy Policy is a never ending task that very much involves the Congress as well as the President and the concerned Departments and Agencies in the Executive Branch. The bill before us wisely provides only the mechanism and not the substance of a policy. The substance will evolve over time if there is a process in government to bring the issues into focus.

I have not had an opportunity to study the detailed features of the bills before you but there is at least one aspect of S. 3802 which troubles me. Section 2(F) attempts to specify guidelines for an energy impact statement to be prepared by all agencies at the discretion of the Council. These criteria seem quite vague to me and I am concerned that the bureaucracy might comply with a flood of meaningless paper. It would seem preferable to allow the Council to specify the contents of the energy impact statement, as well in what circumstances they are needed, after opportunity for comment by the agencies and the public.

There are no doubt other features of S. 3802 that could benefit from further scrutiny. But the essential features are sound.

Mr. Chairman, there is one theme about energy policy which all parties in interest seem to echo these days. There is general agreement on the absolute necessity of moving to establish a National Energy Policy. The work of this committee and findings of the study under S. Res. 45 being conducted by the State Interior Committee, parallel efforts in the Committees of the House, the Executive Branch, and elsewhere will contribute to this monumental task. I hope our own Ford Foundation Energy Policy Project will also make a contribution. But whatever findings are made, we must have a focal point, a process in the Executive Branch where energy policy can be pieced together and integrated.

S. 3802 provides us with a sensible proposal to fill a gaping hole in the institutional arrangements needed to develop a National Energy Policy. It represents a positive and crucial step toward that end. I urge the Committee, in consultation with the other concerned Committees of the Congress, to report favorably the basic features of this legislation as promptly as possible.

SUICIDE BY GUNFIRE

Mr. SCOTT. Mr. President, shortly after the attempt on Governor Wallace's life, I noticed a most distasteful adver-

tisement in the Washington Post. It had a sketch of an obviously distraught man's face, and in his hand, pointed against his temple, was a gun. The ad implored the man not to shoot himself, that things could be brighter, if only he signed up in a Dale Carnegie self-improvement program.

Because I felt that the ad was in such poor taste, and lacking any effective editorial control, I called it to the Post's attention. According to HEW's Bureau of Vital Statistics, more than 12,000 people will kill themselves this year with guns. This is neither to say that guns should be outlawed nor that these people would not find some other way to end their lives. It is to say that suicide, especially by gunfire, is such a tragic occurrence, that it certainly should not be given any legitimacy or sanction by a commercial enterprise, be it a newspaper or a self-improvement program.

The Post responded, I am pleased to note, and said that it was mindful of the problem and was attempting to monitor it more closely. One can only hope that through such a monitoring system, more people may be encouraged not to take their lives but rather to seek proper medical treatment instead.

Mr. President, I ask unanimous consent that the letter from the Washington Post be printed in the RECORD.

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

THE WASHINGTON POST,
Washington, D.C., July 31, 1972.

HON. HUGH SCOTT,
U.S. Senate,

DEAR SENATOR SCOTT: Some time ago, it was brought to our attention that your office raised concern over an advertisement in The Post which had a drawing of a person holding a revolver and a heading that referred to the fact that one did not have to go out and shoot oneself but could rather go enroll in a Dale Carnegie improvement course.

The point was raised that The Post should do whatever possible to eliminate guns and references to shooting from its advertisements.

I wanted you to know that we agree that the point raised is a good one, and we are asking our advertising acceptability committee at The Post to discourage if not eliminate headings and copy themes with guns and the like. We don't think, at this point, that it is appropriate or necessary to make arbitrary rulings about this, but we are going to do our best to condition and persuade advertisers to avoid such unnecessary and negative references.

Sincerely,

JOHN PRESCOTT.

ADDITIONAL NAMES OF ALABAMIANS WHO DIED IN VIETNAM

Mr. ALLEN. Mr. President, I have placed in the RECORD, the names of 1,154 Alabama servicemen who were listed as casualties of the Vietnam war through March 31, 1972. In the period of April 1 through June 30, 1972, the Department of Defense has notified nine more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,163.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Ala-

bama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names of the next of kin of these nine Alabamians.

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

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL

ARMY

Capt. Paul V. Martindale, husband of Mrs. Gloria J. Martindale, Route 4, Box 504, Ozark.

1st Lt. Johnny M. Jones, son of Mrs. Willie M. Jones, 223 Casey Avenue, Auburn.

1st Lt. George K. Barsom, III, husband of Mrs. Donna C. Barsom, 4718H Narrow Lane Road, Montgomery.

1st Sgt. Johnny C. Martin, husband of Mrs. Raquel Martin, 4756 Vermont Avenue, Birmingham.

Sp4. Alvin R. Elenburg, son of Mr. and Mrs. Charles Elenburg, Route 4, Box 398, Jasper, Alabama.

WO1 James A. Barefield, husband of Mrs. Olivia N. Barefield, Route 1, Box 152, Midland City, Alabama.

S.Sgt. Charles D. Gipson, son of Mrs. Ruby D. Wood, 217 Thompson Street, Brewton, Alabama.

Capt. Barry C. Tomlin, husband of Mrs. Maria C. Tomlin, Cossa Deville, Apt. 3D, Childersburg.

Sp4. Willie Hoover, Jr., son of Mr. and Mrs. Fred L. Towns, 419 West 14th Street, Anniston.

NO-FAULT INSURANCE

Mr. MOSS. Mr. President, the Salt Lake Tribune on Wednesday, August 9, published a lead editorial entitled "Federal Statute Would Guarantee Uniform No-Fault Insurance." This is a thoughtful editorial which concludes by saying:

If the no-fault idea is here to stay, and indications are that it is, then this nation on wheels and people on the move in millions of automobiles must have a uniform no-fault insurance law. There is no need to wait any longer.

I agree highly with the reasoning of the Salt Lake Tribune. Waiting for each of the States to act separately not only postpones the time for the corrective action of no-fault insurance, but it would assure a varied and uneven system throughout the United States. As the Tribune says, we are a nation on wheels, and people on the move in millions of automobiles. So the only sensible thing to do is to have a uniform system throughout the whole of the United States.

I ask unanimous consent that the Tribune editorial be printed in the RECORD.

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

FEDERAL STATUTE WOULD GUARANTEE UNIFORM NO-FAULT INSURANCE

A few months ago James M. Beggs, under secretary of transportation, told a group of insurance company executives that "no-fault insurance reform will come more swiftly than most people anticipate. To think otherwise is to dangerously underestimate the power of consumerism in American politics and government."

Mr. Beggs was stating the Nixon administration's position on the controversial auto insurance system under which it is not neces-

sary to establish who, if anyone, is at fault in a car accident in order to receive compensation for loss. Yet the Nixon administration is working against passage of a no-fault insurance law and Tuesday night the Senate voted to send a no fault bill back to committee, probably killing it for this session.

The contradiction is more apparent than real. The administration favors no-fault auto insurance but it wants to let each state handle the matter for itself. The Senate bill, introduced by Sen. Warren Magnuson, D-Wash., would give states one and one-half years to pass no-fault laws based on standards set forth in the measure. A driver involved in an accident would no longer have to sue the other motorist and show that the other motorist was at fault in order to recover loss. Each motorist's loss would, within limits, be paid by his own insurance company.

Since Massachusetts passed the first no-fault law in the United States in 1970 several other states have followed suit. Others have taken up the question with mixed results. Therein lies both support and opposition for the Magnuson federal no-fault measure.

When the Senate Commerce Committee approved the Magnuson bill by a 13-4 vote, the majority emphasized the considerable savings to motorists it would provide by rectifying failures of the current system. So great were these benefits, the committee implied, that it could not be left to the states to enact piecemeal no-fault plans.

Many senators opposing the Magnuson bill objected to what they saw as undue haste in enacting federal no-fault laws. They preferred to wait, let the states experiment for a few more years and thus enable the federal government to profit by the states' experiences. Significantly, few opponents attacked the basic idea of no-fault insurance, they only questioned the wisdom of "rushing in" with a federal law before all the facts were in.

Opposition to no-fault insurance is far from dead as the Senate vote shows, but the trial lawyers and some insurance associations still fighting are pursuing a lost cause. Common sense behind the no-fault concept is too overpowering to contain. Initial experience in Massachusetts and other no-fault states is confirming the validity of the new system. No-fault is here to stay.

There is something to be said for going slow, for waiting and seeing how the states make out with the new concept. But the waiting and seeing has been going on for almost three years now. And during that time a patchwork of no-fault plans is beginning to take form as additional states come into the picture with their diverse no fault legislation.

The Magnuson bill was the result of a two year Commerce Committee study which took into consideration the experience Massachusetts and other states have had with no-fault. A federal law will insure that no-fault insurance operates the same way in Utah as it does in Florida, the same in New York as in New Mexico.

If the no-fault idea is here to stay, and indications are that it is, then this nation on wheels and people on the move in millions of automobiles must have a uniform no-fault insurance law. There is no need to wait any longer.

FEDERAL AID TO STATE AND LOCAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, last Thursday, by the narrow margin of 45 to 40, the Senate defeated a proposal offered by the distinguished Senator from Alaska (Mr. STEVENS) and myself to establish a voluntary program of Federal financial assistance for State and local governments in the area of voter registration. The proposal, which we offered as a Senate floor amendment to the

American Revolution bicentennial bill, was a slightly modified version of S. 3420, which Senator STEVENS and I introduced last March, together with a number of other cosponsors.

Some weeks ago, in an effort to obtain the reaction of State and local election officials to this legislation, I mailed copies of the bill to a number of such officials and other experts in many different parts of the country. So far, I have received 19 replies from 13 States. The response has been overwhelmingly favorable. I ask unanimous consent that the letters I have received be printed in the RECORD.

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

ALASKA

**STATE OF ALASKA,
Juneau, July 21, 1972.**

HON. EDWARD M. KENNEDY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of June 19 written to our Department of Administration concerning your introduction of S. 3420 in the United States Senate to provide federal financial assistance to state and local governments carrying out programs for voter registration. Please be advised that this office, which is charged with the responsibility of voter registration and elections in the State of Alaska, heartily endorses the concept of S. 3420. We feel that it is badly needed legislation and provides support to those states making an all out effort to conduct on-going voter registration programs.

I note in a recent letter that you wrote to Senator Mike Gravel on this subject that you indicated that South Carolina "leads the nation in applying computer techniques in this area." I am sure you would be pleased to note that the State of Alaska's election procedure has been completely computerized since the primary election in August of 1970. In addition to this, we are one of the few states that provide a statewide computerized list of registered voters on request and also maintain a master file on all registered voters in the state as well as a record of their voter history. An on-going voter registration program since our assuming office in November of 1970 has seen approximately 40,000 new registered voters added to the list. A recent voter registration program in the high schools and universities throughout the state has resulted in over 80% of our young people being registered. We estimate that in the State of Alaska, there are approximately 150,000 of the state's 302,000 citizens who are eligible to register and vote. As of June 17 of this year, we had registered approximately 126,000 voters and are in hopes that we will reach the 140,000 mark by the November General Election.

A personal note from an ex-Fall River-ite who had the pleasure of knowing your brother, President John F. Kennedy, (see enclosed). It was our fondest hope that you would be nominated as the Democratic candidate for President of the United States.

However, we deeply respect your deep sense of responsibility to your family and the families of your brothers. When the day comes, however, that your decision to run for the Presidency is affirmative, please call on us for assistance. We would be honored to serve in any capacity for it is largely through the inspiration of your brother, President Kennedy, that we chose Alaska and became involved. We feel that somehow or other we are trying in our own way to carry his message into tomorrow.

Warmest personal regards.

Sincerely yours,

H. A. BOUCHER,
Lieutenant Governor

CALIFORNIA

GEO. N. GNOSS, MARIN COUNTY
CLERK—REGISTRAR OF VOTERS,
JURY COMMISSIONER, HALL OF
JUSTICE, CIVIC CENTER,
San Rafael, Calif., July 7, 1972.

HON. EDWARD M. KENNEDY,
New Senate Building,
Washington, D.C.

MY DEAR SENATOR KENNEDY: Thank you for your letter of June 19.

Your 1972 Voter Registration Assistance Act, S. 3420 is a most valid means toward election and voter registration reform.

The technical backwardness of many local voting jurisdictions can only be remedied from within. Your bill leaves the necessary incentives with local jurisdictions which gives your program an assurance of success over other more mandatory legislation.

Lack of incentive or courage to adopt modern automated systems is usually related to lack of monetary and technical assistance. As a result, voter registration drives suffered and public involvement in local government affairs was slow even before Dunn v. Blumstein.

In our own experience prime emphasis must be placed on the "Planning" grant portion of your bill. After we created a completely automated election and voter registration system in this country our methods were imitated. Much more could be accomplished with slight monetary incentives offered to many other willing jurisdictions.

To share technical achievements provides uniformity, dollar savings, and with every new use an ever increasing sophistication of programs and procedures. In the alternative, all our 58 separate California voting jurisdictions could struggle with their own individual and possibly forever mediocre systems. (And consider the costs of 58 separately developed systems over a handful of excellent ones.)

In addition to monetary incentives we've become aware of a need for proper and easy communications. We offer you one such channel of communications for California in "The New Voter."

"The New Voter" sponsors a monthly magazine and provides college credit courses for state-wide faculty on subjects of local government and election law. "The New Voter" is endorsed by both major state party organizations. Top state Officials, including leaders in the State Assembly and Senate, serve as Directors.

Let us know if we can help.

Very truly yours,

PETER C. MEYER,
Elections Officer.

BERKELEY, CALIF.,
July 4, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am happy to send you my comments on S. 3420 providing for Federal aid to State and local government for the conduct of registration of voters. The registration of voters is a highly important function of government applicable alike to state, national and local elections, but the cost is now paid for exclusively by local governments. Federal grant-in-aid would provide a desirable incentive to local government to carry on effective campaigns to secure a high percentage of qualified voters on the registration books. It is regrettable that millions of qualified voters fail to vote because they are not registered. This is due, no doubt, in part to inconvenient registration procedures and to the failure of local governments to conduct affirmative campaigns to secure a maximum number of registered voters.

While it is highly desirable to achieve a

maximum number of qualified voters on the registration rolls, it is equally important to keep the registration lists up to date and purged of the names of voters who have died or who no longer reside at their registered addresses. The registration lists usually include a large number of names of voters who are no longer qualified to vote in the precinct, and hence constitute a potential danger rather than a protection against voting frauds. Instead of purging the registration lists after major elections, which is now the practice in most states, practicable and feasible procedures should be used to keep the lists constantly up to date. Such procedures are presently used in a few jurisdictions, but unfortunately most jurisdictions make little effort to keep the lists up to date.

I anticipate that there will be considerable difficulty in determining the actual cost of registration, as distinct from the conduct of elections, in each jurisdiction. These two related functions are almost always performed by the same office. I would suggest accordingly that a more practicable procedure would be to authorize the Voter Registration Assistance Administration to determine the reasonable cost to conduct registration of voters, and to provide a uniform grant per registered voter applicable to all states which meet the standard provided in the act. After experience the Congress may decide to enact a more specific formula. In addition to the basic grant, I would suggest special grants for the conduct of registration outside of the central office by registration deputies before major elections, the computerization of the registration records, and for keeping the registration lists up to date.

A final suggestion which I would offer is to require the use of a merit system for registration permanent personnel in the central offices. This is the practice in many states at present, but in other states the registration and election personnel are still under the patronage system.

I should be glad to be of any assistance to you in the consideration of S. 3420.

Sincerely,

JOSEPH P. HARRIS,
Professor Emeritus of Political Science,
University of California, Berkeley.

COMPUTER ELECTION SYSTEM,
Berkeley, Calif., July 14, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing in response to your letter of June 19, 1972 regarding the "Voter Registration Assistance Act", S. 3420.

I am in concurrence with the Court's thirty day residence ruling. However, having worked with election administrators throughout the United States for the past eight years, I can understand their concern over this ruling.

Most systems of maintaining voter registration files are antiquated thereby, not readily lending themselves to the thirty days requirement. Computerization of those records will make the job tenable.

As your letter indicated, conversion costs will be incurred in the implementation of a computerized system. I believe that the federal assistance which you propose will assist significantly in this conversion.

Our company has recently performed the conversion to computerized voter registration records for three counties. We believe that the significant benefits are: (1) more accurate records, (2) more timely processing of records, and (3) reduced operating costs.

If we can be of any assistance in your efforts with S. 3420, we will be glad to help.

Sincerely,

ROBERT P. VARNI,
President.

DELAWARE

STATE OF DELAWARE, OFFICE OF
COMMISSIONER OF ELECTIONS,
Dover, July 6, 1972.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: In reference to your letter concerning S.B. 3420, we in elections in the State of Delaware are in agreement with the major parts of this bill. I can see where this would be a greater assistance to the larger states that have a low percentage of their eligible voters registered for voting purposes. We in the State of Delaware are very fortunate in being a small state and our percentage is quite high. At the present time we have approximately 75% of our population of voting age registered to vote and our records are fully computerized.

If your S.B. 3420 passes we would be interested in the grants to which we would be entitled.

The post card registration we in Delaware are not interested in at all. We have our mobile registration units which visit various locations as well as two mandated in-district registrations at each polling place in the state. I can see that possibly in the large western states the post card registration would be feasible.

I like the part of your bill that does not mandate any action by states and gives each state a voluntary approach.

If I can be of further assistance, please contact this office.

Very truly yours,

BURTON D. WILLIS,
State Election Commissioner.

FLORIDA

METROPOLITAN DADE COUNTY, FLA.,
ELECTIONS DIVISION,
Miami, Fla., June 27, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Your letter of June 19, addressed to Mr. Willard J. Miller, Acting Supervisor of Elections, Dade County, Florida, has been referred to me as I assumed the position of Supervisor of Elections on June 1, 1972.

News of your new legislation to provide Federal financial assistance to state and local governments to carry out programs for voter registration, and to provide incentives for the modernization of obsolete registration procedures deserves the applause we are sure every election official in this nation will give it.

We welcome the opportunity to comment on this bill and know of no better way than to give a 100% endorsement to the remarks you made on March 24, 1972 when you presented the bill in the Senate. You gave a very accurate picture of the registration situation as it now exists, and the financial assistance proposed in your bill certainly will stimulate action to bring this most important function out of its "horse and buggy" environment.

We expect our total registration for the general election this year to be around 650,000, compared to 467,239 in 1970, and we are still doing the job manually. We are in the discussion stage on computerizing our voter rolls and we are sure that if some federal financial assistance becomes available in this respect, we will be on data processing much sooner than our present expectations.

Voting procedures over the nation have been in desperate need of upgrading for years and we congratulate you most heartily for initiating a program that is bound to have a resounding effect on the system.

Sincerely,

HOKE WELCH,
Assistant County Manager and Super-
visor of Elections.

HAWAII

OFFICE OF THE LIEUTENANT GOVERNOR,
Honolulu, Hawaii, July 14, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I'm sorry that I'm late in answering your letter of June 19, 1972. I had been on the mainland, and I am just catching up with the work that has piled high on my desk.

Regarding S. 3420 which you had introduced in the United States Senate, as an election official, I feel that its provisions would aid us tremendously in carrying out an effective voter registration program. As with many things, the lack of money is a great deterrent. If your bill becomes law, the financial assistance to be rendered by the federal government to state and local jurisdictions would be welcomed. Your ideas for "incentive" and "planning" grants are also very sound.

Our office has developed a Voter Registration Program that has been highly successful. I'm enclosing copies of the reports for the 1968 and 1970 programs which you might find of interest.

If we can be of any assistance to you, please feel free to contact me again.

Aloha and best wishes.

Sincerely yours,

MORRIS T. TAKUSHI,
Director of Elections.

ILLINOIS

ROAN, GROSSMAN, SINGER,
MAUCK, KAPLAN & LUNDIG,
Chicago, Ill., July 10, 1972.

Re S. 3420.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Your letter explaining S. 3420 was addressed to me as General Counsel for the BiPartisan Committee for Absentee Voters. You enclosed a copy of your remarks from the Congressional Record along with a draft of the bill. In addition to being General Counsel for the BiPartisan Committee, I am also Counsel for the Illinois Election Laws Commission, which, during the past year, has been vigorously engaged in drafting a new election code for the State of Illinois ("Election Code of 1972"). My comments on your bill reflect my experiences in the drafting of the new election code as well as General Counsel for the BiPartisan Committee.

The Election Code of 1972, which passed the Illinois Senate and which is pending in the Illinois House of Representatives, calls for, among other things, reregistration throughout the State of Illinois. Reflecting the desire to obtain maximum registration, the proposed Code requires comprehensive effort by local registration officials to seek out registration, rather than making it difficult for people to register (such as only allowing registration in the office of the registration official). For example, the Code provides for mobile units, for deputy registration officials spread throughout the jurisdiction of a registration official and for precinct registration. These three methods of registering persons outside the office of a registration official are optional in that each registration official need select only one, although he can adopt two or even all three methods outlined.

There is no question but that reregistration will be an expensive procedure. Certainly, however, the method of registration as now applied, and as proposed, will permit computer techniques to be utilized, particularly in the area of publishing poll lists. Yet cost is a substantial question. One of the objections to the Election Code of 1972 in Illinois was the question of the cost of reregistration. In the event that S. 3420 should become law, one would hope that reregis-

tration under our law would qualify for the grants which you have outlined; so I presume one of the questions which immediately arises regarding S. 3420 is whether our reregistration program would qualify for the grant. Perhaps you could comment on this question.

Based on our hearings in the State of Illinois, I believe that the citizens of our State are not yet prepared to accept postcard registration in Illinois. One of the basic methods utilized here for identifying the voter on Election Day is the comparison of his signature on his application to vote with his signature on the registration record card. In Massachusetts, as you know, voter lists are sent out, but there is no signature of the voter in the precinct on Election Day for comparison purposes. Each person who registers to vote in Massachusetts simply signs what I believe is known as the "police list". The objection to postcard registration in Illinois is that such registration does not assure that the signature on the registration card is in fact the signature of the voter allegedly registering.

In addition to strong opinion among election officials that there should be a registration record card in the precinct on Election Day with the signature of the voter thereon, there is also strong feeling that absentee registration should be limited. The exceptions to absentee registration in the proposed Code are in the case of Americans residing overseas (as to President and Vice President only), members of the Armed Forces and persons on the business of the United States or the State of Illinois who reside outside of Illinois.

In summary, based on my experience as General Counsel for the BiPartisan Committee for Absentee Voters and as Counsel for the Illinois Election Laws Commission, I support any legislation which encourages the modernization of election procedures. Whether Federal funding is necessary or desirable involves some philosophical determinations. If postcard registration anticipates that the signature of a registrant will not be on his card in the precinct on Election Day, I am sure such revision in the law would be unacceptable to the vast majority of persons interested in election administration in Illinois.

Thank you for your letter. I would appreciate being advised as to the future disposition of S. 3420.

Cordially,

FRANKLIN J. LUNDING, Jr.

KENTUCKY

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE ATTORNEY GENERAL,
Frankfort, June 22, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

MY DEAR SENATOR KENNEDY: This is in response to your letter of June 19 in which you enclose a copy of a bill [S.B. 3420] introduced by you to provide federal financial assistance to state and local governments in carrying out their voter registration programs.

I am referring your letter and bill to our newly created State Board of Elections for comment since it will have the responsibility of administering our registration and purgation laws on a centralized computer basis pursuant to recently enacted legislation. This legislation revises the election laws of Kentucky, requires the reregistration of all voters and as stated, computerizes voter registration. Also, our Legislature, meeting in special session, has just enacted legislation implementing the Supreme Court's decision in the case of *Dunn v. Blumstein*, by fixing the durational residential requirements at 30 days for all elections.

Your proposed bill could mean substantial assistance to Kentucky in reducing the finan-

cial burden imposed by the referred to legislation. Thus, in view of the bill's obvious merits, I am sure that our State Board of Elections will soon favor you with its reaction and comments.

Sincerely yours,

WALTER C. HERDMAN,
Assistant Attorney General.

COMMONWEALTH OF KENTUCKY,
OFFICE OF SECRETARY OF STATE,
Frankfurt, July 13, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

MY DEAR SENATOR KENNEDY: Walter C. Herdman, Assistant Attorney General for the Commonwealth of Kentucky, has brought to the attention of the State Board of Elections Senate Bill 3420 introduced by you to provide Federal financial assistance to State and local governments in carrying out voter registration programs.

The 1972 Kentucky General Assembly enacted legislation which will modernize our voter registration procedures. This legislation was closely patterned after South Carolina's election law and requires reregistration of all voters on a centralized computer basis. In special session, our Legislature enacted legislation implementing the Supreme Court's decision in the case of *Dunn v. Blumstein*.

Your proposed bill could, if enacted, mean considerable financial help to Kentucky and would reduce the financial burden imposed by the above mentioned legislation.

I have written the Senators and Congressmen from Kentucky requesting their help in the passage of this legislation, and if there is anything further our State Board of Elections can do to assist, please do not hesitate to contact us.

Sincerely yours,

THELMA L. STOVALL,
Chairman, State Board of Elections.

COMMONWEALTH OF KENTUCKY,
LEGISLATIVE RESEARCH COMMISSION,
Frankfurt, Ky., June 30, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your letter of June 19, soliciting our views on S. 3420 (proposed federal financial assistance for voter registration), we can give you a preliminary response. It appears that the funds which would become available could be used to implement a major revision of Kentucky election law enacted in the 1972 session. A major provision of the new law requires a complete re-registration of all Kentucky voters by our November, 1973 elections. One of our concerns has been whether sufficient resources will be available to do the job as it should be done. We have reason to believe that the Governor and the Secretary of State would also give general support to S. 3420, although we are not speaking for them.

If further study suggests a more detailed response, we will follow-up accordingly.

Sincerely,

PHILIP W. CONN,
Acting Director.

LOUISIANA

STATE OF LOUISIANA,
Baton Rouge, April 6, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR KENNEDY: Because of an exceptionally heavy schedule, I have only today had the opportunity to "digest" the excerpts from the Congressional Record you sent me which includes the bill of your introduction providing grants to state and local governments for improvement of their registration procedures.

I have carefully read the provisions of your proposal, and believe that it would be of immeasurable assistance to our state and its communities in modernizing improving our voter registration.

Hoping that your bill may have favorable reception, and with sincere good wishes, I am,

Very sincerely yours,
WADE MARTIN, Jr.,
Secretary of State.

MICHIGAN

CITY OF FENTON,
Fenton, Mich., June 26, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter relative to SB 3420 which would provide federal financial assistance to state and local governments to carry out programs for voter registration.

I am not familiar with the durational residence requirements which existed in many of the states and do not feel qualified to judge the need for such aid in any area other than my own. The abolishment of durational residence requirements for voting in all elections should not impose any undue burden or expense in my own case. Michigan had only required a six month residence in the state and abolishing this requirement should not affect our city to any great extent.

Such a program of financial aid might possibly be of great benefit to our university towns as they are perhaps the hardest hit by several recent changes in registration laws. I do not feel qualified to speak for them and if you have not already done so I would strongly recommend that you contact the clerks of these university towns, particularly the clerks of East Lansing (Michigan State University), Ann Arbor (University of Michigan), Kalamazoo (Western Michigan University), Ypsilanti (Eastern Michigan University) as well as others.

I personally do not approve of "incentive" grants. I have been working with voter registration and election procedures for eighteen years now and I feel that Michigan has an excellent system. My experience has been that those people who are interested in voting will expend a little effort to see that they are registered and I am vehemently opposed to "armchair registration" and post card registration. The Municipal Clerks Association of Michigan has worked long and hard to preserve the purity of elections and to insure the conduct of orderly elections. These things are dependent upon up to date, reliable lists of qualified electors and must not be bogged down with "dead wood".

Of major concern to Michigan Municipal Clerks at the present time is the outlawing of the two-year voter registration law by the Michigan Supreme Court. If we are to no longer be permitted to purge our registration rolls of those people who do not vote then we are facing a real problem. Michigan law requires that we send a cancellation of registration to a former city or township whenever we take a registration and I would urge that this requirement in some manner be mandatory throughout the United States. Only through such a program can the duplicates be eliminated.

If you will read the July 1972 issue of the ELECTIONS published by the American University Institute of Election Administration, Washington, D.C., you will find a report on the overturning of Michigan's two year law. As the article states, we were required to mail a suspension to every registered voter who had not voted or recorded a change of address in two years. The voter had only to sign the attached postcard and return it in order to keep his registration active. Some of our illustrious Supreme Court Justices ruled that this "placed an undue burden on the voter"! Such an attitude is

incomprehensible to me. Any voter who found such a procedure to be an undue burden would most certainly find it far too great a burden to go to the polls and cast his vote! Strange that no one considers it an undue burden on the taxpayers to foot the bill for the expense of carrying all this deadwood on the rolls, the expensive files required for the records, the polling places which must be established based on the number of registered voters and the expensive voting machines which must be purchased, also based on the number of registered voters—regardless of whether the taxpayer foots the bill at the federal level or the local level.

Please, let's stop spoon feeding the people and demand that the voter accept a little responsibility. Voting is a privilege—it is also a duty.

Very truly yours,
(Mrs.) EILEEN RODDY,
City Clerk.

NEW JERSEY

MERCER COUNTY CLERK,
Trenton, N.J., July 13, 1972.

Re U.S. Senate Bill-3420.
HON. EDWARD M. KENNEDY,
Senate Building,
Washington, D.C.

DEAR SENATOR: In endorsing the above bill, I do so without a shred of pain. For a good number of years we have had to comply with legislation, on a local level, which increased cost to the taxpayer. When a bill of this type comes along, it is meaningful and classed as a conservative piece of legislation; one which will cut away some of the burden of the increase in cost of elections. May I congratulate you for bringing this legislation to my attention through our State Secretary, County Clerk Edward A. Kelly, Jr. of Burlington County.

It is well noted by me that your statements in the press concerning your reluctance to be a candidate for the Presidency and I, for one, wish you were the candidate and many, many more who surround me are of the same mind. Good luck in whatever you do.

Best regards to you and your staff.
Most cordially,
WILLIAM H. FALCEY,
Mercer County Clerk.

COUNTY OF CAMDEN,
OFFICE OF THE COUNTY CLERK,
Camden, N.J., July 19, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senator, Senate Building,
Washington, D.C.

DEAR SENATOR KENNEDY: A copy of your letter which was sent to Mr. Edward Kelly, County Clerk of Burlington County, regarding S3420, was referred to me for comment.

Please be advised that I am in complete agreement with same and if there is any way in which I may be of assistance, please do not hesitate to call on me.

Sincerely,
MICHAEL S. KEATING,
County Clerk.

THE EAGLETON INSTITUTE OF POLITICS,
New Brunswick, N.J., July 13, 1972.

SENATOR EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter and the excerpt from the Congressional Record concerning S. 3420. As the Staff Director of President Kennedy's Commission on Registration and Voting Participation, I am deeply interested.

You are quite correct in pointing out the impact of Dunn v. Blumstein on local and state election officials and thus federal assistance to the states in helping them meet the potential massive influx of new registrations is probably needed.

There is a further problem, however, and I

am sure you are aware of it, and that is the negative attitude of large numbers of local and state election officials when it comes to bending and interpreting liberally their powers to ease the burdens of persons seeking to register. You have doubtless seen the League of Women Voters—National Municipal League's study, *Administrative Obstacles to Voting*, which cites some of the attitudes.

Nevertheless, S. 3420 is a sound and practicable bill. In particular, Section #407, the provision to establish a voluntary, nationwide post card registration system funded by the Federal government is interesting and worthy of serious consideration. Basically, this provision is the same as that included in S. 2574, which would have made such a system mandatory. However, it may be beneficial to include in Section #407 a stipulation specifying the exact time and duration such a system would involve. For example, since there is now only a 30-day deadline for registration, it may be practicable to implement the postal registration program several months prior to this 30-day time limit. In this way, there would be sufficient time for the cards to be processed, as well as for the other administrative tasks of the State and local election officials to be completed.

One of the reasons that we on the Commission kept running into for not doing more about registration was the alleged fear of fraud. We found the charges of fraud on the whole to be highly exaggerated, but it is important, as your bill suggests, to devise programs "for the prevention and control of fraud." Perhaps this assistance might include spot checks or "audits" by officials of the Census Bureau.

Regarding the provision on technical assistance by the Federal government in developing and improving more efficient registrations in the States and local governments, it may be instructive to examine the Canadian system of registration, long known as a model of efficiency. Basically, what happens is that pairs of paid "enumerators" canvass door to door in each election district, for the purpose of compiling new and accurate registers of voters. In this manner, each adult receives a personal reminder that he is eligible to vote, that an election is imminent, and that it is in the public interest for him to get on the registration books and go to the polls. This is done in a six-day period commencing 49 days before the election. Under Canadian law, printed lists of eligible voters are made available to each voter, as well as being printed in prominent places within the election district. Anyone left off the list thus has the opportunity to have his name added by a Revising officer, who also has the authority to delete names of persons ineligible to vote.

This system is extremely efficient and successful. Independent spot checks have determined that in the most recent election, 98 percent of all eligible voters in Canada were actually registered. It is quite possible, then, that this kind of system would also be useful in this country, especially in facilitating registration on the local level, particularly in rural and sparsely populated areas.

It is interesting to note that most of the nations of the free world would place the burden for registering voters on the government rather than on the individual citizen.

At any rate, I hope you are able to carry S. 3420 and if the is any way I might be of assistance, please let me know.

Sincerely,
DONALD G. HERZBERG,
Executive Director.

NORTH CAROLINA
MECKLENBURG COUNTY
BOARD OF THE ELECTIONS,
Charlotte, N.C., July 31, 1972.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Please excuse the delay in answering your letter of June 19,

1972, but this office has been extremely busy with a series of local bond elections. We are now in the late planning stages of our fall voter registration campaign, which brings me directly to your proposed legislation.

The complaint most often voiced when election officials, such as myself, propose massive registration efforts is the excessive cost factor. Local government officials are reluctant to spend tax dollars to enable those to register who might in turn vote them out of office. This is disturbing to those of us who believe democracy benefits when everyone is not only allowed, but encouraged to participate in the political process.

Your proposal to allocate federal funds to defray the cost of voter registration efforts is the best method to eliminate the basic argument against massive efforts to register those not now participants in the political process. I am impressed with the specific effort to reward those who make progressive efforts and increase the percentage of those in their jurisdictions that are registered to vote. To those that speak of "states rights" in the field of voter registration, your plan enables them to provide increased registration opportunities without additional cost from local tax sources.

Please accept my thoughts and promise of support in your effort to provide access to the political process for all people. If I can be of further assistance in this effort, please do not hesitate to call on me.

Sincerely yours,

WILLIAM B. A. CULP, JR.,
Executive Secretary, Mecklenburg County Board of Elections.

TEXAS

THE SENATE OF
THE STATE OF TEXAS,
Austin, July 5, 1972.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I received the copy of your remarks and the text of S. 3420. I believe that this is a most sensible and reasonable approach to providing assistance to state and local governments in meeting new voter registration requirements. This bill certainly answers the objections of my local tax assessor collector to the advent of new voter registrants.

I will communicate my support of this measure to the Texas senators.

Thank you for sharing this information with me.

Sincerely,

BARBARA JORDAN.

WYOMING

SECRETARY OF STATE,
STATE OF WYOMING,
Cheyenne, Wyo., May 23, 1972.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for giving me an opportunity to comment on S3420, the Voter Registration Assistance Act.

I oppose this legislation for the following reasons:

1. Mailing postcards to every household before every election would only confuse the election process. The thousands of voters presently on the registration rolls would assume that they should fill out the card and return it so that the elections officials would at the last moment be flooded with duplicate registrations.

2. It sets up an unnecessary costly procedure for doing a job worse instead of better.

3. Since the states are quickly adopting 30-day residency requirements in accordance with the Dunn vs. Blumfield decision, which is perhaps the shortest period practicable if registration lists are to be computerized, there is no need for it.

4. It is presently possible for anyone to register absentee by postcard who wishes to do so.

5. Elections are much better administered at the local level by election officials known and available to the voters.

6. If the federal government is to set up the provisions and dispense the funds, there may be undue federal control.

Sincerely yours,

THYRA THOMSON,
Secretary of State.

MALNUTRITION, LEARNING, AND INTELLIGENCE

Mr. HUMPHREY. Mr. President, the Senate will soon give its consideration to the Child Nutrition Act of 1972, H.R. 14896, as reported by the Senate Committee on Agriculture and Forestry.

The history of the programs contained in this legislation goes back to 1946 when the National School Lunch Act was first enacted. In 1954 the Congress authorized the special milk program, providing cash grants to enable schools to subsidize the price at which fluid milk was offered to children attending schools—which was subsequently broadened to include summer camps, settlement houses, and other nonschool-child care centers. In 1961 the National School Lunch Act was amended to more effectively reach needy children through reduced price and free lunches. In 1966 the school breakfast program was launched, along with financial assistance to schools for administering the lunch program and in purchasing needed equipment to serve lunches. In 1968, financial assistance was authorized to help child feeding programs operated outside of schools, such as day care centers, and summer feeding programs. In 1970 and 1971 Congress took further actions designed to strengthen and expand our Nation's child feeding programs by establishing higher minimum reimbursement rates to assist schools in subsidizing paid lunches, as well as free or reduced price lunches.

The bill that the Senate will consider, H.R. 14896, will increase this financial assistance even further. The additional assistance to be provided under this bill will help further expand these programs which are so vitally important to the health, development and educational attainment of our Nation's children.

Thirty other Senators and I have introduced an amendment to that bill—amendment No. 1431 to H.R. 14896—which will take us yet another step closer to ending hunger and malnutrition in this Nation. Embodied in our amendment are provisions for attacking mal- and sub-nutrition among low-income pregnant and lactating women and infants from birth to age 4 who are found to be a nutritional risk by competent medical authority.

It is during these prenatal, postnatal and preschool periods that sound nutrition is most critical in helping children reach their full intellectual and physical development potential. Nutritional deficiencies during these developmental periods in a child's life cause irreversible physical and mental damage.

In the June 1972 issue of the American Journal of Public Health, Dr. Herbert G.

Birch, professor of pediatrics at Yeshiva University in Bronx, N.Y., authored an article entitled "Malnutrition, Learning, and Intelligence," which reviews the many studies and experiments conducted on this subject throughout the world over the past several decades. Dr. Birch's article is without a doubt one of the best reviews of this entire subject on public record today. It is an article that every Member of Congress, every physician, every school official, every Government bureaucrat and every citizen of this country should take the time to read and study carefully. If anyone doubts the value of good nutrition and an adequate socioeconomic environment to the physical and mental development of people, Dr. Birch's article will convince them otherwise.

Mr. President, I ask unanimous consent to have Dr. Birch's article printed in full at this point in the RECORD.

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

MALNUTRITION, LEARNING, AND INTELLIGENCE

(By Herbert G. Birch, M.D., Ph. D.)

INTRODUCTION

Research on the relation of nutritional factors to intelligence and learning has burgeoned over the past decade. Its resurgence after a period of nearly thirty years of quiescence which followed Patterson's (1930) review of studies conducted in the first three decades of the century reflects a number of social and historical currents. Newly emerging nations as well as aspiring underprivileged segments of the population in more developed parts of the world have increasingly come to be concerned by the association of social, cultural and economic disadvantage with depressed levels of intellect and elevated rates of school failure. Attention has variously been directed at different components of the combined syndromes of disadvantage and poverty in an effort to define the causes for such an association.

Sociologists, psychologists and educators have advanced reasons for intellectual backwardness and school failure relevant to their particular concerns. They have pointed to particular patterns of child care, cultural atmosphere, styles of play, depressed motivation, particular value systems, and deficient educational settings and instruction as factors which contribute to lowered intellectual level and poor academic performance in disadvantaged children. The importance of such variables cannot be disputed and studies and findings relevant to them expand our understanding of some of the ways in which poor achievement levels are induced. However, it would be most unfortunate if by recognizing the importance of these situational, psychological and experimental components of the syndrome of disadvantage we were to conclude that they represented the whole of the picture of even its most decisive components. Any analysis of the content of poverty and disadvantage rapidly brings to our notice the fact that these negative features of the behavioral and educational environment take place within the pervasive context of low income, poor housing, poor health and, in general, defective circumstances for the development of the individual as a biologic organism who interacts with the social, cultural and educational circumstances.

Such considerations inevitably cause us to expand the range of our concern to include a fuller range of factors contributing to lowered intellect and school failure. In this larger perspective the health of the child and, in particular, his nutritional opportunities must assume a position of importance. It has long been recognized that the nu-

trition of the individual is perhaps the most ubiquitous factor affecting growth, health and development. Inadequate nutrition results in stunting, reduced resistance to infectious disease, apathy and general behavioral unresponsiveness. In a fundamental sense it occupies a central position in the multitude of factors affecting the child's development and functional capacity. It is therefore entirely understandable that in a period dedicated to the improvement of man and his capacities that renewed attention has come to be directed to the relation of nutrition to intelligence and learning ability.

As is almost always the case in new areas of inquiry, clarity of thought and concept has not kept pace with zeal. Confusion has resulted from extravagant claims as to the unique contribution of malnutrition to brain impairment and intellectual deficit. Further confusion has been contributed by those who have with equal zeal sought to minimize the importance of nutritional factors and to argue for the primacy of social, genetic, cultural, or familial variables in the production of deficit. Little that is useful emerges from such sterile controversy. It is a truism that malnutrition occurs most frequently in those segments of the population who are economically, socially and culturally disadvantaged. When lowered intellect is demonstrated in malnourished children coming from such groups, it is not difficult to ignore a consideration of the possible contribution of nutritional and health factors by pointing to the possibility that the children affected are dull because they are the offspring of dull parents; or that the general impoverishment of their environments has resulted in experimental deprivations sufficient to account for reduced intellectual function.

Such an argument implies that the children are malnourished because their parents are dull and that their functional backwardness stems from the same cause as their malnutrition. On logical grounds one could of course argue the very opposite from the same bodies of data. However, to do so would not be to consider the issue seriously, but to engage in a debater's trick. The serious task is to disentangle, from the complex mesh of negative influences which characterize the world of disadvantaged children, the particular and interactive contributions which different factors make to the development of depressed functional outcomes. A responsible analysis of the problem, therefore, seeks to define the particular role which may be played by nutritional factors in the development of malfunction, and the interaction of this influence with other circumstances affecting the child.

Before considering the ways in which available research permit us to achieve this objective, it is of importance to clarify the term malnutrition. Characteristically, we in the United States tend to react to the word in terms of a crisis model. When we think of malnutrition our imaginations conjure up images of the Apocalypse. We have visions of famines in India, of victims of typhoons, and of young Biafrans starved by war. These images reflect only a highly visible tip of an iceberg. Intermittent and marginal incomes as well as a technology which is inadequate to support a population result less often in the symptoms characteristic of starvation than in subclinical malnutrition or what Brock (1961) has called "dietary subnutrition . . . defined as any impairment of functional efficiency of body systems which can be corrected by better feeding." Such subnutrition when present in populations is reflected in stunting, disproportions in growth, and a variety of anatomic, physiologic, and behavioral abnormalities (Birch and Gussow, 1970). Our principal concern in this country is with these chronic or intermittent aspects of nutritional inadequacy.

In less highly developed regions of the world, and indeed in the United States as

well, chronic subnutrition is not infrequently accompanied by dramatic manifestations of acute, severe, and if untreated, lethal malnutrition, particularly in infants and young children. These illnesses variously reflected in the syndromes of marasmus, kwashiorkor, and marasmic-kwashiorkor are conditions deriving from acute exacerbations of chronic subnutrition which in different degrees reflect caloric deficiency, inadequacy of protein in the diet, or a combination of both states of affairs. Studies of children who recover from such disorders provide significant information on the effects of profound nutritional inadequacy on behavioral development.

In addition to the already mentioned conditions, malnutrition has classically been manifested as a consequence of the inadequate ingestion of certain essential food substances. The diseases of vitamin lack, such as scurvy, rickets, pellagra, and beri-beri, as well as the iron deficiency anemias are representative of this class of disorders.

None of the foregoing should be confused with the term hunger, which has often indiscriminately been used as a synonym for malnutrition. Hunger is a subjective state and should not be used as the equivalent of malnutrition, which is an objective condition of physical and physiologic suboptimum. Clearly, malnourished children may be hungry, but equally, hungry children may be well nourished.

With these introductory considerations in mind we can now approach a series of questions. We shall be concerned with two issues: First, what is the state of sound knowledge of the relation of malnutrition in its various forms to intellect and learning and what is the significance of the evidence for psychology and education. And second, what are the implications of the evidence for improved functioning.

THE EVIDENCE

A number of model systems have been used to explore the relationship of malnutrition to behavior. At the human level these have consisted of: a) comparative studies of well- and poorly-grown segments of children. In populations at risk of malnutrition in infancy; b) of retrospective follow-up studies of the antecedent nutritional experiences of well-functioning and poorly-functioning children in such populations; c) of intervention studies in which children in the poor risk population were selectively supplemented or unsupplemented during infancy and a comparative evaluation made of functioning the supplemented and unsupplemented groups; d) follow-up studies of clinical cases hospitalized for severe malnutrition in early childhood; and e) intergenerational studies seeking to relate the degree to which conditions for risk of malnutrition in the present generation of children derived from the malnutrition or subnutrition experienced by their mothers when these latter were themselves children. Studies of human populations have been supplemented by a variety of animal models.

These animal studies have been a) direct comparative follow-up investigations of the effects of nutritional difficulties in early life on subsequent behavioral competence and b) the study of the cumulative effects of malnutrition when successive generations of animals have been exposed to conditions of nutritional stress. The available evidence will be considered in relation to these investigative models.

In two of our reports (Cravioto, DeLicardie and Birch, 1966; Birch, 1970) we have reviewed many of the earlier studies which have sought to explore the association between malnutrition and the development of intellect and learning. Perhaps the most complete study of the relation of growth achievement to neurointegrative competence in children living in environments in which severe malnutrition and chronic subnutrition

are endemic is our study of Guatemalan rural Indian children. The children lived in a village having a significant prevalence level of both severe acute malnutrition and prolonged subnutrition during infancy and the preschool years. At school age, relatively well-nourished children were identified as those with the lowest growth achievements for age. On the basis of this reasoning, two groups of children were selected from all village children in the age range 6 to 11 years. These groups encompassed the tallest and shortest quartiles of height distributions at each age for the total population of village children. In order to avoid problems associated with the use of intelligence tests as measures of functioning in pre-industrial communities, levels of development in the tall and short groups were compared by means of evaluating intersensory integrative competence by a method developed by Birch and Lefford (1963). In this method of evaluation children are required to judge whether geometric forms presented in different sensory modalities are the same or different. Competence in making such judgments follow a clearly defined developmental course in normal children in the age range studied.

At all ages taller children exhibited higher levels of neurointegrative competence than did the shorter group. Overall, the shorter children lagged by two years behind their taller agemates in the competence which they exhibited in processing information across sensory systems.

In order to control for the possibility that height differences were reflecting differences in antecedent nutritional status rather than familial differences in stature, the child's height was correlated with that of the parents. The resulting correlation was extremely low and insignificant. This stands in marked contrast to the finding in the same ethnic group living in more adequate nutritional circumstances. Under these latter conditions the height of children correlates significantly with that of their parents.

Secondly, it was possible that the shorter children were, in the community at risk as well as in communities not at risk of malnutrition, merely exhibiting generalized developmental lag both for stature and for neurointegrative maturation. However, no differences in neurointegrative competence attached to differences in stature in the children not exposed to endemic malnutrition.

And finally, it was possible that the shorter children came from home environments significantly lower in socioeconomic status, housing and parental education, and that both the malnutrition and the reduced neurointegrative competence stemmed independently from these environmental deficits. When differences in these factors were controlled they did not erase the differences in intersensory integrative competence between children of different growth achievements for age in the community at nutritional risk.

Over the past several years replications of this study have been conducted in Mexico by Cravioto and DeLicardie (1968), and in India by Champakam et al. (1968). In addition, Cravioto, Espinoza and Birch (1967) have examined another aspect of neurointegrative competence and auditory-visual integration, in Mexican children of school age. Once again in children in communities at risk of malnutrition differences in growth achievement at school age were reflected in differences in auditory-visual integration favoring the taller children. These latter findings are of particular importance because of the demonstrated association between such competence and the ability to acquire primary reading skill (Birch and Belmont, 1964, 1965; Kahn and Birch, 1968).

A major consideration in interpreting the findings of all these studies is the fact that antecedent malnutrition is being inferred from differences in height rather than by direct observation of dietary intakes during the growing years. However, a multitude of

data from earlier studies beginning with those of Boas (1910) on growth differences in successive generations of children of Jewish immigrants, of Greulich (1958) on the height of Japanese immigrants, of Boyd-Orr (1936) on secular trends in the height of British children, of Mitchell (1962, 1964) on the relation of nutrition to stature, of Boutourline-Young (1962) on Italian children, as well as the recent study of heights of 12-year-old Puerto Rican boys in New York City by Abramowicz (1969) all support the validity of such an inference.

It should be noted too that findings similar to those obtained in the Guatemalan and Mexican studies have been reported by Pek Hien Liang et al. (1967) from Indonesia, and Stoch and Smythe (1963, 1968) from South Africa. In the Indonesian study 107 children between 5 and 12 years of age all deriving from lower socioeconomic groups were studied. Forty-six of these children had been classified as malnourished during a previous investigation into nutritional status in the area carried out some years earlier. All children were tested on the WISC and Goodenough tests with scores showing a clear advantage for the better-grown and currently better-nourished children. Moreover, the data indicated that the shortest children were markedly over-represented in the group that had been found to be malnourished in the earlier survey, with the largest deficits in IQ found to be associated with the poorest prior nutritional status.

Stoch and Smythe have carried out a semi-longitudinal study of two groups of South African Negro children, one judged in early childhood to be grossly underweight due to malnutrition, and the other considered adequately nourished. At school age, the malnourished children as a group had a mean IQ which was 22.6 points lower than that of the comparison group. Moreover, these relative differences were sustained through adolescence. Unfortunately, the interpretation of the findings in this study is made difficult because the better-nourished children came from better families and had a variety of nursery and school experiences unshared by the poorly grown children.

Comparative studies of differential cognitive achievement in better and less well-nourished groups in communities at high levels of subnutrition have been supplemented by a relatively large number of follow-up evaluations of children who had been hospitalized for serious nutritional illness (marasmus or kwashiorkor) in infancy. As will be recalled from our earlier remarks, marasmus is a disorder produced by an insufficient intake of proteins and calories and tends to be most common in the first year of life. Kwashiorkor—a syndrome produced by inadequate protein intake accompanied by a relatively adequate caloric level, or in its marasmic form associated with reduced calories as well, is more common in the post-weaning between 9 months and 2 years of age.

As early as 1960 Waterlow, Cravioto and Stephen (1960) reported that children who suffered from such severe nutritional illnesses exhibited delays in language acquisition. In Yugoslavia, Cabak and Najdanvic (1965) compared the IQ levels of children hospitalized for malnutrition at less than 12 months of age with that of healthy children of the same social stratum and reported a reduced IQ in the previously hospitalized group. Of perhaps greater interest was their report of a significant correlation between the severity of the child's illness on admission as estimated in his deficit of expected weight for age with depression of IQ in the school years. Indian workers (Champakam, et al. 1968) studied many variables in a group of 19 children who between 18 and 36 months of age had been hospitalized and treated for kwashiorkor. When compared at school age with

a well-matched control group significantly depressed IQ was found in the children previously severely malnourished.

In order to control more fully for differences in the child's genetic antecedents microenvironment, which may still exist even when more general controls for social, class and general circumstances are used in the selection of a comparison group, we in two studies (Birch, Cravioto et al. in press, 1971) and Hertzog, Birch, Tizard and Richardson, in preparation, 1971) have compared children previously malnourished in infancy with their siblings as well as with children of similar social background. In the first of these studies intelligence at school age was compared in 37 previously malnourished Mexican children and their siblings. The malnourished children had all been hospitalized for kwashiorkor between the age of 6 and 30 months. The siblings had never experienced a bout of severe malnutrition requiring hospitalization. Sibling controls were all within 3 years of age of the index cases. Full scale WISC IQ of the index cases was 13 points lower than that of the sibling controls. Verbal and Performance differences were of similar magnitude and in the same direction. All differences were significant at less than the 0.01 per cent level of confidence. These findings are in agreement with those of the Yugoslav and Indian workers and the use of sibling controls removes a potential contaminant for interpretation.

In the second study, Hertzog, et al. (in preparation, 1971) a large sample of 74 Jamaican children, all males, who had been hospitalized for severe malnutrition before they were two years of age were compared with their brothers nearest in age, and with their classmates whose birthdate was closest to their own. All children were between 6 and 11 years of age at follow-up. On examination, neurologic status, intersensory competence, intellectual level, and a variety of language and perceptual and motor abilities were evaluated. Intellectual level was significantly lower in the index cases than in either the siblings or the classmate comparison groups. As was to be expected, the order of competence placed the classmate comparison group at the highest level, the index cases at the lowest, and the sibs at an intermediate level. The depressed level of the siblings in relation to classmates suggests one disadvantage in sibling studies. Clearly, the presence of a child hospitalized for severe malnutrition identifies a family in which all children are at a high level of risk for significant undernutrition on a chronic basis, the index child merely representing an instance of acute exacerbation of this chronic marginal state. Therefore, the index cases and sibs are similar in that they share a common chronic exposure to subnutrition and differ only in that the index cases have experienced a superimposed episode of acute nutritional illness as well. Thus, the use of sibling controls, in fact, does not compare malnourished with non-malnourished children. Rather, it determined whether siblings who differ in their degree of exposure to nutritional risk differ in intellectual outcomes and supports the view that graded degrees of malnutrition result in graded levels of intellectual sequelae.

Other follow-up studies of acutely malnourished children such as those of Cravioto and Robles (1965) in Mexico, Pollitt and Granoff (1967) in Peru, Botha-Antoun, Babayan and Harfouche (1968) in Lebanon, and Chase and Martin (1970) in Denver, have all been shorter-term followups of younger children. Cravioto and Robles (1965) studied the developmental course of returning competence in children hospitalized for malnutrition during the period of their treatment and recovery while in hospital. Their findings indicated that behavioral recovery was less complete in the youngest children (hospitalized before 6 months of age) than in older

children. They posed the possibility that this earliest period of infancy was the one most critical for insult to developing brain and thus to eventual intellectual outcome. However, the study of Jamaican children (in preparation—1971) does not have findings which support this possibility. In that study approximately equal numbers of children having experienced an acute episode of malnutrition in each of the four semesters of the first two years of life were examined. Equivalent depression of IQ was found to characterize each of the groups when these were separated by age at hospitalization.

In the Lebanese (1968), Peruvian (1967) and Venezuelan (1963) short-term follow-up studies depression in intellectual level tended to be found in the index cases. In the American study (1970) and in a Chilean study (Monckeberg, 1968) the findings have shown depression in intellectual function in the preschool years in children hospitalized for malnutrition during the first year of life. The American investigators working in Colorado found that 20 children who had been hospitalized for malnutrition before the age of one year had a mean developmental quotient on the Yale Revised Development Examination which was 17 points lower than that achieved by a matched control group of children who had not been malnourished. All of these studies suggest strongly that malnutrition of severe degree in early life tends to depress the intellectual functioning at later ages.

In summary, the follow-up studies of children who have been exposed to hospitalization for a bout of severe acute malnutrition in infancy indicate an association of significant degree between such exposure and reduced intellectual level at school age. The studies, involving careful social class controls and sibship comparisons, suggest that it is not general environmental deprivation but rather factors which are uniquely related to the occurrence of severe malnutrition that are contributing to a depression in intellectual outcome. However, there is some indication that different degrees of recovery may be associated with different post-illness conditions. Thus, urban and rural differences in intellectual outcomes are reported in the sibship comparison studies of Jamaican children earlier referred to (in preparation, 1971).

The fact of such an association provides strongly suggestive but by no means definitive evidence that malnutrition directly affects intellectual competence. As Cravioto, DeLicardie and Birch (1966) have pointed out, at least three possibilities must be considered in the effort to define a causal linkage. The simplest hypothesis would be that malnutrition directly affects intellect by producing central nervous system damage. However, it may also contribute to intellectual inadequacies as a consequence of the child's loss in learning time when ill, of the influences of hospitalization, and of prolonged reduced responsiveness after recovery.

Moreover, it is possible that particular exposures to malnutrition at particular ages may in fact interfere with development at critical points in the child's growth course and so provide either abnormalities in the sequential emergence of competence or a redirection of developmental course in undesired directions. Although certain of these possibilities (such as hospitalization and post-illness opportunities for recovery) can be explored in children, others for moral and ethical reasons cannot. Thus, it is impermissible to establish appropriate experimental models either for interfering with development at critical periods, or for inducing brain damage. The approach to these problems requires either detailed analyses of naturally occurring clinical models or the development of appropriate animal investigations.

Animal models of the effects of malnutri-

tion on brain and behavior have been used to study the issue with a degree of control that is quite impossible in human investigation. In a series of pioneering investigations (Widdowson, 1966; Dobbing, 1964; Davison and Dobbing, 1966) have demonstrated that both severe and modest degrees of nutritional deprivation experienced by the animal at a time when its nervous system was developing most rapidly results in reduced brain size and in deficient myelination. These deficits are not made up in later life even when the animal has been placed on an excellent diet subsequent to the period of nutritional deprivation.

More recent studies (Zamenhof, 1968) as well as by Winick (1968) have demonstrated that the deprivation is also accompanied by a reduction in brain cell number. This latter effect has been demonstrated too in human brain in infants who have died of severe early malnutrition (Winick and Rosso, 1969).

Enzymatic maturation and development in brain is also affected, and Chase et al., (1967, 1970) have demonstrated defective enzyme organization in the brains of malnourished organisms.

In all of these studies the evidence indicates that the effects of malnutrition vary in accordance with the time in the organism's life at which it is experienced. In some organisms the effects are most severe if the nutritional insult occurs in the prenatal period, in others during early postnatal life.

Some confusion in the interpretation of evidence has occurred because of the use of different species, since in different organisms the so-called critical periods occur at different points in the developmental course. Thus, in pigs' brains, growth and differentiation is occurring most rapidly in the period prior to birth, whereas in the rat the most rapid growth occurs when the animal is a nursing. In human beings the period for rapid growth is relatively extended and extends from mid-gestation through the first six through nine months of postnatal life. In man, the brain is adding weight at the rate of one to two mg/minute at birth and goes from 25 per cent of its adult weight at birth to 70 per cent of its adult weight at one year of age. After this age, growth continues more slowly until final size is achieved. Differentiation as well as growth occurs rapidly during the critical periods, with myelination and cellular differentiation tending to parallel changes in size.

Since brain growth in different species is occurring at different points in the life course it is apparent that deprivations that are experienced at the same chronologic ages and life stages will have different effects in different species. Thus deprivation during early postnatal life will have little or no effect upon brain size and structure in an organism whose brain growth has largely been completed during gestation. Conversely, intrauterine malnutrition is likely to have only trivial effects on the growth of the brain in species in which the most rapid period for brain development has occurred postnatally. When these factors are taken into account the data leave no doubt that the coincidence of malnutrition with rapid brain growth results in decreased brain size and in altered brain composition.

It would be unfortunate if brain growth in terms of cell number were to be viewed as the only definers of rapid change and thus of critical periodicity. In the human infant, neuronal cell number is most probably fully defined before the end of intrauterine life. Thereafter, through the first 9 months of postnatal life, cell replication is that of glial cells, a process which terminates by the end of the first year. However, myelination continues for many years thereafter as does the proliferation of dendrite branchings and other features of brain organization. It is most probable, therefore, that in man the period of vulnerability extends well beyond the first year of life and into the preschool

period. Such a position is supported by the findings of Champakam et al. (1968). These workers, it will be recalled, found significant effects on intellect in their group of malnourished children who had experienced severe malnutrition when they were between 18 and 36 months of age.

Other workers who have used animal models have sought to study the effects of malnutrition on behavioral outcomes, rather than on brain structure and biochemical organization. The typical design of these studies are investigations in which animals have been raised upon diets which were inadequate with respect to certain food substances, or, in which general caloric intake has been reduced without an alteration in the quality of the nutrients. Such animals have then been compared with normally nourished members of the species with respect to maze learning, avoidance conditioning, and open field behavior. Unfortunately, most of the investigations have suffered from one or another defects in design which make it difficult to interpret the findings. Though in general the nutritionally deprived organisms have tended to be disadvantaged as learners, it is not at all clear whether this is the result of their food lacks at critical points in development or whether the differences observed stem from the different handling, caging, and litter experiences to which the well- and poorly-nourished animals were exposed. Moreover, in a considerable number of studies food or avoidance motivation have been used as the reinforcers of learning. There is abundant evidence (Mandler, 1958; Elliott and King, 1960; Barnes, et al. 1968; Levitsky and Barnes, 1969) that nutritional deficiency in early life affects later feeding behavior. Consequently, it is difficult to know whether the early deprivation has affected food motivation or whether it has affected learning capacity. The use of learning situations which do not involve food, but are based upon aversive reinforcement, do not remove difficulties for interpretation, since early malnutrition modifies sensitivity to such negative stimuli (Levitsky and Barnes, 1970).

One must therefore recognize that at present, although the animal evidence suggests that early malnutrition may influence later learning and behavior, it is by no means conclusive. Moreover, when learning has been deleteriously affected, the mechanisms through which this effect has been mediated is by no means clear. What is required is a systematic series of experiments in which behavioral effects are more clearly defined, and in which the use of proper experimental designs accompanied by appropriate controls permits the nature of the mechanisms affected to be better delineated.

Thus far both in our consideration of the human and animal evidence we have been considering the direct effects of nutritional deprivation on the developing organism. Clearly, this is too limited a consideration of the problem. It has long been known (Boyd-Orr, 1936) that nutritional influences may be intergenerational and that the growth and functional capacity of an individual may be affected by the growth experiences and nutrition of his mother. In particular the nutritional history of the mother and its effect upon her growth may significantly affect her competence as a reproducer. In its turn, this reproductive inadequacy may affect the intrauterine and birth experiences of the offspring.

Baird (1952) working in Scotland has clearly demonstrated the association between a woman's nutritional history and her pelvic type. He compared one group of stunted women in Aberdeen with well-grown women and found that 34 per cent of the shorter women had abnormal pelvic shapes conducive to disordered pregnancy and delivery as compared with 7 per cent of the well-grown women with whom they were compared. Greulich, Thoms and Twaddle (1939) still

earlier had reported that the rounded or long oval pelvis which appears to be functionally superior for childbearing was made more common in well-off, well-grown women than in economically less-privileged clinic patients. They further noted, as had Bernard, that these pelvic abnormalities were strongly associated with shortness.

Sir Dugald Baird and his colleagues in the City of Aberdeen, Scotland, have from 1947 onward conducted a continuing series of studies on the total population of births in this city of 200,000 in an effort to define the patterns of biologic and social interactions which contribute to a women's growth attainments and to her functional competence in childbearing. More than 20 years ago Baird (1947) noted that short stature, which was five times as common among lower-class women than in upper-class women, was associated with reproductive complications. He pointed out (1949), on the basis of analyzing the reproductive performances of more than 13,000 first deliveries that fetal mortality rates were more than twice as high in women who were under five feet one inch in height than in women whose height was five feet four inches or more. Baird and Illsley (1953) demonstrated that premature births were almost twice as common in the shorter than in the taller group.

Thomson (1959a) extended these observations by analyzing the relation between maternal physique and reproductive complications for the more than 26,000 births which had occurred in Aberdeen over a 10-year-period and found that short stature in the mother was strongly associated with high rates of prematurity, delivery complications and perinatal deaths at each parity and age level. He concluded that "it is evident that whatever the nature of the delivery the fetus of the short woman has less vitality and is less likely to be well-grown and to survive than that of a tall woman."

It was of course possible that these findings simply reflected differences in social class composition of short and tall women and were based upon differences in "genetic pool" rather than in stunting as such. To test this hypothesis the Aberdeen workers (Baird, 1964) re-examined their data for perinatal mortality and prematurity rates by height within each of the social classes for all Aberdeen births occurring in the 10-year-period from 1948 to 1957. They found that shortness in every social class was associated with an elevated rate of both prematurity and perinatal deaths. Concerned that the findings in Aberdeen might not be representative they also analyzed the data from the all-Britain perinatal mortality survey of 1958 and confirmed their findings. Moreover, Thomson and Billiewicz (1963) in Hong Kong and Baird (1964) have substantiated the Aberdeen findings for Chinese and West African women respectively. Other findings on a similar vein from this series have been summarized by Illsley (1967).

The available data therefore suggest that women who are not well-grown have characteristics which negatively affect them as childbearers. In particular, short stature is associated with pregnancy and delivery complications and with prematurity. Since growth achievement within ethnic groups is a function of health history and in particular nutrition, it is clear that the mother's antecedent nutritional history when she herself was a child can and does significantly influence the intrauterine growth, development and vitality of her child. Moreover, an inadequate nutritional background in the mother places this child at elevated risk for damage at delivery.

It is instructive to consider the consequences for mental development and learning failure that attach to the most frequently occurring consequence of poor maternal growth—prematurity. Concern with the consequences of this condition is hardly new, with Shakespeare indicting it as one element

in the peculiarities of Richard III, and Little (1862) linking it with the disorder we now call cerebral palsy. Benton (1940) reviewed the literature up to that time and found that though most students of the problem maintained that prematurity was a risk to later mental development, others could find no negative consequence attaching to it. At that time no resolution of disagreement could be made because most of the early studies had been carried out with serious deficiencies in design and in techniques of behavioral evaluation. Groups who were of low birth weights or early in gestational age were often compared with full-term infants who differed from them in social circumstances as well as in perinatal status. Estimates of intellectual level were made with poor instruments and often dependent on "clinical impression" or testimony from parents or teachers.

Serious and detailed consideration of the consequences of low birth for later behavioral consequences can properly be said to have been begun by Pasamanick, Knobloch, and their colleagues shortly after World War II. These workers were guided by a concept which they referred to as a "continuum of reproductive casualty." They argued that there was a set of pregnancy and delivery complications which resulted in death by damaging the brain and hypothesized that in infants who survived exposure to these risks "there must remain a fraction so injured who do not die, but depending on the degree and location of trauma, go on to develop a series of disorders extending from cerebral palsy, epilepsy and mental deficiency, through all types of behavioral and learning disabilities, resulting from lesser degrees of damage sufficient to disorganize behavioral development and lower thresholds to stress" (Pasamanick and Knobloch, 1960). In a series of retrospective studies prematurity and low birth weight were identified by them as being among the conditions most frequently associated with defective behavioral outcomes.

They therefore, in association with Rider and Harper (1956) undertook a prospective study of a balanced sample of 500 premature infants born in Baltimore in 1952 and compared them with full-term control infants born in the same hospitals who were matched with the prematures for race, maternal age, parity, season of birth and socioeconomic status. Four hundred pairs of cases and controls were still available for study when the children were between six and seven years of age, and examination of the sample indicated that at this age the prematures and full-term children continued to be matched for maternal and social attributes (Wiener, et al. 1965). Findings at various ages persistently showed the prematures to be less intellectually competent than the controls. At ages three to five the prematures were relatively retarded intellectually and physically and had a higher frequency of definable neurologic abnormalities (Knobloch, et al. 1959; Harper, et al. 1959). At ages six through seven, IQ scores on the Stanford-Binet test were obtained and at ages eight to nine, WISC IQs are available. At both age levels, lower birth weights were associated with low IQs (Wiener, et al. 1965, 1968).

Although certain British studies such as that of McDonald (1964) and of Douglas (1956, 1960) appear to be somewhat discrepant with these findings reanalysis of their findings (Birch and Gussow, 1970) indicates a similar trend. More dramatic differences between prematures and full-term infants have been reported by Drillen (1964, 1965) but interpretation of her data is made difficult by complexities in the selection of the sample studied.

A number of analyses suggest that the effects of prematurity are not the same in different social classes, with children from the lowest social classes appearing to have subsequent IQ and school performances more significantly depressed by low birth weight

than is the case for infants in superior social circumstances. This has been reported for Aberdeen births (Illsley, 1966; Richardson, 1968), and for Hawaiian children in the Kaula pregnancy study of Werner (1967). There appears to be an interaction between birth-weight and family social condition in affecting intellectual outcome, but the precise mechanisms involved in this interaction are as yet unclear.

If the risk of deficient intellectual outcome in prematurity is greatest for those children who are otherwise socially disadvantaged as well, our concern in the United States with the phenomenon of prematurity must be increased. In 1962 more than 19 per cent of non-white babies born in New York City had a gestational age of less than 36 weeks as compared with 9.5 per cent of white babies, and in Baltimore this comparison was 25.3 per cent in non-white infants as compared with 10.3 per cent in whites (National Center for Health Statistics, 1964). In 1967 (National Center for Health Statistics, 1967) nationally, 13.6 per cent of non-white infants weighed less than 2,500 grams as compared with 7.1 per cent of white infants. Other relevant and more detailed analyses of the social distribution of low birth weight and gestational age on both national and regional bases, together with an analysis of their secular trends provides additional support for these relationships (Birch and Gussow, 1970). Thus, prematurity is most frequent in the very groups in which its depressing effects on intelligence are greatest.

On the basis of the evidence so far set forth it may be argued with considerable justification that one can reasonably construct a chain of consequences starting from the malnutrition of the mother when she was a child, to her stunting, to her reduced efficiency as a reproducer, to interuterine and perinatal risk to the child, and to his subsequent reduction in functional adaptive capacity. Animal models have been constructed to test the hypotheses implied in this chain of associations, most particularly by Chow and his colleagues (1968; Hsueh, 1967), as well as by (Cowley and Griesel, 1963, 1966). The findings from these studies indicate that second and later generation animals who derive from mothers who were nutritionally disadvantaged when young, are themselves less well-grown and behaviorally less competent than animals of the same strain deriving from normal mothers. Moreover, the condition of the offspring is worsened if nutritional insult in its own life is superimposed on early maternal malnutrition.

A variety of factors would lead us to focus upon the last month of intrauterine life as one of the "critical" periods for the growth and development of the central nervous system. Both brain and body growth together with differentiation are occurring at a particular rapid rate at this time. It has been argued, therefore, that whereas marginal maternal nutritional resources may be sufficient, adequately to sustain life and growth, during the earlier periods of pregnancy the needs of the rapidly growing infant in the last trimester of intrauterine existence may outstrip maternal supplies. The work of Gruenwald et al. (1963) among others, would suggest that maternal conditions during this period of the infant's development are probably the ones which contribute most influentially to low birth weight and prematurity. Such concerns have led to inquiries into the relation of the mother's nutritional status in pregnancy to the growth and development of her child. In considering this question it is well to recognize that as yet we have no definitive answer to the question of the degree to which maternal nutrition during pregnancy contributes to pregnancy outcome. Clearly, whether or not nutritional lacks experienced by the mother during pregnancy will affect

fetal growth is dependent upon the size and physical resources of the mother herself. Well-grown women are most likely to have tissue reserves which can be diverted to meet the nutritional needs of the fetus even when pregnancy is accompanied by significant degrees of contemporary undernutrition. Conversely, poorly grown women with minimal tissue reserves could not under the same set of circumstances be expected to be able to provide adequately for the growing infant.

Children coming from families in which the risks for exposure to malnutrition are high are unlikely to experience nutritional inadequacies only in early life. It is far more likely that earlier nutritional inadequacies are projected into the preschool and school years. Such a view receives support from numerous surveys as well as from recent testimony presented before the Senate Committee on Nutrition and Human Needs (1968-1970). Our knowledge of the degree to which children and families at risk continue to be exposed to nutritional inadequacies derive from a series of indirect and direct methods of inquiry. At an indirect level it can be argued that family diet in the main is very much dependent upon family income level. The report *Dietary Levels of Household in the United States* (1968) published by the United States Department of Agriculture underscores this proposition.

According to a household survey conducted in the spring of 1965, only 9 per cent of families with incomes of \$10,000 and over a year were judged as having "poor diets." However, the proportion of poor diets increased regularly with each reduction in income level, with 18 per cent of the families earning under \$3,000 a year reporting poor diets, that is, diets containing less than two-thirds of the recommended allowance of one or more essential nutrients. Conversely, the proportion of "good" diets went from 63 per cent in the \$10,000 and over category down to 37 per cent in the under \$3,000 group. Of course, income alone is not an adequate indicator of socioeconomic status since in families with equal incomes more education appears to produce a better diet (Jeans, Smith & Stearns, 1952; Murphy & Wertz, 1954; Hendel, Burke & Lund, 1965). But, at the least such figures suggest that we must be seriously concerned with just how badly nourished are our poor in what we often claim is the "best-fed nation in the world."

Reports of the survey type may be supplemented by inquiries in which mothers are asked what they feed their families and how much of what kinds of food they purchase. Similar actual food intakes may be estimated by requests for the retrospective recall of all foods eaten over the last 24 hours. Owen and Dram (1969) studying nutritional status in Mississippi preschool children found not only that the poorer children were on the average smaller than more affluent children but that their diets were significantly low in calories, vitamin C, calcium and riboflavin. Dibble, et al. (1965) in Onondaga County, New York found that among students drawn from a junior high school which was 94 per cent Negro and predominantly laboring class, 41 per cent had come to school without breakfast; but in two "overwhelmingly white" junior high schools, only 7 per cent in one school and 4 per cent in the other had skipped breakfast. In recent studies among teen-agers in Berkeley, California, Hampton et al. (1967) and Hueneemann et al. (1968) have found intakes of all nutrients declining with socioeconomic status, with Negro girls and boys having worse intakes than those in other ethnic groups. Hueneemann also found that among junior and senior high school students studied over a two year period 90 per cent of the Negro teen-agers had irregular eating habits and many appeared to be "fending for themselves."

Christakis et al. (1968) who carried out the first dietary study of New York school chil-

dren in 20 years found that in an economically depressed district that the diets of 71 per cent of children examined were poor and that less than 7 per cent had excellent diets. Moreover, his data demonstrated that if the child's family were on welfare the likelihood of his having a poor diet was much increased.

The situation is not markedly different in the Roxbury district of Boston. In this area Meyers et al. (1968) studied the diets and nutritional status of 4th, 5th and 6th graders, about two-thirds of whom were black. Meals were ranked as "satisfactory" or "unsatisfactory." Four satisfactory ratings for a given meal over the 4-day period produced a "satisfactory" rating for the meal. Fifty-five per cent of the children failed to get such a satisfactory rating for breakfast, 60 per cent of them did not have satisfactory lunches, and 42 per cent had less than four satisfactory evening meals in 4 days. "Satisfactory" scores declined with age for all meals, and Negroes generally had more unsatisfactory ratings than Caucasians. The schools had no school-lunch programs, and lunches were the poorest meals, with 33 per cent of the children having two or more unsatisfactory lunch ratings in 4 days. During the 4-day period 64 per cent of the children had less than two glasses of milk a day, 132 children had no citrus fruit, and only 1 child had a green or yellow vegetable; 37 per cent of the Negro and 46 per cent of the Caucasian children had "unsatisfactory" intakes of the protein foods in the meat, fish, poultry, eggs, and legume group. "It is evident," the authors concluded, "that many of these children were eating poultry."

These data are illustrative and not atypical of the national picture. The preliminary reports deriving from the National Nutrition Survey serve to confirm these findings on a national scale. The evidence though scattered and of uneven quality indicates strongly that economically and ethnically disadvantaged children eat poorly in both the preschool and school age periods.

Direct clinical studies occurring largely within the Head Start Program serve to support the impression produced by the data of nutritional surveys. One way of examining possible sub-nutrition on an economical clinical basis is to define the prevalence of iron deficiency anemia. Hutcheson (1968), reporting on a very large sample of poor white and Negro children in rural Tennessee, found the highest level of anemia among children around 1 year old. Of the whole group of 15,681 children up to 6 years of age, 20.9 per cent had hematocrits of 31 per cent, indicating a marginal status. Among the year-old children, however, the incidence of low hematocrits was even higher; 27.4 per cent of the whites and 40 per cent of the nonwhites had hematocrits of 31 per cent or less, and 10 per cent of the whites and one-quarter of the nonwhites had hematocrits of 30 per cent or under, indicating a more serious degree of anemia.

Low hemoglobin level was also most common among the younger children in a group whom Gutelius (1969) examined at a child health center in Washington, D.C. Iron-deficiency anemia, determined by hemoglobin level and corroborative red cell pathology, was found among 28.9 per cent of the whole group of 460 Negro preschoolers, but children in the age group 12-17 months had a rate of anemia of 65 per cent. Gutelius points out, moreover, that these were probably not the highest-risk children, since the poorest and most disorganized families did not come for well-baby care at all, and of those who did attend, the test group included only children who had not previously had a hemoglobin determination—that is, they were children judged to be "normal" by the clinic staff. Thus "many of the highest risk children had already been tested and were not included in this series."

Even in the summer 1966 Head Start program, in which the incidence of other dis-

orders was surprisingly low, (North, 1967) studies indicated that 20-40 per cent of the children were suffering from anemia, a proportion consistent with the findings of various studies summarized by Filer (1969) as well as with the level of anemia found in a random sample of predominantly lower-class children coming into the pediatric emergency room of the Los Angeles County Hospital (Wingert, 1968). Anemia rates as high as 80 per cent among preschool children have been reported from Alabama (Mermann, 1966) and Mississippi (Child Development Group of Mississippi, 1967).

It is clear from such evidence that some degree of malnutrition is relatively widespread among poor children; but we have already seen that the effects of inadequate nutrition on growth and mental development depend to a very large extent on the severity, timing, and the duration of the nutritional deprivation. Inadequate as are our data on the true prevalence of malnutrition among children in this country, we are even less informed about its onset or about its severity and quality. The absence of such knowledge must not be taken to reflect the absence of the problem but rather the lack of attention which has been devoted to it.

IMPLICATIONS, PROGRAMS AND PROBLEMS

The evidence we have surveyed indicates strongly that nutritional factors at a number of different levels contribute significantly to depressed intellectual level and learning failure. These effects may be produced directly as the consequences of irreparable alterations of the nervous system or indirectly as a result of ways in which the learning experiences of the developing organism may be significantly interfered with at critical points in the developmental course.

If one were to argue that a primary requirement for normal intellectual development and for formal learning is the ability to process sensory information and to integrate such information across sense systems the evidence indicates that both severe acute malnutrition in infancy as well as chronic sub-nutrition from birth into the school years result in defective information processing. Thus by inhibiting the development of a primary process essential for certain aspects of cognitive growth malnutrition may interfere with the orderly development of experience and contribute to a suboptimal level of intellectual functioning.

Moreover, an adequate state of nutrition is essential for good attention and for appropriate and sensitive responsiveness to the environment. One of the most obvious clinical manifestations of serious malnutrition in infancy is a dramatic combination of apathy and irritability. The infant is grossly unresponsive to his surroundings and obviously unable to profit from the objective opportunities for experience present in his surroundings. This unresponsiveness characterizes his relation to people, as well as to objects. Behavioral regression is profound; and the organization of his functions are markedly infantilized. As Dean (1960) has put it one of the first signs of recovery from the illness is an improvement in mood and in responsiveness to people—"the child who smiles is on the road to recovery."

In children who are subnourished one also notes a reduction in responsiveness and attentiveness. In addition the subnourished child is easily fatigued and unable to sustain either prolonged physical or mental effort. Improvement in nutritional status is accompanied by improvements in these behaviors as well as in physical state.

It should not be forgotten that nutritional inadequacy may influence the child's learning opportunities by yet another route, namely, illness. As we have demonstrated elsewhere (Birch and Cravioto, 1968; Birch and Gussow, 1970) nutritional inadequacy increases the risk of infection, interferes with immune mechanisms, and results in illness

which is both more generalized and more severe. The combination of sub-nutrition and illness reduces time available for instruction and so by interfering with the opportunities for gaining experience disrupts the orderly acquisition of knowledge and the course of intellectual growth.

We have also pointed to intergenerational effects of nutrition upon mental development. The association between the mother's growth achievements and the risk to her infant is very strong. Poor nutrition and poor health in the mother when she was a girl result in a woman at maturity who has a significantly elevated level of reproductive risk. Her pregnancy is more frequently disturbed and her child more often of low birth weight. Such a child is at increased risk of neuro-integrative abnormality and of deficient IQ and school achievement.

Despite the strength of the argument that we have developed, it would be tragic if one were now to seek to replace all the other variables—social, cultural, educational, and psychological—which exert an influence on intellectual growth with nutrition. Malnutrition never occurs alone, it occurs in conjunction with low income, poor housing, familial disorganization, a climate of apathy, ignorance and despair. The simple act of improving the nutritional status of children and their families will not and cannot of itself fully solve the problem of intellectual deficit and school failure. No single improvement in conditions will have this result. What must be recognized is that within our overall effort to improve the condition of disadvantaged children, nutritional considerations must occupy a prominent place, and together with improvements in all other facets of life including relevant and directed education, contribute to the improved intellectual growth and school achievement of disadvantaged children.

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REHABILITATION OF THE HANDICAPPED

Mr. TAFT. Mr. President, amendments to the Fair Labor Standards Act recently passed the Senate in the form of S. 1861. I felt there were many defects in this legislation and attempted to bring them to the attention of the Senate. One additional defect, however, has been brought to my attention since the debate. This defect concerns the adverse effects of the Senate bill on the rehabilitation of the handicapped. The Senate bill adds the words "not for profit" to the definition of an enterprise covered under the Fair Labor Standards Act. The effect of this change is to extend coverage to all persons working in sheltered workshops and rehabilitation facilities. The impact of this measure will mean reduced employment and training opportunities for many of our Nation's handicapped and in some cases may force complete curtailment of training programs such as those offered by the Goodwill Industries.

I believe that our Nation's handicapped should receive additional financial assistance, but increasing the minimum wage is not the proper approach. Unfortunately, this same theoretical approach has also been suggested to reduce poverty in this country. In both instances, I believe the effects will be negative rather than positive, as employment and training positions will be curtailed by drastically increasing and broadening coverage of the minimum wage.

I would note the substitute proposal to the minimum wage legislation would have not changed the definition of "enterprise" and would have continued to exclude operations such as Goodwill. Unfortunately, the substitute proposal offered by myself and Senators DOMINICK, BEALL, BUCKLEY, and PACKWOOD was defeated by one vote. Minimum wage legislation, however, has not yet been submitted to conference with the House and I am hopeful the Senate will carefully consider this problem.

For the benefit of the Senate and the conferees, I ask unanimous consent that letters from Mr. John Harmon, general counsel of Goodwill Industries of America, and Mr. Kenneth Erwin, executive director of Goodwill Industries of Ohio, be printed in the RECORD.

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

GOODWILL INDUSTRIES
OF AMERICA INC.,
Washington, D.C., August 10, 1972.

HON. ROBERT TAFT, JR.,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: This letter relates to the possible effect of S. 1861 on the services of Goodwill Industries all across the country.

The adding of the words "not for profit" in the definition of "enterprise" would appear to extend coverage of the Fair Labor Standards Act to a large portion of individuals in Goodwill Industries who are not now covered. The portion now covered by the Act are so covered by reason of the "individual" coverage rule.

As you probably know, Goodwill Industries has been represented on the Advisory Committee on Sheltered Workshops to the Administrator of Wage and Hour Division ever since the enactment of the Act. Through the years, Sec. 14(d) of the Act has been used to provide a standard for local Goodwill Industries to follow. Most of this was on a voluntary basis because a large number of persons working in a Goodwill have not been, in fact, covered by the Act. This came about by reason of the individual test for coverage. Of course, if the individual was covered by reason of involvement in work tasks relating to that part of used goods sold in interstate commerce as waste or scrap, then Sec. 14(d) provided that the wage be set according to the individual's productivity in relation to the going rate in the surrounding area. This exemption, of course, applies only when the "earning or productive capacity is impaired by age or physical or mental deficiency or injury."

Goodwill Industries began with a program to serve the "needy" around 1900. From that time, for many years, no particular stress was placed on serving physically or mentally disabled persons. This began to change shortly after World War I, so that by now the primary stress is placed on service to the physically and mentally disadvantaged.

As you know, a great deal of stress is now being placed on providing services to the broad range of disadvantaged by federal pro-

grams. Goodwill is receiving an increasing number of requests by different federal and state agencies to go beyond the physically and mentally handicapped and serve those whose handicaps result from "vocational, educational, cultural, social, environmental, or other factors." Sec. 401.1(0), Title 45 Chapter IV, Social and Rehabilitation Service Regulations)

The language of Sec. 14(d) does not at the present include this broader range of handicapped persons.

This brings me to the point of this letter—if all the work stations in a Goodwill become covered by the Fair Labor Standards Act, then the choice will become that of paying the full minimum wage (although the individual may be very limited in productive capacity) or not accepting such individual for service by Goodwill.

At the present, with only the "individual" basis of coverage applying, Goodwill can put this type of individual in a non-covered task. If the "enterprise" definition is made to apply to Goodwill, this will no longer be possible.

We fully recognize that it takes more than a sub-minimum wage for a person to live. We have been pressing for some type of wage supplement system as an answer. We believe an individual should have the right to work even though his productive capacity be only 25% or 50% of the norm. This costs less and does give the individual more dignity than if completely dependent on family or welfare.

I hope this explanation will be of help to you and the members of the Senate. We assure you that Goodwill will continue to cooperate fully with the Wage and Hour Division, whatever the decision of the Senate in this matter. We fully appreciate the excellent record of concern and cooperation by the Administrator and his staff of this Division of the Department of Labor.

Sincerely,
JOHN C. HARMON, JR.
Director of Special Services and General Counsel.

GOODWILL INDUSTRIES
OF CENTRAL, OHIO,
Columbus, Ohio, August 1, 1972.

HON. ROBERT TAFT, JR.,
Senate Office Building
Washington, D.C.

DEAR SIR: We wish to thank you for your interest in and concern for this nation's handicapped persons. Because of your concern we know that you will want to be aware of that which would adversely affect the rehabilitation of the handicapped.

Senate Bill 1861 in its present form could mean reduced services to fewer handicapped persons as well as reduced numbers of jobs and training opportunities for handicapped people. The words "not for profit" in the definition of "enterprise" seemingly would extend coverage to all persons working in all areas of sheltered workshops and rehabilitation facilities. Present coverage of handicapped workers under the existing Fair Labor Standards Act relates only to those work areas within the facility construed to come under the aegis of interstate commerce; this leaves many work and training station areas open for work and work trials without having to pay a client the federal minimum wage which he may be incapable of earning.

Income of workshops like Goodwills comes primarily from the sale of renovated used goods which are sold locally through their own sales outlets. There is a limit to what can be charged for used merchandise; prices cannot be raised sufficiently to offset the increased costs imposed by "covering" the work areas used in preparing such merchandise for sales. Productivity of the handicapped workers will not increase proportionately to the increases in wages that would be required if all work areas are "covered". The end result will mean if total "coverage" is enacted for workshops for the handicapped, that

those severely handicapped and marginal workers will have to be released, many of whom will return to the welfare rolls. This does not appear to be a satisfactory way of helping the handicapped, particularly those who want to work. Again, may we plead for the handicapped by stressing the need for eliminating the words "not for profit" in the definition of "enterprise".

We do, however, recognize the fact that handicapped persons may need additional financial help other than that which comes from what are sometimes meager wages; we feel that the method of doing this should be some form of wage supplement not by using the mechanism of an increased minimum wage which may cause them to lose an opportunity to work and having the sense of dignity that comes with being a contributor to one's community and enjoying the fellowship accrued in working with others rather than sitting at home in isolation and despair.

You may be interested in knowing that in 1971 our 12 Ohio Goodwills employed over 5000 persons, served nearly 7000 handicapped clients, paid out nearly 7½ million dollars in wages and salaries and also paid approximately 1¼ million dollars in payroll taxes. We thank you for your continued concern for the handicapped people in Ohio and the entire country.

Sincerely yours,

KENNETH A. ERWIN,

Ohio Association of Goodwill Executives.

SCANDALS IN HOUSING PROGRAM

Mr. STEVENSON. Mr. President, I have been dismayed by the scandals and maladministration in our housing programs and by President Nixon's evident unwillingness to deal with them. Newspaper stories over the past weekend relate Secretary Romney's efforts to impress upon the President the necessity of restoring past personnel cuts in HUD and indicate that the President has finally given his reluctant assent. It is about time. The deteriorating situation in HUD has been long apparent, and it is tragic that it should take a threat of resignation from Secretary Romney to make the President aware of it.

On May 1, 1972, I testified before the HUD-Space-Science Appropriations Subcommittee of the Senate Appropriations Committee on HUD's personnel problems. I said that the President's refusal to request adequate funds for HUD personnel was a pennywise but pound-foolish policy. I believe subsequent events have borne out the truth of my statement. And I intend to request additional

funds for HUD personnel in the first fiscal year 1973 supplemental appropriation.

Mr. President, I ask unanimous consent that my Appropriations Committee testimony be printed in the RECORD, to be followed by excerpts from the Sunday, August 13, Washington Post.

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

STATEMENT OF SENATOR ADLAI E. STEVENSON III

Mr. Chairman, I am most grateful for the chance to make this statement.

As a member of the Committee of Banking, Housing, and Urban Affairs, I have been dismayed by the series of recent disclosures concerning scandals and maladministration of HUD programs and particularly FHA programs. Secretary Romney has, in his usual forthright fashion, admitted that administrative problems exist, and he has issued a series of regulations and directives designed to cope with them. The Secretary is to be commended for his action.

However, the chaotic and incomprehensible personnel situation within HUD has made it impossible for Secretary Romney's directives to be implemented. These directives require HUD's regional and area offices to do a more thorough job. But HUD does not have sufficient personnel, particularly in the field, to do the job.

Last year when Secretary Romney came before this Subcommittee, he asked that funds be budgeted for 16,923 HUD permanent employees as of June 30, 1972. However, in August of last year President Nixon ordered a reduction in federal employment as part of his austerity program. The President's directive placed a ceiling on HUD employment of 15,200 positions as of June 30, 1972. Now Secretary Romney is requesting funds be budgeted for 15,950 positions as of June 30, 1973. The request is not only for 1,000 fewer employees than Mr. Romney asked for a year ago, but it is also 100 fewer employees than HUD had as of June 30, 1971.

These personnel reductions have been forced upon Mr. Romney by the President. In his testimony before the Senate Housing Subcommittee last October 26, the Secretary stated that the 5 percent reduction in HUD personnel would not have taken place in the absence of the President's overall reduction. In his testimony before the House Appropriations Subcommittee on HUD-Space-Science earlier this month, Mr. Romney said:

"What I am saying is that I have come to the conclusion that the Area and Insuring Offices of this Department require more manpower. I am going to continue to hold down the Central and Regional Offices. But, at the same time, I am going to work to beef up the Area and Insuring Offices so that they

can do a quality job and still handle the increased workload.

"I have made these problems known to the Office of Management and Budget and we are exploring several possible approaches. I hope that one or more of them will lead to the relief that I believe is necessary."

The Secretary is to be complimented for his decision to focus the forced personnel cuts as much as possible at the central office level rather than at the field offices where the day-by-day program operation occurs. Unfortunately, the field offices have suffered as well, as the following table demonstrates.

Permanent employment as of June 30:

	Central	Field
Actual, 1971.....	4,130	11,529
Original request, 1972.....	4,668	12,267
Current estimate, 1972.....	3,308	11,475
Request, 1973.....	3,308	12,225

In the Chicago area office which serves my own State of Illinois, permanent employment declined from 203 as of June 30, 1971 to 185 as of December 31, 1971. The decline occurred in the face of increasing evidence of maladministration—some of it clearly attributable to insufficient personnel—and some of it, I am afraid, attributable to inadequately trained or motivated personnel.

The Federal Housing Administration—because its need for additional and better-trained personnel is so pressing—has been particularly hard-hit by the President's personnel cuts. FHA's total workload in terms of number of applications processed will have increased by 20% between fiscal years 1971 and 1973. Yet, permanent full time employee positions for FHA, as projected in HUD's budget justifications, will have increased only 7.4% during that time. All of the increase—insufficient as it is—will take place during the coming fiscal year. FHA employment at the present time is actually lower than it was on last June 30 (7,434 employees as of June 30, 1971 compared to 7,391 employees projected by FHA for June 30, 1972).

FHA area and insuring offices, despite widespread recognition of their need for strengthening, continue to be understaffed. Indeed, the budget justifications show that FHA's average employee requirements for field offices are 7,350 for fiscal year 1973, but HUD is requesting funds for an average employee strength of only 7,120 man-years, of which 136 are overtime.

What will this mean for FHA programs? Mortgage examination manpower (responsible for making appraisals on prospective FHA insured properties and for conducting credit checks on prospective purchasers) will remain the same during fiscal year 1973 as this year, despite a projected 11% increase in workload. The table below demonstrates this separately for 1-4 family and for multi-family housing.

FHA MORTGAGE EXAMINATIONS MANPOWER

	Average employment			Workload		
	Fiscal year 1972	Fiscal year 1973	Percent increase	Fiscal year 1972	Fiscal year 1973	Percent increase
1 to 4 family housing.....	2,246	2,256	0	1,123,000	1,265,000	12
Multifamily.....	1,119	1,042	-1	477,000	505,000	6
Total.....	3,365	3,298	0	1,600,000	1,770,000	11

The increased workload will be met primarily through increasing the number of mortgage examinations done for HUD by contracted fee appraisers from 200,000 to 500,000. The increasing reliance on fee appraisers is not a comforting prospect, since they are too often poorly informed on FHA policy and sometimes of questionable honesty. In fact, recognizing the weakness of relying on fee

appraisers, Secretary Romney has recently taken the unprecedented but timely step of banning their use in inner city areas.

Efforts to prevent mortgage defaults and home abandonment and to compensate families who have purchased structurally defective FHA insured housing are also being held hostage to the President's policies. FHA's home mortgage servicing staff is being main-

tained at only 178 employees—the same level as last year. I think it is worthwhile to quote HUD's own description of the functions for which this staff is responsible.

"Home mortgage servicing: Again, as mortgage insurance activity increased in the inner city, it became apparent that, with respect to such properties, FHA must supplement the mortgage servicing efforts of the

mortgagee. Instructions are being prepared which will require mortgagees to notify the local HUD office when a mortgagor is 30 days in default on his payments. This will provide the HUD office an opportunity to discuss the problem with the mortgagor and to help him work out a plan which may enable him to retain his property.

"The Housing Act of 1970 authorized the Secretary under Section 518(b) to make expenditures to correct or to compensate the owner of a single-family dwelling insured under Section 235 for structural or other defects which seriously affect the livability of the dwelling. These defects must have existed on the date of the issuance of the insurance commitment, and be the type that a thorough inspection should have disclosed. Through December 31, 1971, 611 vouchers totaling \$298,048 have been paid. The number of claims received has been accelerating each month. It is estimated that the claims filed under this legislation will approximate ten percent of Section 235 insurance on existing construction."

The staff size was manifestly inadequate during the present fiscal year, a statement amply justified by the fact that no 518(b) applications for reimbursement have been acted on yet in either Chicago or New York. I am unable to comprehend how the same overburdened staff which handled only 611 reimbursement cases during FY 1972 will be able to cope with in excess of 2,000 (10% of existing 235 units insured during this fiscal year) this year.

Frankly I can find no rationale for this personnel policy. The recent FHA scandals in Detroit, Philadelphia, St. Louis, New York, and Chicago have focused directly on incompetent and dishonest FHA appraisal practices. These scandals have already cost the federal government millions of dollars in FHA defaults (\$50 million in Detroit alone) and have foisted overvalued and structurally defective homes, both unsubsidized and subsidized, on many American families.

And the scandals are related to personnel policy.

In Chicago, each FHA appraiser averages 5.3 appraisals per day, and in the last month for which data was available—November 1971—6.8 appraisals a day. This contrasts with a national average of 4.3 appraisals per day. HUD estimates that, in order to do a proper job, a HUD appraiser should average no more than 3 appraisals of subsidized units per day or 4-4.5 appraisals of unsubsidized units. It is clear beyond doubt that FHA has insufficient personnel to do an acceptable job by its own standards.

The President is pursuing a penny-wise but pound-foolish policy. I respectfully suggest to the Subcommittee that funds be appropriated sufficient to staff HUD to the level originally envisioned in last year's budget request. Such an appropriation would increase HUD's average employment for Fiscal Year 1973 by approximately 1,400 employees—presumably the level which Secretary Romney originally thought was required to get the job done well. The additional funds necessary to staff HUD adequately would amount to less than 40% of the money the federal government has lost in Detroit alone as a result of HUD mismanagement and insufficient personnel. The federal government cannot operate efficiently and in a fiscally responsible way if the President sets his sights on doing a mediocre job.

ROMNEY'S COMPLAINT REVEALED

(By George Lardner Jr.)

Repeatedly frustrated by the White House chain of command, Housing and Urban Development Secretary George Romney personally told President Nixon Friday that his department cannot avoid more scandals and waste without a bigger staff.

According to sources close to Romney, the President agreed in a 30-minute private

meeting to give the Secretary the additional personnel he had been seeking unsuccessfully for months.

The concession, however, came too late to keep Romney from indicating at a subsequent press conference that he intends to quit the Cabinet shortly.

For Romney, it was a bad week from start to finish. He had been pressing to see the President for weeks to discuss what he called "increasingly critical staffing requirements" at HUD.

"In my judgment," Romney wrote Mr. Nixon Aug. 2, "the need is urgent, and must be met if we are to avoid recurring widespread scandals in those departmental activities which cannot be reduced, and if we are to provide adequate service."

The HUD Secretary was scheduled to meet with the President last Tuesday to discuss the issue. Instead, aides said, Romney reported to work at HUD Monday only to learn of a curtly worded directive that the White House released that day to newsmen.

Entitled "Memorandum for Secretary Romney" and signed "Richard Nixon," the one-page order told him to go to Wilkes-Barre and make sure that "bureaucratic haggling does not interfere" with flood relief efforts there.

"Reports have come to my attention," Mr. Nixon noted, "indicating that relief assistance efforts are not progressing at a satisfactory rate . . ."

"I can't believe that the President himself ever saw the letter," one Romney aide said yesterday. "The signature could have been stamped on."

In any event, Romney was said to have learned of the mission from press accounts rather than any direct word from the White House. At first, he told HUD staffers that he would fly to Pennsylvania Tuesday afternoon after his conference with Mr. Nixon on the department's staffing problems. Later, however, he learned, again from press reports, that the White House had announced that he was to be in Wilkes-Barre Tuesday morning.

His long-sought meeting with Mr. Nixon thus canceled, Romney went to Wilkes-Barre, where he got into a shouting hour-long argument with Pennsylvania Democratic Gov. Milton Shapp and a group of flood victims.

Convinced that Shapp was playing politics, Romney was also disturbed by the thought that HUD's difficulties in coping with floods and other natural disasters rested at least partly on the staffing problems that he had been complaining about.

HUD had 15,900 people on its payroll last year, but gradually cut back to 15,200 in response to Mr. Nixon's anti-inflation directives and ceilings enforced by the Office of Management and Budget.

In his Aug. 2 letter to Mr. Nixon—a copy of which was obtained by The Washington Post—Romney pointed out that he had already appealed in vain to OMB for a bigger staff and had then laid out his problems in a lengthy meeting with Ehrlichman July 22, a session that Romney had hoped to have with the President.

Romney calculated in the six-page letter that the hiring of 730 more people in the field would actually save HUD \$60 million through tighter overseeing, better property appraisals and other improvements.

The department has been plagued with reports of scandals and grand jury investigations involving the Federal Housing Administration in a growing number of cities.

"I would not be appealing to you," Romney wrote the President, "if I did not know . . . that the adverse consequences of failure to provide adequate staff will be scandalous, costly and counterproductive in your fight against inflation."

The HUD Secretary ended by writing: "No doubt John Ehrlichman has informed you of

our lengthy discussion on Saturday, July 22d, and my need to talk with you."

Romney aides said the Secretary, . . . and a requested July 27 appointment with Mr. Nixon canceled by a presidential press conference, was skeptical that Ehrlichman had conveyed any such sense of urgency. In a last, terse note written to Mr. Nixon from Pennsylvania Wednesday, Romney said he was preparing a written flood-relief report "as you directed," but strongly requested a chance to submit it in person.

"Indeed, considering the circumstances," Romney wrote in light of talk of bureaucratic haggling, "I do not intend to do otherwise." Turning to HUD's staff problems, he said he also wanted to discuss the "grave political consequences" involved there.

Romney finally got to the President, Friday morning, first in a 25-minute session that included Ehrlichman and several HUD assistant secretaries, and then in a half-hour private meeting with Mr. Nixon alone.

Aides said Romney left with authority to hire 730 persons, but he didn't even mention it at his follow-up press conference. Instead, he talked of leaving HUD.

CONSUMERISM

Mr. TAFT. Mr. President, when he established the National Business Council for Consumer Affairs, last August, President Nixon noted that there has been an "increasing desire" on the part of the business community "to take a more active role in meeting the concerns of the American consumer."

And while few would dispute the valid complaints of consumers which led to the growth of consumerism in this country, I share the President's belief that business is taking steps to better serve and better inform consumers.

Undoubtedly much more could be done. Certainly the activities of the National Business Council for Consumer Affairs and others will provide needed leadership in this area.

I believe that Senators will be interested in a recent speech on the subject of consumerism delivered by Mr. Howard C. Harder, chairman and chief executive officer, CPC International, Inc. As vice-chairman of the NBCCA Sub-Council on Complaints and Remedies, Mr. Harder is in a unique position to understand many of the problems facing consumers today. His call for an international conference of the world's consumer industries is an interesting proposition which deserves further study. I ask unanimous consent that the speech be printed in the RECORD.

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

CONSUMERISM: THE NEW DIMENSION IN INTERNATIONAL MARKETING

(Speech by Mr. Howard C. Harder)

Looking back at our times, the historian of the future may well characterize this as the Age of Confrontation—an era when society was wracked by extensive social change and by the debate and disputation, controversy and conflict which invariably accompany far-reaching change.

History's verdict on one of the most significant of those institutions—the marketplace—may be that the opportunity for great progress was missed because the advocates of change demanded too much too quickly, while the defenders of the status quo insisted too rigidly too long that change was quite unnecessary. But hopefully, it will be written that after all the rhetoric on both sides, something did hap-

pen: Significant innovations were developed by the business community, actions which recognized the changing values held by consumers and the new demands and wants produced by those values.

I believe that the restive discontent we call Consumerism is now being recognized for what it is: A reflection of the rising social and economic expectations of people the world over.

Jean Paul Sartre once wrote, "Man is not the sum of what he has, but the totality of what he does not yet have, of what he *might* have." That is the sum and the very substance of Consumerism.

Consumerism is here. It is a fait accompli, a permanent feature of the marketplaces of the world. Of course, I view things through American eyes, but as chairman of a company operating in over 40 countries. I have had occasion to travel many lands. Consumerism, as I have seen it, has had an impact which varies widely from country to country, but everywhere it is typified by the quest for a higher level of quality in products, services, and the way business is conducted.

Consumerism is not yet what it may yet become, a total reformation of the marketplace. But it is already very much more than we once *thought* it was—merely the desire of the buyer to drive a harder bargain with the seller.

Consumerism is not, as some would like to think, a novel form of recreation for an affluent and spoiled society which, bored with the easy fulfillment of its wants, ridden with guilt over its prosperity and good fortune, now petulantly turns on its benefactors. Nor is it, as others too readily believe, a conspiracy, a programmed series of seductions and other provocations but for which Mrs. Consumer would still be our devoted bride.

We are dealing with a *new* consumer who is no longer merely the family purchasing agent, but a whole person, with a whole new concept of value in the marketplace. Value, to this consumer, is no longer judged only by the pound or the kilo, but also by a set of social values which, as they become better defined and articulated, are beginning to be used as standards of measurement.

Is the product safe? Will it pollute the environment? Is it wholesome and nutritious? Is it truthfully and clearly described? Is it advertised fairly and honestly? Does it perform as advertised? Is its performance guaranteed? What forms of redress are available should the product be unsatisfactory?

These are the values by which today's consumers are judging today's products—and the performance of those who made and sold the products to them.

CONSUMER'S POWER

Slowly but inexorably, Consumerism is bringing about that total reformation in the marketplace. Today's consumer knows what she wants, and what is more, believes she has the right and the power to get it. We had better believe it, too.

Consumerism is a new name for an old process—demand and supply—which has lately gathered new strength and force. But what satisfied yesterday's consumer will not satisfy her today. Consumer values, like all contemporary social values, are in a state of great flux. They may not always be our values—but is that really so important? Our function, after all, as manufacturers and merchants, is to respond to consumer values whatever they may be and, if we do so effectively, we may then earn the profits which we cannot do without.

Let us take care, however, to keep our values in perspective. As businessmen, our everyday attention is and must be devoted to the sales and earnings of our companies. Yet the argument that the primary goal of business is to make money, is a tired and tiresome non sequitur when used to excuse a lack of response. There is no way we can long remain in business without the con-

tinuing approval of our customers, without their appreciation of the worth of our goods and our services and our role in society.

Seen in this light, Consumerism is not alone an appeal to the conscience of the businessman, but a reminder to heed his well-developed sense of the pragmatic.

Consumerism can be a most constructive force for desirable and necessary change in the marketplace. It can open and widen channels of communications to help keep us alert and responsive to the changing wants and expectations of individuals and society. It can help remind us that we in business are a part of society, and not apart from it.

BUSINESS RESPONSE

Why, then, have businessmen been reluctant to take the initiative? There are, perhaps, three reasons, two of them valid. First, many have responded already and have mounted comprehensive consumer programs. Rightly or wrongly, but honestly, they believe they are doing all they can afford to do. Second, much of the resistance is not to the constructive proposals of consumerism, but to irrational and punitive demands—ranging from those of dubious benefit to consumers to those which would be downright harmful.

The third reason is not as overt as the other two, and may even be largely subconscious. It is the natural resentment of the criticized for the critic, which leads to a reactionary posture, and even to a defensive denial of the legitimacy of the critic's right to criticize. A human reaction it may be, but it is invalid and irresponsible.

Let there be no mistake about it, we have the responsibility. Our critics do not, nor are they meant to have it. The classic, essential, and historically respected role of the critic is to find fault, not develop solutions, and certainly not to take charge. The drama critic is no playwright, the social critic no manager. It is our function to propose and initiate reforms lest they be advanced by critics who will assume no responsibility for their practicability or accomplishment.

But we must be more attentive to what the critics tell us. We must listen, not necessarily accepting what they say, but assessing how much their views may reflect shifts in public moods and values.

We must not resent the possibility, let alone the fact, that there are faults in the ways we do business. And we must allow the critic some immunity from the resentment of the criticized, some license to exaggerate—at least as much license as we take in promoting our wares—and some indulgence for his attention-getting abrasiveness.

If we make these concessions to the vocation of consumer criticism, we may begin to see the critic himself in a somewhat different light: Not necessarily a scoundrel; not invariably an adversary. We may perceive that his motives are honest and sincere, although zealots and opportunists are found in every calling. We may even find that his goals, his vision of the world as he feels it ought to be, once stripped of dogma, are really not so very different from our own.

PRESSURES FOR CHANGE

But let us be under no illusions that, having put the consumer critic in perspective, the stresses of Consumerism will go away. Social movements are not intended to ease the pains and trials of their targets. Consumerism will not soon become a source of comfort and cheer for any of us, nor should it. It will keep us alert, wary, constantly on the defensive. Like all social movements, it raises its voice in dissent. It applies pressures for change against pressures to maintain the status quo—pressures which can invigorate and renew our society.

This interaction between contrasting ideas drives our society; progress cannot be won without it, for out of the dynamic confrontation of opposing concepts and ideologies comes a new stability, one better suited to

altered circumstances and new conditions. It is the philosopher's equation: Thesis vs *anti*-thesis produces *synthesis*.

Like all great forces, though, the antagonism of confrontation can be carried too far. Even with an abiding faith in the ultimate wisdom of society, and in the inevitable triumph of sanity over irrationality, I can see the possibility that wrong can be committed in the very long meantime. It would be wrong if conflict led to the tyranny of the imposed solution, which can only be contrary to the ideals of free choice and pluralism; or if it brought chaos, erupting through ever-widening areas of disagreement.

And so both business and the critics of business must take care lest the goal becomes not the achievement of vital change but the defeat of the adversary.

For the consumer activists, this implies care to avoid unrestrained attacks which can only further undermine the public's confidence in the market system.

For responsible leaders of commerce and industry, it means a greater readiness to look at the marketplace as it really is, and to innovate and implement needed change—without waiting until we are compelled to act by government; to recognize that the consumer has certain fundamental rights, and that we therefore have certain corresponding fundamental obligations.

A number of consumer, governmental, and business leaders have set forth five basic consumer rights: The right to safety . . . the right to choose . . . the right to be informed . . . the right to be heard . . . the right to quality and honesty. But those rights have meaning only if they are embodied in everyday marketplace behavior.

CODE OF CONDUCT PROPOSED

I look forward, therefore, to the time when an international conference of the world's consumer industries can be convened to propound a code of business conduct—a code applicable to manufacturers, distributors, and service industries, a code assembled by representatives of every consumer industry and every nation, with the participation of authorities on consumer affairs from governments and consumer organizations.

To hasten that day, as an initial step leading toward such a multi-industry conference, I propose that the international food industry, through AIDA, formulate a code of its own which would serve as a model for other industries. We all take pride in this industry and would be more proud still of this demonstration of its leadership in what is, after all, the most basic of the world's consumer industries.

This statement of principles for the food industry would advance constructive positions on such issue areas as advertising and marketing . . . packaging and labeling . . . product information . . . nutrition education and information . . . food safety and wholesomeness . . . assistance to disadvantaged consumers . . . complaint handling . . . consumer remedies—all the areas in which business has fundamental, and in some cases, unexercised, obligations.

This code would give due recognition to the need for flexibility, to the differing competitive practices, the diversity of legal, social and cultural modes and traditions, and economic conditions, which prevail in the world. But in the end, it would be one integral code, one pledge to consumers that they are to be vested not only with their rights, but also with the very best performance of which our industry is capable.

MODEL CODES NEEDED

Our conference should formulate not only an overall code, but also specific recommendations for model practice and self-regulation by the world food industry. Moreover, it should acknowledge that many problems throughout the world are insoluble without the assistance and participation of govern-

ment—and that model national statutes and codes of regulations will need to be developed on the initiative of the conference.

All this will require that we tap the collective wisdom, experience, and insights of the food industry worldwide. Position papers and other inputs will be required from food manufacturers and distributors from every continent—and from the trade associations which speak for major segments of our industry.

It would be AIDA's role to solicit, coordinate, and distill these various inputs—and to organize any intermediate working conferences that may be required—in order to develop a final document that could be considered and acted on when the Ninth International Congress on Food Distribution meets in 1975.

Eventually, I would hope to see not just a conference of the international food industry, vitally important though that be, nor even the follow-up assemblage of the world's consumer industries—but a permanent, world-wide organization of a consumer-oriented businesses to exchange information and experiences on national consumer problems and their solution . . . and to facilitate the healthy growth of an international consumer-oriented community which is a most desirable goal in itself and the logical extension of the current drives toward European unity, international monetary reform, reductions in tariffs and other trade barriers, and the work of such groups as the Codex Alimentarius Commission.

RESPONSIBLE LEADERSHIP

A close working relationship with inter-governmental organizations working in this area would be highly advantageous, and so there should be frequent consultations with the OECD's Consumer Policy Committee . . . the Codex Alimentarius Commission . . . various agencies of the EEC, the Council of Europe, the United Nations . . . and other such bodies, including those in which East and West meet on common ground. Close contact with consumer groups, such as the International Organization of Consumer Unions, should also be fostered and maintained.

Admittedly, this would be an ambitious undertaking. It will be difficult to achieve. Agreement always is. Let us begin by agreeing that we are responsible not only as businessmen, not alone as citizens of certain nations or members of particular industries, but as leaders offered now the opportunity to fashion a great and bold new design.

Let us then begin to practice the language of agreement, so neglected in an Age of Confrontation. Let us begin to discern the similarities among people rather than their differences; Their physical needs, their demand to be treated fairly, their desire for personal dignity and satisfaction, their strong sense of justice and conscience, and above all, their optimistic hope and faith in a better world. These are the common denominators of humanity. They are essentially what Consumerism is all about—and what we owe the consumer.

Let us begin to fulfill that obligation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Is there further morning business? If not morning business is concluded.

THE UNIVERSAL COPYRIGHT CONVENTION

Mr. JAVITS. Mr. President, the copyright convention to which the Senate is addressing itself was the subject of very exhaustive hearings before the Commit-

tee on Foreign Relations. There developed a very serious difference of opinion between some of the publishers and all of the publishers. There were some qualified statements as being in favor of it by an important section of the publishing industry. Two major publishers appeared very strongly opposed. I would urge Senators to read the total hearings.

My point in rising is to comment on the situation simply to emphasize one point.

What is felt by the publishers opposed is that in some way developing countries would abuse the privilege of being able to use works which were copyrighted in other countries as permitted by this convention and that this abuse would represent a real deprivation of property.

I believe if experience demonstrates that there is abuse, in my judgment Congress should very carefully and seriously consider how to make whole the publishers and authors where there is a showing of abuse.

The United States, appearing in the matter, strongly contended there would be no abuse and that it would take great care and do everything it could to make sure there was not. Nonetheless, the possibility exists.

So, I spread this declaration on the RECORD. Should there appear to be abuse I, for one, representing a State in which very important publishing interests are located, would endeavor to get consideration for what would be a fair approach to losses which might be incurred by authors, many of whom might not be able to afford it, and get consideration for the damage inflicted on them by virtue of the approval of the treaty by the United States which undertook certain obligations on copyrights over which they have no control, although they benefit and will benefit from important affirmative aspects of the convention. This does represent something of a problem and I hope that this assurance may be of some help in respect to the fact that the Committee on Foreign Relations, having reported the measure, to the Senate, the Senate is very likely to ratify it.

Mr. President, I also want to point out that when domestic copyright legislation is considered by the Congress, as I hope it will be next year, we should at that time consider the effect which this new treaty has had on the position of educational publishers and authors of educational works.

ORDER OF BUSINESS

Mr. MANSFIELD, as in executive session with respect to the treaty which the Senate is about to consider, I ask unanimous consent that it be in order to ask for the yeas and nays on the resolution of ratification.

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

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the unanimous-consent agreement of Fri-

day, the Senate will now go into executive session and proceed to vote on Executive Calendar Order No. 30, Executive G—92d Congress, second session, the Universal Copyright Convention, as revised, with protocols.

The question is, Will the Senate advise and consent to the resolution of ratification? 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 North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), the Senator from Rhode Island (Mr. PASTORE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from New Hampshire (Mr. COTTON), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senator from Iowa (Mr. MILLER), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. CURTIS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 67, nays 0, as follows:

[No. 378 Ex.]

YEAS—67

Alken	Bentsen	Cannon
Allen	Bible	Case
Anderson	Boggs	Church
Bayh	Brooke	Cook
Beall	Byrd	Cooper
Bellmon	Harry F., Jr.	Cranston
Bennett	Byrd, Robert C.	Dominick

Eagleton	Jordan, N.C.	Roth
Eastland	Jordan, Idaho	Saxbe
Edwards	Long	Schweiker
Ervin	Magnuson	Scott
Fannin	Mansfield	Smith
Fong	Mathias	Sparkman
Fulbright	McClellan	Spong
Goldwater	McGovern	Stafford
Gurney	Metcalf	Stennis
Hansen	Mondale	Stevens
Hart	Montoya	Stevenson
Hartke	Moss	Taft
Hatfield	Nelson	Talmadge
Hollings	Pearson	Thurmond
Hughes	Proxmire	Young
Jackson	Ribicoff	

NAYS—0

NOT VOTING—33

Allott	Griffin	Muskie
Baker	Harris	Packwood
Brook	Hruska	Pastore
Buckley	Humphrey	Pell
Burdick	Inouye	Percy
Chiles	Javits	Randolph
Cotton	Kennedy	Symington
Curtis	McGee	Tower
Dole	McIntyre	Tunney
Gambrell	Miller	Welcker
Gravel	Mundt	Williams

The PRESIDING OFFICER. On this vote the yeas are 67, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. CANNON). Under the previous unanimous-consent agreement, the Senate will now return to legislative session.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read the joint resolution (S.J. Res. 241) by title as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. MANSFIELD. Mr. President, on Friday last an attempt was made to achieve a time limitation on the interim agreement.

Mr. STENNIS. Mr. President, may we have order in the Senate so the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. We marched up the hill, we thought we had an agreement, at least tentatively, and then we marched down the hill when we found out we could not come together.

I have made inquiries this morning to see about the possibility of a time limitation and my efforts have met with no success. It is my understanding that there are a number of amendments to be considered: The pending amendment offered by the Senator from Montana, an amendment by the distinguished Senator from Massachusetts (Mr. BROOKE), an amendment offered by the distinguished Senator from Washington (Mr. JACKSON), and the possibility that other amendments may be offered by Senators

CRANSTON, HUGHES, TAFT, and perhaps others.

So in an attempt to get things going I would like to make a few remarks on the pending amendment and hope that a vote could be achieved; if not shortly, at least sometime today.

It is the intention of the leadership to stay on this proposal until it is disposed of one way or the other. There will be no second track items; we will take this up and stay with it and it will be up to the Senate and its membership to decide how long that will be.

Mr. President, speaking on the pending amendment, stripped to essentials the issue before the Senate is whether this Nation is prepared to take a first step toward arms limitation or whether it will, instead, continue the saber-rattling so long a part of the arms race in which we have engaged for nearly three decades. Either we begin now to end the race or we do not. Either we take this step in good faith or we do not.

The SALT treaty ratified so overwhelmingly on August 3 set out the framework for an important initiative. It is that limitation of defensive weapons that makes the idea of strategic weapons totally creditable. That is the great breakthrough of the limitation of phase I of SALT. Now this Nation need not continue a race. On its own this Nation can determine the sufficiency of its deterrence without comparison with the offensive deterrence of the Soviet Union. SALT I, in effect, codifies this notion of sufficiency, a doctrine that permits an independent and autonomous judgment as to how much of a deterrent force is enough. If what we have is sufficient, we need no more. That we can eliminate an enemy 10 times over with existing force is enough—more than enough. It is of no concern that another party's force can eliminate us 20 times over. Redundance is not and should not be a national goal.

In fact the stabilization of SALT means that each side has been assured of the total validity of each other's deterrent capacity. That importance was not diminished, I think, by the approval of new weapons' development as was contained in the military procurement authorization bill. But the importance of SALT would, indeed, be diminished, if not obliterated, if it were suggested that the agreement, rather than stemming the tide of arms development, should be construed as a signal to increase this Nation's might unilaterally to a point beyond that of sufficiency or that of providing sufficient retaliation as a deterrent.

In that light, it is asked, what does the pending amendment do to enhance the resolution?

It makes it clear beyond question, I believe, that we endorse expressly the declaration signed by the President of the United States which is designed to ease and avoid military confrontations to the greatest extent possible. Most important, I think, is that part of the declaration which would deny advantage to one side or the other. As it is stated in the penultimate:

Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent.

They are inconsistent. This is what the President signed. And it is to affirm that endorsement that this amendment is proposed.

With it, and with the underlying SALT agreement, this Nation is not denied its obligation to remain strong and to maintain a sufficient deterrent force. That national goal remains totally secure.

What we do say, however, is that this small step away from arms escalation should not be twisted into an augmentation of the arms buildup. Let us use SALT as a signal for further and more comprehensive agreements, and not, as a signal to obtain a new defense posture, one which is unilateral and could only add to the danger of military confrontation.

I think it is pertinent to recite the arms race figures released by the State Department a few days ago—I quote from its press release of August 1:

Since World War II, the United States and the Soviet Union combined have produced nearly \$20 trillion in gross national product—approximately \$15 trillion in the United States and more than \$4 trillion in the Soviet Union. Of this amount, more than \$2 trillion has been spent on defense (approximately \$1.3 trillion by the United States, and an estimated \$1 trillion by the Soviet Union).

If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2,000 A.D., could spend another \$5 trillion or more to maintain national security.

With the initial SALT move to stabilization, I believe we can put a far different ending on that century-end projection. I pray that the Senate does nothing to jeopardize this effort.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, first I ask unanimous consent that the names of the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. JORDAN) be added as cosponsors of my amendment which is at the desk.

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

THE CASE FOR THE AMENDMENT

Mr. JACKSON. Mr. President, my amendment, which is broadly cosponsored by a bipartisan group of Senators, deals with three issues: First, the threat to the survivability of the U.S. strategic deterrent under the interim agreement; second, the need for equality in any follow-on agreement on offensive intercontinental strategic weapons; and third, the need for research, development and force modernization. These are issues that I have thoroughly discussed with the administration, with the witnesses before the Armed Services Committee and, in many cases, with my colleagues in the Senate. It is my firm conviction that we ought to state our views with respect to these issues and I believe my amendment is a medium for the expression of views that I am confident are shared by a majority of my colleagues.

(1) THE THREAT TO THE SURVIVABILITY OF THE U.S. STRATEGIC DETERRENT

Clearly any treaty that authorizes the latitude retained by the parties under this interim agreement contains certain risks. How severe those risks prove out to be depends less on the letter of the interim agreement than on the spirit of it. The simple fact is that the Soviets could, by pursuing an aggressive program of qualitative improvement to their offense, acquire the capability to destroy virtually the entire U.S. land-based deterrent force, missiles and bombers. This could be accomplished within the agreed number of launchers by such means as increasing the throw weight of the Soviet offensive force—already four times that of the United States—extensive MIRV'ing coupled with improved missile accuracy, et cetera.

Since we would be prohibited by the agreement and treaty from a number of stabilizing responses, the strategic balance could deteriorate under the terms of the interim agreement.

The situation we face in this regard was developed, in part, in testimony by the Director of Defense Research and Engineering, Dr. John Foster, before the Committee on Armed Services on June 22. In response to a question put by my friend, the Senator from Ohio (Mr. SAXBE), Dr. Foster identified some potential sources of instability that are wholly within the terms of the interim agreement:

Senator SAXBE. You state that Soviet exploitation of their numbers and throw-weight capabilities could adversely affect the strategic balance. Will you elaborate on that statement and indicate specifically how and when?

Dr. FOSTER. I was referring simply to the fact that the Soviet strategic missile capability exceeds our own capability in both numbers and payload-carrying ability. In numbers of ICBMs alone, they exceed us by approximately 50%, and in payload capability by greater than 50%.

If they were to exploit these numerically greater capabilities, such as by improving accuracy, resorting to MIRV, use of warheads having higher yield-to-weight ratios, upgrading their SAM's, or some combination of these and others, the strategic balance would be affected adversely. For example, with MIRV and accuracy improvements, the SS-9 force alone could be a severe threat to pre-launch survivability of our own land-based force. Or, other Soviet land-based missiles exist in sufficient numbers so that, with accuracy improvement, they could threaten our land-based force, leaving the SS-9 for other things—such as threatening our cities.

You asked when this could occur. I am not able to answer when it will or if it will. Should they wish such a capability, it could be achieved in perhaps 3-5 years.

It is my great hope, Mr. President, that these developments will not occur, that the Soviet Union will recognize that the overriding intent of the interim agreement is to contain the threat to the survivability of our deterrent forces, and that, consistent with this intent, they will refrain from programs that would undermine it.

What we have sought in our negotiations with the Soviets is a stable strategic relationship based on survivable strategic forces. Therefore, any action by the

Soviets that threatens the survivability of our deterrent forces must be a source of great concern.

I pursued this problem with Secretary Laird on July 24, and I believe our colloquy on this subject is highly instructive:

Senator JACKSON. The intent of the agreements is to enhance our security by enhancing the survivability of our deterrent. So you would view Soviet behavior that threatens the survivability of our deterrent as a violation of the intent of the agreements?

Secretary LAIRD. I would agree.

Senator JACKSON. If there is a pattern which threatens the survivability of our deterrent, you would treat that as a violation of the intent of the parties in making this agreement, would you not?

Secretary LAIRD. I certainly would.

Senator JACKSON. For example, the replacement provision on submarines, which we have discussed, as a subterfuge for sustaining momentum—

Secretary LAIRD. That is correct. We would interpret it the same way and it applies to us, too.

Senator JACKSON. That is, on a bilateral basis?

Secretary LAIRD. That's right.

Senator JACKSON. An aggressive program, beyond modernization, to deploy silo-killing warheads which threatens the survivability of our Minuteman force—you would treat that in the same way?

Secretary LAIRD. Yes, sir, and would recommend action if such a program were developed and tested."

Mr. President, I ask unanimous consent at this point to yield to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) so that he may make a statement, without losing my right to the floor, and provided that his remarks follow the conclusion of my own in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, I wish to make an observation or two.

It appears that the Senator from Washington is endeavoring to delay a vote on the amendment offered by the majority leader, and is engaging in what is some times euphemistically called "extended debate."

It is a procedure about which I do not complain, having engaged in it on occasion myself in connection with other matters; but I have also been thwarted in that effort on other matters, and in view of the fact that the Senator has undertaken to extend the debate—for how long I do not know; he has been unwilling to allow a vote on the pending amendment—I am not sure that it is in the interest of propriety to allow the farming out of time. It is not in accord with the rules for a Senator to hold the floor and farm time out and control it.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JACKSON. May I just comment on that?

Mr. FULBRIGHT. Mr. President, I believe I have the floor.

Mr. JACKSON. No, I have the floor. I yielded for a question.

The PRESIDING OFFICER. The Senator from Arkansas was recognized for the reservation of an objection.

Mr. JACKSON. Mr. President, let us keep the record straight, and I hope the majority leader will note this:

The Senator from Arkansas has said that I am trying to delay this matter. I think the record will disclose that the Senator from Washington has agreed to a time limitation, provided that all amendments are included in that limitation. Am I correct? I ask the majority leader.

Mr. MANSFIELD. Yes, if the Senator will yield.

Mr. JACKSON. I do not want to be accused of delaying this matter, because the record is to the contrary.

Mr. MANSFIELD. We did reach a tentative agreement yesterday in the minority leader's office, at a meeting attended by the distinguished Senator from Washington, and the agreement was to vote on the pending amendment at 4 o'clock today, to be followed by a vote on the Brooke amendment at 6 o'clock at which time the amendment of the Senator from Washington would be laid before the Senate.

I say the agreement was tentative. Then there was another meeting at which it was pointed out that it was only an open ended agreement, and it was thought that all amendments should be considered on a limited time basis.

I endeavored with might and main to reach an agreement on that basis, with the consent of the distinguished Senator from Washington, but my efforts met with failure.

Mr. JACKSON. Mr. President, the record will disclose that I have indicated I am willing to reach a unanimous-consent agreement on the bill and on all amendments thereto, under appropriate arrangements. That is my position.

I say to the majority leader that I am not trying to hold up action on his amendment. I am just continuing where I left off. As Senators will recall, I did not finish my formal statement on Friday. I have no desire to delay, but two or three Senators indicated they had amendments to my amendment—and one of them is a member of the Senator's committee—perfecting amendments from the floor.

I just want the record clear here. The facts are that on the ABM treaty debate I joined in advance to the unanimous-consent agreement to vote at a time certain. It was all worked out with the assistant majority leader. I assured them of the same course of action, in connection with the pending agreement. But let us keep the record straight. When the chairman of the Committee on Foreign Relations talks about the Senator from Washington delaying the measure, I think he should state all the facts.

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

Mr. JACKSON. Yes.

Mr. FULBRIGHT. That is not quite what I said or what the Senator from Washington said. The fact is that the Senator held the floor all afternoon Friday, and read very slowly, as he is reading this morning, at about one-tenth the usual speed, and he is obviously delaying. It is not a matter of what we say; it is a fact for all to see.

I am ready to vote on the pending

amendment now, and the Senator is the one who is preventing the vote. I am perfectly willing to vote immediately, or in 20 minutes, or 30 minutes.

What the Senator is saying is that unless we give in to a complete agreement on his terms for everything, including every amendment to his amendment, he will make no agreement and allow no vote.

That kind of arrogance, I think, is not acceptable. We are ready to proceed. The rules and the traditions of the Senate are that we take up amendments and vote on them. This business of agreeing in advance to every possible amendment, when we do not know what possibly can develop, is a very unusual arrangement. I do not mind it on routine legislation; I have permitted it and made no objection, but I consider this an important agreement that has been negotiated.

Mr. JACKSON. If the legislation is so important, I am wondering—

Mr. FULBRIGHT. Yes, it is very important. That is why it should not be subjected to that kind of treatment.

Mr. JACKSON. I wonder why the chairman of the Committee on Foreign Relations gave it such cavalier treatment. Look at the record.

Mr. FULBRIGHT. It is a very good record; look at it.

Mr. JACKSON. The facts are, Mr. President, that the chairman of the committee came to the floor and talked for about 5 minutes on a measure that is probably one of the most important we have ever had before this body. The junior Senator from Washington has gone into it in minute detail, and is endeavoring to explain it in detail. The Senator from Arkansas did not do that. I say there is no arrogance here, as far as I am concerned, in the handling of the time. I have agreed to a fair and reasonable unanimous-consent arrangement when it can be worked out. We do that right along, and we do not have the sort of open-ended unanimous-consent agreements that the Foreign Relations Committee is propounding. If that is arrogance, only the Senator from Arkansas apparently understands the meaning of the term.

Mr. FULBRIGHT. Well, the actions speak for themselves.

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. JACKSON. Not unless the Senator has some further comment.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I am happy to yield.

Mr. HARRY F. BYRD, JR. Is it not true that the Senator from Virginia had planned to seek the floor just prior to the time the Senator from Washington did, and the Senator from Virginia was called out of the Chamber to do a television interview with a Virginia television station, and asked the Senator from Washington, if he obtained the floor, whether he would mind yielding to the Senator from Virginia for 15 or 20 minutes so that he might comment on this important matter, and that there were no dilatory tactics involved as far as the

Senator from Virginia and the Senator from Washington were concerned?

Mr. JACKSON. The Senator is absolutely correct. I could have requested a quorum call, but I did not do it. I am trying to move this matter along. The Senator from Virginia had an appointment that he had to keep, and I agreed that I would go ahead and then yield to him for that purpose when he returned to the floor. That was precisely the arrangement.

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

Mr. JACKSON. I yield.

Mr. FULBRIGHT. Unless the Senator is seeking to filibuster, why does he not yield the floor and let the Senator from Virginia speak? Unless he is trying to filibuster by unanimous consent—

Mr. JACKSON. Mr. President, that is ridiculous. That is the height of arrogance on the part of the Senator from Arkansas. I have never been involved in filibusters. My record on issues of civil rights—a frequent subject of filibusters—and other matters speaks for itself. What I am seeking here is the same kind of equality in the treatment of our allies that we should seek for our people here at home. I have never been involved in any kind of filibuster, by the way, that involves the issues of equality. That is what we are talking about.

I am talking about an amendment that will make it possible for the United States to be on an equal basis with the Soviet Union. I am for equality at home as well as abroad, and I am proud of that record.

I am not filibustering. As chairman of the committee, the Senator from Arkansas did not come in and explain in detail the provisions of this bill. Never before in my memory has it happened that the chairman of a committee failed to explain a bill in detail on the floor of the Senate. I think it is rather sad that someone else not a member of the Foreign Relations Committee has to go ahead and do it. That speech explaining the interim agreement has not been made by the Senator from Arkansas, as chairman of the committee. He has not spelled out for the benefit of Senators what is in this measure and what is not.

So I shall undertake to do this in a proper way; and I am ready and willing for a unanimous-consent agreement to be entered into under the proper terms, so that we can limit debate. The majority leader understands that, and I stand by my word. I regret that the Senator from Arkansas would deny this arrangement and an effort to reach an accommodation to move along; but if he wants to do it, that is his right.

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

Mr. JACKSON. I yield.

Mr. MANSFIELD. The Senator has shown himself to be most cooperative. I wonder whether he would consider another possibility, and that is that the vote on the pending amendment, by itself, occur at a time certain.

Mr. JACKSON. Certainly.

Mr. MANSFIELD. What time?

Mr. JACKSON. Four o'clock?

Mr. MANSFIELD. Fine.

Mr. ALLEN. Reserving the right to object, Mr. President—

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the right of the Senator from Washington to retain the floor.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 10, 1972, the President had approved and signed the following acts:

S. 247. An Act for the relief of Albert G. Feller and Flora Feller;

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. 3284. An Act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior; and

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.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

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

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. JACKSON. Mr. President, Senators who share my view that the Senate ought to go on record in support of the policy of the United States to seek a follow-on agreement that limits the threat to the survivability of our deterrent forces will welcome my amendment. The first part does precisely that. It urges restraint on the part of the Soviet Union by indicating that a failure to achieve a threat-limiting agreement could jeopardize the supreme national interests of the United States. In so doing, the amendment takes account of the fact

that while the interim agreement may have some slight effect on the rate of growth of the Soviet threat to the survivability of our deterrent, it does not halt it. Therefore, should the threat overtake the negotiation of a follow-on agreement at any time within the next 5 years, our supreme national interests could be jeopardized. I will be surprised, Mr. President, to learn that there is any substantial opposition to this view within the Senate.

EQUALITY IN SALT II

Mr. President, I have elsewhere described the present agreement as providing the United States with "interim subparity." The agreement confers on the Soviets a 50-percent advantage in numbers of land and sea-based launchers and a 400-percent advantage in throw weight. Now, the argument is made that this enormous disparity in numbers of launchers and throw weight is offset by superior technology and numbers of warheads on our side. There is a certain limited truth to this claim. It is not an enduring truth: for while numbers are limited under the agreement, technology is not. It stands to reason, therefore, that in the long run "superior" technology cannot be relied upon to offset inferior numbers.

The inability of technology to compensate for numbers is not only true in general but is, in the present case, true for specific reasons as well. The greatest part of our presumed technological advantage lies in our lead over the Soviets in the development and deployment of MIRV warheads on our missile forces.

This lead is not one that can be maintained at anything approaching our current margin. On the contrary, when the Soviets develop a MIRV capability—and they are expected to do so at "any moment"—the combination of that capability and their vastly superior throw weight will give them, given time and effort on their part, superiority in numbers of warheads.

There is an enormous volume of misinformation on the subject of alleged U.S. advantages arising from technology and geography. There is no doubt that in the long run technology will tend toward equalization. How well I remember those who argued that the Soviets would require a decade or more to catch up with the United States in developing hydrogen weapons. The same sort of scientists who today argue that we can rest comfortably with inferior numbers of launchers because of an unbridgeable advantage in technology miscalculated by about 9½ out of 10 years back in 1947. The Russians, of course, were only months behind us, and our scientists were behind the eight ball.

As to geography, I have heard it argued—the chairman of the Foreign Relations Committee made the case himself last week—that owing to our possession of forward bases for our submarine fleet we need fewer submarines than the Soviets in order to maintain on-station times equal to theirs. Now, sea-based strategic forces are assuming increasing importance; so it is essential that we be correct on this point. Despite some statements to the contrary, the geographical

asymmetries favor the Soviet submarine fleet and not our own. With the increased range such as that of the Soviet SSN-8 submarine launched missile, the importance of forward bases is greatly diminished. Russian submarines will be on-station with respect to a large number of U.S. targets within 1 day's travel time from Murmansk or Petropavlovsk. This is not substantially different from the situation of our submarines operating out of their forward bases. What is more important, however, is that the Russians have a very large land mass between our submarines and their vulnerable points while we do not. Most of the U.S. points that are targets for Soviet submarine-launched missiles are coastal or near-coastal.

So there is little substance to the claim that we are in a favorable geographical situation.

The point I wish to make, Mr. President, is that, over the long run, there is no substitute for equal numbers of launchers taking account of throw weight differentials. I believe that the Senate should join with our negotiators and administration spokesmen in rejecting, for the future, the sort of disparities that we have agreed to, on an interim basis, in the present agreement. And in so doing I believe that we ought to insist that the principle that was applied in the case of the ABM treaty—the principle of equality on which the Russians insisted—ought to be applied to a treaty on offensive weapons.

I was concerned, Mr. President, that our consent to the interim agreement, containing, as it does, the wide disparities to which I have referred, might be misunderstood as reflecting on the acceptability of such disparities in a follow-on treaty. In order to make the record clear I asked a number of witnesses before the Armed Services Committee to comment on this issue.

On July 18, I asked Ambassador Gerard Smith, the Director of the Arms Control and Disarmament Agency and head of our SALT delegation:

Would the present Interim Agreement be acceptable as a permanent agreement?

Ambassador Smith replied:

Not to me.

I then directed the same question to other members of the SALT delegation. Former Deputy Secretary of Defense and now Assistant to the Secretary of Defense for SALT, Mr. Paul Nitze, said: "No." General Royal Allison, a member of the delegation and Assistant to the Chairman of the Joint Chiefs of Staff for Strategic Arms Negotiations, also said "No."

On July 24, I directed a similar question to Secretary Laird, with respect to whether a SALT II agreement should continue the numerical relationships established in the interim agreement. Secretary Laird, speaking for the administration, said:

I would hope that in these negotiations we could move in the direction of equality as far as numbers and also as far as some of the other important areas dealing with offensive strategic weapon systems. I feel that this should be a very important thrust of our negotiations because this is very basic to the continued support of the obligations that we

have undertaken with our friends and allies throughout the world in order to prevent the possibility of a nuclear exchange in the future.

Chief of Naval Operations, Admiral Zumwalt, testified:

It is my view that in SALT II, we must achieve an equality of numbers. Just as the Soviets insisted on symmetry with regard to the ABM treaty, if we are going to go into a permanent treaty on the strategic side, I think we absolutely must insist on symmetry.

I know of no one in a responsible position in the administration who is in disagreement with this widely expressed view.

My amendment provides the Senate with an opportunity to declare itself in favor of equality in a follow-on agreement; and I am certain that in view of the basic good sense of that position and the overwhelming testimony before us, we will act to affirm it.

Mr. President the question of what is to be included in the computation of equal forces in a follow-on agreement is related to the difficult issue of our forward deployments in Europe which are dedicated to the defense of our European allies and which are at sea.

The intent of my amendment as it bears on this matter is, I believe, perfectly clear and straightforward. In stating that "the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty" and that accordingly "the Congress requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union" it is unmistakably clear that so-called forward based systems, which are not intercontinental, should not be included in that calculation of equality. It is my view, and the intent of the pending amendment, that any eventual treaty must recognize the necessity that the intercontinental strategic forces of the U.S. and the U.S.S.R., by which I mean to include ICBM's, submarine-launched nuclear missiles, and intercontinental range bombers of the two powers, should bear an equal relationship to one another. This says nothing about the eventual role of or disposition of the issue of forward based systems.

With regard to the question of forward based systems it has been my understanding, as clearly set forth by representatives of the administration in testimony before the Senate, that the United States has refused to negotiate the issue of forward based systems in a bilateral U.S.-U.S.S.R. negotiation. I understand that this position was based on the entirely justifiable view that such systems are part and parcel of our alliance defense commitment and could not appropriately be considered without satisfactory alliance participation. I fully support the administration's views on this matter and there is nothing in my amendment which in any way contradicts that position.

RESEARCH, DEVELOPMENT, MODERNIZATION

My amendment, in its final sentences, simply points to the need for a vigorous program of research, development and

modernization leading to a prudent strategic posture. I wish to emphasize that adoption of this language is not intended to bear upon the wisdom of any particular procurement item. Decisions on procurement ought to be taken on a case by case basis. So while it is useful for the Senate to go on record to the effect that we must continue our efforts in the research, development, and modernization area, Senators can rest assured that this does not constitute an endorsement of any particular weapons system or any particular research and development effort. I emphasize this, Mr. President, because I would not wish Senators to gain the impression that in voting for my amendment they are committing themselves to any future action on procurement items.

Mr. President, I began my remarks by observing that international agreements always involve unwritten hopes and expectations and reservations. Sometimes it helps to set them down. In the present case I hope, and I am sure my colleagues share this hope, that a follow-on agreement will limit the threat to the survivability of our strategic deterrent forces. It is, in my view, well to underline this hope by language that lets the Soviets know that a failure to achieve this result would jeopardize our supreme national interests. My amendment does that.

I fully expect that our negotiators at SALT II will insist upon equality just as the Soviets insisted upon equality in the ABM treaty. The issue of whether the present agreement adds up to equality is beside the point; and there will be differences of opinion on that. But what I am certain we can agree on is the necessity that we not accept in SALT II levels of intercontinental strategic weapons that are inferior to the levels of intercontinental forces permitted for the Soviet Union. My amendment does that.

Finally, I am confident that the Senate would wish to reaffirm its confidence in the importance of our research and development efforts.

Mr. President, the overriding hope and expectation of all of us is that the SALT deliberations will eventually produce a treaty that will assure the survivability, and therefore the credibility, of our deterrent posture. Such a treaty would be an enormous step toward world peace.

Mr. President, I want to see the Senate of the United States play a full and equal role in the effort to bring about such a treaty. The place to start is by giving our advice as well as our consent to the present agreement. We have an obligation to give direction to the future efforts of the Government on SALT policy. I believe that direction must be toward survivable forces and toward equality. I am confident the Senate shares this view and that it will act to support my amendment.

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

Mr. JACKSON. I am very happy to yield to my good friend from North Carolina.

Mr. ERVIN. Mr. President, I commend the distinguished Senator from Washington for the remarks which he has made to the Senate. I do not believe there is any other man in the Nation who is more

knowledgeable on the implications of the interim agreement and the implications of the future SALT talks than the distinguished Senator from Washington because he is as well versed in our weapons systems and the disparity which exists between some of our weapons systems and those of the Soviet Union as any man in the Nation.

I know as a member of the Committee on Armed Services that he has been tireless in his attendance upon the sessions of the committee at which the committee probed these questions, and that he asked questions of a most penetrating nature of all the witnesses who appeared. From my attendance at as many of these sessions as it was possible for me to attend, I know the Senator from Washington is correct when he states that it appeared that virtually every witness who had anything to do with the negotiation of the interim agreement and the ABM treaty, and virtually every witness who is charged with serious responsibility by reason of his position in the Armed Forces of the Nation expressly recognized the necessity of the United States establishing a parity with Soviet Russia in future SALT talks in respect to intercontinental strategic deterrents.

Mr. JACKSON. Mr. President, first, I want to thank my good friend for his generous remarks. I know I do not deserve them. But I do want to say that the Senator from North Carolina played an important part in the Armed Services Committee hearings that we held. He asked some truly penetrating questions to bring home what is really at issue. I think it is regrettable that so little is understood about the nature of this agreement and what it includes and what it does not include, the ambiguities that are in it, the fact that it is not bilateral in every respect, the fact that there are a number of unilateral interpretations that have not been concurred in by the other side.

I think those of us who are lawyers understand that in order for two parties to make a contract there has to be not only a bilateral agreement, but appropriate consideration for that agreement. We do not have that in this agreement.

I think the Senators who tried to get all the facts out on the table rendered a real service. This is what we are trying to do on the floor of the Senate.

I commend the Senator from North Carolina. I know of no one who has a better means of pursuing the ancient art of cross-examination, which is the best means ever devised by man, at least in Anglo-Saxon law, to get at the truth.

Mr. ERVIN. I know the distinguished Senator from Washington had a great career as an attorney prior to the time he was selected by his constituents to serve them in the Congress of the United States. Is it not the objective of an agreement between either nations or individuals to express exactly what was decided and agreed on? As the Senator from Washington has pointed out, there are a great many ambiguities in the interim agreement itself. As a matter of fact, do we not have an interim agreement which does not express anything about these disparities, which are sanctioned in a protocol annexed to the agreement?

Mr. JACKSON. The Senator is correct.

For example, one cannot find in the interim agreement the number of land-based missiles that is permitted on both sides. It is not in the agreement. It is just a unilateral statement on our part, whereas the numbers of submarines of the Polaris type, so-called, are spelled out for both sides.

Mr. ERVIN. Is it not true that the interim agreement itself states in respect to the weapons which are frozen—and they are a very limited part of the weapons in existence—the agreement is based on what was in existence and under construction at the time of entering into the interim agreement?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. So a lawyer doing a good legal job of drafting the interim agreement would have inserted specifications enabling us to understand the terms of the interim agreement?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. But, instead of doing that, the drafters had to draw a protocol that be annexed to that interim agreement to explain in part what the interim agreement provides. They were not able to express the terms of the agreement by doing that. They then had a further written agreement between our representatives and those of Russia as to what the interim agreement and the protocol agreement contemplated.

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. And then, in addition to that, I will ask the Senator from Washington if our negotiation did not adopt a fourth method, in which the American negotiators made certain statements, and those statements were acceded to by the Russians, making the fourth set of documents to explain what the original agreement contemplated.

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. And still our negotiators were not satisfied that the interim agreement was understandable, so they made unilateral statements as to what they contemplated the interim agreement and the protocol and the bilateral statement means.

Mr. JACKSON. With no concurrence on the other side.

Mr. ERVIN. No, the Russians did not concur in the fifth statement, which was unilateral, and stated the interpretation of our negotiation viewpoint. But the Russians never expressed their opinions in regard to the unilateral statement of our negotiators.

Mr. JACKSON. The Senator is again correct.

Mr. ERVIN. So would not the Senator from Washington agree with the Senator from North Carolina that a lawyer would do a very sorry job if he drew a contract his client had to sign and then produced three other documents, and then an oral statement, to explain what the contract was intended to do?

Mr. JACKSON. I think the Senator's description is an accurate one and brings home the fact that we have already laid the foundation for obvious disputes in the future. This is what a good lawyer, in advising his client and in drafting an agreement, would want to avoid.

I know the Senator from North Carolina, who has been a distinguished lawyer and a distinguished jurist of the

Supreme Court of North Carolina, would agree that what has been followed here is unheard of even in a moot court exercise in law school.

Mr. ERVIN. As I understand, the Senator from Washington and I are both concerned about the state of the world in which we live. We certainly live in the most precarious age that the world has ever known.

I remember some years ago when President Roosevelt first issued a proclamation providing, in effect, for two Thanksgiving Days, one the orthodox Thanksgiving and the other a Thanksgiving a week earlier. I had an old friend, Isaac T. Avery, who was a Democratic lawyer in my hometown. I also had a young friend Russell Berry, who was a Republican lawyer. The Republican lawyer said to the Democratic lawyer:

I don't know what you Democrats have done for this country that requires us to have two Thanksgivings to thank the good Lord for our blessings.

Mr. Avery, the Democratic lawyer, said to Russell Berry, the Republican lawyer:

Well, Russell, I think we might very well find use for two Thanksgiving Days. We can use the first to thank the good Lord for the Atlantic Ocean, and the second to thank the good Lord for the Pacific Ocean.

Those are blessings for which we might well have thanked the good Lord in those days, but today the Atlantic and the Pacific Oceans no longer protect us because of advanced technology.

Mr. JACKSON. The Senator has stated it very well. We are living in an age in which science and technology can determine in a large measure what kind of physical security we can obtain. The fruits of science and technology, as the Senator knows, never remain on a plateau, despite the wishful predictions of scientists writing in *Scientific American*. We are living in an age when we cannot isolate ourselves on the North American Continent. We have to be a part of the world, and I think we have to play a responsible role, no matter how onerous it may be at times, in endeavoring to preserve, and hopefully to extend, individual freedom.

Mr. ERVIN. Is it not true that the United States has undertaken during recent years to maintain a viable defense posture in order to deter any other nation from starting what we might call the third world war?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. The United States has not created any weapon system for the purpose of practicing aggression toward any other nation on earth. Is that not true?

Mr. JACKSON. The Senator is correct. I would point out that at the end of World War II we demonstrated our good faith in trying to control atomic weapons by offering what was then referred to as the Acheson-Lillienthal-Baruch proposal. The Senator may recall we offered to turn over our entire nuclear stockpile to an international body, under the direction of the United Nations, provided that all other nations joined in it. The nation that vetoed that in the Security Council was none other than the Soviet Union.

Mr. ERVIN. And if that proposal had

been accepted by the Soviet Union, we could have avoided what some people have called the arms race, and could have had peace as nearly guaranteed as peace can be in a nuclear world; is that not true?

Mr. JACKSON. The Senator is correct. If the Soviet Union had simply lived up to the Charter of the United Nations.

I think the preamble to the United Nations Charter sets it out pretty well: An agreement "to resolve differences by peaceful means."

But instead, we all know what has happened: They failed to live up to the agreements that were entered into at Yalta, by which free and open elections were to be guaranteed to the people of Eastern Europe, which the Soviets occupied with their armed forces—and still occupy; and we know what happened after that. We saw the fall of Czechoslovakia, which led to the formation of the North Atlantic Treaty Organization.

We have made every conciliatory move to try to bring about a stabilization of forces in the world so that we could have peace, and in every such move we have had to face continuing opposition on the part of the Soviet Union.

Mr. ERVIN. Is it not true that for some years after the rejection of the proposal made by Secretary of State Acheson following the end of the Second World War, the United States had a decided position of superiority in respect to armaments over Soviet Russia?

Mr. JACKSON. In nuclear arms we not only had superiority, but we had an absolute monopoly until August of 1949, when the Soviets got their first nuclear bomb, what we call a fission bomb.

Mr. ERVIN. Is it not true that, during the period in which the United States maintained superiority in this field over Soviet Russia, representatives of the United States at various levels met with the Russian representatives in hundreds of meetings, in an attempt to arrive at an enforceable arms limitation agreement?

Mr. JACKSON. The Senator is correct. While we were trying to do that, of course, we had the problems of Berlin and threats of aggression against the Western European countries that were not then under the domination of the Soviet Union.

Mr. ERVIN. Is it not true that we were able to reach the partial agreement in SALT I only after Russia had achieved superiority in several significant fields over the United States?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. Now, the Senator from Washington, as I interpret his remarks, wishes to impress upon the Congress of the United States, upon the administration, and upon the American people that there is little value in having a strategic deterrent unless that strategic deterrent is capable of surviving a first strike at the hands of the Soviet Union or any other nuclear nation.

Mr. JACKSON. The Senator is absolutely correct. As I have pointed out, on December 6, 1941, we had the largest and finest Navy in the world. On December 7, we were left with virtually no Navy as a result of the surprise attack at Pearl Harbor.

What we want is a survivable, and therefore credible, strategic deterrent. This is what stabilizes the situation in the world, something that I think all men and women of good will strive for.

Mr. ERVIN. And is it true that the best insurance against a third world war is the maintenance by the United States of a deterrent strategic force which other nations know is capable of surviving a first strike at the hands of any other power?

Mr. JACKSON. I agree completely, as long as the Soviet Union understands that should they attempt a surprise attack on our forces, our response would deliver unacceptable damage in every respect. Unless we have that kind of posture, I believe the Soviet Union will undertake greater and greater risks. This is the factor that should be taken into consideration. But it is essential that the Soviets not believe that they can hope to use their reserve forces to deter our retaliation.

For example, at the height of the Cuban missile crisis, when the Soviet Union managed to sneak missiles into Cuba, we had a wide strategic lead over the Soviet Union. I do not recall the exact ratio, but probably as high as 7 to 1 in terms of missiles and bombers.

Despite that wide advantage, the Russians nevertheless took that risk. I do not think it requires much imagination to comprehend the range of risks that the Russians would take should they attain superiority in strategic arms over the United States.

As the Senator has mentioned, when we had an absolute monopoly, when we had a wide lead over the Soviet Union, they had no fear. We never at any time threatened them with nuclear weapons. So what we are trying to attain here, I think, is a stabilization of forces which, in turn, will have its impact on the conduct of the nations in the world with respect to what we refer to as little wars, or threats of aggression in limited areas.

This is involved when we talk about the relative relationships of the two great powers in strategic arms. So we are not talking only about the numbers of weapons, and it is not any simplistic action-reaction phenomenon. That is not all that is involved here, though that is a part of it. But I think we have to understand the international political implications, the diplomatic implications, and I think that very clearly, if the Soviet Union attains superiority in this area, the hard-bargaining and risk-taking that they are going to engage in, in the 1970's and 1980's, will be something beyond what the world has witnessed heretofore, and we would be most seriously handicapped, even if no weapons were ever used, in the diplomatic area.

Mr. ERVIN. And the United States would be disadvantaged by that Russian superiority in diplomatic and economic and other fields; is that not true?

Mr. JACKSON. The Senator is again correct. We would see examples of blackmail, due to the fact that they would have a superior strategic force, and they would use that power to blackmail our allies, as they attempted to, the Senator will recall, in 1956. I think it was Mr. Khrushchev who made the comment, at

the time of the Suez affair, that the Soviet Union could detonate seven or eight weapons and there would not be an England. He attempted to blackmail Anthony Eden directly.

He applied the same rhetoric to France. That was at a time when they were just developing nuclear weapons. They were then only 7 years into the atomic age, having exploded their first bomb in 1949.

Again I emphasize, and I want to be as emphatic as I can on this, that the element of tougher bargaining and risk-taking on the part of the Soviet Union will, I think, increase in direct proportion to the acquisition of whatever nuclear strategic advantage they can obtain.

Mr. ERVIN. Then, is it not the judgment of the Senator from Washington that it is essential to the stabilization of the world and to the assurance of peace that the United States shall have at least a parity in weapons with the Soviet Union?

Mr. JACKSON. The Senator is again speaking my language.

Mr. President, it is just incomprehensible that some Senators are not willing to go along on an amendment which simply asks that we achieve equality in strategic weapons with the Soviet Union. They bring in all this extraneous business about forward bases which in Europe, as I pointed out in my remarks, are entirely tied to a theater responsibility for the defense of Western Europe and NATO. They bring up over and over again that we have 7,000 warheads over there. Those 7,000 warheads are tactical in nature. They are in support of our forces and are there to prevent the obvious advantage that the Soviet Union has in numbers of troops.

Mr. ERVIN. Is it not possible, in the present stage of development of weapons, for the Soviet Union entirely to bypass those forward bases and to make an attack on the United States, either by intercontinental ballistic missiles or by the Yankee-type submarines, without ever making any attack on the forward bases?

Mr. JACKSON. That is correct. They do not need to touch the forward bases at all. The forward bases have an extremely limited capability, and they are neutralized, I would say to the Senator from North Carolina, by the presence of more than 600 intermediate range ballistic missiles that can destroy 40-odd strike bases we have in Western Europe. In fact, a hundred IRBM's out of the 600 is all that they would have to use in order to knock out the capability of the 7,000 warheads that are constantly mentioned.

I point that out because of the extraneous issues that are being brought in here which do not affect the pursuit of equality in basic strategic arms. We are referring, of course, to the land-based ICBM's, the sea-based ballistic missiles, and bombers that have an intercontinental capability—those are the three basic strategic systems.

What is wrong with asking for equality on both sides, or parity on both sides, in SALT II?

I recall that during the ABM debate, we brought up the fact—I brought it up in the closed hearings, and it came as a

surprise to some Senators—that the Soviets had a very fast moving Yankee submarine program similar to our Polaris. The figures startled some Senators in 1969. I can point out—and I will do that later, in more detail, as I read back the testimony to the Senate—that they have gone far beyond even those numbers I reported in 1969.

We were told the Soviets were just trying to seek parity with the United States. The same is true in land-based missiles: They were just trying to seek parity. They would stop at 1,054 ICBM's and 41 submarines. They have gone far beyond that—1,618 such land-based missiles to our 1,054. The same is true with respect to their submarine force, in numbers, giving them a 50-percent advantage; and in throw-weight—the ability to carry warheads—an advantage over us of 4 to 1.

Mr. ERVIN. Is not the argument frequently made by some people in high places that we ought not spend money for weapons because weapons have become obsolete?

Mr. JACKSON. The Senator is correct.

Mr. ERVIN. Does not the Senator from Washington believe, as the Senator from North Carolina does, that the reason why some weapons for which we have spent large sums of money have become obsolete has been that we had those weapons and their possession by us made it possible for us to deter others from attacking us?

Mr. JACKSON. The Senator is correct. I think that without the forceful and effective and comprehensive research and development we have undertaken—under all administrations, Republican and Democrat alike—we would not have had a successful deterrent.

On Friday there was great complaint about the fact that we had spent a huge sum since World War II on useless weapons. I think we all seek a situation in which these weapons never will be used. If they are used, deterrence will have failed.

Mr. ERVIN. That is the reason why we have these weapons—the hope that they never will be used and that the weapons themselves will be sufficient to prevent a holocaust.

Mr. JACKSON. The Senator is correct again. We know that should there be a nuclear exchange based on the current situation, there could be an incineration of mankind. Our effort is to maintain the kind of posture that will not tempt the adversary to undertake any such attack. This is what we are trying to do.

Mr. ERVIN. The ultimate objective of the Senator's amendment, as I construe it, is to point out the necessity in future SALT talks of agreeing on limitations which will insure the survivability of our strategic deterrent force by having the United States placed at least on a parity with the Soviet Union.

Mr. JACKSON. I think the Senator has summarized it very well. We seek to obtain a survivable and, therefore, a credible force which will place us on a basis of parity, or equality, and not inferiority with the Soviet Union.

Mr. ERVIN. Does not the Senator from Washington agree with the Senator from North Carolina that one of the most

solemn obligations resting upon those who have the honor of being in the U.S. Senate and the U.S. House of Representatives is to act, in a sense, as watchmen for a nation which is living in a very precarious world?

Mr. JACKSON. I believe that our constitutional responsibility—particularly in the Senate, where we are called upon not only to consent but also to give our advice—means that we have, particularly in light of the world situation, a responsibility unequalled in our history; because we are dealing, as I view it, with the life or death of the Western World.

Everything we believe in, which we like to refer to as western civilization, of which we are a part—of which my antecedents and those of the Senator from North Carolina have been a part—is at stake here. That is why I feel so deeply about this matter.

I think it behooves some of us, at least, to bring this message as clearly and as explicitly as we can to the American people. We have many problems that beset us at home. Many things divert us. But I hope that, as a people, we will never be diverted from the central issue of freedom. The desire for freedom is what unites all people, no matter what their attitude or philosophy may be on a given issue.

The right to speak out, the right to be able to dissent, the right to be able to say, "I believe in individual human dignity"—all this, Mr. President, is at issue when we talk about the relative power relationships between the two great powers. We come from a people that have had the longest lived democracy in the world. The people of the Soviet Union have never known freedom. It is the only country in western Europe that has never known freedom. Think of that. The only country. I love the Russian people, as we all do as a people. But there are those who come to the absurd conclusion that the Soviet political and military elite are like us because the Russian people are friendly, because they are good people individually. It is not possible to impute that attitude to their leadership any more than we could have imputed the attitude of friendliness of the German people that existed immediately prior to World War II to the leadership in Nazi Germany.

So there is more at stake here than just how many missiles they have and how many we have. We are talking about whether we can preserve Western freedom.

Mr. ERVIN. The Senator from North Carolina is convinced we certainly should insist that our negotiators at the next SALT talks should try to obtain a treaty of a permanent nature which would secure to the U.S. security and to the world stability by placing the United States and Russia respecting intercontinental strategic weapons. I think, in view of the present state of the world, that is not the time for us to emulate the example of ostriches and stick our heads in the sand so that we cannot see the harsh realities which confront us.

I want to thank the distinguished Senator for the great speech he has made, and for the fight he is making for what I consider to be pure and simple sanity in this field. It makes me proud to

confess that the distinguished Senator from Washington was my choice for the Democratic nomination for President of the United States.

Mr. JACKSON. I thank the Senator. I want to express my deep appreciation to the distinguished and able Senator from North Carolina. I am proud to have served with him in the House and now in the Senate. I admire his acute ability to get to the heart of an issue which, of course, stems from the fact that he is without a doubt the finest constitutional lawyer we have in the Senate today. He is a man who is well versed in strategic weapons matters. He is a man who, through it all, has a judicial temperament. We are fortunate in having the wisdom of the distinguished senior Senator from North Carolina (Mr. ERVIN).

Mr. COOPER. Mr. President, will the distinguished Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. COOPER. May I say that I have listened with great interest to the colloquy between the distinguished author of the amendment, the Senator from Washington (Mr. JACKSON) and the distinguished Senator from North Carolina (Mr. ERVIN). I would like to say that there are several subjects on which I agree in the matters the Senator has discussed with the Senator from North Carolina.

I would say, first, that I believe we all want equality with the Soviet Union of our strategic nuclear systems and, second, we want to maintain the survivability of our deterrent. I would say, for myself, that I never want to see the United States fall into a position militarily inferior to the Soviet Union whether it be strategic nuclear weapons or the effectiveness of our conventional weapons and forces.

I consider, too, that while it is fortunate we have been able to make agreements on the ABM and offensive nuclear system, there is a vast difference in our political systems. I do not foresee any significant change in their system in the future, and I hope there will be none in our democratic system except for the better. I am happy also that I can agree with the Senator that I am not one of those who believe we can cut the very heart out of our military spending and defenses and expect to be able to meet the psychological and political problems throughout the world.

Mr. JACKSON. May I say that the Senator knows we are agreed on a number of things. I think we have had some disagreements on some specifics but I think the able Senator from Kentucky (Mr. COOPER) has been deeply concerned about the need to provide for adequate security for our forces at home and for our allies.

I know of no one in this body who has understood more clearly the need to have an ongoing and effective relationship with our NATO partners than the Senator from Kentucky.

Mr. COOPER. I am in accord with the Senator on that.

Mr. JACKSON. The Senator has taken especial interest in that. He has served on the NATO Parliamentarians Military

Committee now for a number of years and has been a rapporteur.

I want to commend him for the dedication and the contribution that he has made toward strengthening the alliance, and to warn against any premature unilateral action on our part, such as troop withdrawals. The Senator has been most forceful in that regard.

Mr. COOPER. I have agreed with the Senator on the importance of NATO for our security as well as that of Europe because I value, as he does, our allies and the strength which we find in Western Europe and also, as he has stated, it includes the countries which can be really called democratic, and which are the source of our values.

I recall in 1968 when the forces of the Soviet Union within 24 hours overran Czechoslovakia, which was trying to open up its relations with other European countries, and assure some freedom to its people.

However, I disagree with the Senator on his amendment. I must say, with all deference, I believe he has appealed to the Senate and to the country upon an issue which is not the issue at stake at all. He has asked, what is wrong with achieving equality in strategic nuclear weapons and what is wrong with maintaining the survivability of our deterrent as if there were disagreement on the proposition.

Of course there is nothing wrong with that purpose. It is right. I agree. I do not know of anyone who disagrees with the Senator on the proposition.

The true issue is this: Has survivability of our deterrent or the equality of our nuclear strategic forces been threatened by the interim agreement, as his amendment suggests, and does his amendment seek superiority rather than equality of forces—which could actually destabilize the deterrent? It is difficult to go beneath his statements and find out if there is any situation which is threatening the survivability of our deterrent and which would bring about inequality in our strategic nuclear forces.

I should like to ask the Senator a few questions and then I will conclude, as I know other Senators want to speak.

Let us leave out this discussion forward based forces in Europe. Let us leave out our aircraft in Europe and their capability of carrying nuclear bombs, and their auxiliary systems, such as SRAM and SCAD, capable of striking the Soviet Union; dismiss for the time being our tactical nuclear weapons—and frankly, I do not know how many of them could strike the Soviet Union, although I am sure that there are some, dismiss also the aircraft carriers with the aircraft flights that could strike Soviet area. Let us look only at a comparison of the forces of bombers, intercontinental ballistic missiles, and submarine launch missiles. Would the Senator say that today, at this moment, the United States is in an inferior position to the Soviet Union in these categories? Would he say that these do not maintain and protect the survivability of our deterrent? Would he say that we could not destroy the Soviet Union even though we were the subject of a first strike?

Mr. JACKSON. At this time we have

an effective deterrent. The answer is yes.

Mr. COOPER. Mr. President, postulating the same questions, would his answer be no at the end of the 5-year agreement?

Mr. JACKSON. The answer is that it could be no. I would have to go on the assumption of the statement that the President has reported that Mr. Brezhnev has advised him that the Soviets will carry out fully the provisions of the agreement, taking full advantage of its latitude. Now, under the agreement they will have, and we will have, frozen the numbers and relative size of launchers. And the Soviets will have the ability, in my judgment, if it is exploited under the full terms of the agreement, to give them a substantial advantage over our strategic force.

Mr. COOPER. In what respect and in what categories?

Mr. JACKSON. First of all, as the Senator knows, they are permitted 62 Y-class submarines with a total number of launchers of 950.

We are limited to 44. That is three more than we have now. And we are limited to 710 launchers. The Soviet Union is permitted, and they now have as the Senator knows, either deployed or under construction, 1,618 land-based ICBM's. We have 1,054.

So, to summarize, they have a 50 percent advantage in numbers of delivery systems. And they have a throw-weight advantage, which will determine the number of warheads they can eventually have, of 4 to 1 over ours.

I think that we have to proceed on the premise that they are on the verge—and this is corroborated by intelligence—of obtaining a MIRV capability. I think that we have to assume that they will prosecute with the utmost diligence improved accuracy to exploit their advantage in numbers and in yield. In time they can threaten the survivability of our land-based deterrent, ICBM's or bombers.

Mr. COOPER. The Senator then is assuming—and, of course, it is hypothetical that in the next 5 years the Soviet Union will take all these steps.

Mr. JACKSON. Mr. President, again I say to my good friend that I am basing my concern on what Mr. Brezhnev told President Nixon. I think these are the facts. This is what they can do under the agreement. The Senator may assume that they are not capable, in this time period, of MIRVing. However, I think they are capable and that we should not be surprised to read in the paper tomorrow that they have tested their first MIRV delivery system. I think that it can happen at any moment.

Mr. President, I do not think we should be surprised to get information that they have tremendously improved their accuracy. These are things that we as a prudent nation and, I hope, as prudent Members of the Senate, will take into consideration. I recall warning in the ABM debate in 1969, in our closed session, that the Russians were then moving very rapidly to build up their fleet of Y-class submarines. I remember that the Senator from Kentucky was very diligent about this, and he pursued it

very effectively on the floor. I called to his attention then the intelligence information concerning how fast they were moving on the Y-class submarines.

And the Senator from Kentucky will recall that—and I will bring this out later in more detail—the general feeling then was that they would not go beyond parity or equality with the United States on both the land-based and sea-based forces.

Mr. President, I want to quote from the White House briefing by the President. This was on June 15. I was present, and I think the Senator from Kentucky may have been there when the President made the statement.

Mr. COOPER. I was there.

Mr. JACKSON. President Nixon said: I think I owe it to you and to the Nation to say that Mr. Brezhnev and his colleagues made it absolutely clear that they are going forward with the defense programs in the offensive area which are not limited by these agreements.

Mr. COOPER. Mr. President, that is correct. He so stated. Of course, he did not specify the exact systems and the way they would be armed as the Senator has suggested.

Mr. JACKSON. I do not think they would give us that intelligence at all. We have to dig it out ourselves.

Mr. COOPER. The Senator is correct. We have good intelligence, as the Senator knows very well. But does not the United States have the same capability as the Soviet Union if it desires to proceed to increase its strength, if after a reasonable time the Soviet Union indicates that it is moving ahead to develop new systems and weapons?

Mr. JACKSON. The answer to that is that we do not have the advantageous base they are given under this interim agreement. That is why the administration, as I understand their position—and all of the witnesses who came before the Armed Services Committee made it very clear over and over again—that SALT I, the interim agreement, is not to be the basis for an agreement on SALT II; in that we are to seek parity or equality.

This is all I am trying to say with my amendment. I am trying to implement the Fulbright doctrine in the Senate, and that is for the Senate not just to consent, but also to give its advice. And our advice should be that we should seek parity and equality with the Soviet Union.

Mr. COOPER. The Senator has reached the very point on which we differ. It seems to me the Senator differs with the administration, although the administration has stated it supports the language of the Senator. But the administration has stated it does not support his interpretation as I do not. I wish to read to the Senator the language of Dr. Kissinger when he was speaking for the President. This is what Dr. Kissinger said at the White House on June 15, and it appears on page 400 of our hearings:

Does the agreement perpetuate a U.S. strategic disadvantage?

We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist

in fact and which could only have gotten worse without an agreement.

Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement: our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.

The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy.

I wish to interpolate at this point that we have had the MIRV for a relatively long time. We are arming our submarines with the MIRV as well as our intercontinental ballistic missiles. The Senator says the Russians will get MIRV. I have no doubt that they will. But, we are proceeding now to MIRV our Poseidon and our intercontinental ballistic missiles. The United States has developed MIRV.

Dr. Kissinger goes to state:

Also, with our MIRV's we have a 2-to-1 lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

I wish to repeat his statement:

Also, with our MIRV's we have a 2-to-1 lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

That would mean if this interim agreement is agreed to we could have 10,000 deliverable warheads at the end of 5 years and as the Senator knows 250 or 300 warheads delivered on cities would destroy either the Soviet Union or the United States.

I say respectfully that the Senator has his own convictions but I believe that if the policy of his amendment were followed he would not be seeking equality; he would be seeking superiority.

Mr. JACKSON. Would the Senator elaborate?

Mr. COOPER. The superiority would be the increased numbers of deliverable warheads.

Mr. JACKSON. Would the Senator explain how the United States would be assured of superiority under my amendment? What we would get is equality in offensive warheads. Under that doctrine we can have the same number of offensive delivery systems and the same throw weight. Tell me how that gives us superiority.

Mr. COOPER. It is because you describe the deterrent only in terms of numbers and megatonnage. It is the testimony of the administration and of the scientists, that we can maintain this advantage if necessary. I do not know that you would find one who testified differently.

Mr. JACKSON. Yes; I can.

Mr. COOPER. If our total nuclear strength, whatever the Soviet totals may be, of our systems provide the capability to withstand a first strike and still destroy the other country, we have equality—the only one that really matters. We have the deterrent.

Mr. JACKSON. I'm not sure I understand your point.

Mr. COOPER. You want equal numbers in ICBM's.

Mr. JACKSON. We are talking about equal numbers—equal numbers of delivery systems, land-based and sea-based, taking account of throw weight. Within that context each side can vary the number of warheads.

I am at a loss to understand how we have superiority if we have equality with them in the numbers of delivery systems permitted and equality in the total throw weight. We can have a different number of warheads than the other side. That can vary, but I am talking about the delivery systems on which the number of warheads depends.

You see, Senator, the thing that really disturbs me is that we were told in the ABM debate, which I will get to tomorrow, that all the Soviets sought was parity. They have gone way beyond that. That was the argument against the ABM; that the Russians were really only trying to obtain the same number of nuclear submarines and land-based delivery systems as the United States.

Mr. COOPER. I do not fully agree with that. We were talking about overall parity and equality. The Senator seems to be talking about numbers.

Mr. JACKSON. What is wrong with stipulating that both powers shall have the same number of land-based ICBM's, the same throw-weight, the same number of submarine-launched missiles and the same number of intercontinental bombers? What is wrong with having equality?

We have heard for years, during all administrations, Republican and Democrat alike, when the Secretaries of Defense come up they always testified in favor of superiority.

Now, the Senate is in a great debate over whether we should have equality. I really would like to know what is wrong with an agreement along the lines I just suggested.

Mr. COOPER. What the Senator is arguing is having the same number—

Mr. JACKSON. What is wrong with it?

Mr. COOPER. As all have said, equal numbers are possible only when our two systems were identical, whereas we have different systems to deal with. The Senator was a member of the Committee on Armed Services when it was decided not to develop ICBM's similar to SS-9. It decided to develop different types of ICBM's, with greater accuracy and smaller megatonnage.

Evidently the Senator was not afraid at that time we were at a disadvantage with the Soviet Union which was developing larger missiles. That is one example.

There are other factors: qualitative differences, geographical factors, the range of our missiles, the range of our submarine launch missiles.

Phase II is an attempt to reduce numbers and not to augment numbers.

Mr. JACKSON. Is the Senator aware that the range of some of their missiles is greater than ours?

Mr. COOPER. Yes; in some areas. The Senator is aware that the range of our submarines is greater than theirs.

Mr. JACKSON. No; the Senator is wrong. The SSN8-X has a range of 3,000

miles or more. They have a greater range.

I went through that on Friday with the Senator from Arkansas. I pointed out that they are getting to the point where they do not need forward bases. They have operational, sea-based missiles that have a greater range than ours, p-e-r-i-o-d. And they have land-based missiles with greater range and payload.

Let me ask the Senator—

Mr. COOPER. I do not want the Senator to leave this question, for a moment.

Mr. JACKSON. Very well.

Mr. COOPER. The Senator contends today that our submarines, with their ability to launch missiles, such as the Polaris and the Poseidon, are inferior to the Soviet fleet—

Mr. JACKSON. I did not say that. I am responding to the Senator's question. I will stand on it. I am sure the Senator does not want to let the record stand here as it is. He can call, and that information will be shortly given to him. The Soviet Union has missiles aboard its submarines that have a longer range than any submarines with missiles that we have.

Mr. COOPER. Deployed?

Mr. JACKSON. Yes; deployed.

Mr. COOPER. Can the Senator say how many?

Mr. JACKSON. I do not want to get into numbers. I grant that they are just beginning to deploy these missiles. All I am saying is that they have sea-based missiles with a range of 3,000 nautical miles or better. We do not have that. I only say that because the Senator said our have a greater range. If the Senator wants to refute that, he may.

Mr. COOPER. It is about 2,700 or 2,800 miles. Is it not? We have a larger number at present and we have better forward bases. I think our grave disagreement is, is that the Senator's concept of parity is that it must be of equality in numbers and megatonnage and they must be merged together.

Mr. JACKSON. No.

Mr. COOPER. I believe equality is based on the total nuclear forces of each country as they relate to each other.

Mr. JACKSON. Let me make one thing clear to my good friend.

The Senator has talked a lot about his objection to my amendment which calls for equality. Is the Senator aware that in the ABM negotiations for the antiballistic missiles, when we wanted four bases the Soviets insisted on equality—that is, two for them and two for us—and they insisted that one of them be at the National Command Authority, because they already had theirs at Moscow. They did not have to dismantle anything. We had to dismantle, at a loss, our ABM site at Malmstrom, Mont. The Russians insisted on equality in defensive weapons.

What is wrong with the Senate's insisting on equality in connection with offensive weapons?

Mr. COOPER. They are not comparable only in terms of numbers of launchers. The Senator knows that well. I am aware of the fact that they insisted on equality. In fact, they would like very much to have had one site. I must make the point—

Mr. JACKSON. I want to say that, as the Senator knows—I know it will not come as a surprise to him—I would have favored no ABM, under the circumstances.

Mr. COOPER. That is the point we made in 1968, 1969, 1970, and 1971. The ABM systems were no good, and the Russians, too, realized that eventually. Finally, the United States came to the same realization. It was a costly system which could have reached \$50 to \$75 billion that could not protect either the ICBM fields or, of course, the people. The Senator will not agree with me, I am sure.

Mr. JACKSON. No. Does he know why? The Senator will remember from the ABM debate. The reason why the ABM limited as it now is will not work is very simple. We have limited the number of interceptors at each base to 100. The Senator will recall that I made it clear over and over again that we had to have an ample number of interceptors. The Senator also knows that I led the fight to confine the ABM defense to our Minuteman-base complex. The Senator is aware, I am sure, that I opposed a defense for Washington, D.C., because it is not effective. I supported the motion made by the Senator from Nevada (Mr. CANNON), in 1970, to confine the ABM defense to four Minuteman bases, eliminating the other eight that the administration had asked for. Again, I took the lead this year in denying the request for funds for the NCA for Washington, D.C., on grounds that it is not an effective system.

Mr. COOPER. I recall very well our battles in the last 3 years, but the Senator was a vigorous advocate of the antiballistic-missile system, and the fact that the two countries finally agreed to limit them to two, and the United States apparently will only deploy one now, is evidence of the fact that neither country considered them of any value, or of little value.

Mr. JACKSON. I do not think that follows at all.

Mr. COOPER. I think it does, because I have had the opportunity, as the Senator has, of talking to the people involved and that is the case. I am not going to say any more about that. I think I can state, as well as the Senator—

Mr. JACKSON. The Senator may or may not be aware that in the negotiations—it is no secret—the Russians focused their interest on our ABM development. They insisted, very strongly, on eliminating it or having it reduced to the point where it would be ineffective. We maintained that an adequate ABM system should not have less than four sites and an adequate number of interceptors, with radars, and so on.

All I am saying is that in the negotiations, the Russians made much of the point, the Senator may recall, of our deployment of the antiballistic system, and it became a very important part of the bargaining process. I believe the Senator from Kentucky recognized that aspect of the negotiations when he subsequently, at a later time, voted for the ABM, I believe, in 1971.

Mr. COOPER. I recognized that both sides knew what the other had and they were proceeding on that basis. I did not

change my views about the inadequacy of the Safeguard ABM.

I repeat what I said at the beginning. So far as I am concerned—and I believe it is the position of Members of the Senate on both sides of this debate—all want to protect and assure the survivability of the deterrent and our country. All want parity, equality, sufficiency, whatever one may call it. I have read the Senator's amendment carefully. I recall that there is language in the amendment which refers to "levels," which is ambiguous. I believe that implicit in the Senator's amendment is the argument that the interim agreement is disadvantageous to the United States.

Looking ahead—I know we disagree—on the basis of that argument, I would think he is seeking superiority. I believe that would be a perpetuation of the arms race. If we escalate and the Soviets escalate, we will be in a spiral again.

Unless it is a fact that our negotiators did poorly for us, I think they ought to be unhampered by ambiguous amendments with different interpretations by different Members of the Senate, interpretations which cast some doubt on the work they have done, and which could fetter them in negotiation for the future.

I must assume—unless we have someone in the White House, which I hope will not happen, who will not look after the security and the defense of the United States—that the President and his negotiators will assure that agreements, if any, are based on the protection of our deterrent and, the security of our country, without which nothing is of value. Take the Senator from Washington, I want the security of this Nation and its people protected. Unless it is, all our values and hopes could go.

Mr. JACKSON. Let me just respond briefly, and then I shall conclude.

The President, of course, has recommended approval of my amendment.

It is the President of the United States who will have the responsibility of conducting the negotiations that get underway, I believe, in Geneva in October. The President is supporting my amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JACKSON. Yes.

Mr. FULBRIGHT. Mr. President, I wish to emphasize that the President of the United States, after all, controls the negotiations. If the President believes in what the Senator says, there is nothing to prevent him from carrying it into effect this fall. He controls the negotiators and tells them what to say and what not to say. That being true, he certainly does not need this amendment.

Mr. JACKSON. Mr. President, the Senator from Arkansas has been the strongest advocate of the position that we have abdicated our responsibility in foreign policy. What is wrong with the—

Mr. FULBRIGHT. Well—

Mr. JACKSON. May I finish my sentence?

Mr. FULBRIGHT. If the Senator does not want to yield, it is all right with me.

Mr. JACKSON. The Senator apparently does not want me to finish my answer. The Senator from Arkansas has been talking day after day in the Senate about the fact that the Senate and Con-

gress have abdicated their responsibility in foreign affairs, that foreign policy is all being made downtown. I am suggesting that here is an opportunity—

Mr. FULBRIGHT. Mr. President—

Mr. JACKSON. May I finish my statement? I try to be courteous about this. I am saying that the Senator from Arkansas has said over and over again we should make our policy clear.

Now, what is wrong with the Senate joining in with the President, to help him in round II, so that he will have the backing of the Senate? What is wrong with that?

Mr. FULBRIGHT. I asked the Senator a question, and I find his answer utterly unresponsive.

I asked him, if the President is in control, what does he need this amendment for? He can do anything he likes.

Mr. JACKSON. Does the Senator not think we have the responsibility, in connection with giving our advice and consent—

Mr. FULBRIGHT. Well, but—

Mr. JACKSON. May I finish? The Senator from Arkansas has talked about my arrogance. Why can he not just wait until I finish, and I will give him plenty of time, as I have done all along.

I want to point out that a treaty is to be negotiated in round II. Hopefully, it will be a good one that will protect security interests on both sides. We will have to give our advice and consent.

Now, the Senator, as I understand it, has complained about the fact that we enter into these negotiations without bringing in the Senate in full partnership. I am trying to bring the Senate into this by giving our advice in advance, so that the President will be able to know what our position is as he negotiates, through his representatives, a treaty.

It seems to me that is the discharge of our constitutional responsibility, and I think the Senator from Arkansas has been correct in a number of situations where the Senate and the House of Representatives have abdicated their responsibility. We have tended not to move in early enough to get in on the beginning. As Senator Vandenberg once said, in the beginning of a bipartisan foreign policy we want to be in on the takeoff as well as on the landing.

I feel this is in keeping with what has been the basis of a sound bipartisan foreign policy, and I cannot understand why there should be an objection to giving our advice in this way, especially when the President agrees with it and says it is in conformity with what he is trying to do.

Mr. FULBRIGHT. Well, I might say that in my view the Senator cannot have it both ways, he cannot carry out the President's will in this thing, and, on the other hand, attempting to carry out the Senate's will. It cannot be both, unless there is no distinction between the two, and maybe there is not.

What is really wrong with the Senator's amendment is that everyone knows these agreements depend primarily, not upon any legal right in any law court, because there is no such thing, where these things can be taken and enforced; they depend upon the confidence each country has in the agreement.

What the Senator's amendment would do is give the Russians reason to question the good faith of our country and our President in making this agreement. That is fundamentally what is wrong with it. All this argument about the details of how far a missile can be shot, whether it is 3,000 miles or 2,950 miles, is utterly irrelevant to the basic question of whether or not, after we negotiate this agreement, we immediately then start to build the Trident, we authorize and appropriate the money for the Trident, the B-1, an additional nuclear aircraft carrier, and now in conference consideration is being given to a new weapon to destroy hardened siloes, which is directly contrary to the spirit of not trying to destroy each other's deterrent.

That is enough to shake anyone's confidence that the United States means it. Now the Senator comes along and says the agreement we made is no good, that it provides subparity—interim subparity, if you like—and that from now on, we have got to have, as the Senator from Kentucky so rightly points out, superiority.

So if there is any effective way to destroy any possibility of arms control, the Senator is following it; and if the Senator follows that at the request of the President—I do not know whether the President requested him to do this or not. I do not know the technique by which a Senator gets the President to approve his amendment or his bill. I do not know that technique.

Mr. JACKSON. I am amazed that the Senator is making such a confession here on the Senate floor. He is a prestigious committee chairman, and I would think he knows how to get in touch with the President.

The fact is, I have not talked with the President about this. I dealt with his representatives. I initiated all of it.

I am carrying out the Fulbright doctrine. I am trying to say that the Senate ought to have a greater voice in these matters. If the Senator still thinks that, if we try to achieve parity, that amounts to U.S. superiority, he can go on thinking it.

I am amazed, with all the talk about Trident and about the B-1 bomber, the Senator does not say a thing—I have never heard him make such a speech—pointing out the way the Russians have been moving forward with their strategic arms. I cannot recall a speech ever having been made by him in that regard.

I think this is a matter of great concern to the country, that a nation would pursue the arms race in such a relentless way as the Soviets are pursuing it.

We have not deployed a single new offensive strategic delivery system since 1965. And I believe that here—in this body, at least—Senators should not hesitate to speak out at a time when the Russians have been moving forward way beyond the achievement of equality or parity in these critical strategic systems such as land-based and sea-based intercontinental missiles. I believe the country is entitled to know what is going on, because it relates to our security.

Mr. President, the Senate will have an

opportunity to decide whether we are going to vote against an amendment that simply calls upon the President to seek equality in strategic arms with the Soviet Union in the period ahead. If Senators want to say we should not seek parity or equality, that we will let the Soviets attain superiority, they will have that opportunity. They will have the opportunity to indicate what their policy position is.

Mr. President, I yield the floor.

Mr. HARRY F. BYRD, JR. Mr. President, I am happy to be part of a bipartisan effort to make explicit the view of the Senate in ratifying the interim agreement on strategic offensive weapons. The amendment to the authorizing resolution—which I am cosponsoring with a bipartisan group of Senators led by Senator JACKSON, a Democrat, of Washington, and the Republican leader, Mr. SCOTT, of Pennsylvania, is an appropriate expression of the Senate's role in making American foreign policy. It is our constitutional responsibility to give our consent to the strategic arms accords, but it is also our duty to give our advice. In a matter as important as this, the Senate must be more than a group of passive yea-sayers. It must also be an equal partner in the search for a more stable and peaceful world.

Mr. President, just what is the amendment under consideration? I want to read the text of the amendment into the debate at this point.

These are the words that would be added by the amendment submitted by Senator JACKSON for myself and 23 other Senators:

That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression.

Who could oppose that? The next sentence reads:

The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States;

Mr. President, I submit that were that to happen, it would jeopardize the supreme national interests of the United States. Next:

The Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic-missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union;

In other words, it is seeking equality in intercontinental strategic forces. Next:

And the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture."

That is the amendment offered by the Senator from Washington and the Sen-

ator from Pennsylvania, the Republican minority leader.

Mr. President, I think it is important to point out that the agreements signed by President Nixon and Chairman Brezhnev in Moscow do not prevent modernization of missiles, nor do they limit numbers of warheads. It is important to bear in mind that many weapons systems are not covered by the Moscow agreements. It is important to bear in mind, also, that President Nixon, in his press conference, told the American people that Mr. Brezhnev had told him unequivocally that in areas not controlled by the agreement on offensive weapons, the Russians will go ahead with their programs.

I think it is important to note, also, the statement by the able Senator from Washington a few moments ago that the amendment now under consideration has the support of the President of the United States, as Commander in Chief of our Armed Forces. This amendment, obviously would not have the support of the President unless he were convinced that it would be offensive to him and to his negotiators when they again meet with representatives of the Soviet Union for the second round of the SALT talks.

Our effort today in regard to the proposed amendment is neither hastily conceived nor politically motivated. It is the result of a careful examination of the issues raised by SALT and comes after extensive Senate hearings which explored these issues in great detail. It is based on a thorough evaluation of our strategic policies today and the strategic policies we must implement if America is to remain secure in an environment of strategic arms limitation.

The word "historic" has been used more than any other in describing the arms limitation agreements. I believe it is more meaningful to say that these are agreements with no historical precedent. They represent the first attempt to place mutual restraints on strategic nuclear weapons. But, as in any other enterprise, it is vital that the first attempt be as prudent and as well understood as possible. We must know what we have agreed to and what to expect. We must not forfeit good judgment for fond hopes.

The Senate has already given its consent to the treaty between the United States and the Soviet Union which places comprehensive restraints on the ballistic missile defenses of both nations. The near unanimity of that consent represents, I believe, the hope of all Americans that the dangers of nuclear war can be reduced. Yet, I believe that the limitation of strategic offensive arms is a more profound and significant matter. Whatever differences we in the Senate have had about the ABM, we all know that ABM was never conceived of as a weapon of mass destruction. It is the offensive weapons which are designed to do damage in a strategic nuclear exchange. It is the offensive weapons which we must succeed in bringing under control.

So now that we consider the interim measure for limiting offensive weapons, let us keep in mind where we stand today. Under the ABM Treaty, our ballistic missile defenses are effectively

frozen. Under the terms of that treaty, we cannot effectively expand nor enlarge nor improve nor upgrade those defenses without abrogating the treaty altogether. This means that there is now only one way to be certain that the levels of ABM we have agreed to in perpetuity will not compromise our future security. That way is to fix levels for offensive forces which guarantee that our levels of defense remain safe ones.

We must not lose sight of the unbreakable relationship between offense and defense in the strategic nuclear age. That relationship was affirmed in the first round of the SALT negotiations, when the United States rightfully insisted that any limitations on defensive weapons had to be accompanied by restrictions on offensive ones. And it seems only reasonable that restrictions on defense and offense be parallel in character.

If the weapons of defense are to be frozen, the weapons of attack must be placed under similar restraints.

These simple principles, Mr. President, form the background of the amendment we are discussing today. Our amendment speaks directly to the requirements for a stable strategic relationship between the United States and the Soviet Union. It states those requirements briefly and succinctly, and in a way that can only enhance the prospects for success in the second round of the SALT negotiations.

We have begun with a restatement of what American strategic policy has been for more than a quarter of a century:

The people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression.

I doubt that anyone will quarrel with this summary of our basic beliefs.

Therefore, Mr. President, in considering the merits of the interim agreement on strategic offensive arms, the Senate must consider how that agreement affects the quest for strategic stability. Does the interim agreement, in and of itself, guarantee the survivability of America's strategic deterrent? Is an American deterrent whose survivability is questionable consistent with the supreme national interests of the United States? The answer to both questions is clearly "no."

Because the interim agreement is far from comprehensive, because the interim agreement will not restrain developments in Soviet military technology that could threaten our deterrent, it is therefore incumbent on the Senate to indicate that we will do what we must to protect our paramount interests.

I see nothing untoward in that. After all, what we all want in SALT II is a comprehensive agreement that will limit and contain the threat to our deterrent forces. I, for one, would view the failure to attain such an agreement as highly destabilizing and certainly not in our interests. This view is also the official policy of the U.S. Government.

Is it not wise, therefore, to have the Senate take a stand on this matter before the SALT II negotiations begin?

In short, Mr. President, the interim agreement, while acceptable as a tem-

porary measure, cannot be accepted by the United States as a permanent and final agreement. And it is not acceptable as a permanent agreement because it fails to provide for the basic mutuality which characterizes a good treaty.

The case for equality in terms of strategic nuclear arms is a persuasive one. The ABM treaty has established a precedent for such equality, such a numerical equality. Surely, the Soviet Union would not expect the United States to accept a permanent treaty on offensive strategic arms which reflected any less equality than that which the Soviets insisted on as part of the ABM treaty.

If defensive weapons are to be subject to equal restraints, it is important that offensive weapons be treated the same way for the following reasons:

Our decision in the 1960's to cease production of ICBM and SLBM launchers was based on two assumptions:

a. That the U.S. lead was so great that the Soviets would not try to catch up. Former Secretary of Defense McNamara explicitly stated this assumption.

b. That by showing restraint the U.S.S.R. would respond in kind, implicitly accepting levels which might conceivably be less, but, in any event, not greater than our own.

Neither assumption has proved out. So today we must ask what the Soviets' future intentions really are.

And whatever the Soviet may be planning, the Congress and the Executive, by approving the interim agreement, must not seem to be formally approving a disparity in offensive capabilities in perpetuity. To do so would have grave political and psychological implications. In particular, it may encourage them to move to gain outright superiority. We cannot proclaim that the law of the land is to accept major Soviet areas of numerical superiority, and expect that the Soviets will not attempt to achieve it.

The Soviets must understand that the numerical advantages conceded them in the interim agreement are impermissible except as a transitional stage to equal balances.

The Soviets must understand that future negotiations will require that they recognize that the current imbalances are already in their favor.

That is the basic point involved in the amendment under consideration. It is one thing to have the numerical imbalances which have been agreed upon and to have those imbalances for a short period of time, in the interim period; but it is entirely different, as I see it, if the imbalances are to be perpetuated into the distant future.

The amendment offered by the distinguished Senator from Washington (Mr. JACKSON), cosponsored among others by the distinguished Republican leader (Mr. SCOTT), seeks to encourage in the new negotiations an equality between the two great powers.

Mr. CANNON, Mr. President, today, I want to explain why I will support the amendment offered by the very able and distinguished Senator from Washington, my good friend, Mr. JACKSON. I also want to commend him at this time for the great service that I believe he has rendered to the Senate and to the American

people for his thorough and comprehensive scrutiny and probing of the terms and conditions of the ABM treaty and the interim strategic weapons agreement. I am sure that it is fair to say that Senator JACKSON has done more—indeed much more—than anyone else here in the Senate or anywhere in our Government, our press, or any other segment of our American society to expose to public view and review the real facts of these historic weapons agreements and also their potential implications for our national strategic posture and national interests. For this excellent service I believe all of us owe him our respect and gratitude. He truly has been the leader in this task.

At the outset of this discussion, let me say that I support the interim agreement on offensive weapons, and I intend to vote for its approval. Nevertheless, it is an agreement which has the potential, and I will emphasize here today that word "potential" many times, to leave the United States in an inferior strategic posture vis-a-vis the Soviet Union, were its terms to be perpetuated by some follow-on treaty in the future. This is the key point which I want to make today.

To lead up to that point, I first would like to review once again in this debate the overall strategic force balance as it exists today and as it can change in the next few years under the terms of the agreement. Then I will discuss the impact that technology potentially can have on this force balance. Finally I will explain why I believe the Jackson amendment should help to achieve a stable balance in the future.

Looking at the strategic force balance, the debate last Friday repeated the basic numbers involved many times. We all are aware that the Soviets have a 3-to-2 lead in land-based ICBM's, with some 1,618 to our 1,054. The interim agreement will perpetuate this 3-to-2 lead for the next 5 years. We also are aware that the Soviets have 313 of their SS-9 heavy ICBM's, versus the 54 old Titan missiles which are the nearest thing that we could equate to the "heavy" ICBM class. In actual fact we do not possess the equivalent of a heavy ICBM.

For submarine launched SLBM missiles, we have the 41 Polaris/Poseidon boats and 656 SLBM's which the agreement allows us to increase to 44 boats and 710 SLBM's. The Soviets have about 22 Yankee class subs today, they have another 20-odd under construction, and the agreement allows them to increase this quantity to 62 subs and 950 SLBM's. Thus they are permitted to achieve a 3-to-2 advantage in the submarine field, just as they already have a 3-to-2 advantage in the ICBM area. These facts are agreed upon by all of us who have engaged in this debate.

The third member of the strategic offensive triad that both the United States and the Soviets have is the manned bomber. This is the one area where we can maintain a superiority over the Soviets under the weapons agreement. Provided that we proceed with the B-1 bomber program to replace our aging B-52s, this manned bomber is our only possibility for balancing our future strategic striking power with that

of the Soviets. If we neglect this manned bomber program, we will eventually end up markedly inferior to them in our strategic force posture. The numbers I have just reviewed make that potential result indisputable.

Let us look now at the impact technology improvements potentially can make on the strategic force balance. I have not mentioned throw-weight before in this discussion, but all of those who have participated earlier in this debate have conceded that the Russians have a significant advantage in this area of throw-weight. The reason is simple. The Soviets build larger missiles than we do. These target missiles can carry a proportionately bigger warhead. The weight of the warhead payload is the throw-weight of the missile, and this can be translated directly into megatonnage, since the warhead's explosive power is proportional to its weight. The Soviets are conceded to have a 4-to-1 advantage in megatonnage, or in throw-weight, over the United States.

Opposed to this existing Soviet advantage in throw-weight is a United States advantage in number of actual nuclear warheads. This advantage is stated to be 5,900 warheads in the U.S. arsenal versus 2,300 for the Soviets. The basis for this warhead advantage, when we are inferior in throw-weight, is our current MIRV technology with which we can deliver many warheads, although each with reduced explosive power, with each missile. Since we have an advantage in the overall number of deliverable warheads today, it is possible to argue that we also have parity in our strategic force posture despite our inferiority in throw-weight and in numbers of delivery vehicles. The equalizing factor for the United States, of course, is our current advantage in MIRV technology.

Now let us look at the potential future situation if the Soviets are to pursue to the limit the numbers advantage granted them under this interim agreement and at the same time are to pursue us in the area of MIRV technology. There is no reason that I can think of to assume that we have a patent on the capability to design and produce MIRV warheads. The Soviets have been able to develop atomic bomb technology, hydrogen bomb technology, ICBM technology, and space flight technology, and I can see no reason to assume they will not develop MIRV technology. The potential impact that this will have on the strategic balance is obvious. With the 3-to-2 advantage in missile numbers and the 4-to-1 advantage in throw-weight frozen in by the terms of this agreement, development of MIRV technology obviously would put them in a position also to surpass us in a number of warheads. I would have to agree with Senator JACKSON that such a situation would be sub-parity on our part, should it exist.

This then brings us to the basic point of the Jackson amendment. With the potential under this interim agreement for the United States to end up in an inferior strategic position, should the interim agreement be extended further into the future by a SALT II follow-on treaty? Or should the United States strive to

achieve an overall balance in its strategic force posture with the Russians? I believe that plain old Nevada horseshit would say that the latter situation, the achievement of a mutual balance in striking power, would be more likely to result in mutual deterrence and thus in world peace.

How can the Jackson amendment help to provide this stabilizing situation of a balance of forces? Again let us apply a little horseshit to the argument. If the Soviets are to go into SALT II with an advantage in weapons numbers and in potential force effectiveness, are they likely to give that advantage up at the bargaining table? I think the answer obviously is "no," unless they are convinced that the United States is dedicated to the principle of strategic equality and is willing to work to achieve it. Therefore, I believe that if the Senate will assert its function to advise as well as to give consent, and if we should state that we will stand only for equality in a SALT II agreement, then this will be an important aid to the U.S. delegation at the follow-on SALT talks.

Therefore, I believe that the Jackson amendment makes absolute commonsense. It does not affect the validity of the present interim agreement. It merely states a position of the Senate in authorizing the President to carry out the interim agreement. It represents a wise position for us to take. I believe that all of us should support that amendment. I urge every Senator to do so.

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

The PRESIDING OFFICER (Mr. ERVIN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HANSEN). 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, informed the Senate that, pursuant to the provisions of Public Law 92-342, the Speaker had appointed Mr. BOGGS, Mr. GERALD R. FORD, Mr. MAHON, and Mr. BOW, as Members to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the old Senate and Supreme Court chambers in the Capitol.

The message announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

ENROLLED BILLS SIGNED

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

H.R. 2131. An act for the relief of the Howrey Lumber Company;

H.R. 15417. An act making appropriations

for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT (Mr. HUGHES) subsequently signed the enrolled bills.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. ERVIN. Mr. President, I ask unanimous consent that the text of the Jackson amendment, amendment No. 1406 to Senate Joint Resolution 241, be printed at this point in the RECORD.

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

On page 1, between lines 2 and 3, insert the following: "That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture."

On page 1, line 3, strike out "That the" and insert in lieu thereof "SEC. 2. The".

COMMONSENSE AND THE SALT ACCORDS

Mr. ERVIN. Mr. President, I am happy to join in cosponsoring the bipartisan amendment to Senate Joint Resolution 241. This amendment is an appropriate and effective way of expressing the Senate's views on the all important matter of strategic arms limitation. I think it is appropriate because we in the Senate ought to take this opportunity to state our views about what American policy should be. I say "should" because there is nothing in this amendment which re-

stricts the President or our negotiators. The amendment does not issue any orders; it merely makes what are, in my view, some sound recommendations for the future. And the amendment is effective because it clearly and unambiguously addresses the key points that are bound to arise in the future.

Mr. President, as a member of the Committee on Armed Services, I have had an opportunity to learn a good deal about what the interim agreement on offensive weapons entails. When those hearings began, I wanted to know exactly what we could and could not do under the terms of these agreements, and exactly what the Russians could and could not do. I must say that it was not always easy to get answers to these questions. And the reason it was not easy was that there were many undefined and ambiguous terms in the text of those agreements, ambiguities which could raise all sorts of future misunderstandings. I was surprised to discover that many things which should have been agreed to bilaterally were relegated to unilateral declarations on the part of the United States. I was surprised to discover that the final portions of the agreement were concluded in such haste that the President's chief military advisers—the Joint Chiefs of Staff—never had an opportunity to examine the written text of the agreement—and actually study it—before giving their final assent.

Now, Mr. President, I am not claiming that these things, in and of themselves, are grounds for rejecting the interim agreement on offensive strategic weapons. But anyone who reads the record of the hearings of the Armed Services Committee on these measures cannot help but conclude that the agreements do a great deal less than was claimed for them at the beginning. They do not necessarily reduce the threat posed to us by the existence of the Soviet strategic arsenal. They do, of course, establish some numerical ceilings for some parts of that arsenal, and that may be useful. But, overall, we do not have iron-clad assurances that the agreements, by themselves will guarantee the security of the United States. The extent to which they improve our security will depend on how the Soviets choose to develop their offensive forces. No agreement can be a substitute for the things that we ourselves have to do to guarantee our survival in this dangerous nuclear era.

Mr. President, if there was some ambiguity in what our negotiators agreed to in Moscow and Helsinki and Vienna, I want there to be no misunderstanding about what the Senate will be agreeing to when it approves our amendment. We will be saying, first of all, that if we do not negotiate a comprehensive strategic arms agreement within 5 years that has the effect of limiting the threat to our deterrent forces, and if our deterrent forces should be threatened as a result of not getting that kind of agreement, then our supreme national interests could be jeopardized.

I think it is important that we make this declaration of policy. We all know that, in recent years, the Soviet strategic force has been growing, and the

threat it poses to the survivability of our deterrent forces has also been growing. Even though there are numerical ceilings established by the interim agreement for the Soviet force, it is still the case that the threat could continue to grow under the terms of the agreement. The Soviets are not prohibited from making the kinds of qualitative improvements in their force which could increase the danger to our deterrent. The agreements do not place a brake on the forward rush of Soviet technology.

We all recall what has been said on this point by administration spokesmen. It is their position that our technological lead compensates for our disadvantage in terms of numbers. Under the agreement, we will have far fewer missiles, but it is said that those missiles will be better missiles. But what happens if—and more accurately—when the Soviets narrow this technological gap? Then they will have their numbers and our technology, thus gaining a considerable advantage.

For example, I know that the exact date when the Soviets will acquire sophisticated multiple warhead technology is a matter of dispute. But I know of no one who says they will not have it in 5 years. Some people say 2 years, and others say 3. A test of this technology could come at any time. But by the time this interim measure expires, in July of 1977, it is safe to say they will have acquired it. This, Mr. President, is the meaning of the sentence "the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology."

Certainly, I do not know what is in the Russians' mind today or what will be in their mind 5 years from now. None of us knows for certain what kind of military programs the Russians are going to pursue. No one knows whether those programs will be designed to threaten the survivability of our deterrent forces. But we do know something about the history of Soviet strategic deployments, and we do know something about Soviet capabilities. We know, for example, that the Russians have built and deployed the giant SS-9 missile, a weapon that goes far beyond what is necessary for deterrence alone. It is a weapon that could be used against our Minuteman silos. I do not know why they think they must have such a weapon, or what they are planning to use it for. But, as I said to a member of the staff of the SALT delegation during the Armed Services Committee hearings—

I don't see anything wrong with a man using a bit of horse sense. If I saw a man going toward a woodpile with an axe, I would think he was going to cut some wood.

Using some horsesense is precisely what this amendment asks the Senate to do—by indicating that there are risks and uncertainties that are still with us. And, frankly, I do not want to see the Senate do anything which would suggest to the American people, or to our allies, or to the Russians, that we believe this interim measure establishes strategic stability for all time. That is why the Senate ought to support the stated policy of the United States Gov-

ernment: That the interim agreement is of limited duration; that it is not acceptable as a permanent arrangement; that we have to get in SALT II a more comprehensive agreement which limits the threat to our deterrent.

This amendment is not intended to suggest that the United States and the Soviet Union must have identical strategic forces in every category. We are saying, however, that there is a way of computing strategic equality which can take account of the basic numbers of intercontinental missiles and of their size, especially with regard to the crucial parameter of throw-weight. Now, I know that some people are going to argue that equality in numbers may not be the best way of expressing strategic equality. What should be remembered is this: it is said by these same people that we have equality today because our advantage in technology compensates for our disadvantage in numbers. To me, therefore, it is obvious that, should we and the Soviets find ourselves equal in technology, we are also going to have to be equal in numbers.

So I must say that I am surprised at the apparent reluctance of some Senators to vote in favor of Soviet-American strategic equality. I wonder how a rejection of equality by this Senate will be interpreted by the American people, and by our friends around the world.

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

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I rise to ask about the definition of "equality." Is the Senator using that term only with regard to ICBM's? He is excluding all other strategic weapons?

Mr. ERVIN. I am using that term in reference to the total strategic weaponry of both sides.

Mr. FULBRIGHT. And not confined just to the ICBM?

Mr. ERVIN. No. I include what I think is one indication of it. One indication of the lack of equality I am talking about arises between the vast disparity the interim agreement makes with respect to the number of ICBM's the United States can have and those which the Russians can have.

Mr. FULBRIGHT. I asked that because I asked the Senator from Washington about that yesterday. It is my understanding—the record will show it—reference to subparity relates only to ICBM—in other words, the difference between 1,054 and 1,618. He does not maintain that there is overall subparity?

Mr. ERVIN. We have a threefold total strategic intercontinental force at the present moment, and I think in the SALT II talks the United States should insist on substantial equality in respect to the numbers of ICBM's, in respect to the numbers of SLBM's, and in respect to the number of long range bombers. I consider those three strategic weaponry systems to be essential for our defense, and I think equality in those areas is essential not only for our security but also to preserve stability in this very troubled world in which we live.

Mr. FULBRIGHT. It is a fact, is it not, that the President and his closest adviser and spokesman spoke on this? I believe

the Senator was present at the White House when the President made a speech to the assembled Members of Congress on June 15, and then said Mr. Kissinger would speak for him?

Mr. ERVIN. Yes, I was present.

Mr. FULBRIGHT. The President, through Mr. Kissinger, stated, did he not, that there was overall equality and that if either side sought to achieve a unilateral advantage there could be no agreement?

Mr. ERVIN. The theory on which that statement was based was twofold: First, that we have at this moment more warheads than Soviet Russia; and, second, that we have at this moment a greater technological ability than the Russians.

Manifestly, assuming that that is changed in any substantial respect, there will be no equality and no parity of power between these two nations and we will become a second-rate military power.

The reason for the great stress on technology is our theory, which is based on American intelligence—and I add that such intelligence has not always proved itself to be as reliable as I would wish—is that the Russians have not yet MIRV'ed some of the intercontinental ballistic missiles, notably the SS-9. I have no doubt that the Russians, within a very short period of time, will acquire the technology to MIRV their antiballistic missile. The Russians now have a four times greater throw-weight than we have, and they could increase their missiles greatly in warheads by MIRV'ing their SS-9's.

Mr. FULBRIGHT. As the Senator knows, we have already agreed to the ABM treaty almost unanimously. What would be the motive for the Russians? Why would they want to do all these things when they possess 1,618?

Mr. ERVIN. So that the next time they put missiles right off our shore in Cuba, they will not be troubled by our vanished superiority and will refuse to remove their missiles at our demands, as they did before.

Mr. FULBRIGHT. I did not understand.

Mr. ERVIN. I gave as one reason why the Russians want to be vastly superior to us the Cuban episode. President Kennedy was able to prevail upon the Russians to remove the missiles from Cuba for two reasons: First, because we had a superiority over the Russians at that time of some 7 to 1; and, second, because President Kennedy had the courage to tell Moscow that a missile from Cuba would be considered by the United States as equivalent to a missile from Moscow.

Mr. FULBRIGHT. I do not understand, unless the Senator is saying we should again have a superiority of 7 to 1.

Mr. ERVIN. No, I am not saying that.

Mr. FULBRIGHT. What is the Senator saying?

Mr. ERVIN. I am saying we should have equality or parity with Russia. We should not accept inferiority. That is what the Senator from North Carolina is saying.

Mr. FULBRIGHT. I agree with that, but the President of the United States says it is not inferiority and he says, in

very specific language, it is not inferiority.

Mr. ERVIN. It certainly is an acceptance of inferiority to stipulate that Russia can have 62 nuclear submarines and the United States can have only 44 nuclear submarines. There certainly is inferiority in any agreement which says Russia can have 313 SS-9's and the United States cannot have any.

Mr. FULBRIGHT. But the United States made a decision years ago that it did not want any SS-9's. The Titan missiles were phased out because the Minuteman is so much more effective and efficient than the Titan or SS-9.

Mr. ERVIN. I do not think the United States has made any decision that is frozen in concrete. It would be a very foolish decision. I do not care what it is.

Those who study this question from a military standpoint believe that the reason the Russians built the SS-9, which has a throw-weight, as I recall, of 12,000 pounds, was to destroy our Minuteman. And certainly, if they can MIRV the SS-9, they would have the equivalent in warheads, not of 313 SS-9's, but of several hundred additional intercontinental ballistic missiles.

Mr. FULBRIGHT. Well, of course, the Senator has already stated they do not have any MIRV, and we already have the MIRV; and all the estimates by the President himself are that there is no probability of their catching up with us in number of warheads or in effective megatonnage within the 5-year period.

Mr. ERVIN. I beg to disagree with the Senator from Arkansas. By MIRV'ing the SS-9's within this 5-year period, Russia could acquire the equivalent power of 6,000 warheads. That is, by conversion of the SS-9 they can get almost as many as the total number of warheads we have altogether.

Mr. FULBRIGHT. Well I do not know where the Senator gets his information, but the State Department, which is one of the official—

Mr. ERVIN. I get my military information from military men, not from the State Department. In fact, I do not get much information of this nature from the State Department I consider worth heeding.

Mr. FULBRIGHT. Well, then the Senator is saying that only the Joint Chiefs of Staff provide reliable information; is that what he is saying?

Mr. ERVIN. I would say, in my judgment, that is about the most reliable information we get. The Joint Chiefs and those who report to them and assist them, spend their full time in studying this problem. Unlike Senators, they have only one problem—national defense. We have 10,000 problems, and since the Joint Chiefs and their assistants study this problem and the State Department does not, I rely on them.

Mr. FULBRIGHT. So it does not really matter, then, what the State Department or the President say about this; it is only what the military says, is that the opinion of the Senator from North Carolina?

Mr. ERVIN. Well, I will say the State Department may retail some good information in this field only if they get it from the Pentagon and the CIA. This

field is outside the scope of the State Department's competence.

Mr. FULBRIGHT. Does the Senator really believe—

Mr. ERVIN. I think the people in the State Department are just like me: All they know about this subject is what they have been told by someone else.

Mr. FULBRIGHT. Does the Senator believe the restriction or the control of nuclear arms in Russia and in this country is in the interest of this country?

Mr. ERVIN. I think it would be in the interest of this country and the interests of the world to have an arms limitation agreement which placed the United States and Russia on a basis of substantial equality with each other. I think any other kind of arms limitation would be fraught with great peril to the security of this country and the future peace of the world.

Mr. FULBRIGHT. Could I add there the word "overall"? Substantial overall equality, including all weapons?

Mr. ERVIN. Well, I do not think we could have very substantial overall equality if we allow the Russians to have substantial superiority in two of the three fields upon which our survival might depend. I do not think it would be possible for us to have substantial equality with the Russians if the Russians are to have 62 nuclear submarines and we are to have only 44, or if Russia is to have 950 submarine missile launchers against our 710.

Mr. FULBRIGHT. Well, that being the case, why does not the Senator support a move to reject the agreement which is before us? Because that is what the agreement provides.

Mr. ERVIN. I can accept this agreement for a limited period of time. I can do this because of my faith that the United States will have enough intelligence during that 5 years' time to take steps necessary to achieve by treaty or other means a more substantial equality with Russia than we now enjoy so far as strategic intercontinental weapons are concerned.

Mr. FULBRIGHT. So what the Senator is saying is, it is a bad agreement, but he can take it for 5 years; otherwise, if it were for 10 years, he would not take it?

Mr. ERVIN. I would not take it. No, I would not. And I say to the Senator from Arkansas that I sat on the Senate Armed Services Committee day after day while we heard the testimony of competent witnesses on this point, and every one of them without exception took the position which the Senator from North Carolina takes, that they would not have such an agreement as this as a permanent agreement.

Mr. FULBRIGHT. But 5 years would be tolerable, even though it is a bad agreement in the Senator's opinion, is that right?

Mr. ERVIN. I think it is a very great tragedy that we got ourselves to the point where we had to agree to this even for a 5-year period.

Mr. FULBRIGHT. Well, if the Senator thinks it is a tragedy, it ought to be rejected. Why does he not move to reject the agreement?

Mr. ERVIN. The trouble is that for

some years we allowed Russia to increase its strategic potential while we did virtually nothing to increase ours.

Mr. FULBRIGHT. How does the Senator account for that? I think he would agree with the figures, even though they were published by the State Department, that we have spent approximately \$1,300 billion, and the Russians have spent only \$1,000 billion. How is it, having spent that much more, 30 percent more, than we are away behind them?

Mr. ERVIN. Well, there are a number of things.

Mr. FULBRIGHT. What is the reason?

Mr. ERVIN. Well, for one thing, I would say we have had politicians seeking to abolish the draft, despite our troubled world, and the need to maintain substantial military power. In order to attract youngsters to serve in the military forces, they have increased the pay for the armed services to the point where it takes 54 cents out of every dollar appropriated for national defense just to pay the salaries of the personnel in the Armed Forces.

I happen to believe that every man ought to be subject to serving his Nation in the military if necessary. I think it is just as foolish to depend, in the present critical state of this world, on a volunteer army as it is to depend on voluntary taxpayers for the support of our Government.

Mr. FULBRIGHT. Well, we do not have a volunteer army yet, and this great pay increase the Senator is talking about was only put in last year, was it not?

Mr. ERVIN. It has been increasing over the years. Over a period of years, we have increased pay for military people to encourage them to make a career in the armed services, and since the demand for a volunteer army arose we have greatly multiplied the pay of the military. Russia, on the contrary, pays its military practically nothing. Moreover, Russia does not have any fair labor standards practices; it does not have any minimum wage; it just does not have any free enterprise system; and so Russia can spend a whole lot less than we spend and get a whole lot more for it.

Mr. FULBRIGHT. The Senator is making the best argument I have heard in favor of the Russian system.

Mr. ERVIN. Oh, no.

Mr. FULBRIGHT. Then why does he not advocate it?

Mr. ERVIN. Oh, no. But if we are going to have a free society, it is going to be expensive.

Mr. FULBRIGHT. The Senator makes a very persuasive case.

Mr. ERVIN. What I have said might convince the Senator from Arkansas, but it does not convince the Senator from North Carolina. Freedom is not free. It costs much. I favor at least equality of power with Russia because I believe that is the way to keep freedom.

Mr. FULBRIGHT. May I read to the Senator from North Carolina a direct quotation from President Nixon? These are his words:

I have studied the situation of arms control over the past 3½ years, and I am totally convinced that both of these agreements are in the interests of the security of the United States and in the interests of arms control and world peace.

Mr. ERVIN. I know. One might think it would be very nice to have a date with a young lady on one occasion, but not be ready to enter a perpetual marriage with her.

Mr. FULBRIGHT. I do not quite understand.

Mr. ERVIN. If the Senator will read all the speeches the President has made on that point, he will discover the President says this is acceptable temporarily only if the Senate will proceed to the development of new strategic weapons systems that will give us security after the 5 years is over.

Mr. FULBRIGHT. We have already authorized those weapons, every one he asked for.

Mr. ERVIN. Well, the Senator has picked one sentence out of the statement of the President.

Mr. FULBRIGHT. I have some others that I would like to read.

Mr. ERVIN. I will tell the Senator how much weight one statement has with me.

Many, many years ago, women had a custom of wearing topknots on their heads—high topknots. A certain preacher did not like the hairstyles of the women; he particularly did not like the topknots. So one day he preached a sermon on the subject—"Topknots Come Down." He rang the rafters on the subject, and offended a lady in the congregation who had a very high topknot. After the service was over she came to the preacher and said to him:

Preacher, there is nothing like that in the Bible.

The preacher opened his Bible to a chapter and verse in Matthew, which said:

Let him who is on the housetop not come down to take anything out of this house.

Anybody who takes something out of context and ignores the rest of a statement would have no difficulty in finding in that statement from the Bible the text "topknot come down." It is right in the middle of the statement.

So I do not pay much attention to a statement that is lifted out of context.

The context of President Nixon's entire speech was to the effect that this was in the best interests of the United States temporarily, because it froze certain weapons at a certain time and afforded us an opportunity to go ahead and overcome some of our defects in this field and possibly to achieve a better agreement in SALT II.

Mr. FULBRIGHT. It is the first time anybody has said we were behind. I do not recall anybody before saying that we were behind. The President did not say we were behind. He said this, and if it is out of context, I will read one more sentence:

This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

He pointed out that neither side had won in the agreements. He did not look at it that way.

I submit to the Senator, if he will allow me, that even before this agreement has been ratified; before the ink is dry, the Senator is raising questions about it be-

ing imprudent and improvident. The Senator knows that if the effort to curtail the arms race is to be successful, it depends upon each side believing that the other negotiated the agreement in good faith and that it intended to keep it.

Will not the Senator admit that to raise the kind of questions he has raised, before the agreement is even finalized, the Russians—particularly their military men—will inevitably say, "The Americans don't mean it. This has been a fraud and a charade, and therefore we might as well forget about it and go about our business?" Is that not what the effect might be?

Mr. ERVIN. The Russians might say that, but the Russians might say something else. They might say that the Americans do not have sense enough to protect themselves and will not insist on equality power or do anything else to protect themselves.

The Senator from Arkansas fails to see that we distinguish between the Interim Agreement and a permanent treaty. I expect to support the Interim Agreement because it is about all we can get under the circumstances this country has allowed to come into existence. But all this amendment seeks to do, and all the Senator from North Carolina is seeking to do, is to say that in the future the United States ought to have enough intelligence to say that we are unwilling to accept a position of inferiority to the Soviet Union and that we will not make any agreement unless the agreement puts us at least in a position of equality with the Soviet Union. That is all the Senator from North Carolina is saying.

Mr. FULBRIGHT. If that is directly contrary to what the President and his statesmen have said, the Senator still thinks that would not cause any embarrassment in Russia on going forward with this agreement?

Mr. ERVIN. President Nixon said this at a news conference on June 29, 1972:

Now, first, let me say that if we had not had an arms control agreement, a limitation of ABM's and a temporary limitation for 5 years on certain classifications of offensive weapons, I would—and I am saying this conservatively—have had to ask the Congress of the United States to approve an increase in the defense budget for nuclear strategic weapons of at least \$15 billion a year on a crash program. Reason: Had there been no arms control agreement, the Soviet Union's plans called for an increase of their ABM's to 1,000 over the next 5 years. The arms control agreement limits them to 200 as it does us. Had there been no arms control agreement, the Soviet Union had a program underway in the field of submarines which would have brought them up to over 90. The agreement limits them to 62.

Had there been no arms control agreement—and this is the most important point—in the terms of offensive strategic weapons, the Soviet Union that has now passed us in offensive strategic weapons—they have 1,600; we have roughly 1,000—they would have built 1,000 more over the next 5 years. Now, under those circumstances, any President of the United States could see that in 5 years the United States would be hopelessly behind; our security would be threatened, our allies would be terrified, particularly in those areas, and our friends, like the Mideast, where the possibility of Soviet adventurism is considered to be rather great.

Therefore, the arms control agreement at least put a brake on new weapons. Now, with regard to the new weapons that you refer to, however, let me point out they are not for the next 5-year period. We are really talking about the period after that. And they are absolutely essential for the security of the United States for another reason—because looking at this not in a vacuum but in terms of what the other side is doing, Mr. Brezhnev made it very clear that he intended to go forward in those categories that were not limited.

I say the President of the United States says, in effect, he is not satisfied with the interim agreement, except as a temporary matter, and that we need to go ahead with other planned weapons in order to be secure in this world.

Mr. FULBRIGHT. The other planned weapons, as I have pointed out, already have been authorized. We did it in the last 2 or 3 weeks. We are talking about this agreement, and that is one of the reasons given by the President as to why it is a good agreement.

The question of equality in every respect is a very difficult one. The President has said that overall there is equality in this agreement.

Mr. ERVIN. He says there is equality now. I heard the briefing. He claims we have an equality now, a substantial equality.

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. Because we are ahead of Russia in technology, temporarily.

Mr. FULBRIGHT. That is one thing.

Mr. ERVIN. And because temporarily we have more warheads than Russia has.

Mr. FULBRIGHT. That is correct—substantially.

Mr. ERVIN. But those things can vanish overnight, and they will vanish overnight.

Mr. FULBRIGHT. The Senator does not know that.

Mr. ERVIN. That has been said by many people who know more in their particular field than the Senator from North Carolina and the Senator from Arkansas, because they specialize in it. They say that in 5 years Russia can get the capacity to MIRV their intercontinental ballistic missiles and their submarine-launched-ballistic missiles; and some of them say that this can happen in 3 years, and some of them say in 2 years. But I never heard a soul put it beyond 5 years.

Mr. FULBRIGHT. It is true that it is from 2 to 5 years, if they wish to and if there is a reason to do it.

Mr. ERVIN. There has not been any reason for Russia to do what it has done, because Russia ought to know that we are not going to make a first strike.

Mr. FULBRIGHT. What is that?

Mr. ERVIN. I say that Russia ought to know that the United States is not going to make a first strike.

Mr. FULBRIGHT. Why should they know that?

Mr. ERVIN. Our whole history shows it.

Mr. FULBRIGHT. Which has been the only country to use a nuclear weapon in warfare? Was it Russia?

Mr. ERVIN. It is a fortunate thing we did, because if we had not had it, we probably would have lost a million more American boys trying to conquer Japan.

Mr. FULBRIGHT. That is pure speculation.

Mr. ERVIN. It is no speculation at all. Japan would not surrender until the United States dropped the atom bombs.

Mr. FULBRIGHT. The only country that has used nuclear weapons in war is the United States; is it not?

Mr. ERVIN. Yes.

Mr. FULBRIGHT. Why does the Senator state that Russia or anybody else, in view of our history in the last 10 years—

Mr. ERVIN. And I tell the Senator from Arkansas that if we had not got nuclear weapons before Germany got them and before Russia got them, we would have been virtually a conquered province today.

Mr. FULBRIGHT. What is that?

Mr. ERVIN. I say that if Hitler had gotten nuclear weapons before we got them, he would have dropped one of them on the British Isles and they would have had to surrender. Otherwise, they would have been completely destroyed. If we had not gotten nuclear weapons before Hitler's Germany got them, we would have lost the war.

Mr. FULBRIGHT. The Senator is wandering now—

Mr. ERVIN. The Senator from North Carolina has not wandered. I have gone straight down the road of truth.

Mr. FULBRIGHT. Why does the Senator say no country should fear the United States?

Mr. ERVIN. Because the United States does not desire to take the territory of any other country.

Mr. FULBRIGHT. What is it doing in Vietnam now? The Senator might explain that.

Mr. ERVIN. I am not going to waste time on that subject, which is not relevant.

Mr. FULBRIGHT. I would not waste time on that subject either, if I were the Senator from North Carolina.

Mr. ERVIN. The reason we are in Vietnam is that the United States did not have enough intelligence not to get involved in the first place—but after it got involved it did not have enough courage to go ahead and win the war, which it could have done 6 or 7 years ago, with far less loss of life and far less expenditure of treasure.

Mr. FULBRIGHT. Was courage involved? I thought judgment was involved, was it not?

Mr. ERVIN. Frankly, we had a President who was largely instrumental in recommending that the Senator from Arkansas and the Senator from North Carolina and the rest of the Members of the Senate vote for the Gulf of Tonkin resolution. All Senators did so, with the exception of Senators Morse and Gruening. Then after American boys were involved there, the President was so concerned about the next election and trying to appease the hawks and the doves that he would not let our boys fight the war and win it.

Mr. FULBRIGHT. Well, I am not able to go into the motives of President Johnson, but I agree with the Senator that it was a great mistake.

Mr. ERVIN. A good illustration—

Mr. FULBRIGHT. I wonder whether I

could pursue—there may be one other aspect—

Mr. ERVIN. Just one thing more.

Mr. FULBRIGHT. What is that?

Mr. ERVIN. The United States has had nuclear weapons all the time it has been involved in Vietnam and could have used them in Vietnam. It has not done so. The United States had nuclear weapons all the time it was involved in Korea and it could have used nuclear weapons there if it had been willing to do so, but it refrained from doing so then, as it has in Vietnam.

So anyone who is convinced the United States is likely to start a nuclear war is deluded.

Mr. FULBRIGHT. I did not say the United States was likely to. The Senator says that the Russians should be—

Mr. ERVIN. They should.

Mr. FULBRIGHT. Why do they build up their armaments—

Mr. ERVIN. Because of their hunger for power and their desire to dictate how other people should live. Russia is not a free society. Americans are willing for others to live their own lives in their own way. The overwhelming majority of the American people think that. Those who adhere to communism are not—

Mr. FULBRIGHT. Does the Senator think that we are in Vietnam to promote democracy there? Is that what the Senator would say?

Mr. ERVIN. Who is promoting democracy?

Mr. FULBRIGHT. That we want to promote democracy there.

Mr. ERVIN. I think we have a great deal of democracy in America, more than any other nation on earth, except, perhaps, Switzerland.

Mr. FULBRIGHT. Does the Senator think that is so in Vietnam? In Vietnam, does the Senator think that we are promoting democracy there?

Mr. ERVIN. I do not know. I do not think so. I never have thought that people not used to democracy could make very much of it. Democracy is evolutionary, not revolutionary, if the Senator wants to know my own opinion.

Mr. FULBRIGHT. Let me go back to the question we are dealing with. We seem to have gotten off that other track. On the question of equality involved here, in the conventional sense, fighting a war with conventional weapons, it seems to me the question of equality and numbers of troops and numbers of airplanes and numbers of this and that has some relevance and I would agree with that, overall.

If either country got far out of line on conventional weapons it might be dangerous to equality. But we are talking about the concept of deterrence which we have been told and taught for many years is somewhat different from any concept applicable to conventional weapons. This agreement is based on deterrence, that as long as we have enough to deter the other side, we do not have to have the same number. If whatever you have is absolute it is relative only to the Russians having enough to deter a nuclear war. Would the Senator say that the weapons the United States commands are not enough to deter the Russians, or anyone else?

Mr. ERVIN. That remains to be seen.

Mr. FULBRIGHT. What is the Senator's opinion?

Mr. ERVIN. The best way to deter Russia or any other nuclear power from making an attack on the United States is for the United States to have sufficient weapons so that Russia or the other nuclear power will have intelligence enough to know that if it does strike first, there would come a blow that would destroy Russia or the other nuclear power. The best way to convince Russia that we are equal to that is for us to have equality of offensive power with Russia.

Mr. FULBRIGHT. That very statement seems to me to be ambivalent. The Senator says we have to respond. With that I agree. Then the Senator shifts and says equality. But there is a difference, as the Senator's statement makes clear, as to sufficiency, which is the word the President used first, and equality. There have been many witnesses and others who say that if we have a sufficiency to cause irreparable harm to the other country, that is all we need, that we do not need to have equality if the other one has more than enough to be sufficient in retaliatory action. These terms are causing confusion here.

Mr. ERVIN. The Senator from Arkansas may think it is equality of striking force for Russia to have 62 submarines and for the United States to have 44, for Russia should have almost 950 missile launches on submarines and for the United States to have 710. But I think the disparity there is too great.

Mr. FULBRIGHT. The Senator is very good at giving examples. Here is one, a quote from former Secretary of State Acheson:

If you and I are standing close together and I am pointing a .38 revolver at you and you are pointing a B-B gun at me, I have a considerable advantage. But if we are standing close together and I am pointing a .45 at you and you are pointing a .38 at me, the advantage has declined.

From this, one might extrapolate a law of nuclear relativity: as nuclear forces increase they tend to equal each other, regardless of the differences between them.

Absolutely, the Soviets already have enough nuclear strength to destroy the United States. Absolutely, we have enough to destroy them. The two countries are equal in this respect. In these circumstances, whichever side has more than the other does not make much difference.

It seems to me that is a reasonable statement of the situation we have today. What is wrong with that?

Mr. ERVIN. The thing wrong with it is that the United States relies on three deterrent weapons systems; one is the Minuteman, the other is heavy long-range bombers, and the third is nuclear submarines.

We have got to figure that if Russia made the first strike, she might knock out the Minuteman. The same would be more or less true of heavy bombers, because they are likewise vulnerable. Consequently, we have to have enough submarines to make an adequate response to an attack. The Senator may think he is a match for someone that has got

three men with three pistols. I do not think so. It does not fit in with the views of a Tarheel like myself.

Mr. FULBRIGHT. Does the Senator think that one man with one .45 standing close together has any great advantage over one with one .45 standing 10 feet or less away? Does the Senator think that makes much difference?

Mr. ERVIN. Yes, I think it makes a lot of difference.

Mr. FULBRIGHT. The Senator does?

Mr. ERVIN. Yes. I think we would be in a tragic state if we should not have enough submarines to respond if our Minutemen should be destroyed in a first strike.

Mr. FULBRIGHT. I am talking about the individual. If I were standing next to the Senator with one .45, and the Senator had two, one in each hand, does the Senator think it would make much difference?

Mr. ERVIN. Mr. President, I say to the distinguished Senator from Arkansas that if I were a belligerent man and had an argument with a puny, little fellow, I might be willing to fight him. However, if I had an argument with a fellow who had a lot more strength than I, then I would be very reluctant to fight him. And if I had an argument with a fellow who had the same strength, I would still be reluctant to fight him. Because all I could hope for would be a draw.

Mr. FULBRIGHT. Mr. President, if I had a .45 pointed at the Senator from North Carolina and the Senator from North Carolina had two of them, would it make any difference? One is ample.

Mr. ERVIN. Mr. President, I do not know how good a shot the Senator from Arkansas is.

Mr. FULBRIGHT. Mr. President, one could say the same thing about the weapons. We do not know how accurate the SS-9's are.

Mr. ERVIN. However, I do know that a nuclear warhead like the SS-9 can throw 12,000 pounds of nuclear explosives. I do know that that powerful force can knock the—I started to use the word "hell"—out of the target, but I will not use that word—it can wreak havoc.

Mr. FULBRIGHT. Mr. President, the testimony is that four Minutemen with only 4 megatons is the equal of one SS-9 with 16 megatons. On that basis, we have as much effective megatonnage as they have.

Mr. ERVIN. That is not true as against a missile silo. It has 2,000 pounds and the SS-9 has 12,000 pounds.

Mr. FULBRIGHT. Does the Senator think the SS-9 is more accurate than the Minuteman?

Mr. ERVIN. The SS-9 is getting more accurate all the time. And they do not have to hit very close to a silo with an SS-9 and 12,000 pounds of nuclear explosives to knock it out.

Mr. FULBRIGHT. Was it a great mistake in judgment for our military authorities to approve developing smaller weapons rather than big weapons?

Mr. ERVIN. The Joint Chiefs of Staff and their representatives came down and said that they would not support this interim agreement by itself, that they would not have it as a permanent basis. The Joint Chiefs of Staff said that it was absolutely essential for the United States

to do something to achieve more equality in strategic power with Soviet Russia than we now enjoy.

Mr. FULBRIGHT. They said we do not now have equality in strategic power. Did they say that?

Mr. ERVIN. They said that they would take this as a temporary measure, just as the President said he would take it as a temporary measure. However, they also said that it will soon be within the power of Russia to MIRV its intercontinental missiles. And when Russia does that, the United States will be at a great disadvantage.

Mr. FULBRIGHT. That is not the question I asked. Did they say that we are now at a disadvantage with the Russians?

Mr. ERVIN. They said that whenever Russia acquired the technology—which they said Russia would get within 2 or 3 or 5 years—to MIRV their intercontinental ballistic missiles, we would be at a serious disadvantage, yes.

Mr. FULBRIGHT. Did they say that at the present time we were not equal to the Russians?

Mr. ERVIN. They say that at the present moment we have sufficient strategic power due solely to our greater number of warheads, and our greater technology. However, those things can vanish virtually overnight. As I pointed out, Russia could take the existing SS-9 and by MIRVing them make the equivalent of 6,000 warheads, which as I recall is somewhere pretty close to ours. I do not know whether I should give the numbers or not.

We can freeze temporarily the number of weapons, but we cannot freeze technology.

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

Mr. ERVIN. I yield.

Mr. COOPER. Mr. President, I would like to point out to the Senator the language of Dr. Henry Kissinger which I read to the Senator from Washington this morning:

We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

Mr. ERVIN. I do not accept that as valid for Congress unless Congress devotes a lot of money to other programs.

Mr. COOPER. Whose testimony are we going to accept? This is a statement of Dr. Kissinger, speaking for the President.

Mr. ERVIN. He said it was going to be maintained.

Mr. COOPER. I do not know of any person who testified before our committee who said that during this 5-year period we could not maintain our superiority.

Mr. ERVIN. We never had a single witness before the Armed Services Committee that gave any testimony to the effect that the interim agreement would have any effect on technology. And I never heard any person say how he was going to freeze technology.

Mr. COOPER. Mr. President, we cannot freeze technology. However, let us

look at the other side of the coin. Does the Senator propose that the United States increase its intercontinental ballistic missiles to 1,618? In the next agreement does the Senator propose that we increase our submarine launchers by the same number that the Soviet Union would have under this first agreement, if they decided to deploy them? Does the Senator propose that we require the Soviet Union to increase their warheads from 2,200 to 4,000 to reach equality with the United States? Are we proposing an escalation of the arms race instead of an attempt to reduce the arms race?

Mr. ERVIN. The only thing I am proposing at the present time is that the Senate adopt the Jackson amendment which says that when the representatives of America go to the SALT II talks, they should insist that any permanent agreement shall provide for an equality of strategic power between Russia and the United States. That is all I am suggesting now.

Mr. COOPER. I say to the distinguished Senator from North Carolina—and I have listened to his speech—what I said to the Senator from Washington this morning, that it seems that some of those who favor the amendment are arguing that they only want to see the survivability of the deterrent preserved and want to see equality. I want the same thing. I want the survivability of the deterrent preserved. I want equality in our strategic nuclear force. The question is, What is equality? What is equality? If the combination, the variety of our strategic forces and other factors, such as geographical positions, accuracy, and superior number of warheads, we have equality and an assured deterrent, what is the point of insisting that both sides increase the number of launchers and increase the number of warheads when today, this hour, each side possesses enough force to destroy each other and perhaps the whole world?

Mr. ERVIN. The Senator from Kentucky does not understand the Senator from North Carolina, or perhaps the Senator from North Carolina has not made his position plain in an understandable fashion.

Mr. COOPER. The Senator, as always, is very clear.

Mr. ERVIN. All I am advocating is that in the next SALT agreement the United States insist that it is entitled to be on an equal plane with Russia. And I would be happy if in the next SALT agreement, they would all agree to throw away every nuclear weapon on the face of the earth and have none at all. However, I am insisting that the United States not throw away its weapons and reduce its weapons to below those which Russia has. I would be happy if Russia and the United States would agree not to have any submarines at all on either side. However, I am insisting that when they go to the SALT II talks, our negotiators try to reach an agreement that America shall have equality with Russia in respect to intercontinental strategic weaponry.

If the Russians are going to have 75 nuclear submarines, let us have 75. That is the purpose of the amendment. Let me

read the heart of the Jackson amendment:

The Congress recognizes the principle of the United States-Soviet Union equality reflected in the Antiballistic Missile Treaty and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

That is exactly what the Senator said he favors. I think he should vote for the amendment.

Mr. COOPER. We both want equality. We both agree we want the survivability of the deterrent. What is it that the Senator's amendment provides to give that assurance? What does the word "level" mean? That is an ambiguous word.

Mr. ERVIN. If the Soviets are on this level [indicating], the United States should be on a level equal to them.

Mr. COOPER. Does the Senator mean in each category?

Mr. ERVIN. I would say in the main categories. I do not think the two nations should have the same number of hand grenades. We are talking about strategic intercontinental forces, either in the form of long-distance bombers or in form of land-based intercontinental ballistic missiles, or in the form of missiles to be fired by Poseidon-type submarines.

Mr. COOPER. Does the Senator mean that in each weapons category we should have the same number, the exact number of launchers, the exact megatonnage and the exact number of warheads?

Mr. ERVIN. I am going to let someone else say what the number should be but I say we should get a treaty at the next SALT negotiations which would put us on a plane of equality with respect to intercontinental strategic weapons with the Russians. I will leave it to someone else higher than me to determine what the number should be, but we should have the right to have the same number of nuclear submarines and the same number of submarine missile launchers as the Russians. It should not be 950 for the Russians and 710 for us.

Mr. COOPER. I do not want to be facetious but following that logic would the Senator urge the Russians to build 300 more bombers to reach equality with the United States?

Mr. ERVIN. I do not urge Russia to build anything. We could agree to cut them down to nothing. We could agree to that, but we do not want the Russians to have a whole lot more than we have.

Let me read it one more time. The Senator said he stands for this and I think he should vote for this amendment.

Mr. COOPER. No; I am not going to vote for any of them, except Senator MANSFIELD'S.

Mr. ERVIN. The amendment states:

The Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union;

The Senator from North Carolina, as an old Latin student, states that "inter alia" means "among other things."

I do not see how anyone can object to that language unless they want inferiority for our Nation.

Mr. COOPER. There are other nuclear systems. Why does the Senator limit it to intercontinental?

Mr. ERVIN. Because I do not figure the Russians are going to bring any troops over here to our soil.

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

Mr. ERVIN. I yield.

Mr. SYMINGTON. As of August 1 there is a news release of the Bureau of Public Affairs of the Department of State, Office of Media Services, and this is the official executive branch document. It states, under the heading of SALT talks, that in 1972 there were about 6,000 strategic nuclear warheads possessed by the United States, and about 2,500 by the Soviet Union. Then, the State Department report predicts, estimated with SALT effects, by 1977 there will be 10,000 nuclear warheads possessed by the United States, and only 4,000 such warheads by the Soviet Union.

Would the Senator care to comment on this developing relative inferiority?

Mr. ERVIN. That illustrates something we are fighting for and insisting be placed in any treaty to be made in the SALT II talks. There is no limitation now.

Mr. SYMINGTON. Here the State Department itself, I say to the able Senator, puts out a printed pamphlet in which it states that today we have thousands more nuclear warheads than the Soviet Union; and also that in 5 years that discrepancy in our favor will be very much increased. How can that illustrate any inferiority?

Mr. ERVIN. The Russians could build 50,000 warheads, if they wanted to do so under this 5-year agreement.

Mr. SYMINGTON. May I say to my able friend that one of the first things President Nixon did when he got back from Moscow was to release information Mr. Brezhnev intended to pursue this matter of new weapons, whatever he felt was to his advantage, and that the United States would also.

Now here is this State Department document, put out surely with the knowledge of the White House, which document says that in 5 years the nuclear warhead discrepancy in our favor will be very much increased by 1977.

Mr. ERVIN. I will say to the Senator from Missouri, with all due deference, that the Statement on the State Department has nothing to do with the amendment of the Senator from Washington. He is asking that we have equality in intercontinental strategic weaponry.

Mr. SYMINGTON. Presumably the Senator was asking for equality. When he does he is asking for something the State Department in their printed pamphlet, and also based on remarks by Dr. Kissinger in the presence of the President, which I heard, stated we were going to have.

Mr. ERVIN. I ask that I may yield to the Senator from Washington.

Mr. SYMINGTON. As the able Senator from Washington knows, what especially worries me in his amendment is the word "intercontinental," because we have a great many nuclear weapons spread all over the world which have no

relation to the concept of "intercontinental." But I believe they should be included in any analysis of relative strength.

Mr. President, I ask unanimous consent that the news release from the Department of State under date of August 1, 1972, entitled "Peace, National Security, and the SALT Agreements," be printed at this point in the RECORD.

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

PEACE, NATIONAL SECURITY, AND THE SALT AGREEMENTS

Since World War II, the United States and the Soviet Union combined have produced nearly \$20 trillion in gross national product—approximately \$15 trillion in the United States and more than \$4 trillion in the Soviet Union. Of this amount, more than \$2 trillion has been spent on defense (approximately \$1.3 trillion by the United States, and an estimated \$1 trillion by the Soviet Union).

If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2,000 A.D., could spend another \$5 trillion or more to maintain national security.

In both countries there are other pressing needs for capital, and both countries have long recognized a mutual advantage in first stabilizing the level of spending and ultimately moving to the stage where both countries can safely scale it down.

When President Nixon and General Secretary Brezhnev signed the SALT agreements in Moscow, May 26, 1972, the first stage was completed. Agreement was reached to limit ABMs to very low levels, including a commitment not to build a nationwide ABM defense or the base for such a defense. Both sides thus forego a defense against retaliation, and, in effect, have agreed to maintain mutual deterrence.

Agreement was also reached to stabilize the level of strategic offensive missiles for five years, giving both sides an opportunity to proceed to the second stage of negotiations in which further limitations and controls will be pursued.

The freeze on strategic offensive missiles leaves the Soviet Union with more missile launchers and the United States with more warheads and bombers. (See Missile Balance Sheet below.) A great many factors were balanced off on both sides, but the most important consideration—probably the factor that made the Interim Agreement feasible—is the recognition (given concrete form in the ABM Treaty) that with any conceivable or current or future deployment of nuclear weapons, neither side can expect to attack the other without receiving a retaliatory strike that would destroy the attacker as a modern nation-state. Out of this fact grows the assurance of national security for both sides. This, in turn, now makes it possible to negotiate additional mutual limitations—hopefully including reductions of forces on both sides.

However, if the United States were to make unilaterally a substantial reduction in strategic strength, the other side might lose incentive to continue at the bargaining table. Similarly, if either side were somehow able to make a substantial jump in its strategic forces, we can only anticipate that the other side would undertake to redress the balance.

President Nixon said in his Foreign Policy Report of February 1971 that any Soviet attempt to obtain a large advantage "would spark an arms race which would, in the end, prove pointless." The President added that "both sides would almost surely commit the necessary resources to maintain a balance."

The Interim Agreement limits for up to five

years the numbers of intercontinental ballistic missiles (ICBM), and submarine-launched ballistic missiles (SLBM) for the Soviet Union and the United States. Some might argue that the Soviet Union gained an advantage because it is permitted larger total numbers of ICBM launchers, SLBM launchers, and modern ballistic missile submarines.

However, it is also argued that the United States gained an advantage because no current U.S. offensive arms program is limited whereas limitations are placed the three most active Soviet programs. Furthermore, although the Soviet Union will have more missile launchers, the United States has a considerable lead in numbers of warheads and intercontinental bombers, and in qualitative factors—including weapon dependability and general weapons sophistication—which are not limited by the agreements.

The central fact is that both sides find advantages in the limitations. We have reached levels where neither side can start a nuclear war without triggering its own destruction. There are simply too many launchers, too many warheads that would survive a surprise attack.

More importantly, both sides can benefit enormously from additional strategic arms limitations. An important process has, however, been started. Both the United States and the USSR are investing in this process, and we expect will want to preserve the investment and build upon it. It is not a question of "winning" or "losing". Both sides—and the world—gain from what has been achieved without compromising the basic security interests of any nation.

ECONOMICS

The long-range effect of the arms race on the economics of the United States and the Soviet Union is difficult to gauge precisely, but it is obviously enormous. The United States is currently spending about eight percent of GNP on defense—approximately \$80 billion in FY 1972. The Soviet Union is spending in the range of 11-14 percent of GNP—some \$45-60 billion in 1972, depending on the method of evaluating the cost. As noted above, if both countries were to continue to spend at these levels of GNP to the end of the century, the aggregate defense costs for the United States and the Soviet Union combined might total more than \$5 trillion.

Both countries find defense spending a substantial burden on the economy, but the effect probably is more serious in the Soviet Union, because the high level of defense spending is believed to reduce substantially the available growth capital badly needed for expansion of the Soviet economy.

Efforts to compare the Soviet defense burden with that of the United States are difficult because neither the costs nor the distribution of GNP in the two countries are comparable. What is clear is that given the economic resources of the Soviet Union and its relatively lower level of economic development, the arms race places a comparatively greater burden upon the Soviet economy than on the U.S. economy. Therefore, in economic terms the Soviet Union has even greater reason than the United States to develop meaningful weapons controls through negotiation.

The SALT agreements are an important step toward achievement of the kinds of controls that over time can substantially reduce expenditures on both sides, although the goal has not been reached in the initial stage. The agreements signed in Moscow do, however, provide the foundation for negotiations which will, hopefully, lead to important cuts in the level of defense spending on both sides.

Both the United States and the USSR could well continue to spend at approximately current levels while negotiating additional limitations with the funds devoted chiefly

to qualitative improvements. One of our goals will be to avoid this.

MISSILE BALANCE SHEET

ICBM launchers: Current strength: U.S. 1,054; USSR 1,618. The United States has no new ICBM construction program underway; the Soviet Union has been building new ICBMs. Without the agreement, if recent construction rates were continued for five years, the United States would still have 1,054 ICBMs and the Soviet Union, which has been building at a rate of up to 250 a year, could have more than 2,800 land-based ICBMs. Under SALT both sides are frozen at current levels.

SLBM launchers: The United States currently has 656 Polaris and Poseidon missile launchers; the Soviet Union has approximately 650-700 SLBMs. The United States has no missile submarines under construction; the Soviet Union has an on-going program of some eight new submarines a year. Without SALT, in five years the United States missile-launching submarines would not have increased, while the Soviet total could have risen to 80 or 90. With SALT, the United States has the right to increase to up to 44 submarines. The Soviet Union may add modern ballistic missile submarines up to the number of 62 operational, but only provided that they retire 209 older land-based missiles and 30 older SLBM launchers. This would leave the USSR with no more than 950 modern SLBM launchers.

Total ICBMs and SLBMs consistent with the terms of the agreement: United States, 1,710; USSR, 2,419. Warheads: The difference in numbers of missiles is offset by the kinds of warheads they can carry. Currently, with the new MIRV warheads, the U.S. strategic missiles and heavy bombers carry 5,900 nuclear warheads; the Soviet missiles and heavy bombers carry an estimated 2,200 warheads. The Interim Agreement sets no limit or the number of warheads for either side, and both of these figures could rise substantially in five years. The implications of the warhead figures are enormous. They mean that currently, in the event of a surprise nuclear attack, if half of the U.S. strategic capability was wiped out, the United States could still strike more than 2,500 separate targets in the Soviet Union. This reinforces the recognition on both sides that there can be no winner in a nuclear war. The U.S. expects to continue to hold a substantial warhead lead during the Interim Agreement, sufficient to more than compensate for the numerical edge the Soviet Union has in missile launchers. The number of U.S. independently targetable warheads is planned nearly to double in the next five years, and will remain far ahead of the Soviet total.

Megatonnage: The agreement does not limit megatonnage as such. Both sides are free to make warheads as large or as small as they wish. On the average, Soviet Missile warheads are larger than U.S. warheads. It should be noted, however, that the radius of damage does not increase proportionate to the increase in yield. If the explosive power is doubled, the radius of damage increases by approximately one-third. Moreover, accuracy is more important than yield.

Mr. SYMINGTON. Mr. President, there are some graphs contained in this release which show that the State Department estimates that whereas in 1972 we have 6,000 nuclear warheads as against 2,500 for the Soviet Union, that in 1977, quoting the report, "estimated with SALT effects" the United States will have some 10,000 warheads, the Soviet Union will have some 4,000.

Also, I would read into the RECORD in context part of what the able Senator from Washington read with respect to the press conference that was held in the White House on August 9. I know that

the able Senator knows I am not taking it out of context, as he read more of it than I did.

Mr. Ziegler states:

In other words, what we have said is that we endorse the Jackson amendment and feel that this is consistent with our position. But we do not endorse separate elaborations of that amendment. We feel the amendment as offered speaks for itself.

Mr. President, as a Senator who is deeply interested in the subject and who sees much basic merit in this discussion, I would hope that we could now have from the White House—because it is clear what the opinion of some of my colleagues is with respect to the State Department, based upon the colloquy this afternoon—from the President himself, or Dr. Kissinger, a statement as to what they do and do not agree with with respect to the interpretation of this amendment by its author.

Mr. ERVIN. I yield to the Senator from Washington.

Mr. JACKSON. Would not the Senator from North Carolina say that in an interim agreement in which the Soviet Union is able to have more launchers with greater capacity, that if they go forward, as Mr. Brezhnev said they would, and if they develop the technology, that they can in that context have more warheads, more of everything, than we have;

Mr. ERVIN. Yes.

Mr. JACKSON. I mean, the Soviets start out with 50 percent more launchers and 400 percent more throw weight, so if they proceed with an aggressive MIRV program—and our best information is that we can expect the Soviet Union to launch MIRV vehicles any hour—they can gain a lead that we could not diminish because we have a much, much smaller base. It depends on what they do, obviously. But under this agreement there are no limits on the number of warheads. It stands to reason if you have more delivery systems to start with and greater capacity, obviously you can eventually have more warheads than we have. That is No. 1. Point No. 2 is, and I think I understand my friend from North Carolina correctly, we would like to see a cutback in these, and eliminate them entirely.

Mr. ERVIN. That is right.

Mr. JACKSON. Who did the cutting in connection with negotiations in Helsinki and Vienna? Who made the cutbacks? It was the United States of America. We had a four-base ABM program. We agreed to a two-base ABM program, and the negotiators knew full well that there would never be more than one, because Congress had spoken on this. We said we would not build one in Washington. We are dismantling the base at Malmstrom. What are the Russians dismantling? Can we not have equality?

Speaking of arms control and wanting to stop the arms race, I would hope and pray the Russians would agree to 44 submarines, would agree to 1,000 ICBM's, would reduce their throw weight and cutback. I think it is nonsense to talk about our going into a mad arms race. Who is in the race? We have stood still since 1965, without deploying a single new missile, and since these talks got underway in November of 1969 the Soviet Union

has moved from a position of inferiority to superiority, while we were talking and negotiating in good faith. In both land-based and sea-based missiles they now exceed us by a wide margin and are permitted, in the case of sea-based missiles, to go on building.

I would hope the Soviet Union would cut back. We cut back on the ABM. Why not let them cut back on the offensive systems? That is what we are seeking. We want a limitation of arms, but it is amazing to me that we are having a debate over U.S. equality with the Soviet Union when every President, every Secretary of Defense, under all administrations, has said we are going to maintain superiority. Now some people are opposed even to equality. What has happened to America?

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

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

Mr. SYMINGTON. I would continue my dialog, if I may.

I would ask this question after hearing the statement made by the able Senator: Is this analysis put out by the State Department right? Where they say that whereas today the United States has 6,000 nuclear warheads and the Soviets 2,500, by 1977. State estimates, the executive department, that with the SALT effects the Soviets will go from 2,500 to 4,000 nuclear warheads and the United States from 6,000 to 10,000. That being true, I do not know why we are talking about our possible planning inferiority. The question I ask is: Is it correct that the State Department says that within the next 5 years our relative position with nuclear weapons will be very much better vis-a-vis the Soviets than it is today? Either the State Department pamphlet is correct, or it is not. What is the opinion of the Senator from North Carolina.

Mr. ERVIN. My opinion is that the State Department is not endowed with prophetic powers and for that reason can not tell what is going to happen between now and the year 1977. What position we will be in in 1977 depends on what the United States and Russia do, in the meantime, and what the State Department has to say by way of prophecy has nothing to do with the matter.

Mr. SYMINGTON. Does the able Senator from North Carolina believe there is enough chaos in the executive department for the White House to permit the State Department to make interpretations of the agreements made in Moscow different from the position of the executive branch?

Mr. ERVIN. Let me say that the Senator from North Carolina has been in the Senate 18 years and during that time has heard many foolish pronouncements from the State Department.

Mr. SYMINGTON. As I understand it, the Senator from North Carolina does not agree with this printed State paper. Is that right?

Mr. ERVIN. I do not see how anybody could agree with it. The Senator from Missouri cannot agree with it because he does not know that what the State Department is prophesying is going to happen between now and 1977. The State Department has nothing to do with build-

ing missiles, has no power to do it. It does not know what Congress is going to authorize, and it does not know what Russia is going to do between now and 1977.

Mr. SYMINGTON. To be sure, then, I understand, the Senator from North Carolina believes this is an incorrect statement?

Mr. ERVIN. I do not accept a word of it. The State Department does not know what they are talking about. They are prophesying. I do not act on the basis of prophecies.

Mr. SYMINGTON. I thank the Senator.

I would ask the Senator from Washington some questions. As I understand, he will be available tomorrow.

Mr. JACKSON. Yes.

Mr. SYMINGTON. Unfortunately I was held up in an airplane and was not able to be here earlier today.

Mr. JACKSON. I will be here.

Mr. ERVIN. Let me say to the Senator from Missouri that I do not know that the State Department has either the constitutional power or the prophetic capacity to determine what Russia is going to have in 1977 or what the United States is going to have in 1977. As another distinguished citizen from Missouri, Harry S. Truman, would have said, I think their prophecies are just so much hogwash. That is how much effect it has on me.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. FANNIN). The Chair, on behalf of the Vice President, pursuant to Public Law 92-352, appoints to the Commission on the Organization of the Government for the Conduct of Foreign Policy the following members: the Senator from Virginia (Mr. SPONG) and the Senator from Kansas (Mr. PEARSON); and from private life, Mrs. Charles Engelhard of New Jersey and Mr. Frank C. P. McGlenn, of Pennsylvania.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. ERVIN. Mr. President, the Senator from North Carolina will make one observation, and then complete his speech. The Senator from North Carolina never believed he would live to see the day when anybody elected to the Congress in general, or the Senate in particular, would speak against motherhood, God, country, or equality. Now, thus far, I have heard no speech against motherhood, God, or country, but I have heard many intimations against equality between Russia and the United States in respect to intercontinental strategic weaponry.

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

Mr. ERVIN. I yield.

Mr. COOPER. I was interrogating awhile ago—

Mr. ERVIN. I am always glad to yield to the Senator.

Mr. COOPER. I want to say that I think the Senator is wrong, because his implication is that we are arguing against equality. That is not correct at all. The author of the amendment, Senator JACKSON, admitted this morning—and I am sure the Senator from North Carolina would agree—that today there is no inequality; the United States has superiority. As to what our position will be at the end of the 5-year agreement, nobody knows exactly.

The Senator assumes the best for the Soviet Union and the worst for the United States, but those who have testified—and among them have been the Joint Chiefs of Staff, including Admiral Moorer—and the statement of Dr. Kissinger on June 15—all these statements indicate that at the end of this 5-year period we will still have superiority. We are not arguing, as the Senator has implied, against equality. We have the fact today that witnesses from the administration, who surely will not testify against it, say there will be superiority on the part of the United States at the end of the 5-year period.

What we differ on is the definition as to what "equality" and "parity" are. The Senator from North Carolina wants to express it in numbers and megatonnage, and those who disagree with him, as I do, say that it is the overall nuclear strength of the two countries.

Respectfully, the Senator's statement that we are arguing against equality is incorrect. We are arguing that the interim agreement is good, that phase II should not be fettered by ambiguous interpretations.

Mr. ERVIN. The Senator from Kentucky has made a very eloquent speech for equality, and it convinces me more than ever that I am right in supporting the amendment. The amendment reads:

... The Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic-missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States, to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union . . .

We are willing to accept as a temporary expedient the inequality between the United States and Russia which is provided for by the interim agreement.

We are merely asking, urging, and requesting the President to seek a future treaty that, among other things, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union. That is all we are asking.

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

Mr. ERVIN. I yield.

Mr. JACKSON. Mr. President, I think the importance of this statement of policy can best be understood in the context in which the interim agreement is before the Senate.

We are called upon to approve an interim agreement which provides for Soviet superiority in land-based and sea-

based missiles. Why do I say that? We are called upon to ratify an interim agreement that says the Soviet Union can have 1,618 intercontinental ballistic missiles; we can have 1,054. They can have 62 Polaris-type submarines; we can have 44.

So it is 1,618 versus 1,000 ICBM's; and, sea-based, it is 62 Polaris-type submarines for them, 44 for us, if we give up the 54 Titan missiles.

Mr. President, we are called upon, on an interim, temporary basis, to approve that agreement. Now, the policy statement that I have offered in my amendment, sponsored by 27 Senators on a bipartisan basis, does not run to this interim agreement at all. Therefore, it is not a reservation on the interim agreement. It is a policy statement in connection with future negotiations in SALT II, to start in October.

Confusion could arise from the fact that the Senate is agreeing, on an interim basis, to a freeze on land- and sea-based missiles that gives them superiority, so that when our negotiators go to Geneva, the first thing the Russians are going to say is, "Well, we will start right from here. You have already agreed to this ratio of 50 percent more delivery vehicles—and a 4 to 1 advantage in throw-weight."

All I am saying, and the President supports this, is that it will strengthen his hand when the negotiators sit down at Geneva to say, "We want to be there on the basis of equality." The Russians demanded equality on the ABM. We must demand it on offensive weapons.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield so that I may ask the Senator from Washington a question.

Mr. ERVIN. Yes.

Mr. PASTORE. Is the Senator actually saying that the man who negotiated this agreement and recommended it to Congress is endorsing the amendment of the Senator from Washington?

Mr. JACKSON. The answer is "yes."

Mr. PASTORE. Without qualifications?

Mr. JACKSON. Without qualifications.

Mr. PASTORE. Without equivocation?

Mr. JACKSON. Without equivocation.

Mr. PASTORE. Without uncertainty?

Mr. JACKSON. Without uncertainty.

Mr. PASTORE. Without doubt?

Mr. JACKSON. Without doubt.

Mr. PASTORE. Then what are we arguing about?

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

Mr. JACKSON. And may I just read an excerpt—I will put the White House statement in the RECORD, and also, since Senators have been reading from a State Department pamphlet, I think it would be well that I read from the Friday, August 11, noon press conference of the Secretary of State:

QUESTION. Mr. Secretary, do you favor the Jackson amendment for approval?

Secretary ROGERS. Yes, we support the resolution—I mean the amendment—of Senator Jackson's. We, as you know, feel the interim agreement is a good agreement. The Jackson amendment expresses a view of the Congress and is consistent with the view of the Administration.

Mr. PASTORE. Now, may I ask a further question?

Mr. JACKSON. Yes.

Mr. PASTORE. Is this amendment being opposed by the State Department?

Mr. JACKSON. No.

Mr. PASTORE. Then why are we putting all this effort and emotion in the RECORD about where we stand?

Mr. ERVIN. That is what I wonder.

Mr. JACKSON. That is what the Senator from North Carolina wonders. That is what I wonder.

Mr. ERVIN. I could not see how the point of view of the State Department has any relevancy at all to this amendment of the Senator from Washington, with all due respect to my friend from Missouri.

Mr. PASTORE. I know the Senator takes a considered time, in debating, to get to the central point.

Mr. ERVIN. Frankly, I do not think there is any basis for any debate. I think everybody should be for equality of the United States—at least for equality.

Mr. PASTORE. I know, but is this the position of the Senator—that, to the applause of the American people, President Nixon made a trip to Russia then presumably to his credit he came back with this limitation on arms agreement, and now he has suggested that it be ratified by the Senate of the United States.

If we are told the President feels that this suggestion of the Senator would strengthen his hand, when this agreement comes to an end, and we have to negotiate a new agreement beyond the year 1975—

Mr. SYMINGTON. Has the President written on that? Has he sent a letter on that?

If the President writes a letter stating he made a poor arrangement, which would be much improved by agreeing to this amendment, it would affect my opinion. I thought the President approved the agreement. Based on what he said and what I heard Mr. Kissinger say when they first came back from Moscow, I thought this was a good agreement. If he thinks it was a bad agreement, then the sooner the Senate finds out, the better. But instead of hearsay, what we ought to have is a letter from the President of the United States saying, "I think the Jackson amendment is an improvement upon the deal I made in Moscow." If he will write that letter, I will vote for the Jackson amendment.

Several Senators addressed the Chair.

Mr. ERVIN. If the Senator will yield just a minute, I will yield in a minute to the Senator from Missouri. The Senator from North Carolina would take it that the Secretary of State speaks for the President in matters of foreign policy. He says, in effect, that this interim agreement is a good agreement, but it would be better to have the Jackson amendment added on to it.

Mr. SYMINGTON. Mr. President, if the Senator will yield, the Foreign Relations Committee reviewed the three purposes of the Jackson-Allott amendment, as stated by the sponsors of the agreement, as follows:

(1) it puts the Russians on notice that if the threat to the survivability of U.S.

strategic forces is not limited by a follow-on agreement within five years, then our supreme national interest could be jeopardized, with all that implies.

(2) it calls upon the President to achieve a treaty involving numerical equality in the aggregate, taking account of throwweight. Technology cannot substitute for numbers. You cannot freeze technology. Therefore, we must have equality measured in terms of numbers and throwweight.

(3) it calls for vigorous research and development and modernization.

That is the interpretation of the resolution, and we were told on high authority in the Foreign Relations Committee that the White House did not approve this language.

If they do approve the interpretation of the authors of the amendment, then let us have it in writing and put it in the record, and I am confident it will pass without any problem. But as long as there is this question as to just what is the position of the President of the United States and his staff, I think it is fair that we ask for a clearcut position by the President on where he stands on the Jackson amendment. Certainly Congress has the right to ask for that, and the people of the United States have the right to know it.

Mr. ERVIN. I would say to the Senator from Missouri that the statement he read is not the amendment, it is an explanation of the amendment, and the Secretary of State has said, taking it from the statement that the Senator from Washington has made, that the Secretary of State, or at least the State Department, favors the adoption of this amendment.

I agree with that statement. I think it would be a serious thing for the national interest if the survivability of our intercontinental strategic deterrent is to be threatened. I think that would be very serious.

Mr. SYMINGTON. May I ask my friend from North Carolina, does the President support Senator JACKSON's interpretation of his own amendment, as he has stated it?

Mr. ERVIN. I would say to the Senator that the Senator from North Carolina is not in communication with the President on this point.

Mr. SYMINGTON. The able Senator knows the importance of legislative history when a matter of this character comes up in the future.

Mr. ERVIN. The amendment is as clear as the noonday sun in a cloudless sky, and the Secretary of State has said he supports it, and I do not think he would have said that unless it is satisfactory to the President.

Mr. SYMINGTON. I did not ask the able Senator that question. I asked him if the President and the Secretary of State support the interpretation of the amendment as presented by the able Senator from Washington.

Mr. JACKSON. I will answer the question.

Of course, they cannot endorse specific interpretations one way or the other. A President would be most foolish if he went around agreeing to interpretations that might be made from a written document, not knowing what the exact interpretation on a specific thing might be.

The Foreign Relations Committee had this matter before it for a whole week. The Foreign Relations Committee knows that the President has said that my amendment is consistent with what the administration is trying to do and is in effect a codification of what was said at the conference in Moscow at the time.

I will shortly have the exact text of the statement from the White House, and it will be in the RECORD, so that we can clarify the matter. They have never said and I have never said that the President and the White House representatives agree or disagree with the interpretations Senators make. The White House agrees with the language of my amendment.

Mr. SYMINGTON. If they do not agree with the interpretation, the Senator knows what will happen when the legislative history comes up. Someone who supported the amendment could say, "the President says he agrees with the amendment, and at that time we said this is what the amendment meant." It would be very difficult to argue against that type and character of legislative history.

I would hope we could have a letter from the President of the United States, stating whether first, he agrees with this amendment; second, he thinks it an improvement on the deal he made in Moscow; and third, he agrees with the authors' interpretation of the amendment.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. PASTORE. I have been waiting here patiently, caught in the cross-fire. The thought is that this amendment will strengthen the hand of the President for the follow-on agreement.

I think that if the President agrees with the amendment, the matter of interpretation is going to be his, because he is going to be the negotiator. Those who negotiate will be responsible not to Congress but to the President of the United States.

This agreement was negotiated by the administration, not by Congress. As a matter of fact, they came back with the agreement, and no one in Congress knew what was in the agreement until the President had negotiated it. Then, of course, he announced it.

The argument has been made here that the President of the United States should express his approval of the amendment in writing. I do not know whether the President of the United States is disposed to do that. Indeed, it is not necessary—for if Senators on the other side who sit at the banquet table of the President frequently and ride with him as he goes to the various States to campaign will report the President's stand—I will take their word for it. All they have to do is to go down tonight and ask him, and then come back and tell the Senate whether or not the President of the United States supports this amendment. I think that would suffice for the Senate.

So far as interpretation is concerned, I repeat; the answer is simple. The interpretation that will count will be the interpretation made by the President of

the United States. It is that simple. We are not reshaping history here. We are setting forth the policy of the Senate offering its comment and advice.

After all, when it comes to negotiating an agreement when this one has expired, it will be up to the President of the United States whoever he may be. This President has said, "You will strengthen my hand if you give me this amendment." He could care less about the interpretation of the Senator from Washington or the interpretation of the Senator from Rhode-Island. He is going to make his own interpretation—and they usually do down there. Ninety-nine times out of a hundred they make their own interpretation of anything we do in Congress, anyway. So I would not lose any sleep over this one.

Mr. ERVIN. The Senator from Rhode Island is correct in his statement, and I think his suggestion is very wise.

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

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington for a statement, without losing my right to conclude the speech I originally intended to complete in 20 minutes.

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

Mr. JACKSON. Mr. President, I read from a transcript of a news conference conducted by Mr. Ron Ziegler on August 9, 1972, at 11:22 a.m. I read from the pertinent part of that statement:

The language of the Jackson Amendment is consistent with the language of the unilateral United States statement that developed during the discussions held in conjunction with the SALT I phase of the talks, which, as I mentioned before, were subsequently conveyed to the Congress at the time the Agreements were submitted for Congressional consideration.

Therefore, the Soviet Union was aware of the U.S. view on the matter which is contained in the Jackson Amendment and the Jackson Amendment represents a Congressional endorsement of views already presented by the Administration to the Soviet side.

So, the point I am making is that the Jackson Amendment is consistent with the unilateral statement made by the United States in relation to the interim offensive agreement. That unilateral statement which was submitted to the Senate was thoroughly discussed with the Soviet Union during the course of the strategic arms limitation talks and again in Moscow. So the Soviets were fully aware of the United States view on this matter which is also represented in the Jackson Amendment. The two are consistent.

Secondly, there has been considerable discussion about interpretations made by various Senators, including Senator Jackson, with respect to the language of his amendment. For example, Senator Jackson said the other day that his amendment excludes the consideration of European nuclear forces in future SALT negotiations for achieving equality of intercontinental strategic systems.

That interpretation given by Senator Jackson has given rise to the question as to whether or not the Administration supports that particular interpretation. The Administration's view of Senator Jackson's Amendment was stated by Jerry Warren on August 7th and at that time, he said we do not endorse any elaborations or interpretations of the language of that amendment.

In other words, what we have said is that we endorse the Jackson Amendment and feel that that is consistent with our position, but we do not endorse separate elaborations of that amendment. We feel the amendment, as offered, speaks for itself.

That is a clear endorsement of the amendment.

I know that the Committee on Foreign Relations seems to be upset that there was something new about the language in this amendment, when in truth and in fact the language is more a codification of what the United States had already made clear at the talks, and that is what the White House is saying.

So, to answer the Senator from Rhode Island, I think it is clear from what I have read:

In other words, what we have said is that we endorse the Jackson amendment and feel that that is consistent with our position, but we do not endorse separate elaborations of that amendment. We feel the amendment, as offered, speaks for itself.

Obviously, they are not up here endorsing speeches and statements, but they have endorsed the language of the amendment. That is as clear as anything can be. If anyone has any statement to offer that says that the administration does not endorse the amendment or does not support it, I would be interested in knowing about it.

Let us keep it very clear on this point. There is no need for any confusion, Mr. President. Let us also be candid. This bill has been on the calendar, and it was passed over each day for a week because, I understand—and I fully respect the right of the committee—the Committee on Foreign Relations wanted time to go into this matter. It all started because the Senator from Washington was about to propose an amendment. It is an unusual situation: If you propose an amendment, you tie up a bill for a whole week without it ever being brought up.

The committee went into this matter, and the committee found that what I had said was right, that the White House had stated that the Jackson amendment is consistent with the policy of the administration and is consistent with the remarks that were made in Moscow by both sides.

Mr. COOPER. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, in order that I may protect my right to the floor so that I can eventually finish this talk, I ask unanimous consent that I may yield to the distinguished Senator from Kentucky (Mr. COOPER) for an observation, a question, or whatever the Senator from Kentucky wants to do in respect of the Senator from Washington (Mr. JACKSON) or myself.

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

Mr. COOPER. I hope the Senator will also allow some time to the Senator from Missouri (Mr. SYMINGTON).

The inconsistency of all this is that on the one hand, the Senator from Washington—my friend Senator JACKSON—says, according to the papers he introduced, that the administration favors the language of his amendment; but his inconsistency is that the administration has made a statement also it does not

accept the interpretation of the Senator from Washington and the Senator from Colorado (Mr. ALLOTT), the chief sponsors of the amendment. They have said they do not accept their interpretations.

In the face of that, the Senator from Washington and the great and the eloquent Senator from North Carolina ask the Senate to accept their interpretation.

Mr. ERVIN. To accept the amendment not the interpretation.

Mr. COOPER. The Senator asks us to accept their interpretation. So, to be frank about it, I wish the administration had stood by its agreement.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Washington (Mr. JACKSON) may be allowed to respond to the Senator from Kentucky.

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

Mr. JACKSON. May I say that there is no real confusion on this point. The White House has said they are not agreeing or disagreeing with any interpretation. They are not agreeing or disagreeing on any interpretation, I repeat. They are agreeing with the language of the amendment. That is it. One and two. I hope that we lay this to rest.

I would ask the Senator, is it unusual for a Senator of this body to propose an amendment? I proposed an amendment and this bill disappeared for a whole week. My goodness gracious, people are saying that I am holding this bill up, while the Foreign Relations Committee went into session for a whole week while this bill was under discussion. When they got through I think what disturbed them was that what I had done was to offer a statement of policy, for orderly and effective guidelines for SALT II.

Mr. ERVIN. Mr. President, there is something peculiar about that. Contrary to the book of Ecclesiastes which says, "and there is no new thing under the sun," there seems to be something new under the sun in this incident. This Senator from Washington stands on the floor of the Senate and proposes an amendment to the pending resolution. Strange to say the amendment is transferred to the Committee on Foreign Relations to be considered by that committee before the Senate is allowed to vote on it. That is something new under the sun.

I would make to the Senator from Kentucky a statement and I am sure he will agree with it. I agree with the Constitution but I disagree with many of the interpretations placed on it. I think the Senator from Kentucky would say the same thing.

As I understand it, Mr. President, in the field of foreign relations, the President has one spokesman and that is the Secretary of State. The spokesman on foreign affairs, the Secretary of State, has stated that he favors the Jackson amendment. Sometimes the President has another spokesman when he wants some of the thoughts he is entertaining at the White House made public on those occasions, speaks through his press secretary, Mr. Ziegler; and Mr. Ziegler, apparently speaking with the approval

of the President, says that the administration favors the Jackson amendment.

That would seem to make it clear the administration favors the Jackson amendment. I am surprised that anyone would disagree with it. I cannot comprehend why any man would be opposed to the negotiators at the next SALT talks insisting that the United States have equality with Soviet Russia in any treaty respecting intercontinental weapons systems.

I am surprised by the argument some are making that the Senate's endorsement of strategic equality will damage the prospects of success in SALT II. I do not understand, Mr. President, how a statement that we will not accept permanent strategic inferiority is going to harm these negotiations—unless someone is prepared to make the case that the Soviet purpose in SALT II is indeed to lock us into inferiority, and that we should accept and endorse that inferiority.

And I must also point out that some see another obstacle to future negotiations in this amendment—the simple phrase “intercontinental strategic forces.” Some Senators have been studying this phrase, thinking that it contains some hidden and mysterious meaning that will convince the Soviets that we are not serious about arms control negotiations.

I think the point has been made repeatedly on this floor by the Senator from Washington that the Senate should be strongly supporting the proper refusal of the President and our negotiators to compromise the interests of our European allies by including forces dedicated to their defense in the calculation of the central U.S.—U.S.S.R. strategic balance. How will such a declaration prejudice SALT II?

Now, we are not trying to restrict the agenda of SALT II. We are not in any way tying the hands of our negotiators or forbidding them from discussing any point that comes up. All we are doing is offering advisory language—our advice—as to what would constitute an acceptable outcome from the Senate's point of view.

Now, it has been brought to my attention that the Soviet Embassy in Washington has been circulating a statement which says that they do not acquiesce in the Jackson amendment. Certainly, we can take cognizance of what the Russians think about this, but I do not think we need be influenced by it. Nor do I accept the view that if we pass this amendment, the SALT talks will be placed in jeopardy. The fact is that we have gone through this before, especially during the debate over the ABM system some years ago. Some Senators tried to suggest that because the Russians were hinting they did not like the ABM, we ought not to have it. But we now know that it was not until after the approval of the initial ABM program that the Soviets finally—and quickly—agreed to commence the SALT negotiations.

Mr. President, I share the concern of all Senators, and the hope of all Senators, that SALT II will come to a success-

ful conclusion. And it is precisely for this reason that I urge the Senate to issue clear and unambiguous advice about what ought to come out of SALT II. Let me say, quite candidly, that if another government does not care for the Senate's advice, if another government has different ideas about what should come out of SALT II, that is certainly its right. That, after all, is what the negotiations are all about. It is in the negotiations, not on the floor of the Senate, that these conflicting views should be resolved. Indeed, it is not the constitutional responsibility of the Senate to carry on these negotiations. But it is certainly the constitutional responsibility of the Senate—and the duty of the Senate—to make its views known. This amendment does not prejudice the Senate's interests or prerogatives; we will be able to accept or reject agreements as we choose.

Mr. President, I am confident that the Senate will give overwhelming approval to the principles embodied in this amendment—international stability, strategic equality, and faithfulness to our commitments. This amendment provides a unique opportunity for the Senate to play its rightful role in building a more stable and more peaceful world.

Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, I want to commend again the excellent presentation made by the senior Senator from North Carolina (Mr. ERVIN). As I indicated earlier, he got into the issues involved in the presentation made before the Armed Services Committee over many days in a forthright and, I think, an objective way and added immeasurably to the record that is contained in the hearings available to all Senators. I want to express, I am sure, the appreciation of all of those who were present for the excellent way in which he brought out the facts in the hearings during the presentation by the administration and outside witnesses of their views on the agreements reached at Helsinki and Moscow.

Mr. ERVIN. Mr. President, I thank the Senator for his generous remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that House had passed, without amendment, the bill (S. 596) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof.

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 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 United States mining laws, and for other purposes.

The message further 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. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

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. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 3 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Washington, he may recall that earlier today I suggested that it might be possible to have a vote on the pending amendment. And he indicated that there was a possibility. Could I ask if there is any possibility that the pending amendment could be voted on this afternoon?

Mr. JACKSON. Mr. President, I personally have no objections. However, others want all the amendments on a unanimous-consent agreement brought together as close as possible in one day. So I would have to object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. 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. ALLEN. Mr. President, in order that the present status with regard to the SALT talks treaty and agreement may be put in proper perspective, I would like to recount some of the history of the Senate action with respect to the treaty and the agreement.

The SALT talks agreements, insofar as

they relate to offensive and defensive nuclear weapons, were embraced in two separate agreements, the first agreement being in the form of a treaty limiting defensive nuclear sites, called the ABM treaty. That treaty, which limited Russia and the United States to two defensive sites each, was submitted to the Senate and was ratified on August 3 by a vote of 82 to 2.

One of the Senators who cast his vote against ratification by the Senate of the treaty was the junior Senator from Alabama, the other being the junior Senator from New York (Mr. BUCKLEY). The CONGRESSIONAL RECORD indicates that the Senator from Arizona (Mr. GOLDWATER), had he been present, would have voted against the treaty.

Mr. President, I cast my vote against the treaty because I did not feel that it was right to leave the entire population of the United States, more than 200 million people, virtually defenseless from nuclear attack by Russia, nor did I feel that it was a moral act to leave 200 million American citizens hostage to Russian intentions, and for that reason, among others, I cast my vote against the treaty.

The remaining question regarding nuclear weapons had to do with offensive nuclear weapons. That was embraced in the form of an agreement, an agreement between President Nixon and Mr. Brezhnev, limiting offensive nuclear weapons in a way that placed the United States at a decided disadvantage and in an inferior position as regards offensive nuclear weapons.

The Senate has before it Senate Joint Resolution 241 which authorizes the President, and I assume that means ratifies his prior signature to the document, as follows:

That the President is hereby authorized to approve on behalf of the United States the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and the protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America, and Leonid I. Brezhnev, General Secretary—

And listen to who is signing the document on behalf, supposedly, of Russia: The General Secretary of the Central Committee of the Communist Party of the Soviet Union. I shall have some additional remarks to make on that later.

There are three amendments, or at least three amendments that have surfaced up to now with regard to Senate Joint Resolution No. 241, and I think it might be in order to discuss all of them jointly, even though only one is pending at this time, that being amendment No. 1434 by the distinguished majority leader, Mr. MANSFIELD, for himself and other Senators.

A part of the discussion that has been going on, on and off the floor apparently has been with regard to the order in which amendments will be voted on by the Senate and the time that is to be allotted to the various amendments.

I understand that the distinguished Senator from Massachusetts (Mr. BROOKE) wishes to offer an amendment,

and he has three possible approaches that he may take with regard to his amendment. One is that if he sees fit to do so, he can offer the amendment to the Mansfield amendment. If he sees fit so to do, he can offer it as an amendment to Senate Joint Resolution No. 241, the basic resolution, and offer an amendment to that resolution. Or he can offer it to the Jackson amendment which is to be presented at a later time.

It seems likely, however, that he will offer it as a separate amendment after the Mansfield amendment has been disposed of. Then will come the Jackson amendment, which I shall discuss in some detail in just a few moments.

First, I shall discuss the pending amendment, the Mansfield amendment. What this amendment does, in the judgment of the Senator from Alabama, is nothing. It merely takes one paragraph from a document entitled "Moscow Basic Principles of Relations," which was signed by the President and Brezhnev on May 29, 1972.

It takes the second paragraph out of that document, and there are 12 paragraphs. It takes one paragraph from that document and states that "the Congress hereby endorses those portions of the declaration of basic principles of mutual relations between the United States and the Union of Soviet Socialist Republics, signed by the President and by Brezhnev, which read as follows."

Paragraph second is set out, and it thus appears that is the only paragraph in that document that is approved by the Mansfield amendment. It leaves out high sounding paragraphs, such as sixth:

The parties will continue their efforts to limit arms on a bilateral as well as on a multilateral basis. They will continue to make special efforts to limit strategic armament. Whenever possible they will conclude concrete agreements aimed at achieving these purposes.

But the amendment offered by the distinguished majority leader and other Senators makes no reference to that paragraph; and it picks out only one paragraph out of the 12 to endorse. Thus it appears the other paragraphs do not come in for endorsement by the authors of this amendment.

So the Mansfield amendment says nothing. There is already an agreement, signed by Nixon and Brezhnev. To pick one paragraph out of the basic agreement, which begins "That the Congress hereby endorses those portions of the declaration," the question might be asked, What about the remaining paragraphs in the declaration? Are they not subject to endorsement? Do they not meet with the approval of the authors of the amendment?

So it seems to the Senator from Alabama that this amendment says nothing, it offers nothing new, and it has no place in the joint resolution, because the joint resolution only authorizes the President to ratify the arms limitation agreement that was signed on May 26.

Merely to pull out of the air a paragraph from a document signed 3 days after the signing of the arms agreement and say, "We endorse this," might greatly

cloud the issue. Someone might say, "The U.S. Senate approves paragraph second in the declaration, but it does not say anything about the other paragraphs. Does the Senate object to the other paragraphs?"—paragraphs which I think most would agree to.

So it would seem to me that this amendment must have been put in for purposes of possibly being considered ahead of the Jackson amendment, which is the really basic resolution that has to be considered. Before we get to the Jackson amendment, let us consider for a moment the Brooke amendment. When I speak of the Jackson amendment, I mean the Jackson amendment which will be offered to Senate Joint Resolution 241.

The amendment to be offered by the distinguished Senator from Massachusetts (Mr. BROOKE) contains only seven lines.

It says this:

The Congress considers that the success of the interim agreement—

By the way, this limitation of offensive nuclear weapons is to last for 5 years; whereas, the treaty would be a permanent treaty—

and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first strike potential.

Mr. President, the Brooke amendment would seek to put a unilateral construction on the interim agreement, because it says:

The Congress considers that the success of the interim agreement and the attainment of more all permanent and comprehensive agreements are dependent upon the preservation of long-standing United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first strike potential.

Nothing is said here about Russia agreeing, and obviously you could not, because, how could Congress speak for the Soviet Union? So this would be a unilateral construction, and Russia could well take the position, "That is what Congress said they thought it meant, but we think something entirely different."

So it would seem to the Senator from Alabama that the Brooke amendment—when, as, and if offered—would certainly put the United States in a straitjacket as regards the development of counterforce weapons that could be construed as having a first strike potential. This would be the United States limiting itself, without any corresponding limitation by the Soviet Union or any statement, for that matter, that they so construe the resolution or the agreement themselves.

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

Mr. ALLEN. I yield.

Mr. JACKSON. I commend the Senator for making a very good point on this matter.

The Soviet Union, has already de-

ployed 288 SS-9 missiles, with a throw weight of 12,000 pounds, plus a new missile that our experts have indicated could have a throw weight of 24,000 pounds plus, and this would give some credence to the contention that they are moving toward a first strike capability. The new, larger missile numbers 25, which has been discussed previously making a total of 313 very heavy missiles.

I can say to the distinguished Senator from Alabama, without violating classification, that our Minuteman missile is substantially less than 2 megatons. As a matter of fact, the warheads on our Polaris-type submarines are in the kiloton range.

So we have a situation in which the Soviet Union, under this agreement, will now be able to retrofit those 288 missiles which have a current throw weight of 12,000 pounds each. They can retrofit all of them and give them a throw weight of 24,000 pounds each under this agreement. So the Senator is making a very good point.

The resolution and the amendment of the Senator from Massachusetts really ought to be directed to the Soviet Union.

Mr. ALLEN. That is correct.

Mr. JACKSON. We foreclosed the possibility of having weapons with very large yields years ago. I was on the Joint Committee on Atomic Energy in the 1950's when we made the decision not to go for large yields.

Again, it seems to me that the best result that could emerge from SALT II is equality, so that we can get some kind of balance here in which both sides would be prohibited from having weapons on the scale of the SS-9 or its successor. I think that would be stabilizing. It would be wonderful if the Soviet Union would indicate their willingness to cut back the number of land-based missiles to a thousand, which we have—a thousand Minutemen—and to hold their submarine force to the level we have set of 41. They are past 41 right now.

So it seems to me that the Brooke amendment, as worthy as it might be under other circumstances, is directed to the wrong nation.

Mr. ALLEN. Yes. This would be something that could be taken up in the SALT talks, could it not?

Mr. JACKSON. That is correct. I think it would be a worthy goal, rather than adding on, as the Soviet Union will be doing. I would like to see that stopped. That is why I plead for a policy directive from the Senate that will stipulate equality.

Who in the world can be against equality of forces between the Soviet Union and the United States? We all understand equality and parity of forces, do we not?

Mr. ALLEN. We certainly do.

Mr. JACKSON. If we do not, we are in pretty bad shape.

How anyone can take any other position is beyond me. I suppose that is why we cannot get an agreement to vote on this issue. I have tried very hard—and I have agreed from the very beginning—to come to a unanimous-consent arrangement by which all votes could

be achieved within a stipulated time. I am ready, Mr. President, to work out any reasonable arrangement for a time limitation on all amendments and a final vote, because I believe the Senate understands and the country understands what we are trying to do. We are trying to obtain equality of forces, so that we can be assured that we have the means of defending ourselves with a survivable and therefore credible strategic nuclear force.

I commend the Senator from Alabama for the most effective way he has been analyzing these amendments. I think it is very helpful that we get before the Senate as many of the proposals that have been printed and relate them to the pending matter.

Mr. ALLEN. I thank the distinguished Senator from Washington for his constructive and complimentary comments.

I would like to say to the distinguished Senator from Washington that one of the most effective arguments he has made is that under the limitation of offensive nuclear weapons, the momentum of the Soviet Union in its arms drive will not be slowed down for some 3 years under this agreement. I would appreciate it if the Senator amplified that for the edification of the Senate.

Mr. JACKSON. Yes. Under the terms of the agreement, of course, the Soviet Union is permitted to go forward with a deployment of new SLBM's of our Polaris type up to a level of 62 boats or 950 tubes. That is a very large force that is permitted over the 5-year agreement. In addition, the Soviet Union is permitted to complete their land force of ICBM's which at the present time has not yet reached the total level of 1,618.

In addition, they can upgrade and refit their missiles both the SS-9's and, of course, their very large force of SS-11's, which is a chemically fired liquid fuel missile, and the SS-13, which is a solid propellant system, and which is somewhat comparable to our Minuteman force. On our side, we can add on a total of three submarines and go from 41 to 44. In practice, however, we cannot put any Trident boats to sea before 1977.

We can go from 654 launching tubes, as we have at the present time, to 710. They are permitted 950 launching tubes of the Y class of submarine. If we go to the 710, then we have to dispose of our 54 Titan missiles. They have the option of cutting back on their outmoded and outdated SS-7's and SS-8's—by the way, comparable to our Titan I and Atlas missiles that we had back in the late 1950's and the early 1960's. Incidentally, if we had kept those missiles operational, we might have gotten credit for deactivating them, which we are not getting under the agreement.

So that in addition to the missiles I have just referred to, there was a special arrangement made by which the Soviets can keep their G and some H class submarines. They have a very large force of cruise missiles. We do not have either cruise missiles or missiles in the category of the G class submarine.

But what is involved here is the expenditure on both sides of many billions of dollars under this agreement. At the

end of the 5-year period, if the Soviets maximize their efforts as Brezhnev told President Nixon he would do, in my judgment and in the judgment of the experts, if they go all out, and they have indicated that they will, they will have 50 percent more launch tubes than we and they could have more warheads—I expect there will be an announcement any day that the Soviets have fired their first complete MIRV system. Add it up and they can have more warheads at the end of 5 years. That is up to their decision. The yield of their warheads will be greater than ours. They can have more launchers to launch the MIRV warheads.

So what I would like to see, Mr. President, is a cutback. I would like to see the Soviets agreeing to the lower limit of the equation here. I would like to see the Soviets agreeing to 41 nuclear power Polaris-type submarines. I would like to see the Soviets cut back on their land-based missiles from 1,618 to 1,000.

Why are not some of the Senators who are opposed to the Jackson amendment—that merely asks for equality—suggesting that the Soviet Union cut back, Mr. President?

We cut back on the ABM treaty. We were in the process of working on four sites, as the Senator will recall—one in Montana, one in North Dakota, one in Missouri, and one in Wyoming. We agreed to limit our ABM to two sites, knowing that it would only be one site in practice because we would not buy a national command authority site in Washington, D.C. So it is really one site. The Soviets demanded equality, two for two, in an area where we had the momentum. Why should not we insist that we have equality in offensive weapons, too? The stipulation, I want to say to my good friend from Alabama, the agreement on the interim agreement, does not say that they have to build the 62 submarines. Why cannot we, in SALT II which gets underway in October, go in there and hold down the Soviet strategic Y-class type of submarine to the same number we have? Why cannot we ask them to cut back their offensive land-based missile systems to 1,000?

We cut back and dismantled our ABM site in Montana. Let us talk about asking the Soviet Union to cut back and equalize with our forces. I would hope that we would move in that direction. That, to me, would bring the debate around to where it should be.

I would much rather, Mr. President, that they cut back their forces to our level, both land based and sea based, rather than for the United States to build up to their level.

When I supported the ABM, I took the position that it was far better to defend our deterrent forces than to add to them. At least we should start out on that premise.

You know, Mr. President, the arguments about the ABM were rather amusing. There were two main arguments. One was that we did not need an ABM because if we saw an incoming missile attack on the way we could just launch our Minuteman missiles at Soviet cities.

That is known as "launch-on-warning." Can you think of anything more destabilizing, Mr. President?

The chairman of the Foreign Relations Committee advocated that, among others, I should think that would frighten the whole world, that if something appeared on a radar that looked like a missile attack, all we had to do was to launch-on-warning. I cannot think of anything more destabilizing to the peace of the world.

The other contention was that if we did not go forward with the ABM then we could add on to Polaris and add on to Minuteman. I recommended the sensible course of stabilizing the situation by not adding to our offensive force.

We have not added a single offensive weapon since 1965. The last Minuteman, I think, was deployed in 1965, and we have not added to Polaris. I would like sincerely to see the Soviet Union cutting back on their land- and sea-based forces to where we are. There could not be a better signal to the cause of peace in the world than a move of that kind, rather than to continue the arms race. I would hope and trust that our negotiators could go to Helsinki determined to seek equality as a basis for getting the Soviets to back down to a lower level both land and sea based. To me that would be a move in the right direction. That would be a real signal that we sincerely mean business in trying to end the arms race and trying to bring about a more stable and more peaceful world.

Mr. ALLEN. Mr. President, I thank the Senator from Washington for his appeal to the Senate on this subject. I thank him for the great leadership he has displayed in seeking to retain equality and parity with the Soviet Union for our own country in regard to offensive nuclear weapons.

I think he has displayed not only great leadership, but also great statesmanship. I applaud his efforts, and I certainly endorse the action he has taken and the amendment he has offered.

Mr. President, going back to the Mansfield amendment for a moment, I express wonder at why only one paragraph out of that agreement on basic principles and relations was chosen by the authors of this resolution for endorsement. That was paragraph 2.

I ask unanimous consent, Mr. President, that at the conclusion of my remarks, the full document entitled "Moscow: Basic Principles of Relations" be printed in the RECORD to show the other paragraphs for which no endorsement was given.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. ALLEN. Mr. President, at this time I would like to read paragraph 3, which for some reason is not endorsed in this resolution. The resolution has no need to endorse any portion of this basic agreement. Why did not the resolution endorse the agreement limiting nuclear weapons, and why does it have to go to the basic principles and relations signed 3 days later that is merely a philosophical statement of views and political philosophy? Why did it not endorse the arms limita-

tion agreement itself? Here is a high-sounding paragraph that the resolution overlooked giving its endorsement to:

Third, the U.S.A. and the U.S.S.R. have a special responsibility as do other countries which are permanent members of the United Nations Security Council, to do everything in their power so that conflicts and situations will not arise which would serve to increase international tensions. Accordingly, they will seek to promote conditions in which all countries will live in peace and security.

I do not know how the Soviet representative signed that statement with a straight face. "Accordingly, they will seek to promote conditions in which all countries will live in peace and security."

What about Hungary and Czechoslovakia?

I continue to read from the paragraph: and will not be subject to outside interference in their internal affairs.

Why did the resolution not give endorsement to that high purpose?

Mr. President, I do support the Jackson amendment which will be voted on eventually. And I was glad to hear the distinguished Senator from Washington say that he has been seeking to get a vote on the three amendments that have been discussed as amendments to be offered in the Senate and the final vote on the agreement itself. And I am ready to vote at any time that an agreement is made. I am not holding up any procedure. However, I welcome this opportunity to get my reasons on the RECORD why I oppose the treaty and why I favor the Jackson amendment, why I oppose the arms limitation that will freeze the United States for the next 5 years in an inferior status on nuclear weaponry in comparison to the Soviet Union.

Mr. President, the Jackson amendment does not oppose by its introduction, by its terms—it does not rewrite one syllable of the Senate joint resolution itself—the Senate joint resolution itself. It leaves that completely untouched. And the main thing that the Jackson amendment does is to say: "All right. The agreement has been entered into for the next 5 years. There is a provision for a withdrawal from the agreement on 6 months' notice under extraordinary circumstances."

The Jackson amendment does not seek to upset the nuclear arms limitation agreement. It says: "All right. We are committed for 5 years. When you go back into the SALT talks at the expiration of this agreement, work for parity, work for equality, since the agreement anticipates that there will be other agreements made on the subject."

The Jackson amendment says: "All right. We will accept the 5-year agreement that does freeze the United States in an inferior status."

The implication is, naturally, that the authors do not like its provisions. However, no attempt is made to upset the agreement. However, it says: "Next time do better. Next time in the SALT negotiations, come up with an agreement providing for equality for the United States of America."

Is there anything wrong in that? The amendment says: "We will accept what has been done. We are not altogether

happy with it, because we don't feel there should be an inferior status provided for the United States. However, next time do better, and then through research and development and modernization of weaponry, build up our strength permitted under the agreement."

So, Mr. President, recapitulating, the Mansfield amendment does nothing.

It takes one paragraph out of 12 in an agreement entered into between the President and Mr. Brezhnev, 3 days after the arms limitation agreement was signed, and it ignores the other paragraphs of the agreement. It ignores an endorsement of the arms agreement itself. Not one word is said of its endorsement of the arms limitation agreement. It refers to authorization to sign it, but it does not say one word about endorsing its provisions.

The Brooke amendment provides, in effect, a sense of Congress resolution as to the meaning of the arms limitation agreement. Well, after they reached that agreement they came out with another agreement saying what the agreement provided; making an agreement, then, coming out with an agreement saying what the agreement said. Now, we are one step further. After all this explanation, Congress interprets this to mean that we are not going to set up our counterforce weapons to such a state of development that they might not be considered to be first strike weapons.

So it puts the United States in a straitjacket. It says, "We construe this agreement to mean that we are not going to develop—reading from the amendment 'counterforce weapons which might be construed as having a first strike potential.'" There is nothing in that binding on the Russians; we bind ourselves, we place ourselves in a straitjacket and say we think it means this, and there is no corresponding agreement from the Russians.

The Jackson amendment, in effect, states, "You made an agreement. It might well have been better; it should have been better. We will accept it, but on the next agreement do not come back with anything less than equality or parity."

That is about the size of it, Mr. President, that is a shorthand rendition of the three amendments.

Now, Mr. President, I support the amendment by the distinguished Senator from Washington (Mr. JACKSON). In supporting the amendment, I do not imply support of the interim agreement which freezes the United States into a position of nuclear inferiority with respect to that of the Union of Soviet Socialist Republics—U.S.S.R.

I oppose the agreement for the additional reasons that I find it morally repugnant, erroneously premised, technically deficient, unrealistic, flawed with vague, unenforceable and contradictory provisions which are detrimental to the best interests of the United States.

Mr. President, let me briefly elaborate.

The justification of the interim agreement is derived from the treaty which limits development and deployment of nuclear defenses against nuclear attack.

As I stated before, the Senate needed

to approve the treaty. We are discussing the difference between the treaty and an agreement. The treaty limiting the defensive nuclear sites is a treaty requiring, under the Constitution, a two-thirds vote of the Senate for ratification.

Now the document or contract limiting offensive nuclear weapons was in the form of an executive agreement which apparently has to be approved by both Houses by a majority vote and no one anticipates there will be anything other than a tremendous majority in favor of the agreement in both Houses. That is taken for granted.

The effect is that the integrity of the deterrent of both the United States and the Soviet Union depends upon leaving civilian populations unprotected against nuclear attack and not on the number or on the sophistication of nuclear weapons which is the subject of the interim agreement. The idea of holding civilian populations hostage under threat of nuclear annihilation is as repugnant to me as it would be to threaten civilian populations with destruction by methods of germ warfare as a deterrent. There is very little difference. It is said that both sides already have a sufficiency of offensive weapons to achieve maximum assured destruction. If this is true, the agreement is redundant.

Let us analyze that for a moment. It is said that both sides already have a sufficiency of offensive weapons to achieve maximum assured destruction. If this is true, the agreement is redundant. If both sides already have a sufficiency—I have heard it stated on this floor there is a sufficiency to wipe out the other country 10 times—if that be true, if they already have enough striking force to wipe out the other country tenfold, what is the use of limiting weapons? They already have enough there in their storehouses or silos, wherever they might be.

In my judgment, both the treaty and the interim agreement are technically flawed in that both instruments are signed by President Nixon on behalf of our Nation, and by Leonid I. Brezhnev, in his capacity as General Secretary of the Central Committee of the Communist Party of the Soviet Union, on behalf of the Union of Soviet Socialist Republics—U.S.S.R. In other words, it is significant that the instruments are not signed by corresponding heads of state.

It can be pointed out, and accurately, that the Government of the U.S.S.R. is not an autonomous political entity. Instead, the Government of the U.S.S.R. is merely an instrument to carry out the will and policies established by the Communist Party of the Soviet Union. Accordingly, it can be argued that since the Communist Party of the Soviet Union—CPSU—controls the Government of the U.S.S.R., that the Secretary of the Central Committee of the Party is the proper official to bind the Government by treaties and agreements.

The true relationship between the Communist Party of the Soviet Union and the U.S.S.R. can be illustrated by the following quote excerpted from debate in the United Nations as reported by the New York Times on January 9, 1952: The argument was addressed to a

U.S. Congressman and is, in part, as follows:

Formerly you used to bring in the Comintern, and after it was disbanded, the Cominform. Now you have brought in the Soviet government, apparently quite ignorant of the fact that the late A. A. Zhdanov was never a member of the Soviet government, that A. A. Zhdanov was Secretary of the Central Committee of the Party. *You are committing a crude error in confusing governments with parties. A party is a party, and a government is a government.* (Italic supplied).

When you act in the capacity of a government and pass legislation that is incompatible with the elementary standards of international law and with normal relations with other states, the question arises of the government guilty of this bearing responsibility for such actions.

Certainly, we are not going to condemn the activities of the Comintern or of the Communist parties in other countries; we are Communist ourselves. But that is one thing; the activities of governments are quite another.

The point is that the Communist Party of the Soviet Union, as is indicated by the above quotation, is not equivalent to the Government of the U.S.S.R. Consequently, it is not surprising that innumerable studies over the years have indicated that agreements made with the Communist Party of the Soviet Union are not worth the paper they are written on. In 1958, the American Bar Association published a study conducted by its Special Committee on Communist tactics, strategy, and objectives which summarizes the record of Communist promises up to 1958. The following is an excerpt from that study.

During the past 25 years, the United States has had 3,400 meetings with the Communists, including Teheran, Yalta, Potsdam, Panmunjom and Geneva. The negotiators spoke 106 million words (700 volumes). All this talk led to 52 major agreements, and Soviet Russia has broken 50 of them. The Communists have followed Lenin's dictum about treaties and agreements: "Promises are like pie crusts—made to be broken."

In this connection, it is worthy of note that shortly before the present SALT accords were completed, the Senate Judiciary Committee released a report which updated the Soviet record on honoring summit agreements: 24 out of 25 additional summit agreements had been violated as of that date.

As I have previously pointed out, this record of broken agreements leads to the inescapable conclusion that as long as the United States continues to enter into unenforceable agreements with the Communist Party of the Soviet Union or the Government of the U.S.S.R. which is controlled by the CPSU, such agreements will be broken whenever it serves the interests of the Communist Party to break them.

In this connection, the leadership of the Central Committee of the Communist Party of the Soviet Union is highly volatile. The present General Secretary and existing power clique may be here today and gone tomorrow. Treaties and agreements entered into with one regime may go down the drain with the next.

Mr. President, it is obvious that with our populations left vulnerable to nuclear attack, the only thing that stands be-

tween us and nuclear blackmail is the faith in the promises of the Central Committee of the Communist Party of the Soviet Union. We have been promised by the CPSU that the government of the U.S.S.R. will not deploy defensive systems against nuclear attack or stockpile offensive weapons which would destroy the credibility of our supposed deterrent. If that promise is broken, the United States and its allies will be at the mercy of its opponent.

Under such circumstances, it would seem to me that nothing would be more important than agreeing in iron clad procedures to guarantee foolproof methods of verification. One cannot but agree with the observation of Secretary of Defense Melvin R. Laird, who is quoted in the March 27, 1972 issue of U.S. News & World Report:

But it is my strong view that it would be a great and dangerous mistake for the United States to take unilateral disarmament actions. *In short, we must have verifiable mutual-arms-limitation agreements . . .* To put it bluntly, this President and this Secretary of Defense are not going to place the destiny of the United States or of our friends and allies, at the mercy of the hoped-for good will of any other power. (Italic supplied)

So, let us see what the agreement offers in the way of verification procedures. The agreement contains no provision for any type of verification that is not already available to gather military intelligence even without an agreement. These existing methods of intelligence gathering are referred to as "national technical means of verification." But are these means adequate? Are there deficiencies in the available technical means of verification? I suppose argument on this point could go on indefinitely were it not for the fact that the treaty and agreement seem to admit that existing methods of verification are inadequate. Otherwise, why is there provision in the agreement which calls on the United States and the U.S.S.R. "not to use deliberated concealment measures which impede verification by national technical means? This clause is used both in article XII of the treaty and article V of the interim agreement.

The obvious effect of these deficiencies in means of verification is to vest the security of the United States on the frail reed of a promise from the Communist Party of the Soviet Union not to conceal deployment of missile defense systems or offensive missile stockpiling.

Mr. President, I am not going to catalog the literally hundreds of ways in which the United States or the U.S.S.R. could conceal components of missile defense systems or offensive nuclear missiles. In my judgment, it is incredibly naive to think that concealment is not possible, and even more naive to think that the government of the U.S.S.R. will not follow precisely the dictates of the Communist Party of the Soviet Union when it decides that it is in the best interest of the CPSU to violate the treaty and the interim agreement.

Mr. President, even if I could trust the promise of the CPSU not to cheat on the treaty and agreement, I would continue to oppose approval of both the treaty—

which I have already done—and agreement.

One reason can be illustrated by first conceding, for the sake of argument, faithful compliance with the accords and the validity of every argument which has been put forth in favor of the treaty and the agreement. Let us go further and concede the validity of the concept of maximum assured destruction and also that it is right and proper under existing conditions of time and circumstance to hold civilian populations hostage under threat of nuclear annihilation. Let us also assume the success of future SALT talks and eventual nuclear disarmament.

What then? Where would this leave the United States? Is it not true that we would then be forced to rely upon traditional tactical weapons and strategies of warfare? It is generally conceded that the Soviet Union is appreciably stronger than the United States in tactical forces and weapons. This tactical superiority on the part of the Soviet Union and its satellites has long been recognized as a capacity of overrunning much of the land mass of Europe, and, in fact, all of the nations of the Eurasian land island. This capability has been restrained for the past quarter century by our nuclear shield. With this shield neutralized by agreements and treaties, what restraints will then exist against Communist aggressions? These considerations compel us to reconsider the hard realities of geopolitics and the strategies from the perspective of world geography and the distribution and control of strategic resources. If we voluntarily return to conventional methods and weapons of warfare, who is prepared to deny the axiom that:

Who rules East Europe
commands the Heartland:
Who rules the Heartland
commands the World-Island:
Who rules the World-Island
commands the World.

Mr. President, that is exactly what Russia has in mind doing, and is working, planning, and plotting to achieve in the years to come.

A glance at the world globe confirms the fact that the nation which controls the Eurasian world island controls also the major trade routes of the world and world strategic resources.

The question then arises, how is the interest of the United States advanced by voluntarily surrendering a potential for world domination by the Soviet Union? This question can be answered only by raising a more basic question concerning our foreign policy. In fact, it seems to me that the wisdom of our foreign policy should first be determined before we can decide the wisdom of the SALT accords which proceed from that policy.

Mr. President, in one respect the debate which preceded Senate ratification of the treaty and current debate concerning the wisdom of the interim agreement is disjointed and disembodied from the original premises which have led into the SALT talks and ultimate expectations from those talks.

I am personally convinced that the SALT talks would never have been undertaken without having been preceded by a dramatic change in foreign policy based upon an emotional commitment to the idea of convergence and the belief that an eventual convergence of the systems of socialism and capitalism represents the only hope for world peace.

The fact is that there is little evidence that a convergence of systems would necessarily diminish tensions between nations of the separate systems. It is well to bear in mind that the Communist system was created as an institution of revolution and conflict. But history shows that even where there is a social-political uniformity, peace is not a necessary consequence.

Dr. Zbigniew Brzezinski and Samuel P. Huntington have pointed out in their comparatively recent book entitled *Political Power: U.S.A./U.S.S.R., "1967"*:

The Communists believe that the world will converge, but into an essentially communist form of government. In the West, on the other hand, the widespread theory of convergence assumes that the fundamentally important aspects of the democratic system will be retained after America and Russia "converge" at some future, indeterminate historical juncture. Although probably there will be more economic planning and social ownership in the West, the theory sees the Communist Party and its monopoly of power as the real victims of the historical process: both will fade away. Thus on closer examination it is striking to discover that most theories of the so-called convergence in reality posit not convergence but submergence of the opposite system. Hence the western and the communist theories of convergence are basically revolutionary; both predict a revolutionary change in the character of one of the present systems. The Communists openly state it. In the West, it is implicit in the prevalent convergence argument.

The theory of convergence thus minimizes or ignores the totality of the Russians and the American historical experience—political, social, and economic—and exaggerates the importance of one factor alone.

NonCommunist believers in convergence also have no reason to assume that a non-Communist Russia, with nationalist ambitions, would be less likely to strive to dominate the Eurasian continent than a Communist Russia.

Mr. President, I am convinced that the convergence theory is a menace to the security of the United States and that the SALT talks and agreements are a direct result of the faith placed in that theory. I cannot in good conscience vote for approval of the convergence theory or the SALT agreements which are a direct result of that theory.

EXHIBIT 1

MOSCOW: BASIC PRINCIPLES OF RELATIONS

Text of the "Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics." May 29, 1972.

The United States of America and the Union of Soviet Socialist Republics,

Guided by their obligations under the Charter of the United Nations and by a desire to strengthen peaceful relations with each other and to place these relations on the firmest possible basis,

Aware of the need to make every effort to remove the threat of war and to create conditions which promote the reduction of ten-

sions in the world and the strengthening of universal security and international cooperation,

Believing that the improvement of US-Soviet relations and their mutually advantageous development in such areas as economics, science and culture, will meet these objectives and contribute to better mutual understanding and business-like cooperation, without in any way prejudicing the interests of third countries,

Conscious that these objectives reflect the interests of the peoples of both countries,

Have agreed as follows:

First. They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in the social systems of the USA and the USSR are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, non-interference in internal affairs and mutual advantage.

Second. The USA and the USSR attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations. Therefore, they will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war. They will always exercise restraint in their mutual relations, and will be prepared to negotiate and settle differences by peaceful means. Discussions and negotiations on outstanding issues will be conducted in a spirit of reciprocity, mutual accommodation and mutual benefit.

Both sides recognize the efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives. The prerequisites for maintaining and strengthening peaceful relations between the USA and the USSR are the recognition of the security interests of the Parties based on the principle of equality and the renunciation of the use or threat of force.

Third. The USA and the USSR have a special responsibility, as do other countries which are permanent members of the United Nations Security Council, to do everything in their power so that conflicts or situations will not arise which would serve to increase international tensions. Accordingly, they will seek to promote conditions in which all countries will live in peace and security and will not be subject to outside interference in their internal affairs.

Fourth. The USA and the USSR intend to widen the juridical basis of their mutual relations and to exert the necessary efforts so that bilateral agreements which they have concluded and multilateral treaties and agreements to which they are jointly parties are faithfully implemented.

Fifth. The USA and the USSR reaffirm their readiness to continue the practice of exchanging views on problems of mutual interest and, when necessary, to conduct such exchanges at the highest level, including meetings between leaders of the two countries.

The two governments welcome and will facilitate an increase in productive contacts between representatives of the legislative bodies of the two countries.

Sixth. The Parties will continue their efforts to limit armaments on a bilateral as well as on a multilateral basis. They will continue to make special efforts to limit strategic armaments. Whenever possible, they will conclude concrete agreements aimed at achieving these purposes.

The USA and the USSR regard as the ultimate objective of their efforts the achievement of general and complete disarmament and the establishment of an effective system of international security in accordance with the purposes and principles of the United Nations.

Seventh. The USA and the USSR regard commercial and economic ties as an important and necessary element in the strengthening of their bilateral relations and thus will actively promote the growth of such ties. They will facilitate cooperation between the relevant organizations and enterprises of the two countries and the conclusion of appropriate agreements and contracts, including long-term ones.

The two countries will contribute to the improvement of maritime and air communications between them.

Eighth. The two sides consider it timely and useful to develop mutual contacts and cooperation in the fields of science and technology. Where suitable, the USA and the USSR will conclude appropriate agreements dealing with concrete cooperation in these fields.

Ninth. The two sides reaffirm their intention to deepen cultural ties with one another and to encourage fuller familiarization with each other's cultural values. They will promote improved conditions for cultural exchanges and tourism.

Tenth. The USA and the USSR will seek to ensure that their ties and cooperation in all the above-mentioned fields and in any others in their mutual interest are built on a firm and long-term basis. To give a permanent character to these efforts, they will establish in all fields where this is feasible joint commissions or other joint bodies.

Eleventh. The USA and the USSR make no claim for themselves and would not recognize the claims of anyone else to any special rights or advantages in world affairs. They recognize the sovereign equality of all states.

The development of U.S.-Soviet relations is not directed against third countries and their interests.

Twelfth. The basic principles set forth in this document do not affect any obligations with respect to other countries earlier assumed by the USA and the USSR.

Moscow, May 29, 1972.

For the United States of America, Richard Nixon, President of the United States of America.

For the Union of Soviet Socialist Republics, Leonid I. Brezhnev, General Secretary of the Central Committee, CPSU.

Mr. CHURCH. Mr. President, this being August 14, 1972, and the 27th anniversary of the end of the war with Japan in 1945—or VJ Day—it might be chastening for us to recall that in the latter stages of that war, the United States, on August 6, 1945, dropped the first atomic bomb on Hiroshima. Estimates vary on the dead from bomb and radiation exposure from 80,000 to 200,000.

The second U.S. bomb was dropped in Nagasaki on August 9, 1945. Estimates of dead in that city range from 39,000 to 74,000.

In this connection, Mr. President, I ask unanimous consent to have printed in the RECORD and article entitled, "Total Nuclear Arms Ban Is Vital," written by David Lawrence and published in today's Washington Evening Star. I think the argument made by Mr. Lawrence is a most persuasive one, which deserves the attention of the Senate.

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

[From the Washington Star, Aug. 14, 1972]

TOTAL NUCLEAR ARMS BAN IS VITAL

(By David Lawrence)

With all the talk about limitation of armaments, it is surprising that world sentiment has not been mobilized to bring about the

abolition of nuclear weapons. Five major powers have nuclear arsenals which are a potential threat to a huge number of human beings. No such menace has existed before in history. The wonder is that little has been done to try to eliminate it, though there is wide recognition of the danger in the mere possession of nuclear bombs.

The truth is that, although the United States and the Soviet Union have reached agreement on arms control, the nuclear race goes on and is spreading. Even this country and Russia are carrying on underground tests of atomic bombs, while the Russians continue to test intercontinental missiles. France—which, along with China, has refused to join the other three nuclear powers in banning atmosphere tests—is conducting a series of such tests.

Several smaller nations are approaching the point where they can build their own atomic weapons. Ingredients for nuclear bombs are being manufactured in ever-growing amounts.

Suggestions have been made that international conferences be called to discuss not just the control but the abolition of nuclear weapons. No proposals have, however, been adopted by any government.

The United States has a particular obligation to support a movement to do away with all nuclear weapons, because it dropped an atomic bomb during wartime. Though this helped end World War II, there are many people who think the war might well have been won by the allies in a short time without the introduction of such a devastating weapon.

The nuclear bomb can bring destruction not only on armies but to millions of civilians. Its use would violate all the rules of civilized warfare and could lead to retaliatory action that would add to the slaughter of people around the globe.

Yet, the subject of abolishing nuclear arms is not the theme of international meetings or of consultations between major powers who profess to be friendly to one another. The Soviet Union did propose to the United Nations last year that it call a "universal" conference to bring about the prohibition and elimination of nuclear weapons, but nothing has been done to advance the idea. China has from time to time indicated that it favors the concept, and so has the United States.

In the 27 years that have elapsed since the first atomic bomb was dropped on Japan, however, there has been no serious movement to ban all nuclear weapons everywhere. The recent agreement between the United States and the Soviet Union to limit the building of strategic arms is an encouraging development, but until it is determined to abolish them altogether, the world will not be free from the worst menace that has ever existed.

The theory therefore has been, of course, that almost any weapon can be used during a war in order to cause the enemy to surrender. But missiles carrying nuclear warheads reach beyond military forces and into the homes of civilians who are in no way engaged in the fighting. If some of the governments which have nuclear weapons are willing to regulate additions to their nuclear arsenals, why shouldn't they move to cut them down and eventually eliminate them.

One of the difficulties with the problem is to make sure that, if all nuclear weapons are prohibited, they will be destroyed by each of the nations which possess them. For this purpose, a body of neutral inspectors could be appointed to see that this is done.

The United States first used an atomic bomb in the second World War and has played an important part in the build-up of nuclear power. It would gain considerable support if it took the initiative now to seek an agreement by each of the countries that possess nuclear arms to abolish them

and set a date on which all such weapons would be rendered useless.

Inasmuch as the United States is the only country that has used a nuclear bomb against civilians, it would receive the applause of the world if it took the leadership in a movement that succeeded in preventing the employment of nuclear weapons in the future through the destruction of those that have been accumulated and pledges to assure that no more will be made. International inspection would be a necessary part of the agreement so that the abolition of nuclear weapons could be checked regularly to prove that the promises are being fulfilled.

Mr. CHURCH. Mr. President, as we come to the conclusion of a long day of debate, my attention has been called to an editorial which appeared in today's New York Times. The editorial discusses the subject of "Unstable Deterrence and Jackson's 'Equality'." There are three paragraphs in this editorial which sum up the issues in such a concise way that I should like to read them at this time.

Looking ahead to SALT II, the editorial reads:

The main task for SALT II is to seek quantitative reductions in strategic missiles and bombers and also to slow down the research and development race for qualitative advantages in weaponry. A combination of such measures is the only way now to limit MIRV multiple warheads sufficiently to rule out for both sides a first-strike capability against silo-based missiles.

The interim agreement gives the Soviet Union a numerical edge in offensive missiles to offset American advantages in bombers, foreign bases, warhead numbers and other factors. Both sides have agreed that this asymmetrical arrangement provides parity in effective strategic strength. It is this understanding that Senator Jackson now is challenging.

The Washington Democrat asserts that the interim agreement, if continued, would condemn the United States to "sub-parity." He wants the Senate to call for a SALT II treaty that would provide numerical equality in offensive forces. But this kind of "equality," which would condemn the Soviet Union to overall inferiority, was rejected by Moscow in SALT I. Insistence on it would make a SALT II agreement impossible, guaranteeing a resumption of the nuclear arms race.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial to which I have referred.

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

UNSTABLE DETERRENCE—AND JACKSON'S "EQUALITY"

In his "State of the World" report to Congress last February, President Nixon expressed the hope that the nuclear arms race with Russia could be halted by "a combination of mutual restraint and an agreement in SALT," the strategic arms limitation talks. The SALT agreement was signed May 26 in Moscow. But the "mutual restraint" essential to make it work has yet to be seen in Washington. On the contrary, the emphasis seems to be on stepping up the arms race in fields still unrestricted by SALT, despite the adequacy of existing weapons.

The latest example is the Administration decision to develop a second generation of MIRV multiple warheads capable of destroying Soviet ICBM silos. The new hydrogen warheads for existing Minuteman and Poseidon missiles reportedly will be several times more accurate than those now being deployed and at least four times more powerful.

The Administration and President Nixon personally have repeatedly denied over the last two or three years any intention of developing such "hard target" killers, admitting that such development would be a destabilizing move likely to arouse fear in Moscow that the United States was seeking capability for a "first strike" against Soviet land-based missiles and bombers. At one point, with great fanfare, the Pentagon was even ordered to halt a program for increasing MIRV warhead accuracy.

The explanation being given for the current change is that President Nixon wants greater flexibility to respond to a possible nuclear attack against the United States. For at least eighteen months, the high-level Defense Program Review Committee chaired by Henry Kissinger has been under Presidential directive to study and devise strategic options other than massive retaliation against Soviet cities that would, in turn, bring Soviet missiles down on American cities. But this study has yet to be completed. It is by no means certain that other options are feasible or advisable, particularly if they require weapons so accurate and powerful that fear of an American pre-emptive attack would stimulate Moscow to undertake countermeasures.

For the moment, the Pentagon reportedly has been authorized to develop, but not to deploy, the new super-MIRV warheads. But once such warheads are flight-tested, the Soviet Union may proceed on the assumption that they will be deployed, since contrary assurances would be hard to verify.

The irony is that the United States in the SALT talks has insisted that agreement was possible only if both sides were committed to a strategy of deterrence and avoided the construction of offensive forces with a first-strike capability against missile silos. Moscow, for this reason, has been pressed successfully to halt further deployment of giant SS-9 ICBM's. It is now being urged to refrain from large-scale deployment on SS-9's of the MIRV multiple warheads the Soviet Union is believed to be developing. Assurances in this regard, perhaps in the form of ICBM reductions, are expected to be a major American objective in the second round of SALT talks this fall.

In these circumstances, an explanation from the President is clearly needed. A Republican legislator, Senator Brooke of Massachusetts, prevailed upon the Administration two years ago to come out publicly against the development of more advanced missile warheads. He is asking for a reaffirmation of this commitment now. Senator McGovern has brought the issue into the campaign by calling on the President "to repudiate and abandon" the new warhead program.

It is one thing to study strategic war options available with present weapons systems; it is quite another to develop more deadly weapons that would undermine the stability of the nuclear balance and greatly complicate the already complicated task confronting SALT II.

Mutual restraint or a continued nuclear arms race is the central issue raised by Senator Henry Jackson's effort to attach reservations to the interim five-year Soviet-American agreement limiting strategic offensive missiles.

That agreement—itsself five years in the making and concluded only after an arduous Nixon-Brezhnev summit negotiation in Moscow—is to be replaced by a comprehensive treaty on offensive nuclear weapons in the second stage of the strategic arms limitation talks (Salt II). But it is illusory to believe that Salt II, which reportedly will begin in October in Geneva, can alter the fundamental strategic balance so painstakingly arrived at in the provisional agreement. In diplomacy, as the French adage has it, "there is nothing more permanent than the provisional."

The main task for SALT II is to seek quantitative reductions in strategic missiles and bombers and also to slow down the research

and development race for qualitative advantages in weaponry. A combination of such measures is the only way now to limit MIRV multiple warheads sufficiently to rule out for both sides a first-strike capability against silo-based missiles.

The interim agreement gives the Soviet Union a numerical edge in offensive missiles to offset American advantages in bombers, foreign bases, warhead numbers and other factors. Both sides have agreed that this asymmetrical arrangement provides parity in effective strategic strength. It is this understanding that Senator Jackson now is challenging.

The Washington Democrat asserts that the interim agreement, if continued, would condemn the United States to "sub-parity." He wants the Senate to call for a SALT II treaty that would provide numerical equality in offensive forces. But this kind of "equality," which would condemn the Soviet Union to overall inferiority, was rejected by Moscow in SALT I. Insistence on it would make a SALT II agreement impossible, guaranteeing a resumption of the nuclear arms race.

In a revised version of his amendment, Senator Jackson has agreed with the Administration on wording so ambiguous that the White House has accepted the language of the amendment while repudiating Mr. Jackson's interpretation of it. This grotesque deal is favored by the Administration to appease its conservative supporters and to retain Senator Jackson's help in shepherding future defense legislation through Congress. But it can only be harmful to the future prospects for arms control. Senate rejection of the Jackson amendment and simple approval of the interim agreement would be the best way to save the Administration from its own folly and, more important, to assure a favorable climate for SALT II.

Mr. CHURCH. Mr. President, another article that is particularly noteworthy has appeared recently in the press. It is written by a man of long experience in diplomatic affairs, more than 40 years in the Diplomatic Service of the United States, whose last post was that of Permanent Representative of the United States to the United Nations. His name is Charles W. Yost. I am pleased to say that he is a personal friend of mine, with whom I have traveled abroad on occasion in the past, and in whom I have the greatest confidence. He writes so wisely on the general topic of this debate that I should like to read his observations into the RECORD at this time.

Mr. Yost writes in the August 10 edition of the Christian Science Monitor an article entitled "Arming for Detente," which reads as follows:

The Alice in Wonderland character of the arms race becomes more and more bizarre every week. Like the Red Queen both we and the Russians keep running faster and faster simply to stay in the same place.

Three and a half years ago the President announced that we were moving from an era of confrontation into an era of negotiation. Pursuant to that wise conception, he undertook the SALT negotiations which produced an arms limitation agreement, not as far-reaching as the domestic needs of both countries required but still a most significant step forward, a step moreover which could with careful nursing generate a climate of detente and accommodation between the United States and the Soviet Union.

But what is the reaction to this agreement within the defense establishment? The Secretary of Defense at once announces: "There will be no savings as far as the request for offensive strategic weapons which have been presented to the Congress in the 1973 budget"

(incidentally the largest peacetime military budget in history). The White House itself proceeds to insist that, despite that SALT agreement, there is not less but more need for the new and immensely costly weapons, including a new supersonic bomber (we far outnumber the Soviets in long-range bombers), a more advanced type of missile-launching submarine (no one claims that our present Poseidon and Polaris subs are not effective and invulnerable), and a fourth nuclear-powered aircraft carrier (the Soviets have no carriers). Moreover, despite the efforts of a growing number of skeptical members of Congress, the majority with its usual docility vis-a-vis the Pentagon approves all the new weapons.

An even more extraordinary spectacle is provided by Senator Jackson, apparently with the initial connivance of the administration, who proposes that a reservation be attached to the SALT agreement on offensive weapons, providing that if the Soviets take any steps, even though they are permitted under the agreement, that "endangers" United States strategic forces, this would be ground for abrogating the agreement. In other words, having signed the agreement only two months ago, we would solemnly announce that we would cancel it whenever the Soviet Union does anything, outside its terms, which we dislike. Fortunately this astonishing proposal seems too much for the Senate to swallow and even the administration may be having second thoughts.

Of course, the Soviets are by no means exempt from these prodigal and irresponsible displays of machismo. Having both the largest army in Europe and the largest number of land-based intercontinental missiles, they have seen fit in recent years, repeating the fatal error of the Kaiser before World War I, also to build a massive challenge to the United States Navy. What possible national interest is served thereby, except pure pride and prestige, it is hard to imagine.

In a recent interview in the magazine Foreign Policy George Keenan remarks: "Today the military rivalry, in naval power as in nuclear weaponry, is simply riding along on its own momentum, like an object in space. It has no foundation in real interests—no foundation, in fact, but in fear, and in an essentially irrational fear at that. It is carried not by any reason to believe that the other side would but only by a hypnotic fascination with the fact that it could. It is simply an institutionalized force of habit."

It is also a sad fact, in the view of Herbert York, Eisenhower's director of Defense Research, as documented in his recent book "Race to Oblivion," that over the past 20 years the primary blame for escalating the strategic arms race rests with the United States, for it was usually we who introduced and deployed new weapons systems. True, the Soviets proceeded to copy us slavishly and from time to time to outdo us in numbers and megatons, but it was usually we who started new laps in the race. MIRVs are the latest example. Now we seem about to repeat this enormously expensive mistake once more.

The insatiable Pentagon, having already gobbled up the "dividend" accruing from the winding down of the Vietnam war, seems now determined to take the SALT agreement, not as the logical basis for starting to wind down the arms race, but merely as a further excuse for escalating it as fast and far as Congress will permit in categories not explicitly limited by the agreement. And the administration, with its appetite for "bargaining chips" for SALT II and politically lucrative defense appropriations, seems prepared to back them all the way. Of course the history of SALT I strongly suggests that neither side will scrap weapons in being,

and that therefore "bargaining chips" tend to become building blocks anchored in concrete.

What needs to be done, and it is devoutly to be hoped that it will be done after January of next year, is for the administration and the Congress together rigorously to re-examine where the real national interest lies, having in mind the state of the nation in 1973. They need to determine, first of all, what programs are imperative to restore the domestic health, purpose and confidence essential to our survival as a great nation. They need, thereafter, to reconstruct the military budget from the ground up on the basis, first, of real and not phantom threats in 1973 and, second, of its appropriate place beside, not always before, imperative and neglected domestic requirements.

Finally, Mr. President, I invite the attention of the Senate to a most informative pamphlet recently published by the Center for Defense Information. The director of the staff of the center is Rear Adm. Gene R. La Rocque, U.S. Navy, retired. There are other retired officers of our Armed Forces involved in this center. It publishes a pamphlet called *The Defense Monitor*. The purpose of the center is to try to bring reasonable balance into the assessment of our military needs. This center includes men who have spent their professional lives as officers of our armed services. They want Congress and the people to take a new look at the real defense requirements of the United States, insofar as new weapons systems are concerned.

That is precisely the kind of institute we have needed—and lacked—for many years. Without such organizations, we too often have accepted without critical analysis whatever is presented to us by the Pentagon or the administration.

This particular pamphlet contains a detailed analysis of the SALT agreement. It sets out precisely the numbers of intercontinental ballistic missiles, submarine-launched ballistic missiles, and ABM's that we presently have and are likely to acquire by the end of the 5-year interval. The format makes it possible to easily compare the position of the United States with that of the Soviet Union.

Strategic weapons covered by the 5-year interim agreement, such as the strategic bomber force of the United States, are compared with those of the Soviet Union.

Other tables in the pamphlet are of equal interest.

Table 1 on page 7, for example, shows the estimated strategic force levels of the United States at the time of the SALT agreement in May 1972. A total of 5,746 deliverable warheads are listed.

Table 2, which estimates the composition of U.S. strategic forces as of the expiration of the SALT agreement in 1977, projects a total of 10,557 deliverable warheads—double the number we have today.

Table 3, which anticipates estimated U.S. strategic force levels, including Trident submarines and the B-1 bomber, as of the early part of the 1980's, shows a total number of our deliverable warheads reaching 14,564.

Tables 4 and 5 are estimates of the strategic force levels of the Soviet Union at the time of the SALT agreement. Total

deliverable warheads are estimated at 2,492. Table 5 shows the estimated composition of the Soviet strategic forces by the expiration of the SALT agreement in 1977, when it is estimated that their total deliverable warheads will have climbed to 3,869.

These facts have not been emphasized in the course of this debate, as we have concentrated almost entirely on the number of missiles rather than the number of deliverable warheads.

These tables—which are most pertinent to this debate—show a preponderant advantage for the United States today at the end of the 5-year period, and into the 1980's. This advantage is now 2-to-1, and it is likely to go to nearly 5-to-1.

In addition to these tables, Mr. President, there is a very helpful commentary and analysis of the SALT agreement, which also should form part of the record. I will not read all of it, but I would like to read the conclusion reached by the center:

The ABM treaty bans the kind of ABM systems which would be most de-stabilizing and is therefore a significant step in limiting the arms race.

The five-year agreement on offensive weapons allows the United States and Soviet Union each to continue its present round of nuclear buildup, and then establishes a partial, quantitative freeze at the resulting new levels. This is a start which can be followed up in future SALT negotiations.

U.S. SECURITY

The accords place ceilings on numbers of offensive weapon launchers at a time when only the Soviet Union is increasing these numbers. Without the accords, Soviet construction could be greater. The offensive freeze plus the ABM limitation lessen the chances of Russia ever becoming able to launch a preemptive nuclear strike against this country without being destroyed in return.

While Russia will continue to lead the United States in numbers of launchers and total megatonnage under the accords, the United States is expected to retain its lead in numbers of warheads. These differences, however, are less important than the fact that each country has the power to destroy the other several times over?

WEAPONS POLICY

The Administration should reconsider its present policy which says that the way to limit nuclear weapons is to build more of them. Both the United States and Russia appear to have approached the recent round of SALT determined to "negotiate through strength." Each had nuclear buildups in progress. But somehow these bargaining chips didn't get bargained. They are being built. The initial round of SALT has made the US deterrent more secure. The United States now does not need to build Trident submarines and B-1 bombers and submarine cruise missiles to convince the Soviet Union that both countries have good reasons to bring their arms race under control and eventually reduce nuclear arms. Each side already has more than sufficient nuclear power to bargain toward this end.

Mr. President, I think this is an eminently sensible conclusion reached by these informed people at the Center for Defense Information. I ask unanimous consent that the entire contents of this pamphlet be printed in the RECORD.

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

[From the Defense Monitor, June 30, 1972]

SALT AND AFTERWARD

The SALT accords, signed May 26th in Moscow and now before the US Congress for approval, were written in the face of a rapidly moving nuclear arms race.

At the time of the signing the United States was installing independently targetable warheads (MIRV) on its land and sea-based missiles. It was going forward with a program to greatly expand the destructive power of its strategic bombers by equipping them with short range attack missiles (SRAM). Together these steps would increase the US strategic nuclear warhead and bomb total from about 5700 in 1972 to more than 10,000 in 1976. On top of this the United States was developing a new strategic submarine called Trident, with new missiles to go with it, and a new strategic bomber, the B-1.

Meanwhile, the Soviet Union was building new intercontinental ballistic missile (ICBM) launchers at a rate of 250 per year. These included silos for the huge SS9 missile, capable of carrying 25 megatons (a U.S. Minuteman II carries about 1 to 2 megatons). The Soviets had dug 25 silos possibly for a new missile even larger than the SS9. They were building new nuclear-powered strategic ballistic missile submarines at a rate to 7 to 9 per year, and could at this rate have twice as many such submarines as the United States in five years. The Russians were, however, years behind in MIRV. They were working on MIRV technology but had yet to test what U.S. technicians considered to be a MIRV system.

Thus, the two superpowers were running their nuclear race in different ways. The United States was concentrating on MIRV, while holding its missile totals constant and reducing megatons. The Soviet Union was increasing numbers of missile launchers and deploying larger vehicles to carry fewer warheads but with greater megatonnage. Both sides were developing anti-ballistic missile (ABM) systems.

For the question "Who's ahead?" there were as many answers as there were ways to measure the strategic arms balance.

In numbers of ICBM launchers, the Soviet Union had come from behind and passed the United States.

In numbers of submarine missile launch tubes the Soviets were catching up, and would in a few years pass the United States.

In numbers of heavy bombers the United States had a 3 to 1 lead.

In numbers of separately targetable nuclear weapons, the United States had a 2 to 1 lead, and because of this country's head start in MIRV, this lead was rapidly widening in favor of the United States.

In total megatons the Soviets had about a 2 or 3 to 1 lead.

SALT AT A GLANCE

ICBM LAUNCHERS

US

Deployed	1054
Recent construction rate.....	None
Planned for 1977 without SALT.....	1054
SALT ceiling.....	1000-1054*

USSR

Deployed	1550
Recent construction rate (per year) ..	250
Possible 1977 projection without	

SALT	2000
SALT ceiling.....	1408-1618*

SLBM LAUNCH TUBES

US

Present	656
Recent construction rate.....	None
Planned for 1977 without SALT.....	656
SALT ceiling.....	710**

Footnote on following page.

<i>USSR</i>	
Present	580
Recent construction (per year)	128
Possible 1977 projection without SALT	1200
SALT ceiling	950**
BALLISTIC MISSILE SUBMARINES	
<i>US</i>	
Deployed and under conversion	41
Recent construction rate	None
Planned for 1977 without SALT	41
SALT ceiling	44**
<i>USSR</i>	
Deployed and under construction (approx.)	53
Recent construction rate (per year)	7-9
Possible 1977 projection without SALT	80-100
SALT ceiling	62**
ABMS	
<i>US</i>	
SALT ceiling (100 missiles each)	2 sites
<i>USSR</i>	
SALT ceiling (100 missiles each)	2 sites
NOT COVERED BY SALT AGREEMENTS (CDI ESTIMATES)	
STRATEGIC BOMBERS	
<i>US</i>	
Present strategically targeted	321
<i>USSR</i>	
Present strategically targeted	140
WARHEADS	
<i>US</i>	
Present	5746
Probable under SALT by 1977	10,557
<i>USSR</i>	
Present	2491
Probable under SALT by 1977	3869

*Depending on whether old ICBMs are dismantled and replaced by SLBMs.

**To reach these levels US would have to dismantle 54 old Titan ICBMs; USSR would have to dismantle 210 old SS 7 and SS 8 ICBMs.

When all these measures were considered together the Soviet Union clearly had come from a position of nuclear inferiority at the time of the 1962 Cuban Missile Crisis to a position which many weapons experts saw as parity, and which some viewed with alarm as indicating future Soviet superiority unless the United States speeded up its weapons programs.

THE ACCORDS

The SALT accords consist of a treaty limiting ABMs, a five-year Interim Agreement which puts certain partial limits on offensive weapons development pending further arms talks, a protocol to this Interim Agreement, and a number of statements of "interpretation" some agreed and some unilateral. Based on all these documents, the following is a summary of the main provisions of the accords:

ABM Treaty

Each country agrees not to build an ABM system for defense of its entire territory or major region. This amounts to a pledge that neither will try to upset the present deterrent balance by deploying ABMs to protect its general population and industry.

Each will limit ABM systems to two sites—one in defense of its national capital, the other in defense of an ICBM field. These must be at least 1300 kilometers (800 miles) apart, which means the Soviet ICBM field to be protected must be east of the Ural Mountains, away from the major western USSR population centers.

No more than 100 ABM launchers and 100 interceptor missiles may be deployed at each site.

Restrictions are set on numbers, types and placement of ABM radars to foreclose a radar

capability for nationwide defense of either country.

In addition to these basic provisions, the two countries agree to ban sea-based, air-based, space-based or mobile land-based ABMs; not to deploy ABM systems of new kinds without prior discussion; not to convert air-defense or other systems to an ABM role; not to build radars for early warning of strategic ballistic missiles except along the edges of the country facing out; not to transfer ABM systems to other states or deploy them overseas.

There is no on-site inspection. Each side will use its own technical means of verification and each pledges not to interfere with these means or resort to deliberate concealment.

A Standing Consultative Commission will be established to implement the treaty and consider questions involving it.

The ABM treaty is of unlimited duration but either side can withdraw for supreme interest.

The treaty would require the United States to cut back its 12-site ABM program (of which four sites have been approved by Congress) to a maximum of 2. The Administration plans to complete the ABM site on which construction is farthest ahead—at the ICBM field at Grand Forks, N.D. It will halt work on three other sites at ICBM fields and has asked Congress to approve an ABM site at Washington, D.C. The treaty permits Russia to continue its ABM site already under construction at Moscow and to start a second site at an ICBM field.

Interim Agreement and Protocol

These deal with offensive nuclear weapons. In general they limit the numbers of ICBMs, ballistic missile submarines and submarine-launched ballistic missiles (SLBMs) to levels which each side agrees are presently deployed or under construction. These limitations are for five years, pending further SALT talks. With agreed "interpretations" the limitations are as follows:

No additional fixed, land-based ICBM launchers may be started during the freeze above the numbers deployed and "under active construction" at the time of signing—1054 for the United States, and about 1618 for the Soviet Union.

Launchers for so-called "light" ICBMs (the US Minuteman and Soviet SS11 and 13) and "older" ICBMs (the US Titan and Soviet SS7 and 8) may not be replaced by "modern heavy ICBMs" (the Soviet SS9). The SS9 class missiles may, however, be made heavier. Russia has 288 SS9s now and 25 apparently larger silos dug. It could therefore end up with 313 "modern heavy" ICBMs of SS9 size or larger. The United States has no "modern heavy" ICBMs and plans none.

Within these restrictions, ICBMs may be replaced with more modern ones—for example with MIRV. But in the process of modernization, launchers may not be increased in size more than 10-15%.

The number of launchers for submarine-launched ballistic missiles (SLBMs) each side presently has deployed or under construction was stipulated to be 656 US and 740 USSR. These numbers can be increased subject to two provisions:

"Additional SLBM launchers may become operational only as replacements for an equal number of "older" ICBM launchers (first deployed prior to 1964) or for launchers on older nuclear-powered submarines or for modern SLBM launchers on any type of submarines.

"During the five year freeze the US is limited to 44 modern ballistic missile submarines and 710 SLBM launchers. The Soviet Union is limited to 62 modern ballistic missile submarines and 950 SLBM launchers."

As in the case of ICBMs, submarine missile systems can be modernized. Single-warhead

missiles can be replaced by MIRVed missiles. New submarines can be substituted for old.

Destruction or dismantling of old ICBMs or submarine missiles must begin by the start of sea trials of a replacement ballistic missile submarine.

Each side agrees not to significantly increase its number of test and training launchers for ICBMs or SLBMs.

There were several unresolved points of disagreement in the accords:

"The Soviet Union stated unilaterally that if US allies in NATO should increase their numbers of ballistic missile submarines beyond those presently in operation or under construction the Soviet Union would have the right to make a corresponding increase in its number of submarines.

"The United States was unable to get agreement on a common definition of "heavy" ICBMs. The US considers it to be any missile bigger than the largest existing "light" ICBM which is the Soviet SS11.

"The United States was unable to get agreement to include mobile ICBMs in the freeze. (Mobile ABMs are banned.) The United States declared unilaterally that deployment of mobile ICBMs during the freeze would be considered "inconsistent with the objectives" of the agreement."

WHAT THE ACCORDS MEAN

From an Arms Control View

The SALT accords can be examined from several viewpoints. One of these is the viewpoint of international arms control—that is, in terms of what effect the accords will have on the arms race.

Among the achievements in this regard:

The SALT accords represent the first—even though partial—limitations by the United States and Soviet Union dealing with the fundamentals of their arms race. Previously, the two countries had agreed to bar nuclear weapons from the Antarctic, from outer space, and from the sea bed. They had agreed not to test them in the atmosphere, underwater or in space and not to give them to other countries. But never had the two superpowers reached agreement on the nuclear weapons targeted at each other.

The ABM treaty bans the kind of ABM system which could be most de-stabilizing—a nation-wide or major regional defense of population and industry. Such a system, undertaken by either country, could threaten the other's deterrent and cause it to respond with additional offensive buildup. The complex restrictions on ABM sites should convince each side the other is not developing an ABM for defense of large areas. The treaty rules out a US ABM for population defense against China, which this country once planned but later abandoned.

Freezing ICBMs, SLBMs, and ballistic missile submarines at levels deployed and under construction is a first step in limiting offensive nuclear weapons, a step on which future SALT talks can build. Broadly speaking, the accords accommodate themselves to the different kinds of offensive weapons buildup which each side now has underway—Soviet construction of more and bigger missiles and US MIRV. They allow each side to substantially complete the round it now has in progress. The new levels become the starting point for attempting to freeze the arms race.

Among the debits from an arms control viewpoint:

Except for ABMs the accords do not stop any of the major weapons programs now in progress. This is because numerical limits are set high, qualitative improvements are allowed, and many weapons systems—including bombers, air-defense, anti-submarine warfare, air-breathing strategic missiles and tactical nuclear weapons—are not covered. Under SALT the United States can continue conversion of Minuteman and Polaris to MIRV, development of Trident submarines with new missiles, the B-1 bomber, research on "site defense" for ICBMs, submarine

launched cruise (air breathing) missiles and new submarines in which to carry them. The Soviet Union can continue, up to a point, building additional land and sea-based missile launchers, and could develop and deploy MIRV.

Because all these programs are allowed, and because numerical limits are set so high, military planners on each side will still point to future possibilities rather than existing or likely forces to justify their own building programs.

From a US Security View

The accords can also be looked at from a much narrower view of US military security:

Advantages:

Since only the Soviet Union is presently building up its numbers of offensive weapons launchers, it is to the advantage of the United States to put ceilings on these numbers. Within the totals the number of "heavy" ICBMs Russia can have is limited to 313. Without SALT, the Soviet Union could, at present rates of construction, exceed the freeze ceiling. Instead of 62 modern ballistic missile submarines it could have 80 or 90. The US has had no plans to add to its numbers of ICBMs or build "heavy" ones. It could, under the freeze, build 13 Trident submarines. Defense Secretary Laird has said only ten are planned. Actually the first Tridents would not become operational until after the 5-year freeze, and are therefore more related to future rounds of SALT than the first.

Freezing the number of ICBM launchers, especially "heavy" ones will leave only one route for the Soviet Union to develop increased "counterforce" capability to knock out US ICBMs—qualitative improvements such as increased accuracy, MIRVing, and throw weight.

The ABM limit plus the limits on ICBM numbers lessen the chance that the Soviet Union could develop the capability for a successful "first strike"—that is, the ability to knock out enough US missiles to suffer no or substantially less damage in return.

Criticism:

A number of criticisms have been made against the treaty on US security grounds:

"The accords allow the Soviet Union to have more ICBM launchers, SLBMs and ballistic missile submarines than the United States.

"Only the Soviet Union can have 'modern heavy' ICBMs, with capacity to carry more megatons or more MIRVs than US missiles.

"The Soviet Union will retain advantage in total megatonnage and throw weight.

"Though ICBM numbers are frozen at levels deployed and under active construction, the Russians did not specify exactly how many they have under construction. The United States considers the freeze level to be 1618 for the Soviet Union."

In reply to these criticisms, Administration officials have said that without the SALT ceilings, assuming recent Soviet construction rates were to continue, the Russians could have, in 1977, more than 2000 ICBMs instead of the 1618 permitted; 1200 SLBMs instead of the 950 permitted and 80 to 100 modern ballistic missile submarines instead of the 62 permitted. As to Russia's refusal to specify its ICBM total, US officials said that if the Russians were to significantly add to the number 1618, the United States would quickly know about it and would have the right to withdraw from the treaty.

An important factor in the security controversy is MIRV. If the Soviet Union does develop MIRV, it will still have little more than 2500 warheads five years from now when the United States will, under presently planned programs, have more than 10,000.

If the Soviets do develop MIRV, two key questions will be: How fast? And how much?

The Soviet Union appears to be years behind this country in MIRV. The United States began MIRV tests in August, 1968. The first squadron of Minuteman III missiles became operational Jan. 8, 1971; the first wing of 150, on Dec. 13, 1971. The Soviet Union has also been working on multiple warhead technology since about August, 1968, but according to U.S. officials it has yet to test a MIRV system as the United States knows the term. The Russians tested a triple-warhead system in which the warheads may or may not have been independently targetable. (U.S. analysts differed on this point.) But these tests stopped late in 1970, suggesting that the Russians might have decided to start over on a new tack.

Defense Secretary Melvin R. Laird said June 5 that Russia "could have a MIRV capability in 24 months." But he did not say how many they might have by then."

Senator Henry Jackson (D-Wash.) has said that when the Soviets achieve MIRV "... the combination of their vastly superior payload and modern MIRV technology will give them superiority in warheads." There have been published reports that Soviet missiles larger than SS9s could hold up to 20 MIRVs each. (A US Minuteman holds up to 3; a Poseidon, 10 to 14). But other defense analysts believe this overstates what Russia could realistically achieve in MIRV during the next five years.

Table V shows the Center for Defense Information's calculation of what the Soviet Union probably could achieve in MIRV during the five years of the Interim Agreement, if it develops MIRV. At the end of five years it would have some 3800 warheads compared to more than 10,000 for the United States.

Assuming Russia could MIRV its missiles to the maximum figures indicated in public print, it could have more than 14,000 warheads. It is doubtful Russia could achieve this level in five years. The United States could also have 14,000 warheads by MIRVing all its Minutemen and building the B-1 and Trident. This would be permitted by the SALT Interim Agreement.

However, such calculations of marginal advantages for the United States or Soviet Union—whether they be in warheads, launchers or megatons—overlook one important point: Both countries have the power to destroy each other several times over, and this will remain the case during the five years of the Interim Agreement.

Gerard Smith, director of the Arms Control and Disarmament Agency, when asked during hearings of the Senate Foreign Relations Committee June 19 whether Russia would get ahead of the United States during the five year agreement, replied: "Nothing the Soviets can do within the five year agreement will offset the present strategic balance between the US and USSR."

COST

The immediate cost impact of the SALT accords on the fiscal 1973 defense budget has been listed by the Defense Department as follows:

	<i>Million</i>
Reducing ABM program to two sites...	-\$711
Increases in other strategic programs:	
Accelerate and complete development of Site Defense.....	+60
Develop submarine-based cruise missile	+20
Accelerate bomber rebasing.....	+45
Augment verification capabilities.....	+13
Develop improved reentry vehicles for ICBMs and SLBMs.....	+20
Improved command, control and communications	+10
Net change.....	-543

Secretary Laird has testified that the total ABM saving through 1981 as a result of SALT

would be \$9.9 billion, figured in 1968 prices. (The 1968 estimate for a 12-site ABM was \$18.4 billion, of which \$13.4 billion remains to be spent. The 1968 estimate for a two-site program was \$8.5 billion, of which \$3.5 billion remains to be spent. The SALT saving is \$13.4 billion minus \$3.5 billion.)

Further savings could come from the first round of SALT if the United States decided that, as a result of the recent accords, it could safely stop or slow down some of its other major nuclear weapons programs, such as Trident, the B-1, or air defense. The Administration wants to go ahead with these programs. The question of what this country's pace in nuclear weapons building should be following the first round of SALT has become a major issue.

POLICY FOLLOWING SALT

Secretary Laird told newsmen June 6: "I could not support the (SALT) agreements if Congress fails to act on the movement forward of the Trident system, on the B-1 bomber, and the other programs that we have outlined to improve our strategic offensive systems during this five year period." Admiral Moeer said the Joint Chiefs were in accord with the SALT agreements provided the other programs went ahead.

In a briefing for Senators and Congressmen June 15, Dr. Henry Kissinger, assistant to the President for national security, considerably moderated this stand. He said the Administration wants Congressional approval of both SALT and the new weapons programs but: "We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs..."

Laird told the House Subcommittee on Defense Appropriations June 5 that "Just as the Moscow agreements were made possible by our successful action in such programs as Safeguard, Poseidon and Minuteman III, these future negotiations to which we are pledged can only succeed if we are equally successful in implementing such programs as the Trident system, the B-1 bomber, NCA defense, Site Defense, SLCM, and accelerated satellite basing of strategic bombers. We must also initiate certain other measures in areas such as intelligence, verification, and command, control, and communications."

Transmitting the SALT agreements to Congress, President Nixon said: "Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached."

The Administration's argument is that if the United States had not been deploying MIRVs and going forward with other programs it would have lacked the bargaining power to obtain a ceiling on Soviet building of SS9s and other systems.

Others have challenged this "bargaining chip" approach. Sen. George McGovern told the Priorities Subcommittee of the Joint Economic Committee June 16 that if the United States had followed a policy of restraint in weapons building, both American and Soviet MIRVs could have been stopped. He said building weapons for bargaining purposes "can only push up the terms of ultimate arms control agreements."

The Arms Control Association said: "The US should review its unilateral weapons programs and pursue only those that have a security need in light of the new strategic situation."

Thus, a fundamental issue has been raised—whether the way to ultimately curb the nuclear arms race is to build more weap-

ons for "negotiating strength" or whether it is to exercise more restraint in weapons building.

It is an issue which, no doubt, both the United States and Russia face as they contemplate the next round of SALT in October.

CONCLUSIONS

Arms Control

The ABM treaty bans the kind of ABM systems which would be most de-stabilizing and is therefore a significant step in limiting the arms race.

The five-year agreement on offensive weapons allows the United States and Soviet Union each to continue its present round of nuclear buildup, and then establishes a partial, quantitative freeze at the resulting new levels. This is a start which can be followed up in future SALT negotiations.

U.S. Security

The accords place ceilings on numbers of offensive weapon launchers at a time when only the Soviet Union is increasing these numbers. Without the accords, Soviet construction could be greater. The offensive freeze plus the ABM limitation lessen the chances of Russia ever becoming able to launch a preemptive nuclear strike against this country without being destroyed in return.

While Russia will continue to lead the United States in numbers of launchers and total megatonnage under the accords, the United States is expected to retain its lead in numbers of warheads. These differences, however, are less important than the fact that each country has the power to destroy the other several times over.

Weapons Policy

The Administration should reconsider its present policy which says that the way to limit nuclear weapons is to build more of them. Both the United States and Russia appear to have approached the recent round of SALT determined to "negotiate through strength." Each had nuclear buildups in progress. But somehow these bargaining chips didn't get bargained. They are being built. The initial round of SALT has made the U.S. deterrent more secure. The United States now does not need to build Trident submarines and B-1 bombers and submarine cruise missiles to convince the Soviet Union that both countries have good reason to bring their arms race under control and eventually reduce nuclear arms. Each side already has more than sufficient nuclear power to bargain toward this end.

TABLE I.—ESTIMATED STRATEGIC FORCE LEVELS OF THE UNITED STATES AT THE TIME OF THE SALT AGREEMENT—MAY 1972

Type and launch vehicle	Number	Missiles/bombs per launch vehicle	Missile/bomb total	Warheads per missile/bomb (MRV/MIRV)	Deliverable warhead total
ICBM:					
Light:					
Minuteman I	320	1	320	1.0	320
Minuteman II	500	1	500	1.0	500
Minuteman III	180	1	180	2.5	450
Older-heavy: Titan II	54	1	54	1.0	45
Modern-heavy: None	0		0		0
Subtotal	1,054		1,054		0
SLBM:					
Polaris (A-3)	21	16	336	2.5	840
Poseidon	10	16	160	12.0	1,920
Polaris under conversion to Poseidon	10	16	160	12.0	1,920
Subtotal	41		656		4,760
Strategic bombers:					
B-52G&H	255	6	1,530	1	1,530
FB-111	66	2	132	1	132
Subtotal	321		1,662		1,662
Total	1,416		3,372		5,746

¹ DOD figures, May 22, 1972; Washington Post.

² A total of 3 warheads per missile (MRV) is possible. A multiple of 2.5 is used to take into account an assumed percentage of less than 20 percent for decoys used in the overall system warhead loading.

³ This figure varies from 10 to 14; 12 is used as an average.

⁴ Not including those under conversion.

⁵ 255 is the unit equipped (UE) figure. The total number of B-52 G's and H's is 282. The additional units are in training and testing programs.

⁶ This figure includes 2 Hound-Dog air-to-surface missiles (ASM's) and 4 nuclear gravity bombs.

⁷ 66 is the UE figure. The total number of FB-111's is 72. The additional units are in training and testing programs.

⁸ DOD gives 531 as a total for U.S. long-range bombers. 321 represents only those EU bombers probably strategically targeted. About 200 other B-52's are currently assigned to conventional bombing missions in Southeast Asia (SEA).

⁹ DOD figures of May 27, 1972 give 5,700 as the U.S. warhead total.

TABLE II.—ESTIMATED COMPOSITION OF U.S. STRATEGIC FORCES BY THE EXPIRATION OF THE SALT AGREEMENT IN 1977—TABLE SHOWS ONLY THOSE PROGRAMS APPROVED BY CONGRESS AND DOES NOT INCLUDE THE TRIDENT SUBMARINE OR THE B-1 BOMBER PROGRAMS

Type and launch vehicle	Number	Missiles/bombs per launch vehicle	Missile/bomb total	Warheads per missile/bomb (MRV/MIRV)	Deliverable warhead total
ICBM:					
Minuteman II	450	1	450	1	450
Minuteman III	550	1	550	2.5	1,375
Titan II	54	1	54	1	54
Subtotal	1,054		1,054		1,879
SLBM:					
Polaris (A-3)	21	16	336	2.5	840
Poseidon	31	14	496	12	5,952
Subtotal	41		656		6,352

Type and launch vehicle	Number	Missiles/bombs per launch vehicle	Missile/bomb total	Warheads per missile/bomb (MRV/MIRV)	Deliverable warhead total
Bombers:					
B-52G&H (Hound-Dog Missiles and Bombs)	163	6	978	1	978
B-52G&H (SRAM)	92	20	1,840	60	1,104
FB-111	66	6	369	66	244
Subtotal	321		3,187		3,326
Total	1,416		4,897		10,557

¹ DOD figures from Laird's Annual Defense Department Report for fiscal year 1973, p. 67.

² DOD figures from Admiral Moorer's U.S. Military Posture for fiscal year 1973, p. 10.

³ This figure represents those B-52 G's and H's not currently scheduled for conversion to carry the short range attack missile (SRAM). See Laird, op. cit., p. 71.

⁴ Laird, op. cit., p. 71.

⁵ This multiple assumes that out of the possible weapons load of 20 SRAMs per B-52, only about 12 (or 60 percent) will be actual warheads while the remaining weapons will be decoys. See J. I. Coffey, "Strategic Power and National Security," University of Pittsburgh Press, 1971, p. 13.

⁶ This multiple assumes that out of the possible weapons load of 6 SRAMs per FB-111, only about 4 (or 66 percent) will be actual warheads while the remaining weapons will be decoys. See Coffey, ibid., p. 13.

⁷ Staff analysis by the members of the Brookings Institution projected this figure to about 11,000 in an article which appeared in the Washington Post on June 11, 1972. A figure of 14,082 was used by the Center for Defense Information in an earlier issue of the Defense Monitor entitled "ULMS: Too Much Too Soon." The present figure of 10,557 is a revised center estimate adjusting for decoys and assuming only 92 bombers equipped with SRAM instead of 255.

TABLE III.—ESTIMATED U.S. STRATEGIC FORCE LEVELS INCLUDING THE TRIDENT SUBMARINE AND THE B-1 BOMBER BY EARLY TO MID-1980's

Type and launch vehicle	Number	Missiles/bombs per launch vehicle	Missile/bomb total	Warheads per missile/bomb (MRV/MIRV)	Deliverable warhead total
ICBM: Minuteman III					
	1,000	1	1,000	2.5	2,500
Subtotal	1,000		1,000		2,500
SLBM:					
Poseidon	31	16	496	12	5,952
Trident	13	16	208	12	2,496
New strategic cruise missile ⁴	?		?		?
Subtotal	44		704		8,448
Bombers:					
(SRAM)	66	6	396	.66	261
B-1 (SRAM)	241	24	5,784	.58	3,355
Subtotal	307		6,180		3,616
Total	1,351		7,884		14,564

¹ This figure assumes the replacement of 54 Titan II ICBM's by additional SLBM's, and converting the Minuteman II's to III's.

² This figure is more than the 10 Tridents discussed by Laird, but is the number needed to replace the 10 older Polaris submarines and add 3 additional ones to reach the allowed SALT total of 44. Keeping the 31 Poseidon SSBN's is assumed.

³ This figure is required in order to build the assumed 13 Trident submarines and keep within the maximum allowed number of SLBM's even though Laird has suggested that 24 would be the number of missile launchers on the new Trident submarines.

⁴ The number of new strategic cruise missiles planned and new submarines required to launch them is unknown.

⁵ A total of 710 is allowed by the SALT agreements.

⁶ Air Force Magazine, February 1972, page 64.

⁷ Air Force Magazine, February 1972, page 29.

⁸ This multiple assumes that out of the possible weapons load of 24 SRAM's per B-1 only about 14 (or 58 percent) will be actual warheads while the remaining weapons will be decoys.

TABLE IV.—ESTIMATED STRATEGIC FORCE LEVELS OF THE SOVIET UNION AT THE TIME OF THE SALT AGREEMENT—MAY 1972

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile and deliverable warhead tota
ICBM:			
Li. ht:			
SS-13	160	1	60
SS-11	970	1	970
New ICBM's (silos under construction)	66	?	?
Older-heavy: SS-7 and 8	210	1	210
Modern-heavy:			
SS-9	288	1	288
New ICBM's (silos under construction)	25	?	?
Subtotals	1,618		1,528
SLBM:			
Y-class			
Ys and "stretch" Y-class (under construction)	25	16	400
H-class	18	3	54
Subtotal	53	3	682
Bombers:			
TU-95 Bear (Kangaroo ASM)			
TU-95 Bear (bombs)	66	1	66
M-4 Bison	40	2	80
Subtotal	140		282
Totals	1,811		2,492

¹ SIPRI Yearbook of World Armaments and Disarmament 1971-72, p. 5.
² Aviation Week and Space Technology, "The Growing Threat-2," Oct. 11, 1971.
³ Washington Post, May 27, 1972. Only silo holes have been detected without missiles implaced.
 See Admiral Moorer's Military Posture for fiscal year 1973, p. 6.
⁴ Kissinger press conference in Moscow, May 26 and 27, 1972.
⁵ DOD figures, May 27, 1972; Washington Post.
⁶ The actual total of SS-9 warheads is difficult to define. Four SS-9 missile modifications exist. A possible 3-warhead MRV capability may have been tested and deployed for the SS-9 MOD 4. A MIRV capability has not yet been demonstrated.
⁷ Average. The new "Stretch" Y-class has 12 missile launchers versus 16 for the Y-class and carries the longer-range (3,400 nm) SS-N-8 SLBM. Since it is not publicly known how many of each type submarine is under construction an average of 14 missiles per submarine is used in this chart. See Kissinger's Moscow press conference, May 26 and 27, 1972.
⁸ These figures do not include the 22 Soviet G-class diesel-powered submarines or the 66 SLBM's carried by them. The SALT agreements only mention modern submarines which means nuclear-powered. The 66 G-class SLBM's are the same as those carried by the nuclear-powered H-class, but were considered similar in nature to U.S. forward deployed forces in Europe and the Mediterranean Sea. See Kissinger's Moscow press conference, May 26 and 27, 1972.
⁹ This number is taken from "The Military Balance 1970-71," IISS, p. 9, which estimates that about two-thirds of the 100 TU-95 Bears carry a single Kangaroo air-to-surface missile (ASM). The remaining one-third carry gravity bombs.
¹⁰ This is an estimated bomb load and is based on the Bear and Bison lift capacity as related to the U.S. B-52.
¹¹ "The Military Balance 1971-72." About 90 M-4 Bisons exist of which 50 serve as tankers.
¹² DOD figures of May 27, 1972 give 2,500 as the Soviet warhead total.

TABLE V.—ESTIMATED COMPOSITION OF SOVIET STRATEGIC FORCES BY THE EXPIRATION OF THE SALT AGREEMENT IN 1977—TABLE ASSUMES ONLY A LIMITED MIRV CAPABILITY BY THAT TIME.

Type and launch vehicle	Number	Missiles/ bombs per launch vehicle	Missile/ bomb total	Warheads per missile/ bomb (MRV/ MIRV)	Deliverable warhead total
ICBM:					
SS-13	60	1	60	1	60
SS-11	970	1	970	1	970
New ICBM's	66	1	66	1	66
SS-9 and larger	313	1	313	3	939
Mobile ICBM's ^a	?		?		?
Subtotal	1,408		1,408		2,035
SLBM:					
Y-class					
"Stretch" Y-Class	28	12	336	3	1,008
Subtotal	62		880		1,552
Bombers:					
TU-95 Bear					
(Kangaroo ASM)	66	1	66	1	66
TU-95 Bear (Bombs)	34	4	136	1	136
M-4 Bison Backfire ^b (under development)	40	2	80	1	80
	?		?		?
Subtotal	140		282		282
Totals	1,610		2,570		3,869

¹ This figure includes the current 25 modern-heavy ICBM silos under construction.
² This assumes at least a 3-warhead (MRV/MIRV) capability deployed in all missiles.
³ Mobile ICBM's are not covered by the present SALT agreements.
⁴ This assumes that the older-heavy SS-7s and 8s will be replaced by additional SLBM's as provided for by the SALT agreements.
⁵ This figure is obtained by assuming half (or 9) of the 18 missile submarines presently under construction are Y-class, and this is added to the 25 presently operational.
⁶ This figure is obtained by assuming that all the remaining allowed submarines, including the replacement of the 10 H-class submarines, will be of the newer stretch Y-class presently under construction.
⁷ It is not publicly known if the new SS-N-8 SLBM has a multiple warhead capability. It is assumed here that it is a logical possibility that they will develop a MRV/MIRV capability on this weapon if they have not already done so.
⁸ This SLBM total could be increased by 66 more missiles if the Soviets convert those older missiles on the 22 diesel-powered G-class submarines to the newer and longer range SS-N-6 or SS-N-8 SLBM.
⁹ This new bomber is under development but it is not known whether it is designed for use against the U.S. homeland or for use in Europe and Asia.
¹⁰ Accurate longer-range projections of Soviet warhead development are very difficult if not impossible to achieve. Some analysts have assumed a Soviet MIRV capability greater than projected here. By allowing 20 warheads on each missile for the SS-9 force, 12 warheads on each missile of the new stretch Y-class for the SS-N-8 SLBM, and three warheads each for the other ICBM's and SLBM's, one can project a Soviet warhead total of over 14,000 by some unknown future date.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

(Later, this order was modified to provide for the Senate to convene at 9:15 a.m. tomorrow.)

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT UNTIL 9:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS HARRY F. BYRD, JR., PROXMIRE, STENNIS, COOPER, CHURCH, AND TUNNEY TOMORROW, AND FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders under the standing order tomorrow the distinguished senior Senator from Virginia

(Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 17 minutes, that he followed by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, that he be followed by the distinguished junior Senator from Mississippi (Mr. STENNIS) for not to exceed 15 minutes, that he be followed by the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 10 minutes, that he be followed by the distinguished senior Senator from Idaho (Mr. CHURCH) for not to exceed 10 minutes, that he be followed by the able junior Senator from California (Mr. TUNNEY) for not to exceed 10 minutes, at the conclusion of which there be a period for the transaction of routine morning business for not to exceed 15 minutes, at the conclusion of which the Senate return to the consideration of the unfinished 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.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:15 a.m.

After the two leaders have been recognized under the standing order, the following Senators will be recognized, in the order stated and for not to exceed the times stated:

Mr. HARRY F. BYRD, JR., 15 minutes.

Mr. PROXMIER, 15 minutes.

Mr. STENNIS, 15 minutes.

Mr. COOPER, 10 minutes.

Mr. CHURCH, 10 minutes.

Mr. TUNNEY, 10 minutes.

At the conclusion of the orders for the recognition of Senators, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, and I ask unanimous consent that statements therein be limited to 3 minutes.

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

Mr. ROBERT C. BYRD. Mr. President, at the conclusion of the period for routine morning business, the Senate will resume its consideration of Senate Joint Resolution 241, authorizing the approval of an interim agreement between the United States and the U.S.S.R.

The pending question is on the adoption of the amendment by Mr. MANSFIELD. Yea-and-nay votes may occur on tomorrow.

ADJOURNMENT UNTIL 9:15 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 9:15 a.m. tomorrow.

The motion was agreed to; and at 6:33 p.m. the Senate adjourned until tomorrow, August 15, 1972, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate August 14, 1972:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Antonin Scalia, of Virginia, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Roger C. Cramton, resigned.

U.S. DISTRICT COURTS

Frank H. Freedman, of Massachusetts, to be a U.S. district judge for the district of Massachusetts vice Levin H. Campbell.

HOUSE OF REPRESENTATIVES—Monday, August 14, 1972

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us search and try our ways, and turn again to the Lord.—Lamentations 3: 40.

O God, our Father, eternal source of wisdom, power, and love, whose mercy is over all Thy works and whose will is ever directed to Thy children's good, we lift our hearts in gratitude to Thee for all Thy benefits to us. Most fervently do we pray that Thy spirit may so possess our minds and so permeate our moods that all evil desires may be expelled and goodness and truth come to new life within us. Inspire us to think great thoughts, to do generous deeds, and to live gracious lives.

O God of the present hour and of the future days, help us to become pioneers of a better world for ourselves and for all people. In the midst of troubled and trying times may we keep clean the springs of freedom that the water of life flowing therefrom may be fresh and clean.

Pilgrims of the night, may we be the heralds of a new dawn for all mankind.

In the spirit of the Prince of Peace we pray. 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.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

AUGUST 11, 1972.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, and the Treasury, Postal Service, and the General Government Appropriation Act, 1973, the House Committee on Public Works on August 2, 1972, approved the following projects: Lease construction: Federal Office Building at Parkersburg, West Virginia, and a Records Depository in the vicinity of Parkersburg, West Virginia, for the Bureau of Public Debt, Department of the Treasury.

Sincerely yours,

JOHN A. BLATNIK,
Chairman.

THE SHAME OF RAMSEY CLARK

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, of all people, the onetime head of the Department of Justice of the United States should know that to consort with the enemy is not the way to further the interests of the United States. It is inconceivable that this man who has been so highly honored by his own country would lend himself to the propaganda machine of an enemy which has killed 48,850 Americans. Lesser people have been called traitors for doing this.

Ramsey Clark has branded Americans as criminals. He calls us inhumane. He says we are making a massive effort to annihilate the North Vietnamese. He sees what the Communists want him to see. He speaks with their tongue. And he does these things despite the fact that the President has asked only for a meaningful cease-fire, return of prisoners of war, and an accounting of those missing in action, as conditions to a halt of all American military operations in Vietnam.

Now that Mr. Clark has shown his concern for the effects of war in North Vietnam, let it be hoped that he will have an

equal interest in inspecting the devastation by Communist forces in South Vietnam. Let him talk with the survivors of the bloodbaths when innocent villagers are slaughtered in South Vietnam by the Communists. The death and destruction that is being wrought in South Vietnam by North Vietnamese forces surely should also be a matter of concern to Mr. Clark. If he truly has an interest in helping the cause of peace, let Mr. Clark utilize his friendship with North Vietnam by urging them to accept the generous terms of U.S. peace proposals. This is the way to make a meaningful contribution. This is a way to stop all the bombing and the killing.

The alleged offer to Mr. Clark by the North Vietnamese to free American prisoners once we surrender South Vietnam to them is not impressive. For what it is worth, the "offer" should have been made to the official American negotiators.

RAMSEY CLARK BRAINWASHED BY NORTH VIETNAMESE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, another American has been brainwashed by the North Vietnamese and I speak of Ramsey Clark. It is unbelievable that he could be hoodwinked into believing the North Vietnamese are the good guys. Surely Mr. Clark has not forgotten that the enemy was dragging American POW's up and down the streets of Hanoi and throwing rocks at them in the past. Has he forgotten this is the first enemy we have ever fought who will not give us the names of those servicemen held prisoner and information on the missing in action? Has Mr. Clark forgotten about the slaughter of thousands of South Vietnamese at Hue or the unnecessary massacre of civilians at An Loc and Quang Tri?

I feel the South Vietnamese Catholic