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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

SENATE—*Tuesday, February 15, 1972*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Almighty God, we thank Thee for this Nation, born by Thy will, sheltered by Thy providence, kept by Thy mercy. Make us as a people, worthy stewards of our heritage.

Bless those who serve Thee in this place. Lay hold upon their minds that they may grasp the truth. Surround them with Thy love. Fill them with Thy grace. Brace their wills. Steady their affections. Claim them for Thy very own. Fire them with a holy zeal for righteousness and justice so that they may seek first Thy kingdom and Thy righteousness. And may they know Thy peace which the world cannot give nor take away.

In the Master's name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 15, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN 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 Monday, February 14, 1972, 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 all committees may be authorized to meet during the session of the Senate today.

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

RESTORATION OF GOLDEN EAGLE PROGRAM

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1893.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes which were to strike out all after the enacting clause, and insert:

That subsections 1 (a), (b), and (d) of the Act of July 15, 1968 (82 Stat. 354), as amended by the Act of July 7, 1970 (84 Stat. 410), are hereby repealed.

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460l), is further amended as follows:

(a) Subsection (a) of section 2 is amended to read:

"(a) ENTRANCE AND SPECIAL RECREATION USE FEES; ESTABLISHMENT; REGULATIONS.—

"(1) ENTRANCE FEES.—Except for areas designated pursuant to subsection (3) of this section, no entrance fees shall be charged by any Federal agency having administrative jurisdiction over areas used for outdoor recreation purposes.

"(2) SPECIAL RECREATION USE FEES.—Each Federal agency developing, administering, or providing specialized sites, facilities, equipment, or services related to outdoor recreation shall provide for the collection of special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense. Daily use fees for overnight occupancy within areas specially developed for such use shall be determined on the basis of the value of the capital improvements offered, the cost of the services furnished, and other pertinent factors.

"(3) The Secretary of the Interior (hereafter referred to as the 'Secretary') may, from time to time, by publication of notice in the Federal Register establish or revise entrance fees for any national park, national monument, national historic site, or national battlefield area administered as a part of the national park system.

"(A) For admission into any such designated area, an annual entrance permit (to be known as the 'Golden Eagle Passport') shall be available, for a fee of not more than $10. Any person purchasing the annual permit, and any person accompanying him, in a single, private, noncommercial vehicle shall be entitled to general admission into any unit of the national park system designated as an entrance fee area during the calendar year in which the annual fee is paid, but such permit shall not authorize any use of specialized sites, facilities, equipment, or services for which additional fees are charged pursuant to subsection (b) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase through all post offices of the first- and second-class and at such others as the Postmaster General shall direct. The Secretary of the Interior shall transfer to the Postal Service from the receipts thereof such funds as are adequate for the reimbursement of the cost of the service so provided.

"(B) Reasonable entrance fees for a single visit or, not to exceed $3 for a series of visits at a single designated area shall be established by the Secretary for persons who choose not to pay the annual fee under clause (A) of this subsection or who enter such an area by means other than by private, noncommercial vehicle.

"(C) No entrance fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for any person for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

"(D) The Secretary shall establish procedures, commencing no later than January 1, 1973, providing for the issuance of an annual entrance permit to any person sixty-five years of age or older and his or her spouse, without charge, for use only in the State in which the individuals reside, but such permits shall admit the bearer only. No other free passes shall be issued to any person: *Provided, however,* That no fees of any kind shall be charged of any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business.

"(4) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that an entrance fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas.

"(5) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their admin-

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istration for the collection of any entrance fee and/or special recreation use fee, as the case may be. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

"(6) Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however,* That not less than 25 per centum of the amount so credited shall be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

"(7) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it effect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

"(8) Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program."

(b) Subsection 2(c), as added by section 2 of the Act of July 15, 1968, is redesignated as subsection (d).

(c) In accordance with the provisions of the Act of July 15, 1968, the fourth paragraph of subsection 2(a) of the Land and Water Conservation Fund Act of 1965 is redesignated as section 10.

And amend the title so as to read: "An Act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendments of the House and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Acting President pro tempore (Mr. ALLEN) appointed Mr. BIBLE, Mr. CHURCH, Mr. MOSS, Mr. ALLOTT, and Mr. HANSEN conferees on the part of the Senate.

PRESIDENT NIXON'S VISIT TO CHINA

Mr. SCOTT. Mr. President, this is the year of the rat. It is the Chinese year of 4670. With President Nixon's party preparing to go to China later this week, on behalf of the Senate I extend the best of wishes for a generation of peace and as the Chinese say, "Kung hsi fa ts' ai," happy new year.

Mr. MANSFIELD. Mr. President, will the distinguished Republican leader yield?

Mr. SCOTT. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. I wish to join the distinguished Republican leader in extending to the President our best wishes for a successful journey.

There is an old Chinese saying which has been cited time and time again to the effect that the first step is not only the longest but the hardest on the journey to be undertaken.

If I may try to match my distinguished colleague, may I express the hope that the President's reception will be "ding hao."

Mr. SCOTT. "Ding hao" to the distinguished majority leader. I appreciate his joining me in the "Kung hsi fa ts'ai."

Mr. President, the President of the United States said to me only last night that he regards the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), as one of the ablest and most honorable men he has ever known in public office.

He respects him also for his great knowledge of the Far East, especially of the Chinese, and of the fact that the distinguished majority leader was once a professor and teaching that subject at his university.

Thus it happens that the majority leader and the minority leader both have an abiding interest in China and the Chinese and a high regard for the Chinese people wherever they may be, with a deep desire that we may better our relations with them.

WAGE AND PRICE CONTROLS

Mr. SCOTT. Mr. President, the Tuesday, February 15, Los Angeles Times publishes an interesting lead editorial. It is entitled "Controls and Public Confidence" and deals with the results since President Nixon imposed price and wage controls. While, admittedly, there are problems in adjusting to this bold plan, nevertheless the steps the President took must be credited with halting the economic crunch and avoiding the adding of fuel to the fires of inflation.

I ask unanimous consent that the editorial be printed in the RECORD.

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

CONTROLS AND PUBLIC CONFIDENCE

Six months have passed since President Nixon first imposed wage and price controls. If you look at the economy as a whole, the results have been impressive. Nonetheless, the program is threatened with a crisis of public confidence unless steps are taken to make it more equitable, and therefore more credible, in the eyes of the American people.

Recent public opinion polls indicate that the average citizen still thinks wage and price restraints are necessary to control inflation. But the same polls suggest that a growing number of people do not believe the controls are working as well as they should.

Actually, there is no question that substantial progress is being made, overall, toward flattening the spiral in living costs. In 1970, the last full year without controls, consumer prices went up 5.5%.

Thanks largely to the restraints imposed in August, the figure for 1971 dropped to 3.4%.

The Administration is confident the rate of inflation for this year will be even lower.

The Pay Board meanwhile reports that, through Feb. 4, the weighted average of pay increases which it has approved for workers in large companies or bargaining units was only 5.67%. This is impressively close to the 5.5% target.

Unfortunately, things are less rosy than they seem in both the pay and price categories.

Raw food prices are not controlled at all, and they have been rising sharply—with the result showing up in higher prices at your neighborhood supermarket. Some 85% of all retail outlets have been exempted from controls, and so have 45% of all rental housing units. For prices which are controlled, the regulations are so complex that the average citizen cannot tell whether he is being overcharged or not.

Whatever the overall cost-of-living index may indicate, therefore, many of the prices which are most visible to the consumer are still going up—and up.

The Pay Board statistics are similarly open to qualification. Even the most cursory newspaper reader knows that a handful of powerful unions—in the coal and railroad industries, for example—are getting raises a lot higher than the 5.67% average cited by the board.

The board still must rule on tentative settlements, far in excess of the 5.5% guideline, which have been won by the dockworkers.

Later the board must review a whole series of pay raises scheduled for this year under contracts signed before controls were imposed. Some 200,000 Teamsters, for example, are due raises averaging more than 10%, and commercial construction workers have even bigger increases coming.

The Pay Board, not wanting to precipitate crippling strikes in any of these industries, will be sorely tempted to look the other way. But if it does, the public will know the truth of the recent observation by economist Arthur Okun, that the major effect of the program so far has been to hold down increases in nonunion wages.

As President Nixon frequently has said, the success of the wage-price controls depends upon public understanding and support. That support exists now, but it won't exist for long if the people come to think that some wage and salary earners are deemed more equal than others.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. ALLEN). At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, not to ex-

tend beyond 11:30 a.m. today, with statements therein limited to 3 minutes.

Is there morning business?

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

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

AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN BICENTENNIAL COMMISSION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1857.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1857) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended which was, on page 5, strike out lines 1 and 2, inclusive.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, it is my understanding that this has to do with the American Revolution Bicentennial Commission and that the amendment brings about the abolishment of 10 jobs of the supergrade caliber, which I think is a move in the right direction.

QUORUM CALL

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. PELL. 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.

SUMMARY OF THE DEFENSE REPORT FOR FISCAL YEAR 1973

Mrs. SMITH. Mr. President, at the beginning of this administration, President Nixon set an objective for not just himself but for all of us. That objective is a generation of peace and a better quality of life for all Americans.

The Nixon administration has devoted 3 years of determination and effort moving us toward that objective while continuing to maintain our Nation's strength.

This has not been an easy task. As this body well knows, restoring peace is far more complex than just stopping a war. The business of peace does not ascribe to simple solutions; nor can it be attained simply for the asking.

It takes work, sacrifice, understanding, and planning. Yes, planning and planning with a strategy in mind. When I say this I think of all the war strategists we have heard or read about in this body; so why should we not be hearing about a peace strategy—a strategy for peace. A strategy to stop a war, gain a peace then maintain it for future generations. And all the while keeping our defenses strong.

Today, before our Armed Services Committee, the Secretary of Defense described the foundation for such a strategy in presenting his report of the Defense Budget for fiscal year 1973 and the Defense Programs for fiscal years 1973–77. The Secretary outlined the steps that have transitioned us from the strategy of war in effect at the outset of the Nixon administration to, "a fully developed national security strategy of realistic deterrence that complements and supports the President's strategy for peace."

Secretary Laird clearly faces up to the fact that not all the goals set by this administration have yet been accomplished. Just as he faces up to those reasoned criticisms of Congress on the defense posture of this Nation. Too much defense this country does not need but not enough can be disastrous.

To emphasize the need the report for the fiscal year 1973 defense budget explains fully the reasons for the increased budget request. It is a sobering reflective analization of the manpower, strategic, political, and fiscal realities facing this Nation.

I, for one, am impressed by what the Secretary of Defense is telling us. I wish that all thoughtful Americans will take the opportunity to read this fine report presented by Secretary Laird.

Mr. President, I now ask unanimous consent to place in the RECORD the summary of the defense report for fiscal year 1973.

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

THE SECRETARY'S SUMMARY: THE FOUNDATION OF A STRATEGY FOR PEACE

This 1972 Defense Report is about peace: how to achieve it and how to maintain it.

It will focus on what the Department of Defense has been doing and what more we plan to do to ensure the continued safety and security of our nation.

Our objective—an objective set for us by the President—is a generation of peace and a better quality of life for all Americans. The Nixon Administration has devoted three years of constant effort to moving us toward that objective while maintaining our nation's strength. These have been years of *transition:*

From war to peace.

From a wartime economy to a peacetime economy.

From a federal budget dominated by defense expenditures to one dominated by human resource programs.

From an era of confrontation to an era of negotiation.

From arms competition toward arms limitation.

The business of peace is a serious and complex one. It cannot be described in simple terms. It cannot be achieved and maintained through simple solutions.

Obviously, we have not fully reached many of the goals we set for ourselves. But we have made substantial progress. This Defense Report is an accounting to the American people of that progress, of shortcomings and of the challenges and changes ahead.

It is with the hope of securing deeper understanding and broader support of our plan for peace that I submit this Defense Report. It traces the orderly progression of President Nixon's program in terms that I believe all Americans can understand.

For our focus is on the future: on a future which recognizes mistakes of the past; a future in which each man hopefully can live at peace with his neighbor and each nation can settle its disputes without resort to war.

My first Defense Report was a *transition* document. My second Defense Report, as its title made clear, described a Defense program designed to move us *toward* a Strategy of Realistic Deterrence.

This 1972 Report takes us another major step forward. It completes the transition to a *fully-developed* National Security Strategy of Realistic Deterrence that complements and supports the President's Strategy for Peace.

A new era in U.S. national security policy began on January 20, 1969, with President Nixon's Inaugural Address. He declared that his highest priority goals were to establish an effective Strategy for Peace and to improve the quality of life.

Following his Inaugural Address, the President enunciated the Nixon Doctrine at Guam in July 1969. Its elements, and their relation to his Strategy for Peace and the National Security Strategy of Realistic Deterrence, are depicted on the inside cover of this Report.

Coupled with positive diplomatic initiatives, the Doctrine both seeks and permits a more creative relationship with our adversaries. The Doctrine is derived from the *strength* and *partnership* pillars of the Strategy for Peace; those pillars in turn provide the essential foundation for the third pillar—*a willingness to negotiate.*

From the Nixon Doctrine and the Strategy for Peace, we in the Department of Defense developed—and the Commander in Chief approved—*the National Security Strategy of Realistic Deterrence.* The basic purpose of this implementing strategy is to provide, through strength and partnership, for the security of the United States and its Free World allies and friends. Its aim is to discourage—and eventually to eliminate—the use of military force as a means by which one nation seeks to impose its will upon another. It seeks to deter war, but insures adequate capabilities to protect our nation and its interests should deerrence fail.

Long before his Inauguration, the President and I had discussed in detail the priority objectives and goals he had set for his Administration. That was a major reason for my statement, when I took office, that I expected to be judged as Secretary of Defense on whether I was able to contribute meaningfully to the restoration and maintenance of peace. I stand by those words.

Based on my service in Congress, I felt that we would get nowhere in the pursuit of peace and national security if we were not willing to face the realities of the domestic and international world. This Report emphasizes, as I have many times before, those Strategic, Political, Fiscal and Manpower realities. Against the background of those realities, we initiated major policy changes—changes which are most graphically demonstrated by the results achieved by our changed approach to Vietnam.

When this Administration took office:

Authorized military strength in Vietnam was 549,500.

There was no accepted plan to bring American troops home.

There was no plan to terminate U.S. involvement in the war unless there was success at the Paris negotiating table.

Both the President and I had long felt that a new, realistic course was essential;

a course which would permit us to shift the responsibility for defending their homeland to the people most directly involved—the South Vietnamese themselves. That new course was Vietnamization: a complement to and alternative for negotiation.

This Defense Report demonstrates how successful Vietnamization has been. On May 1 of this year authorized troop strength will be 69,000—a reduction of 480,500, or 87% from the situation we inherited in 1969. American combat deaths are down 95% from their 1968 peak. Our war expenditures are down by about two-thirds. American air activity in Southeast Asia has been reduced by well over 50%.

Manifestly, U.S. involvement in the war is coming to an end.

We are now planning for the period *beyond Vietnam*, and devoting even greater attention to America's long range security needs—adequate peacetime Nixon Doctrine forces, and the urgent need to assure technological superiority.

But, Vietnamization continues, and it will not be complete so long as the enemy refuses to return all Americans now held in captivity and until there is an accounting for all missing-in-action. We will not abandon our prisoners of war, our missing, or their families. And until our men are free, we will continue to demand that they be treated in accordance with the humanitarian provisions of the Geneva Convention.

Nor should there be any doubt about our determination to take whatever steps are necessary to protect our diminishing forces as we continue to withdraw from Vietnam. If the enemy's response to President Nixon's comprehensive offers of peace should be a continued buildup which threatens the safety of our men—or further offensive actions—we are prepared to respond with American airpower as appropriate.

OUR DEFENSE FORCES: MAINTAINING STRENGTH

In his State of the Union message last month, the President said:

"Strong military defenses are not the enemy of peace. They are the Guardian of peace."

Mindful of the President's determination to maintain whatever military strength is needed, the Department of Defense makes this pledge:

"We are determined to provide adequate United States military forces so that we can, with our friends and allies, deter war."

In my last Defense Report, I established planning goals for the Nixon Doctrine peacetime defense forces under the Strategy of Realistic Deterrence. These *planning goals* called for:

No more than 2.5 million volunteers in the active military forces, backed by a strengthened National Guard and Reserve;

An allocation of no more than 7% of the Gross National Product.

The actual results achieved for the FY 1973 Defense Budget include:

And end-strength of less than 2.4 million military men and women in a diminished draft environment;

A budget of less than 7% of the expected Gross National Product.

The nation's military strength was maintained during 1971 at the level prudence dictated; further, important steps were taken to assure that our strength would remain adequate for future years.

We have been changing the composition of our forces and the allocation of our resources to attain stated National goals in an optimum manner. These changes include:

Better utilization of people.

Improved deployment of our peacetime Nixon Doctrine deterrent forces.

Increased emphasis on partnership and burdensharing.

Improved weapon system acquisition methods.

Coordinated and integrated Security Assistance planning.

The decision-making process in Defense also has changed. Now, the emphasis is on participatory management, with both our civilian and military leaders being given an opportunity to be heard fully before decisions are reached.

There is also a changed relationship between the Department of Defense and the Congress. We recognize the partnership that must exist with Congress, which as a coequal branch of government shares equally the Constitutional responsibility for insuring the safety and security of our country.

The Strategy of Realistic Deterrence can only succeed if there is general acceptance of the further modification in the National Security Concepts of the 1960s which I identify in this Report. We have a new approach to planning and assessment methodology. With this new methodology, we seek to avoid the errors of the past which led to our ever-increasing commitment in Vietnam. That is a mistake we cannot afford to make again.

What we have done in the past three years now makes it possible for us to put three essential and interrelated planning tools to work for peace: Net Assessment, Total Force. and Long Range Planning.

NET ASSESSMENT

I said at the beginning of this Report that the business of peace is a complex one. Net Assessment in National Security Planning is an indispensable tool for coping with these complexities. In simple terms, Net Assessment, in conjunction with Total Force Planning, tells where we are, what we need to do, and how to get there.

To put it more fully, Net Assessment is a *comparative analysis* of those military, technological, political and economic factors;

which impede or have a potential to impede our national security objectives, *with* those factors:

available or potentially available to enhance accomplishment of those same national security objectives.

Through this process, we are able to determine how to apply our resources more effectively to accomplish our national security goals.

For example, the momentum of Soviet weapons development and deployment demands examination in relation to what we and our allies and friends must do about it. A similar assessment must be made of the increasing military capability across a broad spectrum of the Peoples Republic of China.

Since my last Defense Report hard, new evidence reveals such developments in the threat as:

The deployed Y-class ballistic missile submarine force of the Soviet Union could be as large as our Polaris/Poseidon force by next year, rather than in 1974 as I predicted last year.

Continued nuclear weapons and missile testing by Mainland China with some ballistic missile deployments likely this year.

The new Soviet supersonic dash bomber, designated the Backfire, could be operational by the mid-1970's.

Some 100 new Soviet ICBM silo sites have been identified for new or modified ICBM systems. The possibility of such a new program was mentioned in my Defense Report last year.

Soviet MIRV capability could be achieved next year.

Construction of the Moscow ABM system has resumed, and testing of an improved ABM missile continues.

Ongoing Soviet naval ship construction programs include production of nuclear-powered torpedo attack and cruise-missile submarines.

New Soviet fighter aircraft, especially the high speed Foxbat as well as the Flogger and Fitter B are entering the inventory.

Two new Soviet tanks, one a light tank and the other a new main battle tank are probably in production.

There were some, several years ago, who questioned my earlier estimates and projections of Soviet weapons momentum. If anything, as subsequent events have demonstrated, these estimates and projections were conservative.

In conjunction with my Defense Report, the Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, will present to Congress and the American people a comprehensive military assessment of the threat and of our own force capabilities.

Our combined presentations this year will represent another step forward in our new emphasis on Net Assessment.

However, as we evaluate the strength of Soviet and Chinese weapons developments and deployments, we must also take into account in a realistic net assessment the fact that they face some considerable constraints, such as:

The Soviet Union and Mainland China must deploy hundreds of thousands of troops to their Far Eastern border;

The Soviet's growing fleet must contend with the paucity of all-weather port facilities;

The Soviets trail the U.S. in many frequently overlooked but essential matters, such as long-range underway replenishment at sea and containerization.

TECHNOLOGICAL SUPERIORITY

Any assessment of the future defense needs of the United States must include a program to assure our continued technological superiority. The 1957 Sputnik success shocked this country, and led to a flurry of remedial action which culminated in our successful moon landings. In that instance, fortunately, we were dealing with a peaceful competition; yet it took us more than 10 years to accomplish the job despite our significant technological lead.

Beginning in 1965, at the same time that we were diverting so much of our effort and technology to Vietnam, the Soviet Union was stepping up its research and development efforts and was beginning to produce many of the weapons systems we note today. The USSR has now reached a position where—unless we take appropriate action—there could be new surprises and new "sputniks." But they are less likely to be in areas such as the peaceful exploration of space; rather they are more likely to be part of a major new Soviet military capability.

It cannot be said too often that an open society such as ours is at a disadvantage in facing the challenge of a closed society which seeks, through all means at its disposal, to become the World's greatest power.

So I would repeat what I have said so many times: The American people may perhaps be willing to accept parity in regard to the deployment of strategic nuclear weapons; but, in my view, they will never accept a position of inferiority.

Therefore, in order to avoid that unacceptable danger, it is absolutely essential that we maintain technological superiority. The one billion dollar increase in the FY 1973 R&D Budget over that which Congress gave us last year is aimed at maintaining that superiority.

The Soviet Union continues to expand its weapons development and deployment programs. There may be some debate as to whether—or by how much—the Soviet Union is outspending us in research and development. What must concern any one responsible for our national security is the demonstrable fact that we could lose the technological race. And second place in that technological race is simply not good enough.

TOTAL FORCE PLANNING

Net Assessment, as I have indicated, is one essential of effective long-range planning.

The other essential is Total Force planning which I described at some length in my Report last year. As I said then:

"In defense planning, the Strategy of Realistic Deterrence emphasizes our need to plan for optimum use of all military and related resources available to meet the requirements of Free World security. These Free World military and related resources—which we call "Total Force"—include both active and reserve components of the U.S., those of our allies, and the additional military capabilities of our allies and friends that will be made available through local efforts, or through provision of appropriate security assistance programs."

I am confident the Nixon Doctrine peacetime force structure in our Five-Year Defense Program will be adequate if Congress votes the necessary funds to make Total Force Planning effective. They include funds for maintaining:

Strategic sufficiency.
Technological superiority.
Weapons modernization.
Sufficient manpower levels.
Strong guard and reserves.
Adequate operations and maintenance.
Security assistance.
Total resource utilization.

In FY 1973 we propose significant increases in funding for:

Strategic nuclear forces, including sea-based missile deterrent forces such as the Undersea Long-Range Missile System, advanced and improved command and control, the new B–1 strategic bomber, and continued deployment of Safeguard. These increases are recommended to maintain our *strategic sufficiency* against a growing threat.

Research and development, with emphasis on diversification, hardware development (including prototyping), basic research and exploratory development, and operational test and evaluation, to maintain *technological superiority.*

Improving General Purpose Deterrent Forces Through *Weapons Modernization:*

Modernizing naval forces, including long lead time funding for a fourth nuclear aircraft carrier, increased procurement of nuclear attack submarines and new sea control ships, to maintain a strong Navy.

Development and procurement of the Air Force F–15 and the Navy F–14 aircraft, modification and improvement of the Army's M–60 tank, procurement of Lance missiles, and continued development of attack and heavy-lift helicopters, to maintain a balanced and effective conventional deterrent in partnership with our allies.

Revitalizing Reserve components by placing a new emphasis on a *Strong Guard and Reserve* and supporting increased modernization and improved readiness and full manning and equipping to make U.S. forces more effective under our Total Force Concept.

Military Assistance, for improving allied capabilities for self-defense through a new emphasis on *Security Assistance* to make Free World forces more effective under our Total Force Concept.

Manpower, including pay, housing and other benefits to continue the momentum to zero draft and an all-volunteer force.

NATIONAL GUARD AND RESERVES

Last year, I reported on the first actions being taken to place greater reliance on our National Guard and Reserve, and to preclude any need to return to a massive draft. We mean to have National Guard and Reserves that are manned, equipped, and trained to mesh, on quick notice, with our active forces.

I am well aware, and this is certainly true also for members of Congress, that for many years we have talked about achieving a true combat ready status for our National Guard and Reserve. Considerable progress has been made, but by no means enough. Our utilization of the Air National Guard and the air units in the various Reserve forces is much improved. We have, for example, assigned Air National Guard units to stand strip alert for the Air Defense Command; Army National Guard units man Air Defense facilities such as the Nike Hercules battalions in many of our states.

But we have only scratched the surface in utilizing the National Guard and Reserve forces in our strategy planning. We have had, over the past decade, too much talk and too little action in making these units combat ready. And the fact is that the effectiveness of many National Guard and Reserve units was eroded by requisitioning too much key equipment during the years when the war in Vietnam was at its peak. Also, many of these units were forced, because of disturbances here at home, to devote a considerable part of their training and resources to the assistance of state and local law enforcement authorities.

Vietnamization has made it possible for us to provide millions of dollars worth of equipment to our National Guard and Reserve. As unrest at home has diminished, it has become possible for our citizen soldiers to devote increasing attention to combat readiness training. These changes have, until now, gone relatively unnoticed. But in the months and years immediately ahead it will become evident that, under our Total Force Concept, the National Guard and Reserve are taking on ever-increasing combat readiness responsibilities. I believe this is exactly what the commanders and members of these units want.

We are now examining the possibility of having Naval Reservists take primary responsibility for manning an aircraft carrier.

There is no excuse for us to waste the talents of many National Guard and Reserve air squadrons, many of whose pilots and technicians are combat-experienced and who want to do something more than to simply participate in training exercises not directly related to specific national security missions under the new strategy.

That is why the budget which President Nixon sent to Congress calls for a $600 million increase for National Guard and Reserve Forces. Our planning for the coming year envisages that the National Guard and Reserve forces will receive more equipment than in any single year in our history. Much of this equipment includes such items as fixed-wing aircraft and helicopters from Vietnam.

Just as we cannot—with smaller U.S. forces—have adequate Free World security without a strengthened and revitalized Security Assistance Program to help our allies build up their own capabilities, neither can we have adequate U.S. forces that are 1,200,000 below 1968 active duty peaks unless we put comparable emphasis on strengthening, training, and equipping a fully manned National Guard and Reserve under the Total Force Concept.

TOTAL FORCE PLANNING AND THE FUTURE

Total Force involves much more than the National Guard and Reserves. For example, we are working on plans in which superiority at sea will continue to be assured in the future through burden-sharing and Total Force.

As part of the partnership emphasis of the Nixon Doctrine, the responsibility for superiority at sea must be shared more fully by our friends and allies. That is why I proposed, among other reasons, at the NATO meeting in December, 1971, creation of a Standing NATO Naval Force in the Mediterranean to complement the NATO Naval Standing Force operating in the Atlantic.

Here at home, I foresee a new order of Total Force application with regard to protection of sea lanes and sea surveillance. We are at work on plans in which the Air Force would share with the Navy some of the responsibility for our deterrent posture at sea. If, for example, B–52's can be employed with great effectiveness in a tactical ground support role in Vietnam—a task for which this aircraft was not originally intended—then there is no reason why the Air Force cannot be assigned some major responsibilities for control of the seas.

And it is possible that in the future, some Army Air Defense expertise, such as that related to countering the threat of low-level air attacks, could contribute to improved ship survivability at sea.

The total Force Concept means nothing less than maximum and integrated use of all our available resources—including those of our allies and friends. We must shed old parochial concepts of national security planning to meet global defense requirements for the future. Some of the decisions we will be making in the immediate years ahead will reach their optimum application in the 21st century.

OUR PLANS FOR PEOPLE

As we look to the future, manpower—our most precious asset—will take on new significance. It will be our responsibility, working with Congress, to complete a revised personnel program that will have the approval and support of the American people.

In the five years from June 1968 to June 1973, nearly 2.8 million military and civilian Defense personnel will have been released to non-defense pursuits.

We now have reached a "base line" force appropriate to fulfill essential peacetime security requirements. The less than 2.4 million military personnel remaining are:

1,068,000 fewer than the peak 1969 Vietnam buildup.

296,000 fewer than the 1964 total prior to the buildup.

1,028,000 fewer than after the Korean war, in 1954.

The winding down of the war has meant substantial monetary savings. Where has that money gone? Much of it has been reallocated in our Defense budget from warfighting to people. For too long our military men and women were underpaid; some have been forced to live on welfare. The failure to pay adequate salaries to military people—particularly those in the lower ranks—represented discriminatory taxation on them and their families. We have substantially changed that grossly unjust treatment of those who redress pay inequities to persons on the retired list.

The new approach to military compensation will make it possible for us to move away from heavy reliance on the draft and toward zero draft calls and an all-volunteer force. We also need to improve housing and educational benefits, but most of all we need to ensure that military people and their families receive recognition and appreciation from the American people for their devoted service to our country.

We have recently reaffirmed the Human Goals statement for men and women, military and civilian, throughout the Department of Defense. It is reproduced on the back cover of this Report.

I am determined that the Department of Defense maintain its leadership role and make further progress in meeting two of our society's most difficult problems: equality of opportunity and drug control.

As a further contribution to the efforts of the Defense Department to improve the quality of life, we are working on plans that will make it possible, in the next fiscal year, to return some thousands of physicians, dentists and other medical personnel to civilian communities. At the same time, we are determined that there will be no decrease in the high-quality medical care provided our military people, their families and those on the retired lists.

Project MAST (Medical Assistance to

Safety in Traffic) will also be expanded this year. This program supplies military helicopters, many from Vietnam, to assist local communities in providing rapid care to accident victims.

We will continue our strong emphasis on medical research which can help improve the quality of life for all Americans. For example, we are initiating new research programs to assist in the President's program of combating Sickle-Cell Anemia.

Finally, as we approach an all-volunteer force we will continually assess our recruiting and retention programs, and at some point we may wish to consider whether there would be advantages in establishing a joint Defense Recruiting Service. Our zero draft goal coincides with the end of the fiscal year to which this Report addresses itself—July 1, 1973.

MANAGING THE DEPARTMENT OF DEFENSE

A number of organizational and management improvements—many of them recommended by the Blue Ribbon Defense Panel—were made in the past year, notably in the field of intelligence which has been a matter of interest and concern to me for many years.

The Office of the Assistant Secretary of Defense for Intelligence was established with responsibility for management of DoD intelligence resources, programs and activities. A Central Security Service was set up to unify cryptologic and related electronic operations. An Office of Defense Investigations and a Defense Investigative Review Council were established for centralized control of all personnel security investigations. And a Defense Mapping Agency was created to consolidate most mapping, charting and geodetic operations.

Another organizational change of the past year was the establishment of the Office of the Assistant Secretary for Telecommunications with responsibility for management and resource allocation.

The Unified Command Plan was revised to reflect changes in our international policies and to provide a Readiness Command. Several organizational and procedural changes have been made to improve command and control of our military forces, including fixing of responsibility for the operation of the National Military Command System (NMCS).

A Defense Security Assistance Agency was created to direct and administer a program vital to our partnership concept.

I will continue to keep under review proposals for other management changes, such as the possible creation of a Strategic Command. I believe in connection with our new thinking that it may also be possible to eliminate some additional Headquarters staffing.

WEAPONS ACQUISITION

All of our new national security strategy planning—all of the innovations we are putting into effect—will be undermined if we are not able to continue the progress that has been started in improving our weapons acquisition process. Dave Packard, the former Deputy Secretary of Defense, and I paid close personal attention to the development of better acquisition processes. We said repeatedly that there were not going to be any overnight solution to these problems—many of which involved programs initiated in the mid-1960s, or earlier. We also acknowledged that, although we are moving to eliminate the causes for the problems we found, we would have to live for a while with the situation we inherited. We knew also that we would make some mistakes. And we have.

But we said we were going to revamp the weapons system acquisition process to minimize the probability of repeating such past procurement mistakes as the "Total Package Concept" used for C–5A procurement. One key change was our decision to go to a much more practical "fly before you buy" approach, compared with the concurrency policies of the past, are the B–1 and the F–15. Some of the troubles we are having with the F–14, in my view, are compounded by the contract approach utilized and its similarity to previous troublesome acquisition strategies.

Our goal in weapons acquisition is to achieve an optimum balance among weapons effectiveness, weapons costs, and the timeliness of entry into the inventory. We recognize that we are confronted with the dilemma of weapons that are too costly if we try to obtain high effectiveness rapidly or weapons, perhaps, of more reasonable cost that have too little effectiveness and become available too late.

Because national defense is not a stop-and-go proposition but a continuing process, transition actions are required rather than precipitate changeovers.

The Congress knows that I had available to me, early in my service as Secretary of Defense, an option to cancel on a wholesale basis some of the programs which I knew were beset with difficulties. I studied these options very carefully. When I weighed all the factors, including the availability of timely substitutes for the needed defense capabilities represented in those on-going programs, I rejected the tempting alternative of summary cancellation of many troubled programs. And I told Congress why.

This Defense Report spells out our need for $83.4 billion in budget authorization, including some $28 billion for weapons investment. I believe that as a result of the changes we have made, many of them under the leadership of former Deputy Secretary Packard, and many of them reflecting the help and cooperation from the Armed Services and Appropriations Committees, the American people are going to get a better return for their defense dollars.

But I must say again that we are not out of the woods. Last month I asked Mr. Packard, after he had left office, to give me the benefit of his thoughts on how far we have come and how far we have left to go in this important area. He gave me a no-nonsense report. In essence, he said that he felt we had gone a long way, but he also said there is a tough road ahead.

And I want to say that, thanks to Dave Packard, the road ahead is going to be an easier one.

THE FOUNDATION OF A STRATEGY FOR PEACE

I do not suggest that the changes in the approach and implementation to planning outlined in this Defense Report represent perfection or that they are a total solution. Constructive discussion and constructive criticism must continue. We face a whole range of incredibly complex problems.

The responsibility of meeting these problems is one the Congress shares with us. We intend to increase further our consultation and cooperation with the Committees to whom we are responsible.

Of equal importance—since national defense, in the last analysis, is the responsibility of all the American people—is the need for a public dialogue such as we have not had since the days of the genesis of the Marshall Plan.

To the maximum extent possible, I plan to visit with citizens throughout our country, to share with them my thoughts and to hear directly from them their views on the major elements of our strategy.

I would be pleased, for example, to consider favorably an invitation to appear before the Platform Committees of both of the two major parties, where responsible citizens from all over America will be deliberating on the non-partisan issue of national security.

Let me conclude by observing there may be some who will say that the increased request in the FY 1973 Budget for Naval funding is a precursor to a blue-water strategy. This is not the case.

In a world where we are striving to prevent war—and the danger of war—the New Modern Army, including a revitalized and strengthened National Guard and Reserve, has never had a more important or more challenging role than now.

The Air Force, with its unique mobility and flexibility, will be second to no other Service, since its capabilities encompass and support the whole spectrum of required US deterrent forces.

And, of course, the Navy—with its combination of air, sea, and land forces, represented by the US Marine Corps—has an equally key role to play in our National Security Strategy of Realistic Deterrence.

Our new strategy provides an unprecedented opportunity for a new order of Service partnership—a partnership that will be as effective in a peacetime Nixon Doctrine deterrent role as it has so often been in war.

This is not a blue-water strategy.

This is not an aerospace strategy.

This is not a ground combat strategy.

It is a strategy that will require the courage to look anew at parochial and outdated roles and missions assignments.

It is a Strategy of Realistic Deterrence.

It is the essential foundation of a Strategy for Peace.

MELVIN R. LAIRD.

FEBRUARY 15, 1972.

QUORUM CALL

Mr. EAGLETON. 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. EAGLETON. 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.

MANPOWER DEVELOPMENT AND TRAINING ACT AMENDMENT OF 1972

Mr. EAGLETON. Mr. President, on behalf of the majority leader, who is temporarily absent, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 578, S. 3054.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3054) to amend the Manpower Development and Training Act of 1962.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. EAGLETON. Mr. President, it is my understanding that S. 3054 has been cleared on both sides of the aisle.

At this time I offer an amendment to S. 3054.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

Immediately following line 8 insert the following new section:

"Sec. 2. That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred."

Mr. EAGLETON. Mr. President, this amendment to S. 3054 likewise has been cleared on both sides of the aisle.

The purpose of this amendment, Mr. President, is to relieve the acute financial pressure affecting a great many school districts throughout the country because of the transfer of property from the General Services Administration to the newly created U.S. Postal Service. As a consequence of this transfer, children who have in the past been considered "federally connected" for purposes of Public Law 874—the impact aid program—no longer qualify as such and the schools that they attend are no longer eligible to receive Federal funds on their behalf under the impact aid program.

My amendment would authorize a 2-year grace period for these school districts in order to permit them to receive Federal funds which they already have budgeted for the coming year and to permit 1 additional year for an orderly phaseout of this portion of the impact aid funding.

Mr. President, this amendment was previously offered as amendment 733 to S. 659, the Education Amendments of 1971. However, because of the delays that have accompanied consideration of S. 659, and because of the urgent need for rectifying the situation covered by my amendment, I have concluded that immediate action is needed.

This amendment is identical to H.R. 11809, passed by the House on December 6, 1971, and referred to the Senate Committee on Labor and Public Welfare. The chairman of the Education Subcommittee of that committee, the distinguished junior Senator from Rhode Island (Mr. PELL) has very graciously acquiesced to this expedited procedure for concurring in the House-passed bill. I am also grateful for the concurrence of the junior Senator from Wisconsin (Mr. NELSON), manager of S. 3054, and the senior Senator from New York (Mr. JAVITS), ranking minority member of the Labor and Public Welfare Committee.

Mr. President, I ask unanimous consent that a list prepared by the U.S. Office of Education, showing the school districts affected by this amendment, be printed in the RECORD at the conclusion of my remarks.

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

POST OFFICE BUILDINGS TRANSFERRED TO POSTAL SERVICE JURISDICTION

Attached is a listing, by State and Congressional District, of Post Office Buildings *claimed in prior years* which have been transferred to the jurisdiction of the U.S. Postal Service and have been declared ineligible for the 1971–72 school year under the definition of Federal property contained in section 303(1) of P.L. 81–874. The P.L. 874 applicants claiming them are indicated with each.

Other Post Office Buildings were transferred but, to date, have not been claimed or have been determined ineligible under P.L. 874 prior to the transfer. Not all buildings that were transferred will become ineligible.

ALASKA

At large

Cordova City S.D.
1606 Ketchikan Gateway Borough S.D.
2 Greater Sitka Boro S.D.
805 Wrangell Pub. Schs.

ARKANSAS

Fourth Congressional District

Camden S.D. No. 35, Quachita County.

CALIFORNIA

First Congressional District

Old Adobe U.S.D., Petaluma.
Tamalpais U.H.S.D., Larkspur (also 6th Cong. Dist.).
Larkspur S.D. (also 6th Cong. Dist.).
Marlin Jr. Col. District, Kentfield (also 6th Cong. Dist.).
San Rafael S.D. (also 6th Cong. Dist.).
San Rafael H.S.D. (also 6th Cong. Dist.).
Dixie S.D., San Rafael (also 6th Cong. Dist.).
Novato Unif. S.D. (also 6th Cong. Dist.).

Third Congressional District

Rio Linda U.S.D.
Sacramento City Unif. S.D.
Los Rios Jr. Col. Dist., Sacramento.
Robia S.D., Sacramento.

Fourth Congressional District

Washington Unif. S.D., North Sacramento.
Marysville Jr. Unif. S.D.
Fairfield Suisun Unif. S.D.
Martinez Unif. S.D.

Fifth Congressional District

San Francisco Unif. S.D. (also 6th Cong. Dist.)
Catati Elementary S.D., Sonoma County.

Sixth Congressional District

Larkspur S.D. (also 1st Cong. Dist.).
Martin Jr. Col. District, Kentfield (also 1st Cong. Dist.).
Tamalpais U.H.S.D., Larkspur (also 1st Cong. Dist.).
San Rafael S.D. (also 1st Cong. Dist.).
San Rafael H.S.D. (also 1st Cong. Dist.).
Dixie S.D., San Rafael (also 1st Cong. Dist.).
Novato Unif. S.D. (also 1st Cong. Dist.).
San Francisco Unif, S.D. (also 5th Cong. Dist.).

Eight Congressional District

San Leandro Unif. S.D.
Berkeley Unif. S.D.
Freemont Unif. S.D.
Pleasanton, Jr. S.D.
Amador Valley Jt. U.H.S.D., Pleasanton.
Oakland Unif. S.D.
Murray S.D., Dublin.
S Co. Jt. Coll. Dist., San Leandro.
Hayward Unif. S.D.
San Lorenzo Unif. S.D.
Peralta Jr. Col. Dist., Oakland
Castro Valley Unif. S.D.
Emery Unif., S.D., Emeryville.

Tenth Congressional District

Palo Alto Unif. S.D.

Eleventh Congressional District

Laguna Salada U.S.D., Pacifica.
Jefferson S.D., Daly City.
Jefferson U.H.S.D., Daly City.
San Mateo U.H.S.D.

Thirteenth Congressional District

Los Angeles Unif. S.D. (also 17th, 20th, 21st, 22d, 24th, 26th, 27th, 28th, 29th, 30th, and 31st Cong. Dists.).

Fourteenth Congressional District

Pittsburg Unif. S.D.
Mt. Diablo Unif. S.D., Concord.
Lafayette S.D.
Richmond Unif. S.D.
Walnut Creek S.D.
Orinda U.S.D.
Acalanes U.H.S.D., Lafayette.
Moraga Sch. Dist.
San Ramon Valley Unif. S.D., Danville.

Fifteenth Congressional District

San Joaquin Delta Jr. College, Stockton.

Seventeenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Fourth Congressional District

Twenty-Sixth Congressional District

Twenty-Seventh Congressional District

Twenty-Eighth Congressional District

Twenty-Ninth Congressional District

Thirtieth Congressional District

Thirty-First Congressional District

Los Angeles Unif. S.D.

Thirty-Fifth Congressional District

Oceanside U.S.D.
Chula Vista City S.D.
Santee S.D.
Grossmont U.H.S.D.
Cajon Valley S.D., El Cajon
Escondido U.S.D.
S. Bay U.S.D. Imperial Beach.
Lakeside U.S.D.
Sweetwater U.H.S.D., Chula Vista.
Lemon Grove S.D.
La Mesa Spring Valley, S.D.
San Diego Unif. S.D.
Orange Glen S.D.
Jamul Las Flores U.S.D.
Grossmont Jr. Col. Dist.
Sweetwater Jr. Col. Dist., Chula Vista.
San Diego Comm. Col. Dist., San Diego County (also 36th and 37th Cong. Dists.)

Thirty-Sixth Congressional District

Thirty-Seventh Congressional District

San Diego Comm. Col. Dist., San Diego County (also 35th Cong. Dist.).

COLORADO

First Congressional District

S.D. No., Denver.

Second Congressional District

Jefferson Co. S.D. No. R1, Lakewood.
Englewood S.D. No. 1.
Adams Arapahoe Jt. S.D. No. 28, Aurora.
Adams Co. S.D. No. 14, Commerce City.
S.D. No. 6, Littleton.
Westminster S.D. No. 50.
S.D. No. 12, Denver.
Mapleton Pub. S.D. No. 1, Denver.
St. Vrain Valley S.D. Rt. 1J, Longmont.

Third Congressional District

Colo. Springs S.D. No. 11.

Fourth Congressional District

Roaring Fork S.D. Re. 1, Glenwood Springs.
Garfield S.D. Re. 2, Rifle

CONNECTICUT

Second Congressional District

Town of East Lyme Bd. of Ed.
Town of Colchester Bd. of Ed.
New London Bd. of Ed.
Town of Salem S.D., Norwich.

Third Congressional District

Milford Public Schs.
City of W. Haven Bd. of Ed.
Derby Bd. of Ed.
Orange Co. Bd of Ed., Orange.
New Haven Bd. of Ed.
Town of Oxford Bd. of Ed.
City of Waterbury Bd. of Ed., New Haven County.

Fourth Congressional District

Bridgeport Bd. of Ed.
Town of Stratford Acting as a S.D.
Shelton Bd. of Ed.
Trumbull Bd. of Ed.
Town of Monroe Bd. of Ed.

Sixth Congressional District

Windsor Locks Public S.D.
Granby Bd. of Ed.
Enfield Bd. of Ed., Thompsonville.
Windsor Bd. of Ed.
Hartford Bd. of Ed.
Town of Suffield Bd. of Ed.
Bloomfield Bd. of Ed., Hartford Co.

DISTRICT OF COLUMBIA

At large

D.C. Public Schools.

FLORIDA

Ninth Congressional District

Tenth Congressional District

Broward Co. Bd. of Pub. Instr., Ft Lauderdale.

Eleventh Congressional District

Twelfth Congressional District

Dade Co. Bd. of Pub. Instr., Miami.

GEORGIA

Third Congressional District

Muscogee Co. S.D., Columbus.
Harris Co. Bd. of Ed., Hamilton.
Houston Co. Bd. of Ed., Perry.
Crawford Co. Bd. of Ed., Roberta.
Twiggs Co. Bd. of Ed., Jeffersonville.
Pulaski Co. Bd. of Ed., Hawkinsville.

Fourth Congressional District

De Kalb Co. Bd. of Ed., Decatur.
City Schs. of Decatur.
Atlanta Pub. Sch. System (also 5th Cong. Dist.).
Fulton Co. Bd. of Ed., Atlanta (also 5th Cong. Dist.).

Fifth Congressional District

Atlanta Pub. Sch. System (also 4th Cong. Dist.).
Fulton Co. Bd. of Ed., Atlanta (also 4th Cong. Dist.).

Sixth Congressional District

Clayton Co. Bd. of Ed., Jonesboro.
Bibb Co. Bd. of Ed. & Orph., Macon.
Henry Co. Bd. of Ed., McDonough.
Carroll Co. Bd. of Ed., Carrollton.
Fayette County School System, Fayette County.
Monroe Co. Bd. of Ed., Forsythe.

Seventh Congressional District

Cobb Co. Bd. of Ed., Marietta.
Douglas Co. Bd. of Ed., Douglasville.
Paulding Co. Bd. of Ed., Dallas.

Ninth Congressional District

Cherfokee Co. Bd. of Con., Canton.

HAWAII

First Congressional District

Second Congressional District

Bd. of Ed. of State of Hawaii, Honolulu.

ILLINOIS

First Congressional District

Second Congressional District

Third Congressional District

Chicago Public Schools No. 299 (also 5th, 6th, 7th, 8th, 9th, 10th, and 11th Cong. Dist.).

Fourth Congressional District

Posen Robbins Sch. Dist. No. 143½, Cook County.

Fifth Congressional District

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 10th, and 11th Cong. Dists.).

Tenth Congressional District

Chicago Public Schools No. 229 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, and 11th Cong. Dists.).
Melrose Park Broadview S.D. No. 89, Maywood.
Park Forest S.D. No. 163.
Rich Twp. H.S.D. No. 227, Park Forest.
Proviso Twp. H.S.D. No. 209, Maywood.
Cook Co. E.S.D. No. 102, La Grange Park.
Komarer S.D. No. 94, North Riverside.
Harvey Pub. Schls. Dist. No. 152, Cook Co.
West Harvey Dist. Schl. Dist. No. 147, Cook Co.

Eleventh Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, and 10th Cong. Dists.).

Twelfth Congressional District

Mundelein Cons. H.S.D. No. 120.
Twp. H.S.D. No. 110, Highland Park.
Mundelein E.S.D. No. 75.
Grayslake Comm. H.S.D. No. 127.
Community Unit S.D. No. 60, Waukegan Lake Co.

Fourteenth Congressional District

Lisle E.S.D. No. 70.
Maercker S.D. No. 60, Clarendon Hills.
Downers Grove H.S.D. No. 99.
Downers Grove E.S.D. No. 58.
Naperville Comm. H.S.D.
Naperville E.S.D. No. 78, Wheaton.
Lace Marion Hills S.D. No. 61, Wheaton.
Goodrich S.D. No. 68, Woodridge.
Comm. Cons. S.D. No. 181, Hinsdale.
Hinsdale Twp. H.S.D. No. 86.
Darien Pub. Sch. Dist. No. 61, DuPage Co.
Joliet Pub. S.D. No. 86 (also 17th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 17th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 17th Cong. Dist.).
Lockport E.S.D. No. 96 (also 17th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 17th Cong. Dist.).
Community Consolidated Schools, DuPage Co.

Seventeenth Congressional District

Georgetown E.S.D. No. 177.
Joliet Pub. S.D. No. 86 (also 14th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 14th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 14th Cong. Dist.).
Lockport E.S.D. No. 96 (also 14th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 14th Cong. Dist.).

Nineteenth Congressional District

Rock Island S.D. No. 41.
Moline S.D. No. 40.
East Moline Pub. S.D. No. 37.
Hampton E.S.D. No. 29.
Comm. Unit S.D. No. 200, Sherrard.
Geneseo Comm. Unit S.D. No. 228.
Rockridge Comm. Unit S.D. No. 300, Taylor Ridge.
Comm. Unit S.D. No. 115, Oquawka.

Twenty-Second Congressional District

Comm. Unit S.D. No. 335, La Harpe.

INDIANA

Sixth Congressional District

Clark Pleasant Comm. Sch. Corp., Whiteland.
Mooresville Cons. Sc. Corp.
Metropolitan S.D. of Martinsville.
Franklin Comm. Sch. Corp.
Comm. Sch. Corp. of Southern Hancock Co., New Palestine.
Greenwood Comm. Sch. Corp.
Center Grove Comm. Sch. Corp., Greenwood.

Seventh Congressional District

Avon. Comm. Sch. Corp., Indianapolis.
Plainfield Comm. Sch. Corp.

Eighth Congressional District

Metropolitan S.D. of Mt. Vernon.

Ninth Congressional District

Metropolitan S.D. of Vernon Twp., Crothersville.
Scott Co. S.D. No. 2, Scottsburg.
Salem Comm. Schs.

Eleventh Congressional District

Metropolitan Sch. Dist. of Lawrence Twp., Indianapolis.
Metropolitan S.D. of Warren Twp.
Indianapolis Pub. Schs.

IOWA

First Congressional District

Bettendorf Comm. S.D.
The Davenport Comm. S.D.
Pleasant Valley Comm. S.D.
Burlington Comm. S.D.
Danville Comm. S.D.
Mediapolis Comm. S.D.

Sixth Congressional District

Sergeant Bluff Luton Comm. S.D.
Westwood Comm. S.D., Sloan.
Sioux Comm. S.D.
Lawton-Bronson Comm. Sch. Dist., Woodbury Co.

Seventh Congressional District

Lewis Central Comm. Schs., Council Bluffs.
Council Bluffs Comm. S.D.

KANSAS

Second Congressional District

Unif. S.D. No. 437, Topeka.
Unif. S.D. No. 501, Topeka.
Unif. S.D. No. 343, Perry.
Unif. S.D. No. 340, Meriden.
Unif. S.D. No. 337, Mayetta.
Oskalooka Unif. Sch. Dist. No. 341.
Shawnee Heights Unif. S.D. No. 450, Tesumseh.
Unif. S.D. No. 464, Ronganoxie.

Third Congressional District

Shawnee Mission Rural H.S.D. No. 6.
Common S.D. No. 110, Overland Park.
Antioch C.S.D. No. 61, Overland Park.
Shawnee Common S.D. No. 27.
Roeland C.S.D. No. 92, Shawnee Mission.
Prairie S.D. No. 44.
Valley View C.S.D. No. 49, Overland Park.
Olathe Unif. S.D. No. 233.
Unif. S.D. No. 231, Gardner.
Bonner Springs Unif. S.D. No. 204.
Unif. S.D. No. 500, Kansas City.
Stanley Unif. S.D. No. 229.
Shawnee Mission Unif. S.D. No. 512.

Fourth Congressional District

Haysville Unif. S.D. No. 261.
Valley Center Unif. S. D. No. 262.
Unif. S.D. No. 260, Derby.
Maize Unif. No. 259, Wichita.

Unif. S.D. No. 265, Goddard.
Unif. S.D. No. 263, Mulvane.

Fifth Congressional District

Leon Unif. S.D. Jt. No. 205.
Douglass Unif. S.D. No. 39.
Rose Hill Unif. S.D. 394.
Andover Unif. S.D. No. 385.
Unif. S.D. No. 353, Wellington.
Unif. S.D. No. 356, Conway Springs.
Arkansas City Unif. S.D. No. 470.
Belle Plaine Unif. S.D. No. 357.
Osage City Unif. S.D. No. 420.
Unif. S.D. No. 434, Overbrook.
Unif. S.D. No. 454, Burlingame.
Marais Des Cygnes Valley D. No. 456, Melvern.
Lawrence Unif. S.D. No. 497.

KENTUCKY

Third Congressional District

Louisville Public Schools.

Sixth Congressional District

Bera Ind. Sch. Dist.
Fayette Co. Bd. of Ed., Lexington.
Clark Co. Bd. of Ed., Winchester.
Georgetown I.S.D.
Paris I.S.D.
Courbon Co. Bd. of Ed., Paris.

LOUISIANA

First Congressional District

St. Bernard Parish Sch. Bd., Chalmette.
Orleans Parish Sch. Bd., New Orleans (also 2d Cong. Dist.).

Second Congressional District

Orleans Parish Sch. Bd., New Orleans (also 1st Cong. Dist.).
Jefferson Parish Sch. Bd., Gretna.

Sixth Congressional District

St. Tammany Parish Sch. Bd., Covington.

MAINE

First Congressional District

S. Portland Bd. of Ed.
Old Orchard Beach Sch. Dist.
Biddeford Suptg. Sch. Comm.
Cape Elizabeth Sch. Dept.
Portland Pub. Schs.
Yarmouth S.D.
Town of Jefferson Sch. Committee, Windsor.
Sch. Adm. Dist. No. 57, East Waterboro.
Maine Sch. Adm. Dist. No. 35, South Berwick.

Second Congressional District

Calais Sch. Dept.
Vanceboro Sch. Dept., Danforth.
Sch. Admin. Dist. No. 19, Lubec.
City of Bangor Sch. Committee.
Town of Machias S.D.

MARYLAND

First Congressional District

St. Marys Co. Bd. of Ed., Leonardtown.
Calvert Co. Bd. of Ed., Prince Frederick.

Third Congressional District

Fourth Congressional District

Bd. of Ed. of Balt. Co., Towson (also 7th Cong. Dist.).

Fifth Congressional District

Prince Geo. Co. Bd. of Ed., Upper Marlboro.
Bd. of Ed. of Charles Co., La Plata.

Sixth Congressional District

Bd. of Ed. of Fred. Co., Fred.
Bd. of Ed. of Washington Co., Hagerstown.
Bd. of Ed. of Howard Co., Ellicott City (also 8th Cong. Dist.).

Seventh Congressional District

Bd. of Ed. of Balt. Co., Towson (also 3d and 4th Cong., Dists.).

Eighth Congressional District

Bd. of Ed. of Mont. Co., Rockville.
Bd. of Ed. of Howard Co., Ellicott City (also 6th Cong. Dist.).

MASSACHUSETTS

First Congressional District

Town of Hatfield Sch. Comm.

Second Congressional District

Wilbraham Sch. Committee.
Hampden Wilbraham Reg. S.D.
Ludlow Sch. Comm.
City of Springfield Sch. Comm.
Sch. Comm. of the City of Chicopee.
City of Holyoke Sch. Comm.
Twn. of W. Springfield Sch. Comm.
Westfield Sch. Comm.

Third Congressional District

Shrewsbury Sch. Committee.
Southboro Sch. Comm.
Milford Pub. Schs.

Sixth Congressional District

Nahant Sch. Committee.
Middleton Sch. Committee.
Saugus Sch. Committee.
Danvers Sch. Comm.
Lynnefield Sch. Committee.
Rowley Sch. Comm., Georgetown.
Lynn Sch. Comm.
Masconomet Reg. S.D., Boxford.
Swampscott Pub. Sch.
Salem Public Schools.

Seventh Congressional District

Town of Wakefield, S.D.
City of Revere Sch. Comm.
Marlborough Sch. Comm.

Tenth Congressional District

New Bedford Sch. Comm.
Fairhaven Sch. Comm.
Town of Dartmouth Sch. Comm.
Acushnet Pub. Sch.

Twelfth Congressional District

Falmouth Sch. Comm.
Bourne Sch. Comm.
Town of Barnstable Sch. Committee.
Town of Sandwich Sch. Committee.

MICHIGAN

Second Congressional District

Pub. S.D. of City of Ann Arbor, Washtenaw Co.

Seventh Congressional District

Sch. Dist. of the City of Flint, Genesee Co.

Eighth Congressional District

Lansing Sch. Dist., Inham County.

MINNESOTA

First Congressional District

I.S.D. No. 196, Rosemount.
I.S.D. No. 191, Burnsville.

Third Congressional District

I.S.D. No. 14, Fridley
I.S.D. No. 12, Circle Pines.
Anoka Hennepin I.S.D. No. 286.
I.S.D. No. 16, Minneapolis
Brooklyn Center I.S.D. No. 286.
Special S.D. No. 1, Minneapolis.
I.S.D. No. 281, Robbinsdale.
I.S.D. No. 271, Bloomington.

Fourth Congressional District

I.S.D. No. 621, New Brighton.
I.S.D. No. 625, St. Paul.
North St. Paul Maplewood S.D. No. 622, N. St. Paul.
I.S.D. No. 624, White Bear Lake.
I.S.D. No. 831, Forest Lake.
I.S.D. No. 833, Cottage Grove
I.S.D. No. 623, St. Paul

Sixth Congressional District

I.S.D. No. 742, St. Cloud.
I.S.D. No. 912, Milaca.
Princeton I.S.D. No. 477.
I.S.D. No. 728, Elk River, Sherburne Co.

Eighth Congressional District

I.S.D. No. 137, Lindstrom.
I.S.D. No. 136, Lindstrom.
I.S.D. No. 139, Rush City
I.S.D. No. 138, North Branch.
I.S.D. No. 578, Pine City.

MISSISSIPPI

Fifth Congressional District

Biloxi Mun. Sep. S.D.
Ocean Springs Mun. Sep. S.D.
Gulport Mun. Sep. S.D.
Bay St. Louis Mun. Sep. S.D.
Jackson Co. Unit S.D., Pascagoula.
Harrison Co. S.D., Gulfport.
Laurel Municipal Sep. S.D., Jones Co.

MISSOURI

Fourth Congressional District

Cons. S.D. No. 2, Raytown.
Reorg. S.D. No. 7, Lees Summit.
Grain Valley S.D. No. 4.
Ft. Osage S.D.R. 1, Independence.
S.D. of the City of Independence.
Blue Springs Reorg. S.D. No. 4.
Wellington Napoleon Schs. R. 9.
S.D. of Kansas City.
Grandview Cons, S.D. No. 4.
Hickman Mills Cons. S.D. No. 1.
Reorg. S.D. No. 7, Odessa.
S.D. of Harrisonville R. 9.
Kingsville S.D.R. 1.
Center S.D. No. 58, Kansas City.
Midway Reorg. S.D. No. 1, West Line.
Belton S.D. No. 124.
Raymore Peculiar S.D.R. 2.
Warrensburg S.D.R. 6.
Cass Co. S.D. No. R. 8, Creighton.
Archie Pub. Sch. Reorg. Dist. R. V. Archie.
Miami Reorg. S.D. No. 1, Bates Co.

Sixth Congressional District

Clay, N. Kansas City S.D. No. 74.
Liberty Publ. S.D. No. 53.
Richmond S.D.R. 13.
St. Joseph S.D.
Polo Public S.D.R. 7.
Excelsior Springs S.D. No. 40.
Reorg. S.D. No. 2, Kansas City.
Norborne S.D.R. 6.
Lawson Reorg. S.D.R. XII.

Seventh Congressional District

S.D. of Springfield R. 12.
Willard S.D.R. 2.
Republic S.D.R. 3.
Fair Grove S.D. No. R. 10.
Greene County S.D. R–8. Greene Co.

MONTANA

Second Congressional District

Billings E.S.D. No. 2.
Billings H.S.D.
H.S.D. No. 1A, Great Falls.
E.S.D. No. 1, Great Falls.
Vaughn S.D. No. 74.

NEBRASKA

Second Congressional District

S.D. of Omaha.
Rapillion Pub., S.D. No. 27.
Ralston S.D.
S.D. of the City of Bellevue.

NEW HAMPSHIRE

First Congressional District

City of Portsmouth Bd. of Ed.
Oyster River Coop. S.D., Durham and Madbury.
Rollinsford S.D.
Rollingsford S.D.
City of Dover S.D. No. 11.
Timberland Regional Sch. Dist., Atkinson.
North Hampton S.D.
S.D. of the Town of Exeter.
Nottingham Cooperative S.D.
Winnacunnet Coop. S.D., Hampton.
Concord U.S.D.
Newmarket S.D.
Epping S.D.
Raymond S.D.
Londonderry S.D.
Derry Coop. S.D. No. 1.
Manchester S.D. No. 37.
Goffstown S.D.
New Boston S.D.

Merrimack S.D.
Candia S.D.
Hooksett S.D., Suncook.
Allanstown S.D., Suncook.
Hudson S.D.

Second Congressional District

Gorham S.D.
Berlin Sch. Dist. No. 3, Coss Co.

NEW JERSEY

First Congressional District

Brielle Bd. of Ed.
Boro of Freehold Pub. Schs.

Second Congressional District

Bloomfield Mun. S.D. No. 6.

Third Congressional District

South Belmar Bd. of Ed. Monmuth Co.
Middletown Twp. Bd. of Ed.
City of Perth Amboy Bd. of Ed., Middlesex Co. (also 15th Cong. Dist.).

Fourth Congressional District

Trenton Bd. of Ed.
Hamilton Twp. Bd. of Ed.

Fifth Congressional District

Morris Hills Reg. H.S.D., Rockaway.

Sixth Congressional District

Bd. of Ed., Cinnaminson Twp.
Burlington City Bd. of Ed.
Burlington Twp. Bd. of Ed.
City of Beverley Bd. of Ed.
Riverside Twp. Bd. of Ed.
Westhampton Twp. Bd. of Ed., Mt. Holly.
Edgewater Park Twp. Bd. of Ed., Beverley.
Florence Twp. Bd. of Ed.
Burlington Co. Voc. Bd. of Ed., Mt. Holly.
Pemberton Twp. Bd. of Ed., Browns Mills.
Moorestown Twp. Bd. of Ed.

Seventh Congressional District

Hackensack Publ. Sch., Bergen Co.

Eighth Congressional District

Passaic Bd. of Ed., Passaic Co.

Tenth Congressional District

Bd. of Ed. Newark (also 11th Cong. Dist.).

Eleventh Congressional District

Bd. of Ed. of Newark (also 10th Con. Dist.).
Essex Co. Voc. Schs. Essex Co.

Thirteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 14th Cong. Dist.).
Bayonne S.A.

Fourteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 13th Cong. Dist.).

Fifteenth Congressional District

City of Perth Amboy Bd. of Middlesex Co. (also 3d Cong. Dist.).

NEW MEXICO

Second Congressional District

Clovis Municipal S.D. No. 1, Curry Co.

NEW YORK

First Congressional District

C.S.D. No. 5 Twn of Brookhaven, Holbrook.
U.F.S.D. No. 5 Twn of Islip, Bayport.
U.F.S.D. of No. 2 Twn of Babylon, Huntington.
C.S.D. No. 5 Twn of Smithtown, Kings Park.
U.F.S.D. of No. 1 Twn of Huntington, Elwood.
U.F.S.D. No. 12 of Islip, Brentwood.
U.F.S.D. No. 3 Twn of Islip.
Ctr. S.D. No. 7 Twn of Brookhaven, Centereach.
S.U.F.D. No. 10 Twn of Huntington, Commack.
U.F.S.D. No. 3 Twn of Brookhaven, Port Jefferson Station.
U.F.S.D. No. 1 Twn of Babylon, Dix Hills.
U.F.S.D. No. 9 Twn of Islip.
U.F.S.D. No. 5 Babylon, Suffolk Co. (also 2d Cong. Dist.).

Second Congressional District

U.F.S.D. No. 5 Babylon Suffolk Co. (also 1st Cong. Dist.).
U.F.S.D. No. 21 Twn of Oyster Bay.
U.F.S.D. No. 2 Twn of Hempstead, Uniondale.
U.F.S.D. No. 22 Twn of Farmingdale.
U.F.S.D. No. 17 Town of Oyster Bay, Hicksville.
Town of Hempstead, East Meadow, Nassau Co. (also 4th and 5th Cong. Dists.).
Central S.D. No. 4, Town of Oyster Bay, Nassau Co. (also 4th and 5th Cong. Dists.).

Fourth Congressional District

Fifth Congressional District

Town of Hempstead, East Meadow, Nassau Co. (also 1st Cong. Dist.).
Central S.D. No. 4, Town of Oyster Bay, Nassau Co. (also 1st Cong. Dist.).

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Tenth Congressional District

Eleventh Congressional District

Twelfth Congressional District

Thirteenth Congressional District

Fourteenth Congressional District

Fifteenth Congressional District

Sixteenth Congressional District

Seventeenth Congressional District

Eighteenth Congressional District

Nineteenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Third Congressional District

Twenty-Fourth Congressional District

School District of the City of New York, Brooklyn.

Twenty-Fifth Congressional District

City S.D. of the City of Peekskill.
City S.D. of Yonkers, Westchester Co.

Thirty-Fourth Congressional District

Thirty-Fifth Congressional District

S.D. of the City of Syracuse.

NORTH CAROLINA

Third Congressional District

Onslow Co. Bd. of Ed., Jacksonville.

Fifth Congressional District

Forsythe Co. Schs., Winston-Salem.

Sixth Congressional District

High Point City Schs., High Point, Guilford Co.

Seventh Congressional District

Fayetteville City Bd. of Ed.
Cumberland Co. Bd. of Ed., Fayetteville.
Hoke Co. Bd. of Ed., Raeford.

Eighth Congressional District

Rowan Co. Admin. Unit S.D., Salisbury.

OHIO

Fourth Congressional District

Bethel Local S.D., Miami Co.

Seventh Congressional District

Mad River Twp. Local S.D., Dayton.
Dayton City Bd. of Ed.
Vandalia Butler City Schs.
Fairborn City S.D.
Northbridge Local S.D., Dayton.
New Carlisle Bethel Local S.D.
Kettering City S.D.
Xenia City S.D.
Washington Twp. Local Schs. Centerville.
Beavercreek Local Bd. of Ed., Xenia.
Springfield City S.D.
Madison Twp. Local S.D., Trotwood.
Jefferson Twp. Local S.D., Dayton.
W. Carrollton City S.D.
Northeastern Local S.D., Springfield.
Urbana City Sch.

Eleventh Congressional District

Exemped Village S.D., Windham.

Thirteenth Congressional District

Akron City S.D.

Fourteenth Congressional District

Barberton City Schs., Summit Co.

Sixteenth Congressional District

Seventeenth Congressional District

Canton City Bd. of Ed., Stark Co.

Twenty-Fourth Congressional District

Middletown City S.D., Butler Co.

OKLAHOMA

First Congressional District

Broken Arrow I.S.D. No. 3.
Sklatook I.S.D. No. 7.
Sand Springs I.S.D. No. 2.
Sapulpa I.S.D. No. 33.
Jenks I.S.D. No. 5.
Union I.S.D. No. 9, Broken Arrow.
Owasso I.S.D. No. 11.
Tulsa I.S.D. No. 1.
Kiefer I.S.D. No. 18.
Liberty I.S.D. No. 14, Mounds.
Sperry I.S.D. No. 8.

Second Congressional District

Pryor I.S.D. No. 1.
Catoosa I.S.D. No. 2.
Claremore I.S.D. No. 1.
Coweta I.S.D. No. 17.
Inola I.S.D. No. 5.
Sequoyah I.S.D. No. 6, Claremore.
Cleveland I.S.D. No. 6.
Wagoner I.S.D. No. 19.
Okmulgee I.S.D. No. 1.
Mannford I.S.D. No. 3.
Oilton I.S.D. No. 20.
Lone Star Dep. S.D. No. 8, Sapulpa.
Porter I.S.D. No. 3.

Third Congressional District

Krebs D.S.D. No. 9.
Wilburton I.S.D. No. 1.
Panola I.S.D. No. 4.
Stigler I.S.D. No. 20.

Sixth Congressional District

Elk City I.S.D. No. 6.

OREGON

Second Congressional District

Creek Co. S.D. No. 2, Creek Co.

Fourth Congressional District

Eagle Point S.D. No. 9.
Jackson Co. S.D. No. 91, Butte Falls.
Medford Sch. Dist. No. 549C.
Central Point S.D. No. 6, Jackson Co.

PENNSYLVANIA

Tenth Congressional District

Blakely Borough S.D., Peckville.
Valley View S.D., Peckville.
Mid Valley Sch. Dist., Olyphant.
Lakeland Sch. Dist., Lackawanna Co.
Old Forge Sch. Dist.
North Pocono S.D., Moscow.
S.D. of the City of Scranton.
Riverside S.D., Taylor.
Dunmore Pub. S.D.

Eleventh Congressional District

Pittston Area S.D.
Wyoming Area S.D., West Pittston.
Wilkes Barre City S.D.
Dallas Sch. Dist., Luzerne Co.
Wyoming Valley S.D., Kingston.
Plains Jt. S.D., Plains Wilkes Barre.
Greater Nanticoke Area S.D.
Ashley Sugar Notch Jt. Schs., Ashley.

Twelfth Congressional District

Susquentia Area S.D., Duncannon.

Fourteenth Congressional District

Penn Hills Township, Allegheny Co. (also 20th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dist.).
Keystone Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 18th, 20th and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists..).
S.D. of Pittsburgh (also 20th and 27th Cong. Dists.).

Sixteenth Congressional District

Palmyra Area S.D.
Annville Cleona S.D.
Cornwall Lebanon Sub. Jt. Sch. Sys.
North Lebanon S.D., Fredericksburg.

Eighteenth Congressional District

Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).

Twentieth Congressional District

Penn Hills Twp., Allegheny Co. (also 14th, and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Clariton S.D. Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
McKeesport Area Sch. Dist., Allegheny Co.
S.D. of Pittsburgh (also 14th and 27th Cong. Dists.).

Twenty-First Congressional District

New Kensington-Arnold Sch., Westmoreland Co.

Twenty-Fourth Congressional District

Farrell Area Sch. Dist., Mercer Co.

Twenty-Sixth Congressional District

Peters Twp. S.D., McMurray.
Connelsville Area Sch. Dist., Fayette Co.

Twenty-Seventh Congressional District

Penn Hill Twp., Allegheny Co. (also 14th and 20th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 20th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th and 20th Cong Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th and 20th Cong. Dists.).
Duquesne Sch. Dist. Allegheny Co. (also 14th, 18th and 20th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 20th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th and 20th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 18th and 20th Cong. Dists.).
Sto-Rex Sch. Dist., Allegheny Co.
Carlynton S.D., Carnegie.
Bethel Park S.D.
Montour S.D., McKees Rocks.
West Allegheny S.D., Imperial.
Fox Chapel Area S.D., Pittsburgh.
South Park S.D., Library.
Baldwin Whitehall S.D., Pittsburgh.
Brentwood Boro S.D., Pittsburgh.
Chartiers Valley S.D., Pittsburgh.
West Jefferson Hills S.D., Pittsburgh.
S.D. of Pittsburgh (also 14th and 20th Cong. Dists.).
S.D. of the Twp. of Upper St. Clair, Bridgeville.

RHODE ISLAND

Second Congressional District

S. Kingstown Sch. Comm., Wakefield.

SOUTH DAKOTA

First Congressional District

Brookings I.S.D. No. 122.
Lennox I.S.D. No. 100.
West Central I.S.D. No. 154, Hartford.

TENNESSEE

First Congressional District

Sullivan Co. Bd. of Ed., Bloutville.
Kingsport City Sch. Sys.
Sevier Co. Bd. of Ed., Sevierville.

Second Congressional District

Knox Co. Bd. of Ed., Knoxville.
Blount Co. C.D., Maryville.
Knoxville Bd. of Ed.
Maryville City Schools.
Alcoa City S.D.

Third Congressional District

City of Chattanooga Bd. of Ed.
Marion Co. Bd. of Ed., Jasper.
Hamilton Co. Bd. of Ed., Chattanooga.

Fourth Congressional District

Warren County Bd. of Ed., McMinnville.
Anderson Co. Bd. of Ed., Clinton.

Fifth Congressional District

DeKalb Co.

Sixth Congressional District

Franklin Co. Bd. of Ed., Winchester.

TEXAS

First Congressional District

Daingerfield I.S.D.
Cason I.S.D.

Third Congressional District

Grand Prairie I.S.D.
Irving I.S.D.
Duncanville I.S.D.
Lancaster I.S.D.
Cedar Hills I.S.D.
De Soto I.S.D.
Dallas I.S.D.

Fourth Congressional District

Howe I.S.D.
Terrell I.S.D.

Sixth Congressional District

Red Oak I.S.D.
Midlothian I.S.D.

Tenth Congressional District

San Marcos I.S.D.
Lockhart I.S.D.
Blanco I.S.D.
Hays Cons, I.S.D., Kyle.

Eleventh Congressional District

Conally Cons. I.S.D., Waco.
La Vega I.S.D., Bellmead Branch, Waco.
Waco I.S.D.
Midway I.S.D., Waco.
Robinson I.S.D., Waco.
Crawford I.S.D., No. 901.
China Spring I.S.D.
Mart I.S.D. No. 101 908.
Lorena I.S.D.
Bosqueville I.S.D., McLenna Country.
Rosebud Lott I.S.D., Rosebud, Falls County.

Twelfth Congressional District

Birdville I.S.D., Ft. Worth.
White Settlement I.S.D., Fort Worth.
Hurst Euless Bedford I.S.D.
Arlington I.S.D.

Thirteenth Congressional District

Lewisville I.S.D.
Lake Dallas I.S.D.
Bridgeport I.S.D.
Denton I.S.D.

Seventeenth Congressional District

Coahoma I.S.D.
Forsan Co. Line I.S.D.

Twentieth Congressional District

Harlandale I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 21st & 23d Con. Dists.).
Edgewood I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Somerset I.S.D. (also 21st & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 21st & 23d Cong. Dists.).

Twenty-first Congressional District

Harlandale I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
Southside I.S.D. No 912, San Antonio (also 20th & 23d Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Somerset I.S.D. (also 20th & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Judson I.S.D., No. 916, Converse (also 20th & 23d Cong. Dists.).
Boerne Co. Line I.S.D.
Comal Co. I.S.D., New Braunfels.

Twenty-third Congressional District

Harlandale I.S.D., San Antonia (also 20th & 21st Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 21st Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 21st Cong. Dists.).

Somerset I.S.D. (also 20th & 21st Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 20th & 21st Cong. Dists.).
Devine I.S.D.
Schertz Cibolo I.S.D.
Floresville I.S.D.
Potect I.S.D.
Marion I.S.D.
Laredo I.S.D.
United Cons. I.S.D., Laredo.

VIRGINIA

Second Congressional District

Fredericksburg City Schs.
City of Alexandria Sch. Bd.
City of Fairfax Sch. Bd.
Portsmouth City Sch. Bd.
Sch. Bd. of the City of Norfolk.
Sch. Bd. of the City of Virginia Beach.
Sch. Bd. of the City of Chesapeake.

Third Congressional District

Co. Sch. Bd. of Chesterfield Co.

Fourth Congressional District

Co. Sch. Bd. of Prince George Co., Prince George.
Sch. Bd. of Nansemond Co., Suffolk.
Sch. Bd. of Isle of Wight Co., Isle of Wight.
Co. Sch. Bd. of Prince William Co., Manassas.

Sixth Congressional District

Co. of Roanoke Sch. Bd., Salem.
Roanoke City Pub. Schs.

Tenth Congressional District

Co. Sch. Bd. of Arlington Co.
Co. Sch. Bd. of Fairfax Co., Fairfax.

WASHINGTON

Second Congressional District

Edmonds S.D. No. 15, Lynnwood.

Third Congressional District

Newport Cons. Jt. S.D. Nos. 56, 417.
Peninsula S.D. No. 401, Gig Harbor.
Vancouver S.D. No. 37.

Fourth Congressional District

Walla Walla S.D. No. 140.
Daytona S.D. No. 2.
Yakima S.D. No. 7.
Clarkson S.D.
Union Gap S.D. No. 2.
Moxee S.D. No. 90, Yakima.
Naches Valley S.D. Jt. No. 3.
Zillah S.D. No. 205.
Selah S.D. No. 119.

Fifth Congressional District

Mead S.D. No. 354.
Spokane S.D. No. 81.
Cheney Jt. Cons. S.D. No. 360, 316.

Sixth Congressional District

N. Kitsap S.D. No. 400, Poulsbo.
Clover Pk. S.D. No. 400, Lakewood Center.
Franklin Pierce S.D. No. 402, Tacoma.
Eatonville S.D. No. 404.
Bremerton Cons. S.D. 1000.
Uni. Place S.D. No. 83, Tacoma.
Steilacoom S.D. No. 1.
Bethel S.D. No. 403, Spanaway.
Tacoma S.D. No. 10.
Sumner S.D. No. 320.
Puyallup S.D. No. 3.
Fife S.D. No. 417, Tacoma.

Seventh Congressional District

Kent S.D. No. 415.
Highline S.D. No. 401, Seattle.
Seattle S.D. No. 1.
Northshore S.D. No. 417, Bothell.
Bellevue S.D. No. 405.
Fed. Way S.D. No. 210.

WEST VIRGINIA

Second Congressional District

Jefferson Co. Bd. of Ed., Charles Town.
Tucker Co. Bd. of Ed., Parsons.

Fourth Congressional District

Cabell Co. Bd. of Ed., Huntington.
Wayne Co. Bd. of Ed., Wayne Co.

WISCONSIN

Second Congressional District

Jt. S.D. No. 8, City of Madison.
Jt. S.D. No. 2, Sun Prairie.
McFarland C.S.D., Jt. No. 8.
Jt. S.D. No. 10, Village of Arlington, Poynette.

Third Congressional District

Jt. S.D., City of Prescott.
Jt. S.D. No. 9, City of Elroy.

Eighth Congressional District

Jt. S.D. No. 1, City of Green Bay.
Jt. S.D. No. 2, West De Pere.

Tenth Congressional District

Jt. S.D. No. 1, City of Hudson-Troy, St. Croix Co.

Mr. EAGLETON. I yield to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I compliment the Senator from Missouri for offering this amendment. School districts all across the country are suffering from acute financial distress. It is the purpose of many Members of the Senate to come to their aid with additional and permanent solutions to their financial problems, but until such time this amendment offered by the distinguished Senator from Missouri will offer substantial interim relief.

The financial crisis confronting our schools is one of the major challenges of the 1970's. And nowhere are the inadequacies of our antiquated system for financing primary and secondary public education more evident than in my own State of Illinois.

In school district after school district, from Cairo to Chicago, school boards of education which should be expanding services cannot find enough money to maintain the status quo. Early closings, teacher dismissals, increased class sizes and cutbacks in programs are being considered and implemented throughout the State.

Clearly a new approach to Federal assistance is needed. Under the best of circumstances, however, a permanent solution could not be expected to take effect until 1973 at the earliest. But this year the Chicago public school system faces a $100 million deficit. It was 2 weeks ago 630 teachers were dismissed and special educational programs severely curtailed. This June Chicago's schools will be forced to close several weeks early. Promises of future relief cannot pay today's bills. Interim aid which can help preserve current educational services will pay for itself many times over when new, long-range programs are enacted. The amendment which Senator EAGLETON and I offer today provides just such interim relief.

By providing that for purposes of an educational system's impact aid entitlement, Federal property transferred to the new independent U.S. Postal Service will continue to be treated as Federal property for the next 2 years, this bill will mean an extra $10 million for some 45 beleaguered school districts throughout Illinois.

In Chicago alone, where two-thirds of the impact aid allotment has been on behalf of children whose parents are postal employees, this amendment could mean as much as $7 million over the next 2 years. That is enough to hire back almost all of the 630 teachers who were dismissed; or save both the intensive reading program designed to improve reading instruction in the inner city and the 100-year-old adult education program; or keep the schools open longer in June. It is tragic that in a nation as rich as ours we are faced with these kinds of choices, but we are fortunate that we have the opportunity to salvage something by passing this special impact aid amendment today.

Mr. JAVITS. Mr. President, as a principal sponsor, with Senator NELSON, of S. 3054, and ranking minority member of the Committee on Labor and Public Welfare, I urge that the bill be passed.

The bill would delete a restriction contained in subsection (b) of section 310 of the Manpower Development and Training Act of 1962.

Without this deletion, the Secretary of Labor would be unable to renew or enter into contracts for the continuation of any programs under the act requiring the disbursement of funds beyond December 30, 1972.

The Manpower Development and Training Act of 1962 is one of our principal authorities at the present time for job training, upgrading, and work experience programs for economically disadvantaged, unemployed, and underemployed persons. It is currently funded at $750,000,000 for this fiscal year and provides benefits to hundreds of thousands enrollees.

Under its authority such crucial programs as the JOBS program—Jobs in the Private Sector; the Neighborhood Youth Corps summer—in-school and out-of-school programs, and other activities, including programs conducted by the States, have been conducted over the years.

The act itself will expire this June 30, 1972.

It is expected that the Senate Committee on Labor and Public Welfare and the Education and Labor Committee in the House and the conferees will act prior to that time with respect to a substantial reform of these programs and similar programs conducted under title I of the Economic Opportunity Act.

The administration's Manpower Revenue Sharing Act—and a number of other comprehensive proposals will be considered in that regard; each would repeal the Manpower Development and Training Act and the Economic Opportunity Act authorities.

But in the meantime the Secretary of Labor, in administering the existing programs, is subject to the provision set forth in subsection (b) of section 310, which prohibits disbursement of funds beyond this calendar year.

Mr. President, the effectiveness of existing programs has stemmed in large part from the fact that the Secretary could enter into grants and contracts extending over at least a year's duration, thus providing security to those engaged in the program and, in many cases, insuring the involvement of the private sector.

Without deletion of this section, the Secretary could enter into contracts up until the date of the act's expiration, June 30, but the contract or grant itself could only authorize activities through December 30—for a 6-month period, thus effectively undermining the program through fiscal year 1973.

Mr. President, this bill has the full support of the minority members of the committee and of the administration. In the latter connection I ask unanimous consent that there be printed in the RECORD at this point a copy of a letter to me dated January 26, 1972, from Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, which emphasizes the need for immediate action along these lines to permit continuity of programing pending enactment of a permanent new manpower program.

Mr. President, for these reasons I urge that the bill be passed so that these vital programs may continue while we act to provide a new legislative base for job and training programs which are so vital to our efforts to combat poverty and to give meaning to efforts of our people to support themselves.

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

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT
SECRETARY FOR MANPOWER,
Washington, D.C.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: As you are aware, it is very important for the manpower training program and our unemployed citizens, that quick action be taken providing continuity of MDTA training programs. Title II of the MDTA expires June 30, 1972. Section 310(b) stipulates that no funds may be disbursed after December 30, 1972. In order to permit time to close out and complete payment for training services, we cannot approve new projects which extend beyond October 30, 1972. This means that we cannot now, with FY 1972 funds already appropriated, establish training of more than a few months duration. Each week that passes further limits our capability to fund meaningful training programs.

In light of the pending Manpower Revenue Sharing Act and related manpower legislation which would replace the expiring MDTA, the House passed last session, a bill extending the expiring provisions for one year. The bill, S. 3054, introduced by you and Senator Nelson would delete the proviso in Section 310(b) terminating disbursements next December 30, but would not permit new projects after June 30, 1972. Enactment of this bill or the one passed by the House would provide the immediate legislative action needed to permit continuity of programing pending enactment of a permanent new manpower program. As you know, the President has proposed July 1, 1973, as the effective date for manpower revenue sharing. The House bill would authorize continuation of existing programs to that date without need of additional interim legislation.

Sincerely,
MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

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

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

S. 3054

An act to amend the Manpower Development and Training Act of 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out the colon and the following: "*Provided,* That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1972."

SEC. 2. That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON FINAL DETERMINATION WITH RESPECT TO INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, its final determination with respect to Docket No. 135, the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, the Iowa Tribe of the Iowa Reservation in Oklahoma, et al., the Sac and Fox Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Missouri, and the Sac and Fox Tribe of Mississippi in Iowa, et al., Plaintiffs, against the United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

PROPOSED AMENDMENT OF LAW RELATING TO CONDUCT OF CERTAIN PUBLIC HEARINGS

A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to amend the law relating to the conduct of public hearings before the Zoning Commission of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED HOLDING COMPANY SYSTEM REGULATORY ACT

A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to improve the laws relating to the regulation of insurance companies in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Increase in Unsuitability Discharges of Marine Corps Recruits Requires Improved Planning and Administration" (with accompanying report); to the Committee on Government Operations.

REPORT OF THE AGRICULTURAL HALL OF FAME AND NATIONAL CENTER

A letter from the Assistant Secretary, The Agricultural Hall of Fame and National Center, transmitting, pursuant to law, a report of that organization, for the fiscal year September 1, 1970 through August 31, 1971 (with an accompanying report); to the Committee on the Judiciary.

MARIHUANA AND HEALTH REPORT

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual Marihuana and Health Report (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, his report of all expenditures during the period July 1, 1971, through December 31, 1971 (with an accompanying report); ordered to lie on the table and to be printed.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on the Judiciary: Relating to urging Congress to adopt Senate Bill 215 providing procedures for calling constitutional conventions.

Whereas, under article V of the Constitution of the United States conventions may be called to amend the constitution; and

Whereas, some persons contend that no limitations on the subject matter as such conventions are presently in force; and

Whereas, some persons contend that a hastily called convention, in a moment of national turmoil could result in the loss of basic rights; and

Whereas, the honorable Senator Ervin has introduced legislation (Senate Bill 215 of the 92d Congress) establishing procedures for calling a limited convention restricted to matters contained in the petitions from the states requesting the convention; now, therefore, be it

Resolved by the assembly, the senate concurring, That this legislature supports Senate Bill 215, and, in particular, supports the provisions limiting the subject matter of the convention to the specified issues; and, be it further

Resolved, that duly attested copies of this resolution be transmitted to the secretary of the United States senate, and chief clerk of the house of representatives of the United States and to every member of the congressional delegation from Wisconsin.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MOSS:

S. 3171. A bill to provide additional funds for certain wildlife restoration projects, and for other purposes. Referred to the Committee on Finance.

By Mr. TOWER:

S. 3172. A bill to amend the Internal Revenue Code of 1954 to allow a credit to indi-

viduals for certain expenses incurred in providing or obtaining elementary, secondary, or higher education. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. JACKSON, Mr. MANSFIELD, Mr. TUNNEY, Mr. EAGLETON, Mr. GRAVEL, Mr. HATFIELD, Mr. HOLLINGS, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. STEVENS, and Mr. THURMOND):

S. 3173. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada. Referred to the Committee on Commerce.

By Mr. MANSFIELD (for Mr. JACKSON) (for himself and Mr. ALLOTT) (by request):

S. 3174. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT:

S. 3175. A bill to establish a land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes Referred to the Committee on Interior and Insular Affairs.

By Mr. SCHWEIKER:

S. 3176. A bill for the relief of Talaat Abdel-Malek, his wife, Linea Abdel-Malek, and their children, Lydia Abdel-Malek, Lillian Abdel-Malek, and Louis Abdel-Malek. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S.J. Res. 204. A joint resolution to authorize the preparation of a History of Public Works in the United States. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 3171. A bill to provide additional funds for certain wildlife restoration projects, and for other purposes. Referred to the Committee on Finance.

ARCHERY EXCISE TAX FOR WILDLIFE RESTORATION

Mr. MOSS. Mr. President, I am today introducing a bill to impose manufacturers excise tax on bows, arrows, and certain other archery equipment suitable for hunting purposes.

The funds made available would be used to help finance the Wildlife Restoration Act, which provides money on a matching-grant basis to State wildlife departments for research, management, land acquisition, development, and other essential purposes.

This bill would place upon archery equipment adaptable for hunting a tax similar to that already placed upon sporting firearms and ammunition. The amount of tax is the same—11 percent of the price for which the item is sold.

The 11-percent tax on sporting firearms and ammunition was authorized in 1937, and since that time more than $438 million has been made available for the management and enhancement of wildlife. A year ago, the long-existing 10-percent excise tax on handguns was finally dedicated to wildlife restoration, and it is estimated this will add $6 million annually to the approximately $35 million now being invested annually in the wildlife restoration program. The bill I am introducing will place upon bow hunters and the archery industry generally, for whom longer and more liberalized hunting seasons have been provided, the same responsibility for building up our wildlife populations as are already placed upon hunters using other types of weapons.

A similar bill is before the House of Representatives.

By Mr. TOWER:

S. 3172. A bill to amend the Internal Revenue Code of 1954 to allow a credit to individuals for certain expenses incurred in providing or obtaining elementary, secondary, or higher education. Referred to the Committee on Finance.

Mr. TOWER. Mr. President, I am today introducing the General Education Tax Credit Act of 1972. This bill would amend the Internal Revenue Code of 1954 by providing a tax credit of up to $325 to a taxpayer for certain expenses incurred in providing or obtaining elementary, secondary or postsecondary education. The provisions of the bill are geared to benefit primarily lower- and middle-income taxpayers. The credit would be computed on the first $1,500 of expenses for each student in the following manner: Seventy-five percent of the first $200; 25 percent of the next $300; and 10 percent of the remaining $1,000.

The need for this legislation is becoming increasingly urgent. The low- to middle-income taxpayer is finding tuition costs harder to meet as he or she is beseiged with increased taxes and a shrinking dollar. Furthermore, many American educational institutions find themselves in a state of finantcial crisis.

Americans with children in college have seen the inexorable increase in the costs of postsecondary education. According to estimates compiled by the U.S. Office of Education, the average charges for tuition, fees, and room and board for a full-time resident undergraduate student in a public 4-year university for the 1971–72 school year will cost $1,527. For other public 4-year institutions the cost for the year is estimated at $1,305. In private institutions the average cost for the year are estimated at $3,354 for a university and $2,820 for other 4-year colleges. These figures do not include incidentals such as travel, recreation, and clothing.

Present programs of the Federal Government to provide financial assistance to students in the form of loans and grants are simply not doing the job, especially for the middle-income family which usually needs the assistance but cannot qualify for the programs. At the same time, many colleges have been forced to either close their doors permanently or cut back on valuable academic endeavors, because they have been unable to meet the increased costs.

Coupled with the problem at the higher levels of education is the financial crisis in the Nation's public elementary and secondary schools. There is a nationwide "taxpayers revolt" against property tax increases. We have witnessed the truly tragic closing of public schools for months at a time as taxpayers have rejected in referendum after referendum tax increases and local bond issues.

Mr. President, of course an additional complication are recent Federal and State court decisions holding that existing systems of public school financing are discriminatory and unconstitutional, because of the disparities in spending among school districts. One of these decisions occurred in Texas where a Federal district court ruled that the current method of State expenditures for public elementary and secondary education deprives certain individuals of their constitutional rights as guaranteed by the 14th amendment.

Nonpublic schools are also in serious financial condition. Catholic schools, which comprise the bulk of nonpublic schools, have been declining in number and gross enrollment over the last decade. In 1960, there were 12,805 elementary and secondary Catholic schools with an enrollment of 5.1 million. In 1970, the number of schools had been reduced to 12,029 and the number of students in attendance had declined to 4.7 million. These schools have been unable to compete with public schools for lay teachers and have been forced to close as their costs increased. Therefore, parents in the low- and middle-income bracket who want their children to have the benefits of religious instruction as well as academic instruction have been particularly hard hit. They have had the double burden of supporting public schools through property taxes in addition to paying tuition expenses at private schools. Increasingly these parents are shifting their children to the public school system as they find that they are unable to stand the financial burden or that the quality of the parochial or private school has deteriorated as a result of cost cutting.

Mr. President, the financial conditions affecting parochial and private schools have a tremendous adverse affect on our public school system. When parents take their children out of private schools or decide not to send them at all it further aggravates the terrible financial situation in the public institutions.

My bill will attack these problems at all three levels of education. It will relieve the pressure on the public school system by enabling more parents to send their children to private schools. It would enable many thousands of students who would otherwise be denied the opportunity to achieve higher education to attend these institutions. It would reduce the pressure on colleges and universities to cut or maintain current fees when the need for additional revenue is so important to achieve the goal of improved academic education. Coupled with S. 1543, a bill I introduced earlier in the session which provides a tax credit for contributions made to educational institutions, it provides an incentive for individuals not related to a student to help

meet the cost of higher education, since they would also be eligible for the credit if they helped a student meet the cost of higher education.

Mr. President, the tax credit idea is well suited for educational endeavors. I have long supported this method of financing as an alternative to direct Federal involvement in education. Many years ago I joined the distinguished Senator from Connecticut (Mr. RIBICOFF) in sponsoring legislation to provide tax credits for the support of higher education. There is wide support for this method of financing education as manifested by the Senate vote on an amendment by the distinguished Senator from South Carolina (Mr. HOLLINGS) to the Revenue Act of 1971.

By adopting this proposal, the country's educational standards will be raised, and, at the same time, it will assure retention of decisionmaking by local school boards and college administrators who can best reflect the desires of parents and students. Since no direct Government assistance is involved, there will be no necessity for the imposition of Federal bureaucratic judgments at any level of education. Furthermore, it avoids any conflict with our traditional principle of separation of church and State as guaranteed by the first amendment, since there will be no connection between the Government and any religious institution.

While this proposal will improve the Nation's educational system at all levels, it will not fully solve the problem brought about by recent Federal and State court decisions that have declared existing systems of public school financing to be unconstitutional. I have read and studied the decision handed down by the U.S. District Court for the Western District of Texas that declared my State's system of school finance unconstitutional. I have certain reservations about this decision which I will spell out at a later time. Texas educational leaders are still studying the decision and are hopeful of finding an equitable method to meet the constitutional requirements set down by the court. Furthermore, I am hopeful that the Supreme Court will soon render a judgment on an appeal that I understand will be lodged by the State.

However, I will make one comment on this problem at this time: While the Congress and the executive branch of Government should certainly study the ramifications of this decision, any proposal that seeks to place the Federal Government in the position of being the primary base for funding our public schools has the potential of destroying our principle of local control over public education. Furthermore, such a proposal regardless of its equitable and objective intent will only raise more questions about the viability of federalism as the key element of our governmental system.

Mr. President, my bill will afford local and State governments with a better opportunity to solve their own problems. Critics may harp on the revenue loss involved in the proposal I introduce today. This is a very short-sighted view. Any revenue foregone in the short term will be more than regained in the future as taxes paid as a result of increased earnings by the children whose length of time in school has been extended by this legislation.

Education is definitely the key to life income. According to 1970 Census Bureau figures, the lifetime difference between an elementary school education and a high school diploma is $137,340. The lifetime economic difference between a high school diploma and a college degree is $245,205.

Furthermore, dollars and cents ignore the role that education plays in the personal fulfillment of every individual. The growing expense of education is prohibiting a great number of our brightest and able youngsters from developing their full potential. As a former college professor myself, I can attest to the positive aspects of a postsecondary education in terms of both social and mental advancement.

Mr. President, I ask unanimous consent that the text of this bill be inserted into the RECORD at this time. Because of the importance and controversy now surrounding the issue of school finance, I urge my colleagues in the Senate to give it their most careful consideration.

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

S. 3172

A bill to amend the Internal Revenue Code of 1954 to allow a credit to individuals for certain expenses incurred in providing or obtaining elementary, secondary, or higher education

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 "General Education Tax Credit Act of 1972".

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. EDUCATION EXPENSES.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the qualified education expenses paid by him during the taxable year to one or more educational institutions in providing elementary, secondary, or higher education for himself or for any other individual.

"(b) LIMITATIONS.—

"(1) AMOUNT PER INDIVIDUAL.—The credit under subsection (a) for qualified education expenses of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 75 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 10 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) Proration of credit where more than one taxpayer pays expenses.—If qualified education expenses of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) which the amount of qualified education expenses of such individual paid by the taxpayer during the taxable year is of the total amount of qualified education expenses of such individual paid by all taxpayers during the taxable year.

"(3) Reduction of credit.—The credit under subsection (a) for qualified education expenses of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection, shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(c) DEFINITIONS.—For the purposes of this section—

"(1) QUALIFIED EDUCATION EXPENSES—The term 'qualified education expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above kindergarten at an educational institution, and

"(B) fees, books, supplies, and equipment required for courses of instruction above kindergarten at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Educational institution.—The term 'educational institution' means—

"(A) an educational institution (as defined in section 151(e)(4))—

"(i) which regularly offers education at a level above kindergarten; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); and

"(B) a business or trade school, or technical institution or other technical or vocation school in any State, which (i) is legally authorized to provide, and provides within the State, a program of vocational or technical education designed to fit individuals for useful employment in recognized occupations; (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for 2 years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(d) Special Rules.—

"(1) Adjustment for certain scholarships and veterans' benefits.—The amounts otherwise taken into account under subsection (a) as qualified education expenses of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includable in gross income, and

"(B) educational assistance allowance under chapter 34 or 35 of title 38, United States Code.

"(2) CERTAIN NONCREDIT AND RECREATIONAL AND SO FORTH COURSES.—Qualified education expenses of an individual paid to an institution of higher education shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the at-

tainment of a predetermined and identified educational, professional, or vocational objective.

"(3) PAYMENT OF EXCESS CREDIT TO TAXPAYER.—If the amount of the credit allowable under subsection (a) to a taxpayer for the taxable year exceeds the amount of the tax imposed on the taxpayer by this chapter for the taxable year, reduced by the sum of any credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), section 38 (relating to investment in certain depreciable property), section 40 (relating to expenses of work incentive programs), and section 41 (relating to contributions to candidates for public office), then such excess shall be treated as an overpayment of tax.

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any qualified education expense which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the qualified education expenses of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Education expenses.

"Sec. 43. Overpayments of tax."

SEC. 3. The amendments made by this Act shall apply to taxable years ending on or after the date of the enactment of this Act, but only with respect to expenses paid on or after such date.

By Mr. CRANSTON (for himself, Mr. JACKSON, Mr. MANSFIELD, Mr. TUNNEY, Mr. EAGLETON, Mr. GRAVEL, Mr. HATFIELD, Mr. HOLLINGS, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. STEVENS, and Mr. THURMOND):

S. 3173. A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada. Referred to the Committee on Commerce.

EARTHQUAKE PREDICTION ACT OF 1972

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, legislation to authorize research in the field of earthquake prediction. The legislation will implement a U.S. Geological Survey proposal which should give us the ability to predict, 3 months in advance, when an earthquake will occur, pinpointing the date within 3 days, and the location within 20 miles of where the earthquake will hit hardest.

Last Wednesday, February 2, an earthquake that registered 4.5 on the Richter scale shook areas of South Carolina. Because the earthquake was centered in a rural area, the earthquake did minimal damage. Unfortunately, many earthquakes do occur in the United States that cause considerable damage. Damaging earthquakes have occurred in all 50 States. Scientists forecast that in at least 20 States severe shocks will occur again.

Experts estimate that if another earthquake occurred in California of a magnitude comparable to the 8.3 Richter of the 1906 San Francisco earthquake, between 5,000 and 100,000 lives would be lost and up to $50 billion worth of property would be destroyed. Scientists forecast an earthquake of this magnitude will occur in California within the next 30 years. The earthquake last February in California's San Fernando Valley registered 6.6 on the Richter scale.

In that recent earthquake 64 lives were lost and between $500 million and $1 billion worth of property was destroyed.

If the ability to predict the earthquake had existed the gravest crisis of the San Fernando earthquake could have been averted altogether. When the concrete apron of the Lower Van Norman Dam gave way, only 5 feet of soil separated the San Fernando Valley from 3.6 billion gallons of water behind the dam. More than 80,000 persons were evacuated and estimates warn that up to 10,000 persons would have been killed if the dam had given way. Experts say the dam would have collapsed if the water had been 4 feet higher. Only by merest chance were those thousands of lives saved. Earthquake prediction will take from the hands of chance and place in the hands of science the responsibility to save those lives. If the earthquake had been predicted scientifically, the water in the dam would have been lowered and the danger to those thousands of lives prevented.

The U.S. Geological Survey has proposed this plan which within 5 years should enable them to predict medium and major earthquakes in California and Nevada, giving the day the earthquake will occur within 3 days. Prediction will come up to 3 months before the earthquake actually occurs. This will provide adequate advance warning.

The possibility of this prediction ability exists because of the tremendous breakthroughs in seismology in the past few years. Japanese seismologists were able to give earthquake warnings at Matsushiro in 1966. Russian scientists plan to be able to issue their first formal public earthquake warnings this year if one should occur in the Tadzhik Republic in Siberia where they have been conducting extensive experiments. The Russians expect to be able to predict the location of a quake 5 days in advance and to gage its magnitude to within plus or minus 0.5 on the Richter scale. The United States currently has no such capability.

Both the National Academy of Sciences and the U.S. Geological Survey call for full-scale research by the United States in this important field. Research up to the moment in earthquake prediction has found that certain movements such as previously random foreshocks begin to behave in a systematic fashion and a change occurs in the conductivity of the rocks in the region of an imminent earthquake. These "signal" an upcoming earthquake. Future research should be along the lines of the program embodied in the bill, the U.S. Geological Survey states.

The program authorized by this legislation provides for instrumentation that will be comprised of more than 1,000 geophysical measuring devices along the 600 mile length of the San Andreas Fault system. Some of the research would be aimed at creating more efficient and more reliable instruments to work under the conditions required. These instruments would be linked to a computer that would gather the data and interpret the movements of the earth over a period of time. Further studies to learn the patterns that precede earthquakes, and the many factors that can aid in earthquake prediction, will be part of the program. Other aspects of it include use of the satellite network to help in the study of volcanic forces, earth movements, and other relevant data.

The first 3 years of the 5-year program would be devoted mainly to producing and deploying instruments known to be useful in earthquake prediction, and for developing and testing new devices.

Within 5 years the plan should enable American scientists to predict an earthquake of a magnitude of Richter 5 or greater 3 months in advance, to estimate its severity to within 1 unit of magnitude, and to locate it within a 3–20 miles area. While beginning research would concentrate on faults in California and Nevada, the knowledge gained would be sufficient to predict earthquakes anywhere in the country when the necessary instrumentation has been established.

Once the ability to predict earthquakes exists, knowledge of the best way to warn people is required. It is not known precisely how earthquakes affect people's behavior and psychological reactions. A study of mass behavior may show that it is best to warn people several months in advance, or it may show that a general public warning should only be issued a few days before the coming earthquake. Problems like this will be studied by the portion of the program directed by the Office of Emergency Preparedness.

A plan determining what steps should be taken before the earthquake will be developed.

This plan would include evacuating particularly vulnerable buildings, lowering water levels behind dams to prevent flooding, and turning off gas and electricity to structures likely to be heavily damaged, to prevent fires like the one that followed the San Francisco earthquake in 1906. Emergency supplies of water, food, and medicine will be readied. Such a plan is necessary to best utilize the ability to predict earthquakes.

This earthquake prediction bill provides an authorization of $12.2 million a year for 5 years. The U.S. Geological Survey will direct use of $12 million a year for instrumentation, collection, and interpretation of data from such instrumentation, and supporting field and theoretical studies. Additionally, the Office of Emergency Preparedness will utilize $200,000 each year to study the problems of issuing an earthquake warning, how to make the warning effective, the physical effects of earthquakes, and the behavioral and psychological effects from earthquakes.

The ability to predict earthquakes will greatly reduce the loss of life and injuries earthquakes cause. It will also drastically reduce the large amounts of property

damage earthquakes now are able to inflict—thus making the authorization this bill calls for a very sound financial investment.

It is to alleviate these disastrous losses earthquakes cause that I am now introducing this legislation.

Mr. President, I ask unanimous consent that the bill 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. 3173

A bill to provide a sound physical basis and an operational system for predicting damaging earthquakes in heavily populated areas of California and Nevada

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Earthquake Prediction Act of 1972".

(b) The Congress hereby finds and declares that the San Andreas fault and closely related faults of California and Nevada are areas of high seismic risk, that 9.8 per centum of the population of the United States lives in California, that the highly developed urban areas of San Francisco and Los Angeles and their surroundings are especially vulnerable to the dangers of earthquakes, that Japanese scientists have issued earthquake warnings, and that seismic research in the United States is sufficiently advanced that an earthquake prediction capability can be achieved with an earthquake prediction program. To minimize loss of life and property damage, the Congress hereby declares that it is its purpose to establish a program of instrumentation of the San Andreas and closely related faults of California and Nevada; to provide for the collection, analysis and interpretation of data from such instrumentation; and to provide supporting field, laboratory, and theoretical studies leading to the goal of predictions of earthquakes along the San Andreas fault zone.

SEC. 2. (a) It shall be the function and duty of the Director of the Geological Survey to develop and carry out an earthquake prediction program which shall include—

(1) heavy instrumentation of the San Andreas fault and closely related faults of California and Nevada to obtain detailed records of data useful in developing an earthquake prediction capability;

(2) establishment of facilities for the collection and computerized reduction, analysis, and interpretation of the data flow from such instruments;

(3) supporting field, laboratory, and theoretical studies; and

(4) development and field-testing of additional instruments which are useful in connection with the foregoing provisions of this section.

In carrying out that part of such program involving or relating to research purposes, and in expending a significant portion of the funds appropriated pursuant to this Act for such program, the Director shall utilize the services of research personnel in institutions of higher education and public entities or organizations (other than Geological Survey) and private entities or organizations concerned with seismic research.

(b) (1) There is hereby established an Advisory Committee for the Earthquake Prediction Program (hereinafter referred to as the "advisory committee"). The advisory committee shall consist of not less than seven nor more than fifteen members who shall be appointed by the Director of the Geological Survey from among individuals recommended by the National Academy of Sciences. The advisory committee shall select a chairman and vice chairman from among its members.

(2) It shall be the function of the advisory committee to advise and assist the Director in developing and carrying out the earthquake prediction program provided for in subsection (a).

SEC. 3. (a) The Director of the Office of Emergency Preparedness is authorized to establish and carry out a program to review and assess the current state of knowledge on earthquake prediction and the warning systems, to identify key problem areas for further research and evaluation, and to determine what additional steps may be needed to reduce primary and secondary losses from earthquakes. Such review and assessment shall include—

(1) a forecast of the problems expected to be associated with the issuance of earthquake warnings to the population residing in high seismic risk areas;

(2) an analysis, prepared prior to the issuance of earthquake warnings, of steps which should be taken to make such warnings effective, and of how to make the decision to issue the warnings;

(3) an analysis, prepared prior to the occurrence of an earthquake, of the physical effect of an earthquake; and

(4) an analysis, prepared prior to the occurrence of an earthquake, of the behavioral and psychological effects of an earthquake.

(b) The Director of the Office of Emergency Preparedness is authorized to enter into contracts, agreements, or other appropriate arrangements with the National Academy of Sciences to provide such necessary scientific advisory services as may be required in carrying out the purposes of this section.

SEC. 4. The President of the National Academy of Sciences and the Director of the Office of Emergency Preparedness shall make information developed pursuant to this Act available to the Office of Science and Technology, the Congress, Governors in States of high seismic risk, and other government and private organizations which are concerned with preparations for or reactions to earthquakes or earthquake warnings.

SEC. 5. (a) For purposes of section 2 of this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next following four fiscal years. the sum of $12,000,000.

(b) For purposes of sections 3 and 4 of this Act, there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next following four fiscal years, the sum of $200,000.

By Mr. MANSFIELD (for Mr. JACKSON) (for himself and Mr. ALLOTT) (by request):

S. 3174. A bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I introduce a bill and I ask unanimous consent that a statement prepared by him together with certain other material be printed in the RECORD.

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

STATEMENT BY SENATOR JACKSON

Mr. President, on behalf of myself and the distinguished senior Senator from Colorado (Mr. ALLOTT), who is the ranking minority member of the Committee on Interior and Insular Affairs, I send to the desk for appropriate reference a bill to provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes.

This legislation was submitted and recommended by the Secretary of the Interior, and I ask unanimous consent that the letter from the Secretary accompanying this draft proposal and the bill be printed in the RECORD at this point in my remarks.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To provide for the establishment of the Golden Gate National Recreation Area in the State of California, and for other purposes."

We recommend that the bill, a part of the environmental program announced today by President Nixon, be referred to the appropriate committee for consideration, and we recommend that it be enacted.

As President Nixon has pointed out, "The demand for urban open space, recreation, wilderness and other natural areas continues to accelerate. In the face of rapid urban development, the acquisition and development of open space, recreation lands and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures".

On May 10, 1971, this Department, in furtherance of the President's objective to provide parks in urban areas, proposed legislation to establish the Gateway National Recreation Area in New York and New Jersey. The Golden Gate National Recreation Area in California, as proposed in the enclosed draft bill, is yet another significant step which we recommend be taken toward this high goal.

In 1960, the population of the San Francisco-Oakland standard metropolitan statistical area was approximately 2,500,000. In one decade the population has almost doubled, totaling more than 4,500,000 at present, and in 1990 it will measure more than 7,500,000. While the City and County of San Francisco, Marin County, and the State of California have all provided some open space, the potential for park and recreation development of a much greater acreage should be realized in order to meet the demonstrated need for recreation space.

The boundaries of our proposed Golden Gate National Recreation Area would encompass some 24,000 acres of existing State and County parkland with undeveloped military reservations and private lands into an area offering a variety of outdoor recreation uses.

The boundaries of the national recreation area will extend from the southern boundary of Point Reyes National Seashore southward approximately 22 miles along the Pacific Ocean to the north end of Golden Gate Bridge. Across the Bridge, it will extend from the existing San Francisco Maritime State Historic Park on the east to Fort Point on the west, and from Fort Point westward and southward along the Pacific Ocean about nine miles to include Fort Funston at the southern end. In San Francisco Bay itself, Angel Island and Alcatraz would comprise the third major component of the national recreation area.

The area on the north side of the Golden Gate, which will connect with the Point Reyes National Seashore, is largely undeveloped rugged open land suitable for camping, hiking, fishing, and nature study. It consists of 7,472 acres of State parkland, 2,067 acres of Federally owned land, 198 acres of county land, and 8,021 acres of privately owned land.

On the south side of the Golden Gate is heavily used urban parkland including Fort Mason, Gashouse Cove, Crissy Field, and Marine Green. The Sutro Seaside area will provide water-oriented recreation, and the

Ocean Dunes will be protected and administered for hiking and swimming. Alcatraz Island's chief uses will feature its historic role and its unique location as a vantage point from which to view activities in San Francisco Bay.

Though adjacent to Golden Gate National Recreation Area, Fort Point already designated as a national historic site by the Act of October 16, 1970 (84 Stat. 970), and Muir Woods National Monument, established by Presidential Proclamation No. 793 on January 9, 1908, will retain their identity as separate units of the National Park System.

Land ownership for the proposed Golden Gate National Recreation Area is approximately as follows:

	Acres
Federal	3,618
Army	3,384
Air Force	12
Coast Guard	222
State	[1]11,337
County (Marin)	198
Private	8,021
Total	23,174

[1] Of this acreage, 3,840 acres is submerged land.

Under the bill, those Federal lands which now comprise Forts Cronkhite, Barry and the western portion of Fort Baker, together with other nearby Federal lands, would be transferred to the administrative jurisdiction of the Secretary of the Interior, subject to continued use and occupancy of certain areas by the Department of the Army for a period sufficient to allow relocation of essential military and support facilities. Those areas within the Presidio of San Francisco known as Baker Beach and Crissy Army Airfield would be made available for public use as units of the receration area, subject only to continued use of the airfield during a phase-out period. All other Federal land within the Presidio, the eastern portion of Fort Baker, and Coast Guard property not subject to immediate transfer would be transferred to the Secretary of the Interior as it is determined to be excess of military or operational requirements. This proposed transition from military to recreation use of the historic property adjacent to Golden Gate Bridge takes into account the essential nature of some existing military activities, while providing an immediate, and significant increase in the number of acres available for public recreation.

We propose that State-owned lands within the recreation area be managed by the State of California in a manner compatible with Federal administration of adjoining areas, and that there be no transfer of State property to the administrative jurisdiction of the Secretary at this time. Section 2(a) of our draft bill does provide, however, for acquisition, development and administration of such State lands as may later be donated for this purpose, and Section 3(a) authorizes the Secretary to enter into such agreements with the State of California as may "contribute to uniform management and public use of all publicly owned lands within the recreation area". The 8,021 acres of private land would be acquired, and, where appropriate, leased back to permit continued compatible uses pursuant to the authority in the Act of July 15, 1968 (82 Stat. 354), except that we do not propose to acquire the Audubon Society property (61.48 acres) so long as present compatible uses are continued. Although not specifically provided for, life estates or estates for a term of years, could under provisions of the bill, be permitted in appropriate instances. In addition, scenic easements or other less-than-fee interest can be acquired where appropriate.

Estimated costs for development of the recreation area are approximately $58,000,000. The estimated development cost is based on May 1971 prices, and section 5 of the bill relates the appropriation limitation for development to cost indices as of that date.

Land costs are estimated to be $27,620,000, which is programmed over a three-year period. This estimate includes the cost of acquisition of twenty-one improvements as well as the cost of compliance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Real property taxes on the private lands to be acquired totaled $235,321 in 1970. Annual operation and maintenance is expected to cost $1,354,832 the first year, and will increase to about $2,126,039 during the fifth year. A man-year and cost data statement is attached.

The Office of Management and Budget has advised that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

S.3174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural, historical, and recreational features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area"). There shall be included within the boundaries of the recreation area those properties in the San Francisco Bay area generally depicted on the map entitled "Boundary Map, Golden Gate National Recreation Area, San Francisco and Marin Counties, California", numbered NRAGG–20,000C and dated January 1972, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the recreation area by publication of a notice to that effect in the *Federal Register* at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable recreation area have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the recreation area, but the total area within the boundaries shall not exceed 24,000 acres.

SEC. 2. (a) The Secretary may acquire lands and waters and interests therein within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange, except that property or interests therein owned by the State of California or any political subdivision thereof may be acquired only by donation, subject to such terms and conditions as may be mutually agreed to and subject to such valid existing rights as may exist under the laws of such State or political subdivision at the time of donation, *provided, however,* that the Secretary may acquire, develop and administer property or interests therein which the State of California or any political subdivision thereof may have retained a reversionary interest. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this Act structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

(b) The Federal property known as Fort Cronkhite, Fort Barry, and approximately one-half of the Federal property known as Fort Baker, together with certain additional Federal property located in Marin and San Francisco Counties, California, all as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG 20,002 and dated January 1972 is hereby transferred to the administrative jurisdiction of the Secretary for purposes of this Act, *provided, however,* that the Secretary shall grant: (1) a permit for continued use and occupancy by the Secretary of the Army for those portions of said property necessary for existing air defense missions until the Secretary of Defense determines that such requirements no longer exist, and (2) a permit for continued use and occupancy by the Secretary of the Army for those portions of said property for essential missions to include reserve activities and family housing for a period of 10 years or for such longer period of time as may be agreed upon by the Secretary; *and provided further,* that the portion of said Federal property known as Coast Guard Radio Receiver Station, Fort Cronkhite, comprising approximately 12.4 acres, shall remain under the administrative jurisdiction of the Secretary of the Department in which the Coast Guard is operating until such time as all or any portion thereof is determined by the Department in which the Coast Guard is operating to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(c) That portion of the Federal property known as Fort Baker not subject to transfer under the provisions of subsection (b) hereof shall remain under administrative jurisdiction of the Department of the Army until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act; *provided, however,* that the Secretary of the Army shall grant to the Secretary such rights as are necessary to assure reasonable public access through such area to Horseshoe Bay, together with the right to construct and maintain such public service facilities as the Secretary deems necessary for the purposes of this Act. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

(d) Upon enactment, the Secretary of the Army shall grant to the Secretary irrevocable use and occupancy of that Federal property within the Presidio of San Francisco known as Baker Beach consisting of approximately 100 acres, and as depicted on said map numbered NRAGG 20,002.

(e) Within ten years from the date of enactment, or such longer period of time as may be agreed upon by the Secretary, the Secretary of the Army shall grant to the Secretary irrevocable use and occupancy of that Federal property within the Presidio of San Francisco known as Crissy Army Airfield, consisting of approximately 45 acres, and be depicted on said map numbered NRAGG 20,002.

(f) That portion of the Federal property known as the Presidio of San Francisco not subject to the provisions of subsections (d) and (e) hereof shall remain under the administrative jurisdiction of the Department of the Army until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act. If the portion of said Federal property known as Fort Point Coast Guard Station, compris-

ing approximately 14.7 acres, is still in continued use by the Coast Guard at the time that property is declared by the Department of Defense to be excess to its needs, the Secretary shall grant a permit for continued use and occupancy by the Secretary of the Department in which the Coast Guard is operating for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

(g) That portion of Fort Miley comprising approximately 1.7 acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act.

(h) New construction and development within the recreation area on property remaining under the administrative jurisdiction of the Department of the Army and not subject to the provisions of subsections (d) or (e) hereof shall be limited to that which is required to accommodate facilities being relocated from property being transferred under this Act to the administrative jurisdiction of the Secretary or which is directly related to the essential missions of the Sixth United States Army; *provided, however,* that any construction on presently undeveloped open space may be undertaken only after prior consultation with the Secretary. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital or the Western Medical Institute of Research.

(i) The Federal property known as Point Bonita, Point Diablo, and Lime Point shall remain under the administrative jurisdiction of the Secretary of the Department in which the Coast Guard is operating until such time as all or any portion thereof is determined by the Department in which the Coast Guard is operating to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this Act. The Secretary of the Department in which the Coast Guard is operating may continue to maintain and operate existing navigational aids *provided that* access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this Act and the purpose of existing statutes dealing with establishment, maintenance, and operation of navigational aids.

Sec. 3. (a) Prior to the establishment of the recreation area and thereafter, the Secretary shall administer the lands, waters and interests therein acquired for the receation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. Notwithstanding their proximity to the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as separate units of the National Park System in accordance with the laws applicable to such monument and historic site. The Secretary is authorized to enter into agreements, subject to otherwise applicable Federal, State or local statutes, with the State of California or its political subdivisions with respect to any State and other publicly owned lands within the recreation area in order to contribute to uniform management and public use of all publicly owned land within the recreation area.

(b) Notwithstanding any other provision of law, the Secretary may provide such services and facilities as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public or private agencies or persons without advertising and without securing competitive bids.

(c) The Secretary is authorized to enter into cooperative agreements with Federal agencies, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire-fighting, law enforcement, water and sewer and other community services.

Sec. 4. The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the Golden Gate National Recreation Area in California shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

Sec. 5. There are hereby authorized to be appropriated not more than $27,620,000 for acquisition of lands and interests in lands, and not to exceed $58,000,000 (May 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

By Mr. ALLOTT:

S. 3175. A bill to establish a land-use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land-use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LAND-USE POLICY AND PLANNING ASSISTANCE ACT OF 1972

Mr. ALLOTT. Mr. President, I send to the desk for appropriate reference a bill to establish a land-use policy and to provide for planning assistance to the States.

The bill I introduce today is similar to the administration's bill (S. 992), in many respects, but I believe it is a substantially better bill. The areas of improvement include: Section 101, dealing with the findings and declaration of policy; section 102, dealing with the definition of terms; section 103, dealing with program development grants; and section 107 has been completely redrafted. In addition, the appropriations authorization has been increased from $20 million per year to $100 million per year. There are other minor revisions and improvements throughout the bill.

There is a modification to section 105 which I feel deserves special comment.

The scope of Federal review of State land-use plans should be limited to those aspects of the plan which have a Federal impact or are of more than local significance. The last thing the Federal Government should do is to allow its bureaucracy to get involved in the location of gas stations, schools, drug stores, and the like. To do so would be to insure the ultimate demise of the program, because the bureaucracy would become so bogged down in details as to render itself incapable of making decisions relative to the major policy matters. The intent of the language in section 105 of my bill is to insure that the reviewing authority of the Secretary is limited to that part of the State's land-use program dealing with large-scale development, key facilities, development, and land use of regional benefit, and new communities. There are matters of sufficient significance as to warrant a Federal interest and review.

Mr. President, I am also aware of the general propensity of Federal administrators to take a little bit of statutory authority and stretch it into a program far beyond the contemplation of Congress. With this in mind, I have provided in section 107 that before the Secretary shall take the final action of disapproving a State's application for a grant under the provisions of section 103 or 104, he shall provide to the Interior Committees of the Senate and the House of Representatives a copy of the plan or program together with his analysis and comments relative to the specific deficiencies of the plan or program. While section 107 does not provide for congressional review, it does provide Congress with an opportunity to see how the act is being administered, and I believe this is an appropriate exercise of the oversight function of Congress.

The bill I introduce today does not deal with Federal lands, however, as the Committee on Interior and Insular Affairs sits down to markup a land use bill, I believe that we will come to the realization that in the public land States it makes no sense to provide for planning on non-Federal lands without providing for planning mechanisms for Federal lands. About half of the lands in the Western States are Federally owned, and to ask those States to provide a meaningful plan without considering the Federal lands is like asking a boxer to go into the ring with one hand tied behind his back. I believe the committee will have to deal with this problem before a bill is reported to the Senate floor.

Mr. President, land use planning has been the subject of considerable discussion in the past few years. Many States have made a beginning, but the task is so enormous that Federal assistance appears necessary. The bill I introduce today will provide that assistance. It will also provide for Federal participation in those areas where there is reason for a Federal presence. It is not intended that my bill be considered the last word in land use planning legislation, rather it is a beginning. I feel that we should proceed with caution in this area, because it is an area with such a great potential impact upon the rights, the dreams, and the aspirations of every citizen as to command caution and prudence. I be-

lieve my bill is cautious and prudent; however, it should be clearly understood that in my opinion, we must move ahead in the area of land use without delay. It is my hope that my bill or one similar in concept will be signed into law during this session of Congress.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 377

At the request of Mr. TOWER, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 377, a bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes.

S. 963

At the request of Mr. MONTOYA, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes.

S. 1819

At the request of Mr. BAKER, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Kansas (Mr. PEARSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Virginia (Mr. SPONG), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 1819, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

S. 2064

At the request of Mr. PERCY, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 2064, a bill which would systematize and better regulate the use and the operations of Federal advisory committees.

S. 2071

At the request of Mr. MOSS, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 2071, a bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

S. 2497

At the request of Mr. WILLIAMS, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 2497, the Vietnam Children's Care Agency Act.

S. 2579

At the request of Mr. HARRIS, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2579, the ocean mammal bill.

S. 2713

At the request of Mr. HRUSKA, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2713, a bill to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

S. 2738

At the request of Mr. HUGHES, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 3131

At the request of Mr. BOGGS, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 3131, a bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such act with respect to the preservation of such rights.

S. 3152

At the request of Mr. CHILES, the Senator from Colorado (Mr. DOMINICK), the Senator from North Dakota (Mr. YOUNG), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to an error by an officer or employee of the United States.

S. 3162

At the request of Mr. ALLOTT, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3162, a bill to permit American citizens to hold gold.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of Senate Joint Resolution 112, relating to open admissions to public schools for all children.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 259—SUBMISSION OF A RESOLUTION COMMEMORATING THE GIRL SCOUTS OF AMERICA ON THEIR 60TH ANNIVERSARY, MARCH 12, 1972

(Referred to the Committee on the Judiciary.)

Mr. BAYH. Mr. President, today I am submitting a resolution to commend, during the week of March 12–18, the Girl Scouts of the United States for a progressive spirit and for their contributions to the surrounding community.

March 12, 1972, marks the 60th anniversary of Girl Scouting. Girl Scouting in the United States was founded in 1912 by Juliette Low in Savannah, Ga. Mrs. Low brought Girl Scouting from England, where Lord Baden-Powell had founded the Scout and Guide movements for boys and girls. The Girl Scouts were chartered by Congress on March 16, 1950. During those 60 years nearly 31 million girls, men and women have been members of the Girl Scouts. At the present time, there are 3,250,000 girls and 675,000 adults in scouting, with over 400 Girl Scout councils in the 50 States.

The ideals fostered by the Girl Scout organization are impressive. Girl Scouting strives to inspire girls with the highest ideals of character, conduct, patriotism, and service so that they may become happy and resourceful citizens. The organization gives a girl a chance to be herself, to choose what she wants to be, the personal values she wants to hold and the kind of life she wants to lead—in short, her own life style. Girl Scouts learn to make decisions early in life by actually making them.

The activities in which Girl Scouts are involved are truly innovative. Sixty years ago, Girl Scouts studied first aid. They camped, hiked and learned some basic home management skills. They still do. But Girl Scouts nowadays also tour space flight centers, participate in archeological digs, and join in experiments in self-government. They work directly with disadvantaged children in inner-city areas and migrant labor camps. Councils conduct drug education programs; they enlist the aid of other civic and service groups to make local communities aware of the need and the opportunity for effective action against drug abuse. The Girl Scout Council of the Nation's Capital sponsored an Anti-Drug Abuse Convocation in the fall of 1970, joining with other concerned community groups to circulate facts on drugs to area residents. The Girl Scouts produce ecology filmstrips, such as "I Am a River," which showed how a Girl Scout drive cleaned up a 7-mile stretch of the Hackensack River bank in northern New Jersey. I am particularly proud of the example set by Troop 271 of Martinsville, Ind. In Martinsville, Brownies often supply their county hospitals with favors and decorations to brighten the breakfast trays of patients.

Girl Scouting today is searching, relevant and forward looking. It has the capacity and readiness to set new directions and to welcome positive change.

Therefore, I believe the organization deserves our firm support, I ask unanimous consent that the following resolution commemorating the week of March 12–18 in honor of the Girl Scouts be printed at this point in the RECORD.

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

Whereas Girl Scouts of the United States of America, chartered by the Congress of the United States, is celebrating the sixtieth anniversary of its founding on March 12, 1970; and

Whereas Girl Scouts of the United States of America, begun as a movement to liberate girls from narrow, confining life-roles, has since taken the lead in advancing what are today such universal concerns as protection of the environment, youth patricipation in self-government, strengthened roles for the volunteer worker, and international understanding through friendship; and

Whereas Girl Scouts of the United States of America is quietly and effectively helping to unite young Americans of all races, creeds, ethnic and economic backgrounds, and is providing to millions of girls and adults unlimited opportunities for self-development and responsible service to their communities and to the nation; and

Whereas Girl Scouts of the United States of America, true to its pioneering tradition, continues to anticipate the changing needs of girls and of the society and to encourage its nearly four-million members to be doers, rather than talkers; leaders, not followers; and givers, not takers; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that during the week of March 12–18, the Girl Scouts of the United States of America are commended, on the sixtieth birthday of their organization, for a progressive spirit and lasting contribution to the social welfare of this nation.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. PEARSON), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENT NO. 885

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

Mr. ERVIN (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by them jointly to amendment No. 878 proposed to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENTS NOS. 886 THROUGH 890

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

Mr. ERVIN (for himself and Mr. ALLEN) submitted five amendments intended to be proposed by them jointly to the bill (S. 2515), supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 800 AND 801

At the request of Mr. EAGLETON, the Senator from Kentucky (Mr. COOK), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of amendments Nos. 800 and 801, intended to be proposed to H.R. 1, the Social Security Amendments of 1971.

AMENDMENT NO. 820

At the request of Mr. RIBICOFF, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of amendment No. 820, intended to be proposed to H.R. 1, supra.

AMENDMENT NO. 870

At the request of Mr. NELSON, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Texas (Mr. TOWER), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of amendment No. 870, intended to be proposed to the bill (H.R. 1), supra.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on February 18, in room 3110 of the New Senate Office Building, on the following bills:

S. 3153, Gulf Islands National Seashore Addition—Mississippi.

S. 3159, J. D. Rockefeller, Jr., Memorial Parkway—Wyoming.

NOTICE OF HEARING ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Committee on the Judiciary and its chairman, the distinguished Senator from Mississippi (Mr. EASTLAND), I desire to give notice that a public hearing has been scheduled for Tuesday, February 22, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Richard G. Kleindienst, of Arizona, to be Attorney General of the United States, vice John N. Mitchell, resigning.

Louis P. Gray III, of Connecticut, to be Deputy Attorney General vice Richard G. Kleindienst.

Notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, February 21, 1972, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

HEALTH SERVICES TO A FULLER SPECTRUM OF SOCIETY

Mr. MANSFIELD. Mr. President, a great deal of emphasis in recent months has been justly placed on the need to provide health services to a fuller spectrum of society. It needs no documentation and the framework upon which any care is not presently available to all in this society and even to those who can avail themselves, the costs are prohibitive.

Hopefully, these matters will be met within the coming months, but in meeting these needs one must also realize that the sponsorship of basic research in the basic biological sciences is the foundation and the framework upon which any medical services are based. An excellent article on the notes of a biology watcher, "The Technology of Medicine," written by Lewis Thomas, M.D., and published in the New England Journal of Medicine, adds, I think, to any dialog of policymakers who will have some part in the allocation of resources at the governmental level. This excellent article was brought to my attention by Associate Professor Norman Reed of Montana State University.

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:

NOTES OF A BIOLOGY-WATCHER: THE TECHNOLOGY OF MEDICINE

(By Lewis Thomas, M.D.)

Technology assessment has become a routine exercise for the scientific enterprises on which the country is obliged to spend vast sums for its needs. Brainy committees are continually evaluating the effectiveness and cost of doing various things in space, defense, energy, transportation and the like, to give advice about prudent investments for the future.

Somehow medicine, for all the 60-odd billion dollars that it is said to cost the nation, has not yet come in for much of this analytical treatment. It seems taken for granted that the technology of medicine simply exists, take it or leave it, and the only major technologic problem in which policy-makers are interested is how to deliver today's kind of health care, with equity, to all the people.

When, as is bound to happen sooner or later, the analysts get around to the technology of medicine itself, they will have to face the problem of measuring the relative cost and effectiveness of all the things that are done in the management of disease. They make their living at this kind of thing, and I wish them well, but I imagine they will have a bewildering time. For one thing, our methods of managing diseases are constantly changing—partly under the influence of new bits of information brought in from all corners of biologic science. At the same time, a great many things are done that are not so closely related to science, some not related at all.

In fact, there are three quite different levels of technology in medicine, so unlike each other as to seem altogether different undertakings. Practitioners of medicine and the analysts will be in trouble if they are not kept separate.

1. First of all, there is a large body of what might be termed "nontechnology," impossible to measure in terms of its capacity to alter either the natural course of disease or its eventual outcome. A great deal of money is spent on this. It is valued highly by the professionals as well as the patients. It consists of what is sometimes called "supportive therapy." It tides patients over through diseases that are not, by and large, understood. It is what is meant by the phrases "caring for" and "standing by." It is indispensable. It is not, however, a technology in any real

sense, since it does not involve measures directed at the underlying mechanism of disease.

It includes the large part of any good doctor's time that is taken up with simply providing reassurance, explaining to patients who fear that they have contracted one or another lethal disease that they are, in fact, quite healthy.

It is what physicians used to be engaged in at the bedside of patients with diphtheria, meningitis, poliomyelitis, lobar pneumonia and all the rest of the infectious diseases that have since come under control.

It is what physicians must now do for patients with intractable cancer, severe rheumatoid arthritis, multiple sclerosis, stroke and advanced cirrhosis. One can think of at least 20 major diseases that require this kind of supportive medical care because of the absence of an effective technology. I would include a large amount of what is called mental disease, and most varieties of cancer, in this category

The cost of this nontechnology is very high, and getting higher all the time. It requires not only a great deal of time but also very hard effort and skill on the part of physicians; only the very best of doctors are good at coping with this kind of defeat. It also involves long periods of hospitalization, lots of nursing, lots of involvement of nonmedical professionals in and out of the hospital. It represents, in short, a substantial segment of today's expenditures for health.

2. At the next level up is a kind of technology best termed "halfway technology." This represents the kinds of things that must be done after the fact, in efforts to compensate for the incapacitating effects of certain diseases whose course one is unable to do very much about. It is a technology designed to make up for disease, or to postpone death.

The outstanding examples in recent years are the transplantations of hearts, kidneys, livers and other organs, and the equally spectacular inventions of artificial organs. In the public mind, this kind of technology has come to seem like the equivalent of the high technologies of the physical sciences. The media tend to present each new procedure as though it represented a breakthrough and therapeutic triumph, instead of the makeshift that it really is.

In fact, this level of technology is, by its nature, at the same time highly sophisticated and profoundly primitive. It is the kind of thing that one must continue to do until there is a genuine understanding of the mechanisms involved in disease. In chronic glomerulonephritis, for example, a much clearer insight will be needed into the events leading to the destruction of glomeruli by the immunologic reactants that now appear to govern this disease, before one will know how to intervene intelligently to prevent the process, or turn it round. But when this level of understanding has been reached, the technology of kidney replacement will not be much needed, and should no longer pose the huge problems of logistics, cost and ethics that it poses today.

An extremely complex and costly technology for the management of coronary heart disease has evolved, involving specialized ambulances and hospital units, all kinds of electronic gadgetry and whole platoons of new professional personnel, to deal with the end results of coronary thrombosis. Almost everything offered today for the treatment of heart disease is at this level of technology, with the transplanted and artificial hearts as ultimate examples. When enough has been learned to know what really goes wrong in heart disease, one ought to be in a position to figure out ways to prevent or reverse the process, and when this happens the current elaborate technology will probably be set to one side.

Much of what is done in the treatment of cancer, by surgery, irradiation and chemotherapy, represents halfway technology, in the sense that these measures are directed at the existence of already established cancer cells, but not at the mechanisms by which cells become neoplastic.

It is a characteristic of this kind of technology that it costs an enormous amount of money and requires a continuing expansion of hospital facilities. There is no end to the need for new, highly trained people to run the enterprise. And there is really no way out of this, at the present state of knowledge. If the installation of specialized coronary-care units can result in the extension of life for only a few patients with coronary disesase (and there is no question that this technology is effective in a few cases), it seems to me an inevitable fact of life that as many of these as can be will be put together, and as much money as can be found will be spent. I do not see that anyone has much choice in this. The only thing that can move medicine away from this level of technology is new information, and the only imaginable source of this information is research.

3. The third type of technology is the kind that is so effective that it seems to attract the least public notice; it has come to be taken for granted. This is the genuinely decisive technology of modern medicine, exemplified best by modern methods for immunization against diphtheria, pertussis and the childhood virus diseases, and the contemporary use of antibiotics and chemotherapy for bacterial infections. The capacity to deal effectively with syphilis and tuberculosis represents a milestone in human endeavor, even though full use of this potential has not yet been made. And there are, of course, other examples: the treatment of endocrinologic disorders with appropriate hormones, the prevention of hemolytic disease of the newborn, the treatment and prevention of various nutritional disorders, and perhaps just around the corner the management of Parkinsonism and sickle-cell anemia. There are other examples, and everyone will have his favorite candidates for the list, but the truth is that there are nothing like as many as the public has been led to believe.

The point to be made about this kind of technology—the real high technology of medicine—is that it comes as the result of a genuine understanding of disease mechanisms, and when it becomes available, it is relatively inexpensive, relatively simple, and relatively easy to deliver.

Offhand, I cannot think of any important human disease for which medicine possesses the capacity to prevent or cure outright where the cost of the technology is itself a major problem. The price is never as high as the cost of managing the same diseases during the earlier stages of no-technology or halfway technology. If a case of typhoid fever had to be managed today by the best methods of 1935, it would run to a staggering expense. At, say, around 50 days of hospitalization, requiring the most demanding kind of nursing care, with the obsessive concern for details of diet that characterized the therapy of that time, with daily laboratory monitoring and, on occasion, surgical intervention for abdominal catastrophe. I should think $10,000 would be a conservative estimate for the illness, as contrasted with today's cost of a bottle of chloramphenicol and a day or two of fever. The halfway technology that was evolving for poliomyelitis in the early 1950's, just before the emergence of the basic research that made the vaccine possible, provides another illustration of the point. Do you remember Sister Kenney, and the cost of these institutes for rehabilitation, with all those ceremonially applied hot fomentations, and the debates about whether the affected limbs should be totally immobilized or kept in passive motion as frequently as possible, and the masses of statistically tormented data mobilized to support one view or the other? It is the cost of that kind of technology, and its relative effectiveness, that must be compared with the cost and effectiveness of the vaccine.

Pulmonary tuberculosis had similar episodes in its history. There was a sudden enthusiasm for the surgical removal of infected lung tissue in the early 1950's, and elaborate plans were being made for new and expensive installations for major pulmonary surgery in tuberculosis hospitals, and then INH and streptomycin came along and the hospitals themselves were closed up.

It is when physicians are bogged down by their incomplete technologies, by the innumerable things they are obliged to do in medicine when they lack a clear understanding of disease mechanisms, that the deficiencies of the health-care system are most conspicuous. If I were a policy-maker, interested in saving money for health care over the long haul, I would regard it as an act of high prudence to give high priority to a lot more basic research in biologic science. This is the only way to get the full mileage that biology owes to the science of medicine, even though it seems, as used to be said in the days when the phrase still had some meaning, like asking for the moon.

HELICOPTER—BALLOON LOGGING

Mr. CHURCH. Mr. President, during the first session of this Congress the Subcommittee on Public Lands held a series of hearings on timber management on the public lands. Of particular concern to those who testified was the impact of logging on the environment of our national forests. Clearcutting and even selective logging often led to heavy erosion, to the pollution of forest streams with silt, and to the creation of harmful and unattractive access roads to the various timber sites.

Both the Forest Service and the timber industry have been searching for logging methods that would combine economy with a lessened impact on the environment. The advent of more powerful helicopters has offered the prospect of a new tool for logging. Also, balloon anchored cable systems that can lift logs from the site of growth to a loading area without building an extensive road system in a forest, suggest that we may be able to harvest mature, marketable timber by air.

Helicopters and balloons are now being used in the national forests of the Northwest. Logging companies in Oregon, Idaho, and Alaska are now using balloon systems. A Sikorsky S–64E Skycrane helicopter is being used in California today to determine whether this technique can be used on a wider scale.

This approach to logging deserves a careful trial.

I ask unanimous consent that an article on helicopter and balloon logging written by Mr. Robert Lindsey and published in the New York Times of February 11, 1972, be printed in the RECORD.

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

HELICOPTERS INVADING PAUL BUNYAN COUNTRY

(By Robert Lindsey)

MARYSVILLE, CALIF.—As the chop-chop sound of its whirling rotor reverberates softly over the treetops, a helicopter hovers above a steep mountainside that bristles with

Douglas fir trees 150 feet high. The pilot delicately threads a cable down through the trees.

Seconds later, the helicopter rises, lifting a freshly cut, seven-foot-thick log from the forest and carries it off.

In an innovation that has excited many loggers and Government foresters—but left environmentalists undecided whether it is good or bad—helicopters have begun to invade the Paul Bunyan country of California, Oregon and Washington.

Three companies have begun to use helicopters for logging within the last eight months. The United States Forest Service, after experimenting with the concept on a small scale last year, says it plans this fiscal year to sell 100 million board-feet of timber exclusively to helicopter loggers—all of it, the service says, on steep slopes or in remote areas either inaccessible to loggers using conventional techniques or in places where they would cause unacceptable scarring of forest lands.

"What a helicopter does is to get at timber that's been locked up," said Jack A. Erickson, a third-generation logger here whose grandfather used teams of oxen to bring timber from the wilderness. Mr. Erickson is gambling $1.5-million that helicopters are feasible for the job today.

His lumber company last month paid that much to buy a huge Sikorsky S–64E Skycrane. It is the largest helicopter ever purchased by a private company. Until now Skycranes have been used almost solely by the Army in Vietnam.

"You can fly in and get timber that you don't have any other way to reach, and you don't tear up the forest when you're at at," the 36-year-old logger said. "You don't have to build roads, you can cut trees selectively without clear-cutting [the practice of removing all trees in a given area] and you can get at small, isolated patches of timber."

GETTING TREES TO TRUCKS

Most loggers currently haul trees from the cutting site to a central yard—where they are loaded on trucks for shipment from the woods—by one of two methods: "cat logging," in which logs are dragged along the ground by a tractor or "high-lead logging," in which a portable, motorized cable-pulley system is constructed to drag the logs along the ground.

Both methods require cutting of an ugly corridor through the forest. Loggers in this country, Canada, the Soviet Union and Scandinavian countries have been interested since at least 1960 in utilizing helicopters to eliminate the need for slashing a path through the woods. But their efforts were frustrated until recently, largely because a sufficiently powerful helicopter was not available.

Most helicopters can lift no more than 1,000 or 2,000 pounds. Some can lift 7,000. The Skycrane—which has been used extensively for lifting up and ferrying crashed fighter jets in Vietnam—can lift 20,000 pounds, the equivalent of a Douglas fir log nine feet long and more than seven feet wide. American experts believe that Soviet foresters probably are also testing recently developed heavy-lift copters for logging.

Rex Resler, a Forest Service official in Portland, Ore., who is responsible for administering national forests in Oregon and Washington, said trial runs last year involving Mr. Erickson and the Skycrane "left no doubt about the physical practicability of using the helicopter."

"It does on excellent job," he said, "but it's a high-cost system. Whether it is going to be economically feasible, we really don't know yet."

In the helicopter operation, a tree is felled and trimmed with chain saws in the conventional fashion, and a "choker" cable is looped around it. Loggers then hook the choker line to the helicopter cable, and the log is flown to the truck-loading zone.

"It's just a matter of going back and forth like a yo-yo," Mr. Erickson said.

Logging by helicopter is vastly more costly than ordinary methods. One Government specialist estimated the cost of transporting 1,000 board-feet of lumber to a truck-loading Skycrane at $60, compared with a range of $7 to $12 for conventional methods. A board-foot is a unit of lumber measurement equivalent to a board 1 inch thick, 12 inches wide and 12 inches long.

About 25 per cent of the nation's timber resources are on public lands. Timber from national forests is sold for harvesting to private logging companies, such as Mr. Erickson's. This fiscal year, the permitted cut from the forests is estimated to be approximately 13 billion board feet. In California, Washington and Oregon, the total is 6.6 billion.

LOWER RATES PLANNED

The Forest Service says that because helicopters promise to harvest timber that otherwise would be unavailable—and thus theoretically provide a net-increase in the nation's total lumber output—it plans to sell timber to copter-loggers at rates much less than to those using conventional methods. However, Mr. Resler said, the total end cost of harvesting should end up about the same as it is with conventional means.

Douglas fir timber cut during the experimental operations last year was sold for $3 to $12 a board foot: loggers normally would pay $30 to $35.

Helicopter logging is so new, and still on such a comparatively small scale, that environmental groups have yet to take a position on it. Gordon Robinson, staff forester of the Sierra Club, said, "I'm skeptical about it."

He said the helicopters were a welcome innovation if used to reduce clear-cutting and the cutting of ugly swaths through the forest and to minimize soil erosion.

"But if it's just another plot by the Forest Service and the industry to increase [the annual permitted timber cut in national forests], I object very strongly to it," he said. Mr. Resler denied that this is the intent.

Two recent developments promise to spur the new technology:

The Nixon Administration last month announced plans to accelerate development, for the Pentagon, of two super-heavy-lift helicopters that it said could be used in aerial logging and heavy construction. One is to be capable of lifting 34,000 pounds; the other, 45,000 pounds.

Senator Henry M. Jackson, Democrat of Washington, has introduced legislation to establish a five-year, $48 million Forest Service research program to explore potential merits of helicopter logging, as well as use of balloons and an aerial high-lead logging technique called "skyline" logging.

Three logging companies, in Oregon, Idaho and Alaska, are already using balloons. They are tethered up to 5,000 feet above a forest being logged to form a triangular cable-lift system, with the balloon at the apex. Logs are lifted up by the cable and dropped in a truck-loading zone. This method is considerably cheaper than helicopter logging, but less flexible.

In the skyline system, a sort of aerial tramway is built above the treetops to move freshly cut trees without the need for cutting a corridor. This method is already being used in parts of the Northwest.

There is considerable skepticism among professional loggers and people knowledgeable about aviation that helicopters can stand up to the rugged, day-after-day operations of logging at anywhere near an acceptable cost. But Mr. Erickson thinks they can.

"In a way, you have to be a gambler at heart in this business," said Mr. Erickson, a helicopter pilot himself. "Logging is a business where you can be up one year and have a terrible year the next. You've got to take risks and gamble when you think you're right."

PRESIDENT FOCUSES ATTENTION ON LEAD-BASED PAINT POISONING

Mr. SCHWEIKER. Mr. President, in his recent message on the protection of the environment, the President calls to the attention of the Nation a very serious problem which has been afflicting thousands of children in the country. The President cites the hazard to children of lead-based paint poisoning which can result from the ingestion by small children of paint chips and particles of such paint. Repeated ingestion of these lead-painted substances can lead to mental retardation, cerebral palsy, optic atrophy, and impairment of intellectual ability. Tragically, this disease is the cause of death for nearly 200 children a year, and results in the serious illness of another 400,000 children each year, many of them suffering irreparable brain damage.

In addressing the serious nature of the lead-based paint poisoning problem, the President states in his message on the environment that—

> We can and must prevent unnecessary loss of life and health from this hazard, which particularly afflicts the poorest segments of our population.

The President is to be commended for his attention to this vital issue and for his determination to terminate the tragic disease of childhood lead poisoning. Programs to treat and eliminate this disease are being conducted by the Department of Health, Education, and Welfare and the Department of Housing and Urban Development. ACTION and other volunteer groups will assist city governments to help to alleviate lead-paint hazards.

As ranking minority member of the Health Subcommittee, I have long been interested in the potentially dangerous effect of lead on the human body. In 1970 I introduced S. 3941, a bill to provide civil penalties for the use of lead-based paint in certain dwellings. In addition, I strongly supported the Lead-Based Paint Poisoning Prevention Act which President Nixon signed into law last year. Also, I recently joined with Senator KENNEDY in introducing a bill to give this program continuing status.

Therefore, I am very much pleased that the President has added the strength of his leadership to the fight against lead-based paint poisoning. The eradication of lead-based paint poisoning will be greatly speeded by the new priority and the attention which this tragic disease has received from the President.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. HUGHES. Mr. President, on February 4, while I was necessarily absent, the Senate voted on three amendments offered by the Senator from Arkansas (Mr. FULBRIGHT) to the foreign aid appropriations bill. If I had been present, I would have voted "nay" on rollcall 33 (Leg.), "yea" on rollcall 34 (Leg.), and "nay" on rollcall 35 (Leg.). I ask that the permanent RECORD reflect my position.

A NEW APPROACH TO SCHOOL FINANCE

Mr. McGOVERN. Mr. President, reliance on the property tax as the main source of support for elementary and secondary education has forced the Nation's schools into a deepening financial crisis.

At the same time the absence of an alternative source of school finance seems to perpetuate economic inequity. It widens the gap between the poor and the privileged in our society. For millions of American children it stands as an insurmountable barrier to escape from poverty and despair.

Quality education must be placed near the top of any listing of national priorities. We depend on it to assure economic growth. It is a central factor in efforts to eradicate poverty and hunger. It is a powerful method of achieving and preserving our commitment to human dignity.

Yet to date, and especially during the past 3 years, public education has been among the concerns most seriously neglected by the National Government.

EMERGENCY IN SCHOOL FINANCE

A survey of the country's 103 largest school systems last September suggested the dimensions of the problem confronting elementary and secondary education in the United States.

It was disclosed that 41 of those systems were forced to roll back their programs for want of operating funds. Twenty-three had to eliminate teaching positions, notwithstanding higher enrollments, and others reported a job freeze. At least five have gone to shortened school years. Two cities were forced to close for portions of the school year.

Smaller school systems throughout the country are in equally grave circumstances. Services are being sharply curtailed. School libraries are being closed. Instruction in music and art is being eliminated, and the variety of academic courses is being narrowed. Experimental programs are sharply reduced or ended. And the outlook for next year is worse.

Meanwhile many communities have simply reached the end of the line on property tax levies. Dayton and Portland are two prominent examples of cities in which voters have repeatedly turned down bond issues or rejected new school taxes. In California 30 school districts went bankrupt last year, and 60 percent of proposed tax hikes on bond issues were defeated. Nationwide the rate of school bond rejection has risen from 11 percent in 1960, up to 33 percent in 1964, and to 52 percent in 1970.

INHERENT UNFAIRNESS

It is wholly improper to blame this sad state of affairs on the people who must bear the property tax burden.

They are, for want of other sources of funds, stuck with a system which places the heaviest load on those who can least afford to pay it. Families with incomes under $2,000 pay, in proportion to their earnings, roughly three times as much as families earning more than $15,000. There is no more regressive form of tax.

Voters who reject higher property levies know that the system is laced with favoritism and loopholes. Virtually every taxpayer can point to someone else who gets a better break when the tax value of property is assessed. And industry—as in the case with United States Steel in Gary, Ind., and coal companies in Kentucky—often assesses its own property, and sets it at ludicrously low levels. These large firms escape literally billions of dollars each year through this and other methods of avoiding their fair share of the tax load.

Federal tax policies complicate the situation still further. Some 20 States provide, for example, that industrial machinery and other non-real-estate industrial property is assessed at the same level as reported to the Internal Revenue Service. This means, to begin with, that a great deal of productive property escapes taxation entirely, after it has been depreciated. It means, further, that the decision to allow accelerated depreciation last year allows that to happen much more rapidly. The administration's $3 to $4 billion annual gift to big industry has brought with it an irretrievable property tax loss to many of the communities where those industries are located—and a heavier tax load to the homeowners, small businessmen, and farmers who are already stooping from the burden.

The refusal of taxpayers to accept higher rates under such a system deprives schoolchildren of hope and opportunity. But high property taxes crush hopes and opportunities as well. They destroy the security of retirees who find that they cannot afford to keep their own homes because taxes are too high. They render it impossible for small businessmen to ride out poor economic conditions, because the tax bill keeps going up regardless of whether money is coming into the till. Instances of this kind prove that students and taxpayers alike are victims of the system.

UNEQUAL OPPORTUNITY

The property tax structure is clearly regressive and unfair when it is paid. Those same descriptions apply when the revenues are spent on education, because of wide disparities in the tax base among school districts.

We pay a great deal of lipservice to equality of opportunity. The American people are probably unanimous in believing that regardless of the wealth or position into which he is born, each child should have an equal chance at achieving economic and social progress.

Access to learning is a flat precondition to opportunities of that kind. It is one that is becoming increasingly important as society demands an expanding amount of knowledge and skill for most occupations. Yet under the present system of school finance, every child's chance to quality education is dependent not upon his own initiative and energy, but upon whether he had the good sense to be born in a wealthy school district.

The California Supreme Court's landmark Serrano against Priest decision last August affirmed that such inequality is an inevitable condition of reliance on property taxes as they are usually administered. The court pointed out that—

> Affluent districts can have their cake and eat it too; they can provide a high quality education for their children while paying lower taxes. Poor districts, by contrast, have no cake at all.

To cite just a few examples, Beverly Hills, Calif., has a teacher-pupil ratio of 17 to 1; for Los Angeles as a whole the ratio is 27 to 1. Within the State of California, per-pupil expenditures ranged from a low of $569 to a high of 2,414. The nationwide per-pupil expenditure in 1969–70 averaged $773, ranging from a high of $1,250 in New York State down to only $461 in Alabama.

The exodus of population from central cities to suburbs has created special pressure. The cities are left with some of the most severe educational problems, requiring comparatively greater expenditures per pupil, but with depleted capacity to pay. Nationwide, per capita taxes are almost 30 percent higher in central cities, yet revenues available for education are some 25 percent lower. Central city per capita incomes lag $1,500 to $2,000 behind incomes in the suburbs, but they are nonetheless forced to bear a bigger tax load.

In sum, the forced heavy reliance on local property taxes for public education simply does not permit equal educational opportunities. Instead it demands that millions of young Americans remain locked in the conditions of poverty into which they were born.

RECOMMENDED PROGRAM

While the tie between property taxes and public education may have made sense at its inception, it is an anachronism today when the population is highly mobile and when quality education is so plainly a national concern. Further, the signs are clear that that goal simply cannot be achieved without a vastly enlarged Federal contribution.

Present Federal support for education is allocated to specific supplementary programs—compensatory education, aid to handicapped, bilingual education, and others—and is not available for regular operating expenses. Moreover the quantity of Federal aid has been shrinking in proportion to school costs—down from 8 percent in 1968–69 to less than 7 percent in 1971. While all existing provisions—and the authorized funding levels as yet unmet—retain urgent importance, they do not constitute an adequate response either to the size and unfairness of the property tax load or to the quest for equal, high quality education.

Therefore, in addition to existing special purpose and compensatory aid, the United States should undertake a greatly expanded national program for elementary and secondary education with the following major elements.

First, the Federal Government should supply at least one-third of the total costs of public elementary and secondary education. Based on current expenditures that would amount to about $15 billion per year. To achieve reasonable improvements in educational quality, it should reach $24 billion by 1976.

Second, three-fourths of the funds committed under this program should be allocated to the States on the basis of educational need—including numbers of students in average daily attendance, and special conditions which increase per

pupil costs—and the capability to raise revenue for education within the State.

Third, the remaining one-fourth should be allocated among the States under an incentive program designed to achieve fair administration of the State and local tax structure. Funds would be used to encourage such steps as publication of property valuations, uniform statewide property assessments, simplified procedures for citizen action to assure equitable tax enforcement, and the elimination of special tax privileges, in line with earlier recommendations on revenue sharing.

Fourth, the funds allocated to each State would be distributed under a formula designed to equalize educational opportunity by achieving minimum standards of educational quality in all school districts from the combination of Federal funds, State aid, and uniform local school tax effort.

Federal support for education on this scale, along with the recommended commitment to equal educational opportunity, can guarantee relief from oppressive property tax burdens in the context of general improvements in the educational system. Further, it provides a hopeful answer to concerns about such issues as busing to achieve school integration, by assuring that no one need be deprived of quality education as a result of such procedures.

Operating money is not, of course, the only difficulty facing the Nation's schools, or the single responsibility of the Federal Government in this sphere. Other important national objectives remain unfulfilled, in such areas as school integration, early childhood education, education of the handicapped, modern vocational programs, adult education, bilingual programs, teacher training, and research of new teaching methods.

To pursue these objectives most efficiently, education deserves a more prominent place in the structure of the Federal Government. Currently there are dozens of Federal education programs scattered throughout the Federal Government. Both considerations suggest the establishment of a cabinet-level Department of Education.

ERVIN STATEMENT ON THE EQUAL RIGHTS AMENDMENT

Mr. ERVIN. Mr. President, soon the Senate will be considering the equal rights for women amendment. I hope that the entire Senate is aware of what the amendment means—that is, no State or Federal law, no matter how reasonable, will be constitutional if it treats men and women differently. This means that there can be no legal presumption in favor of women in child support, child custody, and alimony cases. Our State laws which favor women in inheritance matters and all State protective labor legislation will be voided. Women will have to be drafted and serve in combat with men.

Mr. President, there are countless other laws which the amendment will negate. We all believe in equal rights for women, but the recent Supreme Court case of Reed against Reed indicates that the Court will strike down all unreasonable laws that distinguish between men and women. I agree with Prof. Paul Freund of the Harvard Law School when he said, in effect, that the energy and dedication of the proponents of the equal rights for women amendment should be spent bringing cases under the 14th amendment and under title VII of the Civil Rights Act of 1964.

Mr. President, I discussed the above points in great detail in a statement which I made before the House Judiciary Committee on March 23, 1971. I sincerely hope Members of the Senate will be able to read my statement before voting on this important matter. I ask unanimous consent that my statement be printed in the RECORD.

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

THE EQUAL RIGHTS AMENDMENT: AN ATOMIC MOUSETRAP

Mr. ERVIN. Mr. Chairman, the objective of those who advocate the adoption of the equal rights amendments S.J. Res. 8 and 9 and H.J. Res. 208 is a worthy one. It is to abolish unfair discriminations which society makes against women in certain areas of life. No one believes more strongly than I that discriminations of this character ought to be abolished and that they ought to be abolished by law in every case where they are created by law.

Any rational consideration of the advisability of adopting the Equal Rights Amendment raises these questions:

1. What is the character of the unfair discriminations which society makes against women?

2. Does it require an amendment to the Constitution of the United States to invalidate them?

3. If so, would the Equal Rights Amendment constitute an effective means to that end?

It is the better part of wisdom to recognize that discriminations not created by law cannot be abolished by law. They must be abolished by changed attitudes in the society which imposes them.

From the many conversations I have had with advocates of the Equal Rights Amendment since coming to the Senate, I am convinced that many of their just grievances are founded upon discriminations not created by law, and that for this reason the Equal Rights Amendment will have no effect whatsoever in respect to them.

UNFAIR EMPLOYMENT DISCRIMINATION

When I sought to ascertain from them the specific laws of which they complain, the advocates of the Equal Rights Amendment have cited certain state statutes, such as those which impose weight-lifting restrictions on women, or bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling. Like them, I think these laws ought to be abolished. I respectfully submit, however, that resorting to an amendment to the Constitution to effect this purpose is about as wise as using an atomic bomb to exterminate a few mice.

From the information given me by many advocates of the Equal Rights Amendment and from my study of the discriminations which society makes against women, I am convinced that most of the unfair discriminations against them arise out of the different treatment given me and women in the employment sphere. No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them. Some of these discriminations arise out of law and others arise out of an absence of law.

Let me point out that Congress has done much in recent years to abolish discriminations of this character insofar as they can be abolished at the federal level. It has amended the Fair Labor Standards Act to make it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

Congress has also decreed by the equal employment provisions in Title VII of the Civil Rights Act of 1964 that there can be no discrimination whatever against women in employment in industries employing 25 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Furthermore, it is to be noted that the President and virtually all of the departments and agencies of the Federal Government have issued orders prohibiting discrimination against women in federal employment.

Moreover, State Legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this federal and state legislation and these executive orders of the Federal Government, it is due to a defect in enforcement rather than a want of fair laws and regulations.

EQUAL RIGHTS AMENDMENT UNNECESSARY BECAUSE OF THE 14TH AMENDMENT

A good case can be made for the proposition that it is not necessary to resort to a constitutional amendment to abolish state laws which make unfair discriminations between men and women in employment or any other sphere of life. This argument rests upon the Equal Protection Clause of the Fourteenth Amendment which prohibits states from treating differently persons similarly situated, and is now being interpreted by the courts to invalidate state laws which single out women for different treatment not based on some reasonable classification.

To be sure, the Equal Protection Clause may not satisfy the extreme demands of a few advocates of the Equal Rights Amendment who would convert men and women into beings not only equal but alike, and grant them identical rights and impose upon them identical duties in all the relationships and undertakings of life.

It cannot be gainsaid, however, that the Equal Protection Clause, properly interpreted, nullifies every state law lacking a rational basis which seeks to make rights and responsibilities turn upon sex.

My view is shared by legal scholars. Their views on this subject are succinctly expressed by Bernard Schwartz in his recent commentary on the Constitution of the United States which declares "that a law based upon sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex."

Mr. Chairman, I would like to have the sections on sex in Mr. Schwartz's book, *Rights of the Person,* printed at this point in my statement.

RECENT DEVELOPMENTS IN THE LAW

I firmly believe that recent case law illustrates very dramatically a statement made by Professor Freund last year. He said:

"It seems to me, incidentally, if the energy and dedication that have gone into the movement for the equal rights amendment over the past 40-odd years had been devoted to the selection and the sponsorship of test cases with respect to some of the unjust State laws that we have heard about this morning, a great deal more accomplishment could be shown with respect to the advancement of equal rights than we can boast of today."

Proponents of the equal rights amendment have frequently cited what they believe to be hesitance on the part of courts to deal with inequalities facing women. The Supreme

Court particularly has received criticism on this score.

Yet this term the Supreme Court has accepted on appeal a number of cases relating to sex discrimination. The Court will hear cases regarding the validity of an Idaho law preferring men over women as administrators of estates and an Illinois law making a distinction between mothers and fathers of illegitimate children in custody cases. *Reed* v. *Reed*, 465 P. 2d 635 (Idaho 1970); *In re* Stanley, 256 N. E. 2d 814 (Ill. 1970). In addition, a case involving the question of exclusion of women from grand juries in Louisiana will be heard. *State* v. *Alexander*, 233 So. 2d 891 (La. 1970).

The Court has already reached a decision this term in a landmark case arising under Title VII of the Civil Rights Act of 1964. In January of this year the Court reversed a Court of Appeals decision in *Phillips* v. *Martin-Marietta Corp.* which had permitted a corporation to distinguish between women with pre-school age children and men with pre-school age children in hiring. No. 73, L.W. 4160 (Jan. 26, 1971).

I think it is very obvious that the Supreme Court is not ignoring the issue of discrimination against women. Certainly the lower courts are tackling the question, and usually deciding in favor of women's equality. Numerous state labor laws have been found void as being in conflict with Title VII's mandate for equal employment opportunity.

For instance, a federal district court has held a California statute prohibiting a female employee from lifting any object weighing 50 pounds or more as in conflict with Title VII and, therefore, void. *Local 246, Utility Workers Union of America, AFL-CIO* v. *Southern California Edison Co.*, No. 69-453-DWW (C.D. Cal. 1970). Illinois hours limitations for working women have fallen. *Caterpillar Tractor Co.* v. *Grabiec*, 317 F. Supp. 1304 (1970). And an Ohio weight-lifting statute has been held invalid. *Jones Metal Products Co.* v. *Walker*, 39 L. W. 2321 (1970).

In other areas of sex discrimination women have made gains. Many of the long-accepted prohibitions and segregations are being removed. An example is a typical prohibition against female bartenders struck down by the New Jersey Supreme Court last year. *Paterson Tavern & Grill Owners Assn., Inc.* v. *Borough of Hawthorne*, 39 L. W. 2296 (1970).

The Justice Department has taken action to aid women in fighting discrimination. In an important suit against Libbey-Owens-Ford, the Attorney General won a decree giving women opportunity to achieve promotions and advancement on the same basis as male employees.

These events are not typical of a society which does not care to eliminate discrimination. Nor are they characteristic of a judicial system determined to maintain the status quo.

FUNCTIONAL DIFFERENCES BETWEEN MEN AND WOMEN

While I believe that any unfair discriminations which the law has created against women should be abolished by law, I have the abiding conviction that the law should make such distinctions between them as are reasonably necessary for the protection of women and the existence and development of the race.

I share completely this recent observation by Mr. Bernard Swartz: "Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact."

Let us consider for a moment whether there be a rational basis for reasonable distinctions between men and women in any of the relationships or undertakings of life.

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary responsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. The physiological and functional differences between men and women constitute the most important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its laws is woefully lacking in rationality.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making some rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

It may be that times are changing and more and more women will leave the home to compete in the business and professional community. However, I would like to call the Committee's attention to the remarks of Professor Phil Kurland of the University of Chicago Law School on this point. He said:

"Times have changed in such a way that it may well be possible for the generation of women now coming to maturity, who had all the opportunities for education afforded to their male peers and who had an expectation of opportunities to put education to the same use as their male peers, to succeed in a competitive society in which all differences in legal rights between men and women were wiped out. There remains a very large part of the female population on whom the imposition of such a constitutional standard would be disastrous. There is no doubt that society permitted these women to come to maturity not as competitors with males but rather as the bearers and raisers of their children and the keepers of their homes. There are a multitude of women who still find fulfillment in this role. In the eyes of some, this may be unfortunate, but it is true. It can boast no label of equality now to treat the older generations as if they were their own children or grandchildren. Certainly the desire to open opportunities to some need not be bought at the price of removal of legal protections from others."

OBSCURITY OF THE EQUAL RIGHTS AMENDMENTS, S.J. RES. 8 AND 9 AND H.J. RES. 208

In the nature of things, lawmakers use words to express their purposes. Courts must ascertain from their words the purposes of the lawmakers. In his famous opinion in *Towne v. Eisner*, 245 U.S. 418, 425, Justice Oliver Wendell Holmes made this trenchant observation: "A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used."

During my many years as a lawyer, a judge, and a legislator, I have discovered that many words have many meanings, and that the purpose they are intended to express must be gathered from the context in which they are used. I have also learned that the most difficult task which ever confronts a court is determining the meaning of imprecise words used in a scrimpy context.

Professor Philip Kurland of the Chicago Law School and the Editor of the Supreme Court Review had this problem with the meaning of the word "equality" in the proposed amendment. At the Senate Judiciary Committee hearings last September, he said:

"It is suggested that the proposed amendment seeks not equality of the two sexes before the law but identify of them. And surely the elimination of differences between men and women cannot be obliterated by constitutional fiat. And so far as I know, the current state of knowledge of the biological sciences is not yet adequate to bring this about as a fact. But once more we are thrown back to the question of the meaning.

"It is evident that the language of the proposed amendment is itself too barren to provide sure answers to these objections. It simply provides that: 'Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex.' I think the difficulty here is not in the construction of the word sex but rather from the use of the word equality.

"It was almost a century ago that Sir James Fitzjames Stephen, in his book, *Liberty, Equality, and Fraternity*, asserted that '"equality" is a word so wide and vague as to be by itself almost unmeaning.' I submit that nothing that has happened in the intervening years has done anything to make it more specific."

Also, I believe that the word "sex" is imprecise in exact meaning, and no proposed constitutional amendment ever drafted exceeds the Equal Rights Amendment in scrimpiness of context. The amendment contains no language to elucidate its meaning to legislators or to guide courts in interpreting it. When all is said, the Equal Rights Amendment, if adopted, will place upon the Supreme Court the obligation to sail upon most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

The imprecision of the word "sex" as used in the proposed amendment is clearly revealed by these definitions set forth in the recently published "American Heritage Dictionary of the English Language":

"1.a. The property or quality by which organisms are classified according to their reproductive functions. b. Either of two divisions, designated male and female, of this classification. 2. Males or females collectively. 3. The condition or character of being male or female; the physiological, functional, and psychological differences that distinguish the male and the female. 4. The sexual urge or instinct as it manifests itself in behavior. 5. Sexual intercourse."

When one undertakes to ascertain the obscure meaning of the ambiguous Equal Rights Amendment in an impartial, intellectual, and unemotional manner, he is inevitably impelled to the conclusion that it is susceptible of several different and discordant interpretations.

If it should accept the fourth and fifth defintions of the term "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the Equal Rights Amendment merely annuls existing and future laws visiting upon the adulterous acts

of women different legal consequences from those it visits upon such acts of men.

If it should accept the first, fourth, and fifth definitions of "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the amendment is only concerned with sex per se, and has no application whatever to legal distinction made between men and women on the basis of their respective functions in the relationships and undertakings on which the existence and development of the race depend.

If it should accept the third definition of "sex" as set out in the dictionary, the Supreme Court could reach the conclusion that the Equal Rights Amendment annuls every existing Federal and state law making any distinction between men and women however reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the fifty states of the constitutional power to enact any such laws at any time in the future.

This is the interpretation which I fear the Supreme Court may feel itself obliged to place upon the Equal Rights Amendment. I am not alone in entertaining this fear.

When the so-called Equal Rights Amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School and other outstanding scholars joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the Equal Rights Amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

"If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.

"Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitution decisions.

"Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other."

After analyzing in some detail the laws whose validity might be jeopardized by the Equal Rights Amendment, the statement concluded with these observations:

"The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty."

Appearing before the Senate Judiciary Committee hearings in September, 1970, it was obvious that Professor Freund has the same view today of the proposed amendment. In a colloquy with me, Professor Freund had the following to say:

"Senator ERVIN. I also interpret your statement and what you have said to indicate a conviction on your part that there is grave danger that the courts will interpret the House-passed equal rights amendment, if it is ratified by the requisite number of States, as depriving Congress of the powers it now has under the equal protection clause to adopt legislation which is for the benefit of women?

"Mr. FREUND. Yes. I think that is quite right because there must be intended some more absolute standard of equality than the equal protection clause embodies. That would be the point of the amendment.

"Senator ERVIN. The equal protection clause authorizes Congress to adopt legislation which is reasonably designed to protect women and at the same time to adopt legislation which outlaws discrimination against women by law, does it not?

"Mr. FREUND. That is right.

"Senator ERVIN. And if the House-passed equal rights amendment were ratified by the States, thus made a part of the Constitution, it is susceptible of interpretation that it would require the courts to strike down all legal distinctions made between men and women, no matter how reasonable and necessary those distinctions might be?

"Mr. FREUND. That is my understanding of what the language as well as the purpose of the sponsors is today."

Professor Philip Kurland of the Chicago Law School also arrived at the same conclusion as Professor Freund. He said:

"Professor KURLAND. I would think that the amendment as it is now simply provides that classification by sex by any governmental action is invalid.

"Senator ERVIN. In other words, your interpretation of the amendment as presently phrased is that it would be probably interpreted to eliminate sex as a basis for classification in legislation?

"Professor KURLAND. If I were charged with the interpretation of the language, that would be the conclusion that I would reach.

"Senator ERVIN. If that interpretation would be correct, the law which exists in North Carolina and virtually every other State of the Union which requires separate restrooms for boys and girls in public schools would be nullified, would it not?

"Professor KURLAND. That is right, unless the separate but equal doctrine is revived."

THE DESTRUCTIVE POTENTIALITY OF THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should feel itself compelled to place upon the Equal Rights Amendment the devastating interpretation feared by these legal scholars.

For this reason, I must content myself with merely suggesting some of the terrifying consequences of such an interpretation.

The Congress and the legislatures of the various states have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing the voluntary enlistments in the armed forces of the nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only.

Among the state laws of this kind are laws which limit hours during which women can work, and bar them from engaging in occupations particularly arduous and hazardous such as mining.

If the Equal Rights Amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, all existing and future laws of this nature would be nullified.

The common law and statutory law of the various states recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial securtiy during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these state laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these state laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the Equal Rights Amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

There are laws in many states which undertake to better the economic position of women. I shall cite only one class of them, namely, the laws which secure to women minimum wages in many employments in many states which have no minimum wage laws for men, and no other laws relating to the earnings of women.

If the Equal Rights Amendment should be interpreted by the Supreme Court to prohibit any legal distinctions between men and women, it would nullify all existing and future laws of this kind.

In addition there are federal and State laws and regulations which are designed to protect the privacy of males and females. Among these laws are laws requiring separate restrooms for men and women in public buildings, laws requiring separate restrooms for boys and girls in public schools, and laws requiring the segregation of male and female prisoners in jails and penal institutions.

Moreover, there are some state laws which provide that specified institutions of learning shall be operated for men and other institutions of learning shall be operated for women.

If the Equal Rights Amendment should be interpreted by the Supreme Court to forbid legal distinctions between men and women, it would annul all existing laws of this nature, and rob Congress and the states of the constitutional power to enact any similar laws at any time in the future.

I do not believe that the advocates of the Equal Rights Amendment wish to nullify laws which are adopted for the protection of women and for the promotion of the highest interest of society. Moreover, I am unwilling to attribute any such motive to those who sponsored the amendment last year. I attribute to all of them the laudable desire of abolishing unfair discriminations against women without destroying laws reasonably designed to protect them, and without robbing Congress and the legislatures of the fifty states of the power to enact similar laws in the future.

MY AMENDMENT

This brings us to the questions whether Congress should consider the submission to the States of a constitutional amendment to deal with the matter, and whether such amendment should permit Congress and the States acting within their respective jurisdictions to make reasonable distinctions between the rights and responsibilities of men and women in appropriate areas of life.

I honestly believe that the equal protection clause, properly interpreted, is sufficient to abolish all unfair legal discriminations made against women by State law.

Nevertheless, I am constrained to favor a constitutional amendment which will abolish all unfair legal discriminations against women without robbing them of necessary legal protections and without imprisoning the legislative powers of Congress and the States in a constitutional straitjacket.

My reasons for so doing are twofold. First, some advocates of the Equal Rights Amendment do not share my opinion of the efficacy of the equal protection clause; and, second, the equal protection clause does not apply to Congress, and it is problematical whether the Supreme Court will hold in this instance, as it did in *Bolling* v. *Sharp*, 347 U. S. 497, that the due process clause of the fifth amendment imposes the same prohibitions the Federal Government that the equal protection clause does on the States.

For these reasons, I have drafted a substitute Federal equal rights amendment which will accomplish the undoubted purpose of the advocates of the Equal Rights Amendment; that is, to invalidate any present or future laws making unfair discriminations against women without nullifying any existing laws reasonably designed to protect the best interest of women and the highest interest of society, and without incapacitating Congress and the legislatures of the 50 States, acting in their respective spheres, to enact similar salutary laws in the future.

I intend to introduce my amendment in the near future and the crucial section of it will read as follows:

"Neither the United States nor any State shall make any law treating men and women differently unless the difference in treatment is based on physiological or functional differences between them."

THE PROSPECT OF RATIFICATION BY THE STATES

It would be an exercise in futility by Congress to submit S. J. Res. 8 and 9 or H. J. Res. 208 to the States if there is not a substantial prospect that the States will ratify it.

An equal rights amendment would have to receive the affirmative approval of either 75 or 76 separate legislative bodies sitting in 38 of the 50 States before it could become a part of the Constitution. This is so because nothing new can be added to the Constitution without the consent of three-fourths of the States and all the States except Nebraska have bicameral legislatures.

It is scarcely conceivable that State legislators sitting in 75 or 76 separate legislative bodies in 38 States will ever agree that the millions of women whom they represent ought to be denied forever legal protection which their physiological and functional characteristics may reasonably justify. Yet, that is precisely what the equal rights amendment, if ratified by them, could be interpreted by the Supreme Court to do.

Also, S.J. Res. 8 and 9 and H.J. Res. 208 are changed in one important respect from the equal rights amendments which were introduced last year. The amendments introduced this year give Congress total jurisdiction to enforce the amendment. Last year's proposal split the jurisdiction to enforce the article between the States and Congress. To my mind this is an added reason that the States will never ratify this amendment because it grants to Congress only the right to enact laws that reflect in any way differences in the sexes. Obviously, this is a broad area of jurisdiction which the States will not care to relinquish.

For these reasons, sound thinking seems to indicate that there is no substantial prospect that 75 or 76 State legislative bodies sitting in 38 States will ever ratify the equal rights amendment in its present potentially destructive form. Hence, I suggest that an implacable insistence on the part of its advocates that there be no alteration in its wording is likely to defeat their worthy objective of outlawing unfair legal discriminations against women.

With all deference to them, I express my conviction that it would be the better part of wisdom for them to join me in urging Congress and the States to make my amendment a part of the Constitution. By so doing, they can reasonably anticipate that their worthy objective to abolish unfair legal discriminations against women will meet with success. It seems sound to assume that all legislators, both Federal and State, would welcome the opportunity afforded by my proposed amendment to abolish all unfair legal discriminations against women without depriving them of necessary legal protection and without robbing Congress and the States forever of the power to make legal distinctions in favor of women where reason justifies their so doing.

MORE PRAISE FOR SENATOR LEN JORDAN

Mr. CHURCH. Mr. President, Idaho will lose a strong advocate in this Chamber with the retirement of Senator LEN JORDAN. Ever since his announced retirement many Idahoans, both Democrats and Republicans, have expressed their deep regard for Senator JORDAN as a man and as a legislator.

Recently I was sent a copy of a letter sent by the Idaho Hospital Association to Senator JORDAN which praises him highly for his work in the health care field. Because it demonstrates the high regard in which LEN JORDAN is held by his fellow Idahoans, I ask unanimous consent that the text of the letter from the president of the Idaho Hospital Association be printed in the RECORD.

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

IDAHO HOSPITAL ASSOCIATION,
Boise, Idaho, February 2, 1972.

Hon. LEN B. JORDAN,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: The Health Care Industry in Idaho and the nation will lose upon your retirement from the U.S. Senate a valued friend and supporter. Your efforts in promoting good legislation on behalf of hospitals and health care in this nation are greatly appreciated and your continuous desires to help improve the accessibility of health for all is apparent. The many hours which you have devoted to health issues while serving on the Senate Finance Committee has been reflected not only in legislation, but also in various federal rules and regulations which affect our nations' health. We of the Idaho Hospital Association will miss your sound leadership in the Senate and on this important committee.

Your statesmanship approach to all issues which face this nation is indeed a mark of greatness and your keen interest in the problems of rural America will be remembered.

We are sure that your decision not to seek another term was a difficult one for you to make, and we support and respect that decision knowing that Idaho is losing an able leader in Washington.

The membership of the Idaho Hospital Association extends our very best to you and Mrs. Jordan for many years of active retirement.

Sincerely yours,

JAMES E. BREINICH,
President.

RULES OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. McGEE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130(a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that the rules of the Committee on Post Office and Civil Service be printed in the RECORD.

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

RULES FOR COMMITTEE PROCEDURE

Rule 1. Five members of the Committee shall constitute a quorum for the transaction of such business as may be considered at any regular or special meeting of the Committee, except that, for the sole purpose of taking testimony, sworn to or otherwise, a quorum of the Committee, or a subcommittee thereof, shall be one or more Senators. No members of the Committee shall, for the purpose of determining the existence of a quorum of the Committee, be deemed to be present unless he be personally present.

Rule 2. Unless otherwise ordered and notice given, the Committee shall meet for the transaction of its business while the Congress is in session as follows: The second and fourth Tuesdays of the month at 10:00 a.m. Additional meetings may be called by the Chairman as he may deem necessary.

Rule 3. The Committee shall keep a complete record of all Committee actions. Such record shall include a record of the votes on any question on which a record vote is demanded.

Rule 4. No vote cast in the Committee or any subcommittee by proxy shall be counted; but a written communication from an absent member, giving a clear statement of position on the specific subject, shall be counted as a vote.

Rule 5. It shall be the duty of the Chairman to report or cause to be reported promptly to the Senate any measure or recommendation approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

Rule 6. The Committee shall, as far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony at least 24 hours before hearing, and to limit their oral preparations to brief summaries of their argument. The Committee staff shall prepare digests of such statements for the use of Committee members.

Rule 7. All hearings conducted by the Committee, or its subcommittees, shall be open to the public, except (1) executive sessions for marking up bills, or (2) for voting, or (3) where the Committee, by a majority vote, orders an executive session.

Rule 8. When a nomination for an appointment is referred to the Committee, the name of the nominee shall be referred to both Senators from the State in which the nominee resides. If no objection is made by either Senator within 30 days of the date of referral or if no response is received during that period, the nomination shall be considered as not having been contested.

Rule 9. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be reported to the whole Committee by a subcommittee, there shall be placed before the whole Committee a print of the statute to be amended or the part thereof to be repealed (together with the citation thereof), showing by stricken-through type the portion or parts to be omitted, and in italics the matter proposed to be added.

Rule 10. The Chairman may name standing or special subcommittees to which a bill, resolution, or nomination may be referred, which subcommittee shall consist of not less than three members, one of whom shall be of the minority; if the subcommittee consists of five members, two shall be of the minority; if the subcommittee consists of seven members, three shall be of the minority.

Rule 11. Whenever a subcommittee delays in reporting more than 30 days (except when time is extended by the Committee), the matter may be withdrawn by the Chairman and submitted to another subcommittee, or considered by the whole Committee.

Rule 12. Subject to statutory requirements imposed on the Committee with respect to its procedure, the Rules of the Committee may be changed or suspended at any time; provided, however, that not less than two-thirds of the entire membership so determine, at a regular meeting with notice of the nature of the change proposed or meeting called for that purpose.

Rule 13. The Chairman of the Committee and the ranking minority member shall be ex officio members of all subcommittees with full right to participate in all proceedings thereof, and shall be allowed to vote as members of any subcommittee.

Rule 14. The Chairman shall be given authority to appoint the staff members and clerical assistants to assist the Committee in its work; provided, that the ranking minority member of the Committee shall be given authority to select one professional staff member and one clerical assistant. The Chairman shall select the official reporter or reporters to serve the Committee.

Rule 15. Meetings of the Committee shall be open to the press except (1) executive meetings to consider nominations for public office, or (2) when otherwise directed by the Chairman or majority vote of members present. The Chairman may grant or deny the privilege of broadcasting meetings of the full Committee. The Chairman of any subcommittee shall have the same power with respect to such subcommittee.

Rule 16. Proceedings in executive sessions of subcommittees may be released to the press and other interested parties unless the subcommittee chairman or a majority of members present otherwise direct.

OPEN GOVERNMENT

Mr. McGOVERN. Mr. President, the need to restore public trust in Government is among the most urgent challenges confronting the country as we move into the 1972 election year.

Opinion surveys in recent years have consistently shown that confidence in Government has fallen to all time lows—that many Americans have begun to doubt or disbelieve virtually everything they are told by politicians and public officials, and to believe that Government exists not to serve the needs of the people but simply to preserve its own power.

The sources of public suspicion and alienation are not hard to find. Put bluntly, Government is not believed because it has not been leveling with the American people.

The gap between preelection promise and postelection performance has grown to a yawning chasm in recent years, in nearly every area of public concern from war and peace to law and order. Political campaigns have degenerated into contests between polling techniques and advertising agencies, to see who is best at packaging candidates and manipulating public opinion.

The same approach continues after election day. The White House staff has more public relations experts today than at any time in history, and the sale of administration policies has become a major bureaucratic preoccupation. Meanwhile the President isolates himself from hard questions by holding fewer presidential press conferences than any of his predecessors, and by demanding network television time so he can speak without the risk of challenge.

Objective reporting has been further chilled by unprecedented harassment of the press—including attempted prior restraints, threatened retaliation for unfavorable reporting and commentary, and even an FBI investigation of a network newsman.

Sources of reliable statistical information are also declining. Expert background briefings on the economy were ended, and reports on urban unemployment were cancelled, because they contradicted the administration's own self-serving descriptions. Crime reports are filtered through political appointees, to make the administration's record look better, before they reach the press and the public. The parity reporting system for agriculture was changed, because the figures exposed an embarrassing contrast between candidate Nixon's promises and President Nixon's result on farm prices.

Even the administration's use of language inspires disbelief. We have a "jobs" program which is, in reality, a $9 billion tax giveaway for big business; a "revolution" which is, in truth, a scheme to shuffle the bureaucracy, a "finest hour" which is, in fact, the abysmal national tragedy in Vietnam.

The Nixon administration is without peer in its efforts to mislead the American people. But it does not have a monopoly. The Pentagon papers disclose a long pattern of deliberate deception and contrivance on the most profound issues of the decade.

Meanwhile responsible officials have hidden their doubts about the war in Vietnam, and have withheld their honest judgments from the public while at the same time professing consistent public support for a disastrous policy.

An informed electorate is a primary condition of democracy. It follows that the deceptive practices of recent years, while they create a serious political issue, also raise doubts about the survival of self-government in this country. We are embarked on a dangerous trend toward control by a collection of elitists whose interests and inclinations dominate national policy irrespective of the public will, and often at the expense of the public good.

We have no reason to expect popular confidence in government until politicians and public officials begin exhibiting their own confidence in the democratic system and in the American people. The electorate has a preeminent right to know what government is doing and why, and to hear the honest judgments of their leaders.

That standard must depend heavily on self-discipline, by candidates and officeholders and by the press as well. But there are other steps we can take to meet it.

To give the American people the best possible opportunity to evaluate fairly the candidates and the issues in 1972, I propose the following immediate steps:

All candidates, both in the primaries and in the general elections, should stand ready to participate in public debates.

All candidates should offer the opportunity for questions from the public on a daily basis.

All candidates should disclose their personal finances, including sources of income, total assets, and liabilities.

All candidates should simultaneously disclose lists of campaign contributions and contributors on a regular basis.

To advance the goal of open government, I propose that the new administration—elected next fall—initiate immediately, by Executive order where possible and by proposed legislation where that is necessary, the following procedures, none of which are presently in effect:

Regular Presidential press conference will be held at least twice each month. Followup questions will be allowed, to assure that answers are completed.

Members of the Cabinet will have press conferences at least once each month.

There will be an end to background briefings in which information is supplied on the condition that the source is not disclosed. All such briefings will be for attribution to the official who conducts them.

Cabinet meetings will be open to the press except in rare cases where the national security imposes a secrecy requirement.

All Presidential appointees will be required to disclose assets, income, and liabilities.

Regular reports will be available on contacts by lobbying organizations and special interest groups with all officials whose responsibilities effect the formation of national policy.

The professional personnel responsible for the collection of statistical information under Government auspices will be available for press briefings and interviews, without exception.

The budgets of all Federal agencies, including those involved in intelligence work, will be disclosed.

Classification of documents or classes of documents will be allowed only upon

order of the President, the Vice President, and officials confirmed by the Senate, and a decision to classify must be made within 30 days of production of the document. This process will be open to monitoring by the Congress.

A systematic procedure for automatic declassification of documents will be adopted, providing in general that classification may not last longer than 2 years.

A unit in the Budget Bureau will report annually on recipients of benefits from Federal subsidy programs, including not only direct payments but tax benefits, special mail rates, concessional interest rates, deposits of Federal revenues, and other forms of privilege.

The Federal Government will encourage the adoption of a uniform open government statute for the States, including public disclosures of assets, liabilities, and income by high State and local officials; publication of the distribution of the State and local tax burden by income classes; publication of recipients of State and local benefits and subsidies, including direct payments, tax privileges, property valuation discrepancies, and special services.

YOUTH FOR UNDERSTANDING

Mr. CHURCH. Mr. President, I take this opportunity to extend my heartfelt congratulations to Youth for Understanding on its 21st anniversary and to the 20 young people from abroad who are now participants and experiencing everyday life in the State of Idaho. There are also three Idahoans who will go to Europe this summer. The participants are:

YOUTH FOR UNDERSTANDING PARTICIPANTS IN IDAHO

1. Jose Pinherio, Brasilia, Brazil; Mr. and Mrs. John Patrick Hamilton, Route 2, Buhl, Idaho 83316.
2. Marisa Baer, Rio de Janeiro, Brazil; Mr. and Mrs. Ross Corless, 764 West 400 South, Heyburn, Idaho 8336.
3. Monica Pino, Talca, Chile; Mr. and Mrs. Doran Butler, Star Route, Bliss, Idaho 83314.
4. Marcio Caliope, Fortaleza, Brazil; Mr. and Mrs. Burrel Williams, Route 1, Shoshone, Idaho 83352.
5. Jose C. Rebello, Rio de Janeiro; Mr. and Mrs. C. W. Kroll, 797th St., Idaho Falls, Idaho 83401.
6. Maria De Fatima, Ferreira Goiani, Brazil; Mr. and Mrs. Edward C. McKim, Route 1, Heyburn, Idaho 83336.
7. Lucia T. Theoduloz, Iquique, Chile; Mr. and Mrs. W. A. Sandy, Hagerman, Idaho 83332.
8. Nidia E. Velasco, Cordoba Argentina; Mr. and Mrs. David Boring, Route 2, Gooding, Idaho 83330.
9. Brogotte Boisseau, Trappes, France; Mr. and Mrs. Gary Major, 814 Michigan, Gooding, Idaho 83330.
10. Teodoro Garcia, Chillian, Chile; Mr. and Mrs. Mark Howell, Route 1, Parma, Idaho 83660.
11. Francisco Pereira, Bragannca Paulista, Brazil; Mr. and Mrs. James Evans, Box 636, Glenns Ferry, Idaho.
12. Matti Leinonen, Helsinki, Finland; Mr. and Mrs. Bob Anderson, Box 206, Gooding, Idaho 83330.
13. Fredrik Wachfmeister, Lund, Sweden; Mr. and Mrs. Morris Lattiner, Box 133, Murtaugh, Idaho 83344.
14. Bernard Hardick, Enfchede, Holland; Mr. and Mrs. Leonard Hurst, Bellevue, Idaho 83313.
15. Annette Stubenrauch, Kiel, Germany; Mr. and Mrs. H. L. Arbaugh, 116 3rd Ave. South, Railey, Idaho 83333.
16. Jeanette Postma, Groningen, Holland; Mr. and Mrs. Harold Jenkins, 720 North Davis, Jerome, Idaho 83338.
17. Mehmed Housic, Sara-Jebo, Yugoslavia; Mr. and Mrs. Matt Smith, High Lawn Drive, Twin Falls, Idaho 83301.
18. Guilherno Ferreria, Forteleza, Brazil; Mr. and Mrs. Vernon Gillespie, 350 West 15 South, Mountain Home, Idaho 83647.
19. Wilson Moraes, Recife, Brazil; Mr. and Mrs. Norman B. McIntosh, Kimberly, Idaho.
20. Marcos Sousa, Gaianai, Brazil; Mr. and Mrs. Paul Stutzman, 635 E. State, Meridian, Idaho.

IDAHOANS IN EUROPE

1. Christe Fields, Gooding, Ida.
2. Julia Howell, Parma, Ida.
3. Ted Everett, Shoshone, Ida.

Seeking international understanding by firsthand experience and personal friendships, Youth for Understanding is the largest and fastest growing organization in the field of teenage exchange programs. It deserves commendation for the outstanding way in which it has operated over the years.

Besides bringing young people to the United States, Youth for Understanding now gives high school graduates the opportunity to participate in a year-abroad program, placing them with host families in foreign countries to study at foreign secondary schools; it offers the opportunity to tour Europe on special study programs; for musically inclined students, it sponsors a chorale, a string ensemble, and wind ensemble that travel on concert tours each summer.

Over 30,000 students from 45 countries have now participated in Youth for Understanding programs. In addition, American students from 42 States have been given the opportunity to expand their horizons through international living experiences.

I commend Youth for Understanding for its efforts in promoting the kind of real understanding and cooperation that are the only foundations for the establishment of peace in this world.

IMPROVEMENT OF THE QUALITY OF LIFE

Mr. TAFT. Mr. President, recently the distinguished Senator from California (Mr. CRANSTON), chairman of the Special Subcommittee on Human Resources, in an address to Planned Parenthood of Pittsburgh, outlined the development of programs for family planning over the past dozen years. His remarks put into perspective the interrelationships of the efforts of international, Federal, State, and community organizations to improve the quality of life by approaching our problems of population growth through rational and voluntary means. As Senator CRANSTON points out, although much has been accomplished by this concerted effort, much remains to be done.

I believe that his remarks will be of great interest to other Senators. I ask unanimous consent that they be printed in the RECORD.

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

ADDRESS BY SENATOR ALAN CRANSTON

In the last decade the world has witnessed a revolution of consciousness concerning the critically important subject of population growth and its relationship to the meaning and quality of life. Our growing population in this country has magnified the problems of housing, natural resources, urban growth, poverty, education, employment, and health—to the point where a national response is required.

And America's special position of leadership in the community of nations requires that we seek answers to the urgent matter of population growth for all humanity. Many of you here tonight have long been committed to enriching human life through the unique voluntary movement known as Planned Parenthood, and I am pleased and honored to speak before you tonight.

Today the quality of human life in our land is threatened by the sheer numbers and the degree of affluence of the people who inhabit the United States. Let us consider for a moment the significance of this country's growth rate during the last 50 years. In 1917 there were one hundred million Americans. Fifty years later, by 1967, our population had doubled to two hundred million. Right now our population is increasing by 2.2 million per year.

Yet the present number of births is the lowest since mid-Depression years, when the rate was about the same. We are not sure what all the factors are that affect population growth. One explanation for the current decline could be the economic recession, when traditionally the number of births drops. As economic conditions improve and if certain trends were to continue—or new trends to develop—the Census Bureau projects that by the year 2000—28 years from now—America's population could go as high as 322 million. Despite the lack of certainty in predicting population growth patterns, I believe we have now reached the point where we must seriously consider how much more population our country can absorb.

We have already demonstrated that we have great difficulty maintaining a decent environment within the confines of our existing population. We make great demands upon our resources—many of which are already in scarce supply. It is also very important to understand that the detrimental effects on our environment are not limited to areas of concentrated population. Certainly, many of the problems afflicting our cities are due to high population density and poor planning. But people consume resources wherever they live, and the impact of this consumption is wide ranging.

The Interim Report of the national Commission on Population Growth and the American Future, on which I am privileged to serve, points out that coping with population growth is not merely a question of evenly distributing our people across the nation. People, whether in New York City or a small town in the midwest, still drive automobiles fabricated of steel produced in Pittsburgh using coal mined in West Virginia. The problems we now face in providing adequate education, housing, health services, rapid transit and meaningful job opportunities, to name just a few, are in part a reflection of our burgeoning population. These problems are going to be compounded as our population continues to expand.

In counterpoint, we know that about one-fifth of all children born between 1960 and 1965—five million children—were not only unplanned but unwanted by their parents at the time of conception. An important study by Dr. Charles Westoff, now Executive Director of the Population Commission, estimated unwanted births to be as high as one million a year—almost half of our present growth rate. Furthermore, while the rate of population growth is largely deter-

mined by the size of America's middle class families, the rate of unwanted births is highest among the poor, on whom the economic burden is already far too great. We must never lose sight of the fact that to millions of Americans "quality of life" still means just getting a square meal.

In the last several years, there have been rapid and significant changes in public policy on family planning. In the early 1960s, practically all organized and effective family planning services were financed from private sources. Beginning in about 1963, due to the dedicated efforts of former Senator Ernest Gruening, we began to see a shifting of national legislative policy in this area.

Senator Gruening vigorously called for increased population research within the National Institutes of Health and his hearings called national and world attention to the issues of population growth and family planning. Former Presidents Eisenhower, Kennedy, and Johnson all went on record in support of government activity in this field. And in 1964, the Office of Economic Opportunity made an experimental grant to Corpus Christi, Texas, for limited family planning services.

Yet the Federal Government did not really actively enter the population field at home until 1967 with the passage of amendments to the Social Security Act authorizing family planning services for all welfare recipients who desired them. Also in 1967, as a result of the efforts of former Senator Joseph Clark of Pennsylvania, Congress amended the Economic Opportunity Act to authorize family planning services to low-income persons regardless of marital status. That same year, the important HEW-financed report by Dr. Oscar Harkavy, director of the Ford Foundation's population office, cited the critical need for a more comprehensive national family planning policy and for more funds and manpower in this field.

As the interest and initiative of Congress continued, President Nixon in 1969 stated his strong support of family planning services and population research in the first Presidential message ever delivered on the subject.

Senator Joseph Tydings then opened hearings receiving testimony from some of the world's foremost scientists, experts and planners. This effort culminated just over a year ago in the passage of the historic Family Planning Services and Population Research Act of 1970, which was overwhelmingly approved by both houses of Congress. This truly landmark legislation made explicit for the first time the national commitment to provide modern, voluntary family planning services to all Americans who need and want them, particularly to those who cannot afford private medical care. It created the first federal entity devoted exclusively to supporting family planning services—the National Center for Family Planning Services within HEW—and expanded and improved the population research activities of the National Institutes of Health.

I would like to point out that while some progress has been made, much more remains to be done. Although our birth rate is now proportionately low, I believe we should take steps to bring about a stabilization of our population growth—if, as most demographers seem to expect, there is a renewed upturn in the birth rate. Even if such an upturn does not occur, there is still much to do in providing family planning services in America, and much to do in the world to stabilize population if we are to avoid chaos and tragedy. In order to formulate adequate plans for our social, economic, and environmental needs in a finite world, we must learn more about the implications of population trends and the sociological and psychological factors that affect population dynamics.

Today, there is still as yet no completely safe and effective means of contraception available to any woman, rich or poor. In the area of providing services, we know that four out of every five low-income women between 18-44 years old who need family planning services are still not being served by any organized programs. While government attention has focused on the five to six million poor women in need of family planning services, there are an estimated 37 million nonpoor women of childbearing age who may want and need to plan their families.

Unwanted or accidental pregnancies are experienced by more than half of all American couples. As a nation, we have only just begun to experience the serious health, social and economic consequences of these statistics.

Internationally, we can see an immediate critical need for population programs. In the less developed countries, problems of population growth and birth control are the most pressing of all. In those countries, the average number of fertile women—those ages 20–29—in those countries will increase, over the averages of the last decade, by about one-third in the 1970s and by about two-thirds during the 1980s. Every effort must be made to extend family planning information and services on a voluntary basis to couples in these countries. Unless this is done, improvements in individual living standards will not be achieved and economic and social progress for much of the world will be seriously retarded.

Our Foreign Assistance program has been assisting in solving these world population problems. Funds have been increasing. Last year Congress emphasized the importance of this problem by earmarking $100 million for this purpose. As a result of an amendment I joined in offering with Senator Taft, I am delighted that this earmarking will be continued for the next two fiscal years and at the increased level of $125 million.

I am also much encouraged by the active leadership role of the United Nations Fund for Population Activities in helping less developed countries identify their needs and prepare population projects. The U.N. fund, supported by the world's developed nations, has grown from $15 million in 1970 to an expected $44–50 million for 1972. This country has pledged to match dollar for dollar the contributions of other nations to this Fund. I am hopeful that the target of $100 million by 1974—declared World Population Year—will be reached.

In terms of services, I'd like to turn now to the Federal Government's plan for carrying out the mandate of the Family Planning Services and Population Research Act of 1970—that is, to provide adequate family planning services to all persons who want them but cannot afford them.

The law was intended to greatly increase financial support over existing funding levels. The cost of providing medical family planning services, including an average of two visits per year, supplies, recruitment and educational activities is about $60 per patient per year. With over five million low-income women in need of these services, an estimated $325 million would be required to maintain an adequate national program.

Prior to the passage of the Population Act in 1970, the combined budgets of HEW and OEO for family planning project grants in fiscal year 1971 was just $55.5 million. The new law authorized an additional $40 million, yet the Administration requested and there were appropriated only $6 million.

The administration's budget for fiscal year 1972, however, requested HEW funds amounting to $90.9 million for family planning project grants—a fifty percent increase from FY 1971. In fiscal year 1973, the administration is requesting $139.8 million for HEW-supported family planning project grants—another increase of more than fifty percent.

This increase appears more substantial than it actually is in view of the administration's steps to phase out O.E.O. family planning projects. The fact that more money will be available for family planning services has been achieved only after considerable prodding from Congress over the last two years, and, even so, this $140 million being requested for FY 1973 represents less than half—actually 43 percent—of the absolute minimum funding which is needed to do the job.

And only $33 million of the FY 1973 requested funds will actually be devoted to expansion of existing family planning projects or the establishment of new ones.

The new law also required the Department of Health, Education and Welfare to submit to Congress a five-year plan—a blueprint—for carrying out the new statutory provisions. The Department of HEW, itself, in its report submitted just a few months ago, estimated the total need for fiscal year 1973 to be between $272 million and $310 million, not far from the $325 figure I set forth earlier.

Specifically, the HEW five-year plan states that funds to carry out the plan would have to come from all possible sources including the Federal Government, foundations, industry and national organizations. To better understand how HEW itself intends to carry out its plan, the Senate Special Subcommittee on Human Resources, of which I am Chairman, conducted extensive hearings. It became clear that, under this HEW plan, the intended funding level could be achieved only if the contributions of private agencies, such as Planned Parenthood, were doubled over the next five years and if the expenditures of State Governments could be doubled over the same period. Even then, an adequate level could not be reached until fiscal year 1975.

I mention these statistics and dollar amounts only to emphasize here the gravity of the problem and the urgency of the need. Our society must devote more time, attention, energy and funds to this issue. Government can't and shouldn't do the whole job alone; help is needed from private sources.

In the greater Pittsburgh metropolitan area alone, recent studies estimate that about 50,000 medically indigent women between the ages of 18 and 44 need family planning services. And, as more girls come into their childbearing years, this number grows commensurately. As most of you, I am sure, know, the new non-profit corporation, the Family Planning Council of Southwest Pennsylvania, Inc., was recently established through the concerted efforts of over 25 health-related agencies in the Greater Pittsburgh area to expand the provision of family planning services. The Council has recently received federal funds for a family planning health system that will serve an additional 8,000 low-income women this year.

This is the foundation of a system here in the Pittsburgh area designed to streamline the range and efficiency of services, avoid duplication of efforts, conserve resources, and lower the overall cost of family planning services and other health services. In five years this system will be capable of providing high quality family planning medical services to every medically indigent woman in the twelve-county Pittsburgh area.

Planned Parenthood of Pittsburgh has—and I congratulate you on this—been deeply involved in stimulating the development of the Council and in planning and evaluating this new program. Included in the broad base of participating agencies is Allegheny General Hospital, Magee-Women's Hospital and McKeesport Hospital, and clinics of the United Auto Workers, as well as the Archdiocese of Pittsburgh. Monsignor Seli, Vicar of Family Life of the diocese and one of the incorporators of the Council, has been instrumental in working out the guidelines with the Council of Bishops for the participation of

Mercy Hospital and the Family Life Centers of the diocese.

This is an outstanding cooperative program which should serve as a model for metropolitan areas across the country. The total cost of the Council's excellent program is $1.4 million. About one-third of the cost must be borne by the community—in part through the generous assistance of foundations and industry.

Family planning is, first and foremost, a matter of preventive health care. Indeed, most American couples who practice family planning do so under the direction of their personal physician. Family planning is, in fact, one of the few aspects of health care that emphasizes preventive as well as curative medicine. Unfortunately, however, most health financing mechanisms—the medical insurance carriers, for example—pay for very few of the costs of preventive care. And among the poor, who have the highest incidence of unwanted pregnancies and infant and maternal mortality, there is practically no access to preventive health care.

Right now a major review of our national health policies is under way in the Congress. I believe that we need a system of comprehensive health care that aims at *keeping* people well in addition to *making* people well. I believe it is our duty and responsibility to be sure that all health services related to fertility—including voluntary contraceptive services and full maternal and child health care—be available as an integral part of whatever new system of health protection is chosen by Congress and the American people.

This aspect of preventive, comprehensive health care should be integrated into all existing public health financing systems, such as Medicaid and Federal, state and local employee health plans. At the same time, we must encourage industry and private health insurance carriers to follow suit. This is what we should strive to achieve. Our country has the resources, and we certainly have the need, to do no less.

The real dangers inherent in our population growth are only now being realized. Responding to the challenge of this problem with vital, positive programs is not an easy task. It cannot be accomplished by the Federal Government alone. State and local governments must also assign higher priority to this field.

And foundations and business must join as full partners in the urgent effort to deal with the complications and implications of population growth. Today, for the businessman calculating future targets, foundations planning long-range budgets, and legislators establishing national priorities, no question is more fundamental and far-reaching than that of population.

We have been aware of this problem for forty years. I feel very strongly that we must bequeath to our children, and their children, a birthright under optimum conditions: deeply wanted by their parents, with maximum opportunity to lead healthy and productive lives and to learn and to grow in a secure and fruitful environment. To do this, we must search together for the ways and means to enrich the quality of life in our nation and to commit ourselves to this task for the sake of our children—our nation's most precious resource.

THE GENOCIDE CONVENTION AND DOUBLE JEOPARDY

Mr. PROXMIRE. Mr. President, the argument has been made against the Genocide Convention that its ratification would make American citizens vulnerable to situations of double jeopardy, or two prosecutions for one crime. They argue that an American, tried and acquitted of crimes by an American court, might conceivably be retried for genocide by any international tribunal.

If this were the case we would have cause to worry. Fortunately it is not. Ratification of the convention would not change our existing extradition treaties. In the United States, no citizen can be extradited for a crime for which he has already been tried and acquitted. Thus, under the Genocide Convention no citizen would run the risk of double jeopardy.

It seems to me that the United States has nothing to lose and much to gain by ratifying the genocide treaty. We would still be protected from unjust prosecution and would enhance our position of world leadership by emphatically endorsing this worthy humanitarian treaty

Once again I strenuously urge the Senate to decisively ratify the Genocide Convention and thereby join an overwhelming number of our allies in this statement against world violence.

DEFENSE PROCUREMENT PRACTICES

Mr. GOLDWATER. Mr. President, on the first of February 1972, I took occasion to air some of my long-held views on defense procurement practices during an Armed Services Committee hearing on the nomination of Mr. Kenneth Rush as Deputy Secretary of Defense.

At that time, I voiced the opinion that the Pentagon has been wasting large sums of money on weapons and asked that a major overhaul in procurement practices be pursued.

Today, I wish to amplify and explain my position so that no one will interpret it as a criticism of the man in uniform or of the companies who supply us with our weapons systems. When I spoke of procurement practices which are a "disgrace" my reference was to a system of procurement that had its inception during the days of former Defense Secretary Robert McNamara and which has not been changed to any appreciable degree since then.

Mr. President, my complaint is that under this system it takes the United States as long as 8 to 10 years to get a new weapon system into our military inventory while the Soviet Union, using substantially our old system, can do the job in 18 months to 3 years. During the Rush hearing, I said it was a disgrace that the greatest technological country in the world should find itself in this situation. I repeat it here today. I believe there must be a very rapid and drastic change in our system of procurement if we are to obtain the best possible weapons, at the earliest possible date for the correct amount of money.

I readily admit, Mr. President, that I am no expert in this field. However, it is my considered opinion that one partial step in the right direction would be the elimination of the "cost effectiveness" concept inaugurated by McNamara. It is my belief that there is no way a weapons system can be accurately weighed and judged in this manner. We must rely more heavily upon the abilities that exist among men in our armed services and in industry—men who know how to plan, to suggest and eventually to produce what we need for the security of our people without having a jungle of untrained civilians complicating their decisions.

Mr. President, I plan to pursue this matter as vigorously as possible. It has to be done. Our Armed Forces are not equal to those of the Soviet Union at this time, and I believe we must find a way to regain our superiority at a cost lower than is now envisioned.

EMERGENCY HEALTH CARE

Mr. McGOVERN. Mr. President, among people under 38 years of age in the United States, more people die from accidents than from any other cause.

Accidents cause a greater loss in productive man-days than heart disease, cancer, or stroke. They cause more bed-days of hospitalization than heart disease, and more than four times as many as cancer. And they cause upward of 100,000 deaths each year.

Many of those lives could be saved.

The leading cause of death for people over 40 is the heart attack. Again, many of those deaths are needless.

One of the essential elements of a prudent program to treat these major killers is virtually ignored. Emergency medical services remain the forgotten stepchild of both medicine and government.

Victims of accidents and heart attacks are not, of course, the only ones who need effective emergency care. Persons suffering respiratory distress, burns, and other acute illnesses need prompt first aid, rapid transportation to a hospital, and good care in an emergency room in order to save their lives, reduce their suffering, or limit their disability.

But most Americans do not have those emergency services. Many rural areas are hundreds of miles from the nearest ambulance or doctor and really have no emergency services at all. Major problems persist even in the big cities. The capabilities of hospital emergency rooms are usually unknown, so that critically ill patients may be brought to hospitals not equipped to handle them. Virtually all emergency rooms are overcrowded with nonemergency patients. Ambulances are often poorly designed, and their crews inadequately trained.

Less than 10 percent of ambulances nationwide are equipped to administer oxygen. Less than 15 percent are equipped with splints that are necessary to safely move patients with broken backs and some other injuries. Only 1 percent can administer intravenous fluids needed to treat shock. Fewer than 2 percent can communicate directly with hospital emergency rooms. And less than 5 percent of ambulance attendants are properly trained.

Yet it has been estimated that emergency vehicles with the necessary equipment could prevent as many as 60,000 deaths each year from cardiac arrests and other cardiopulmonary afflictions. At least 10 percent of accident victims could be saved, and effects of nonfatal injuries and attacks could be sharply reduced as well.

There is no significant technological barrier to better emergency care. An official of the American College of Sur-

geons has estimated that if the knowledge available now were applied to proper treatment and transportation of accident victims, "more lives could be saved than in any other area of medicine."

Nor is the problem one of costs. Compared to other major health problems, emergency services can be made available at relatively low expense for remarkably high returns in saved lives and improved health among the American people.

Instead the problem is largely one of inattention, mismanagement, and, too frequently, simple neglect.

The Federal Government has been almost wholly ineffective in confronting the emergency medical services problem. A 1968 report by the Secretary of Health, Education, and Welfare's Advisory Committee on Traffic Safety recommended that DHEW should work together with the Department of Transportation "to establish prototypical model emergency medical response systems in selected cities and counties throughout the Nation." But 3 years have passed, and this work is not even underway.

What little work is done by the Department of Health, Education, and Welfare is scattered among the many programs of its Health Services and Mental Health Administration. But there is no focus, no coherent plan, and little money in the effort.

The one bright spot in the Federal Establishment has been the National Highway Traffic Safety Administration of the Department of Transportation. It has been actively trying to administer the Highway Safety Act of 1966, which requires each State to plan and implement a statewide emergency services system. But, again, NHTSA has been hampered by a small staff, by inadequate funding, and by a lack of cooperation from the States.

Only a handful of States are actively and effectively implementing the Highway Safety Act standard, and a number of plans, due at the end of 1968, still have not been filed. Statewide or regional coordination is essential, since localities are generally too small to be self-sufficient. And the Highway Safety Act applies only to transportation and communications systems, exempting emergency rooms where a major part of the problem exists.

RECOMMENDED PROGRAM

A realistic effort to fill current gaps in emergency health care must begin with a firm Federal decision to establish a network of emergency medical systems throughout the country, to assure that every citizen has access to adequate services when needed.

Services must be organized and coordinated on an areawide basis. Rapid communications should be available between the public and the system and between emergency rooms and vehicles. Vehicles should be designed and equipped for treatment as well as transportation, which means that they should have vertical height sufficient for intravenous injections and for an attendant to work standing up, and that they should carry basic equipment required to treat trauma, shock, and other most frequent emergency conditions. Special vehicles, including helicopters, should be available to reach remote areas. In hospitals, nonemergency patients should be diverted from emergency rooms to avoid unnecessary clogging of the system.

Achievement of these goals will require a substantial reorganization of the Federal effort. The focus should be placed in the comprehensive planning agencies created under the Partnership for Health Act. Those agencies are now mostly operational and so far they cover about 80 percent of the population. The size of the areas under those agencies is usually most appropriate for a workable emergency system, and this approach assures that emergency care will be considered as a part of the total health delivery system.

Each of these areawide agencies should be given a clearly defined mandate to develop an emergency medical-services system for its area. But beyond that, they must be given the authority to see that the plans are implemented once developed. All Federal funding which bears on emergency services should be channeled through the regional agencies on a "one door" funding basis, both to avoid the existing long and complex multiple review process which large projects must now follow and to permit use of funds as a firm incentive to implement adequate emergency programs.

In the context of this reorganization and consolidation of the Federal effort, the following steps should be initiated immediately:

First. All ambulance attendants should be trained up to the minimal 80-hour emergency medical technician course recommended by the National Academy of Sciences. The total cost, to be borne by the Federal Government, would be about $36 million a year for a 2-year period.

Second. The Federal Government should supply matching funds to the extent required to assure that the entire population has access to adequate emergency vehicles, designed according to clear Federal standards.

Third. The Federal Government should set up a minimum of five complete areawide demonstration systems in different settings—urban and rural—and in different parts of the country. Along with the provision of emergency services, these systems would be designed to collect data and to evaluate new techniques, and their experience would be used as guidance to areawide agencies covering the remainder of the country.

Fourth. Federal funds should be available through the National Institutes of Health to support residencies in emergency medicine in medical centers to produce better qualified physicians to staff emergency rooms.

Fifth. Community health facilities should be expanded through release of at least 1,500 of the prepackaged health units now in storage under the civil defense program, and through recruitment of personnel, including paramedical manpower trained for Vietnam. While meeting urgent community health needs, this step would also alleviate overcrowding of emergency rooms in hospitals and clinics by giving nonemergency patients a practical alternative.

Sixth. Through a combination of FCC regulation and Federal financial incentives, the nationwide implementation of "911" as the uniform emergency number should be made mandatory within 2 years for all telephone systems.

Seventh. The highway safety program should incorporate the posting of frequent and clearly visible signs along all major roads identifying the direction and distance to the nearest emergency facility.

SALT LAKE TRIBUNE HONORS TOM C. KOROLOGOS

Mr. BENNETT. Mr. President, recently the Salt Lake Tribune published an article about my former Administrative Assistant, Tom C. Korologos. Tom is a native of Salt Lake City, and I was pleased to see that he is gaining the recognition he deserves for his work with President Nixon.

But perhaps as important as the personal recognition this article gives to Tom for his accomplishments is the fact that it recognizes there are still opportunities in this country for those who are not afraid of hard work and long hours.

I enjoyed the 8 years Tom was a member of my staff and would hope that with his assignment at the White House that other Members of this body will have the opportunity of becoming better acquainted with the man my staff affectionately refers to as the second-ranking Greek in the Nixon administration.

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:

[From the Salt Lake Tribune, Feb. 6, 1972]

WHITE HOUSE JOB "UNBEATABLE" FOR UTAHAN

Walk through any federal building in Washington, D.C. and one is likely to spot the name of a former Utah resident on the door of some office.

While Utah's population is relatively small, the state seems to have a presence in the nation's capital far out of proportion to the number of its citizens—possibly because Utah is nearly 70 percent owned by the federal government.

The center of power, of course, is the U.S. presidency. And as close to any to this center is 38-year-old Utah native Tom C. Korologos.

He is chief of President Nixon's senate liaison staff—a job which he likens to being the "eyes and ears" of the President in the U.S. Senate.

SEVENTY-HOUR WEEK

It is a job which pays him $35,000 a year and one which requires 60 to 70 hour workweeks.

A former Salt Lake newspaperman, he went to the U.S. capital in 1962 as an aide to Sen. Wallace F. Bennett (R-Utah). He joined President Nixon's staff last year.

He has become neither jaded nor blase by eight years in Washington.

"I'm still a 'Gee Whiz' guy when it comes to Washington," he says. "When people say 'Do you have to go up to the Senate today?' I tell 'em I get to go to the Senate today.'"

Now a portly bespectacled figure with a thick black thatch of grey-flecked hair, he

scarcely is representative of the grim image hung to the Nixon Administration.

IRREVERENT QUIPSTER

He sports bellbottoms, a blazer and has an established reputation of being an irreverent and quotable quipster.

He was born in 1933, the first of four children of a Greek immigrant, Christ (Chris) Korologos and his wife Irene.

The father had arrived in the U.S. shoeless and penniless in 1916. He had worked on the railroad in Pocatello for several years then opened a bar in Salt Lake City which he operated until his death in 1963.

Tom attended the Oquirrh Elementary School, worked out with the tumbling team, and attended a church-run Greek school every night where he was steeped in the language and traditions of his ancestoral country. "There was not much time to play."

PAYS OFF

The Greek language paid off when he and his brother Mike played on a Greek Orthodox Church team and were able to confuse the opposition by giving their signals in the mother language.

He was manager of the West High School football team. As a University of Utah student, he studied psychology and contemplated the career of school teacher.

He lost his grocery job when the store was sold, and cast about for new employment. He applied for a job on the Salt Lake Tribune was hired as a copy boy.

His incidental entry into newspapering proved to be his most valuable experience.

GREATEST SHOW

He moved onto the sports desk, where he believes he was the first to coin the express description of Utah snow as "The Greatest Snow on Earth."

He went on active duty as an Air Force officer, serving as information officer at Little Rock Air Force Base.

In 1957 he was awarded a Grantland Rice fellowship to the Columbia School of Journalism, New York City, and graduated at the top of a class of 75. He won one of three traveling Pulitzer fellowships, took advantage of the beginning of the Cold War thaw to become the first Western newsman to enter Bulgaria.

In 1960, he covered the Winter Olympics at Squaw Valley, Calif., for The Tribune and there had his first encounter with the man who was to become his boss.

GREEK TEAM

It so happened that then Vice President Richard M. Nixon was in the restricted athlete's compound. Tom burrowed under a snow fence, proclaimed to any questioners that he was a member of the "Greek team." (There was no Greek team at that winter olympics.)

He spotted the vice president, asked him if he was in shape for the forthcoming campaign against Sen. John Kennedy. Recollection: A smile, and "I sure am."

He joined the Salt Lake Evans Advertising in 1961 and shared, in a minor way, as he recalls, in the agency's campaign to re-elect Sen. Wallace F. Bennett (R-Utah).

After the successful campaign, he was asked by the agency to scout among former news colleagues for an appropriate press aide to the senator.

WHY NOT ME?

After considering several newsmen, the thought struck him like lightning: "Why not me?"

He recalls the first meeting with the senator:

The senator: "Beware of Greeks bearing gifts."

Tom: "How much does a Grecian urn?"

It was the beginning of an affectionate relationship in which the senator was as much a father as a boss.

Tom eventually was named administrative assistant to the senator.

Similar to the job with the senator, the job with the President is one of high pressure. But it is pleasurable pressure: "I thrive on it. I never say I have to work in Washington. I GET to work in Washington."

Early before the traffic rush, he drives the 22 miles between his house in Springfield, Va., and the White House in a fleet MGB convertible.

He arrives in his office in the East Wing of the White House at 6:30 a.m., surveys three newspapers, then joins the daily 7:30 a.m. Domestic Council meeting in the White House.

The council includes 25 staff members, who under the direction of George Shulz, director of the office of management and budget, review events and assess key issues and legislation of importance that day.

At 8 a.m., he heads for the Hill, there joining key senators for breakfast in the Capitol dining room.

LOYALTY TO NIXON

He not only searches out their opinions and attitudes but also relays presidential sentiments to them. His loyalty, of course, is totally to the President. "If he said 'Go stand on top of the Washington Monument,' I'd go stand on top of the Washington Monument."

Bearing Senate sentiments back to the council meeting is not always a pleasurable task—particularly when the sentiment is adverse to administration desires.

But, as he says, he tells it like it is—good or bad. And like the messenger who was decapitated for bringing bad news to the king, he is subject to verbal decapitation.

WEEKENDS AT HOME

Weekends are usually spent at home, watching pro football or tossing ball with the kids, Ann, 9; Philip, 6, and Paula, 2. His wife is the former Joy Goff, whom he married in 1960.

If the job has its pleasures, it also has its frustrations. For Tom, the biggest is the countless telephone calls.

Responding according to the priority of the caller he finds that some calls are seven days in the answering.

WAR POWERS STUDY

Mr. GOLDWATER. Mr. President, there is now pending on the Senate Calendar a piece of legislation which raises perhaps the most fundamental issue to confront Congress in this century. I am referring to S. 2956, which was recently reported by the Senate Committee on Foreign Relations. This bill would purport to define the sole instances in which the President of the United States can deploy or use American Armed Forces outside the United States and, even in these very limited circumstances, would attempt to restrict his commitment of American troops to a period of not to exceed 30 days.

Mr. President, this issue has been before the Nation ever since George Washington was its first President. When President Washington issued a proclamation of neutrality during hostilities between Great Britain and France, he did so against the very vigorous objections of Thomas Jefferson that it was only the Congress who could decide on matters of war and peace. From this historical beginning, the President has traditionally held and used the power of making the primary decisions on matters of foreign policy and of determining the proper occasions on which to use the Armed Forces of the United States in furtherance of that foreign policy.

Mr. President, in line with this principle, past Presidents have sent American troops abroad to defend the national security of the American people on nearly 200 separate occasions. This historical fact was noted by proponents of the pending war powers bill at the hearings of 1971, but witnesses spoke to the situation without having a documented record before them. Speaking only from general impressions, these witnesses uttered many erroneous statements concerning these past Presidential initiatives and used their wrong conclusions as a basis for arguing that S. 2956 is not in conflict with the Constitution as interpreted under 193 years of practical experience. For example, Prof. Henry Steele Commager testified that in almost every instance these Presidential initiatives have been confined to the Western Hemisphere and even to the contiguous territory of the Caribbean. Professor Commager added that in all the previous precedents "some 95 percent lasted less that 7 days."

But, Mr. President, these conclusions are wrong. At the time Professor Commager spoke, there was no thorough and detailed analysis available of these past experiences, and I can understand how anyone speaking from his general conceptions might have been mistaken. However, there now does exist a documented summary identifying at least 196 separate occasions during the past when Presidents have sent U.S. forces overseas, without a declaration of war, on armed, hostile missions. This summary was prepared at my request when I first became interested in the various proposals that had been introduced seeking to place the details of running the Armed Forces into the hands of Congress. I was curious about historical precedents. I wanted to learn how many occasions existed when Presidents had used troops on their own authority without any declaration of war in our past history, and to discover how Congress and the courts had reacted to these instances. I assigned my legislative assistant the task of undertaking a compilation of all of these past Presidential ventures, and it is his research paper which is now available to clarify once and for all the precise nature and number of previous Presidential initiatives.

Mr. President, his paper has been printed as a Law Review article entitled "War Powers Legislation" in the current January 1972 issue of the West Virginia Law Review. Contrary to the claims made by Professor Commager, this new evidence discloses that 96, or almost 50 percent, of these military actions lasted more than 1 month, not merely 5 percent. Also, contrary to what was said at the Senate hearings, this article proves that fully 102 of these military actions took place outside the Western Hemisphere, not simply one or two exceptions.

Mr. President, in order that Senators may have before them during the forthcoming floor debate this totally new analysis of relevant past actions undertaken by Presidents, I ask unanimous consent that the article prepared by Mr. Terry Emerson at my request be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From 74 West Virginia Law Review 53–119 (1972)]

WAR POWERS LEGISLATION

(By J. Terry Emerson) *

I. INTRODUCTION

The Ninety-Second Congress has been marked by the unusual drama of a vigorous and persistent effort by the Legislative Branch to confront the President, eyeball to eyeball, over the primary issues of war and peace.[1] Nowhere has the contest been joined in a more fundamental way, reaching to the very core of the division of powers between the two political branches, than in the bold thrust by several senators to codify the rules governing the circumstances in which the United States may go to and remain in war.[2]

No less than 19 senators have introduced or cosponsored one of five different bills or joint resolutions seeking to define the instances when the President may use or deploy the Armed Forces of the United States.[3] Taken singly or severally, these measures purport to demark the sole conditions under which the President can initiate military hostilities and to restrict his authority to continue any such hostility beyond a brief period unless and until he has obtained a new and specific authorization from Congress.[4]

It is the purpose of this article to examine the validity of such a legislative approach and, in so doing, to test its practical soundness.

II. DESCRIPTION OF WAR POWERS BILLS

First, it is necessary to know what the War Powers Bills attempt to do. Accordingly, we might start by reviewing the bill, S. 731, introduced by Senator Javits. The other measures then can be discussed in relation to how they differ from S. 731.

In its first section, the Javits bill provides that the "use of Armed Forces of the United States in military hostilities in the absence of a declaration of war [shall] be governed by the following rules . . . ." [5] These rules are (1) the President shall initiate military hostilities only in four prescribed circumstances;[6] (2) the President shall report promptly to Congress whenever military hostilities commence; [7] (3) in no event shall such hostilities be sustained beyond thirty days unless Congress enacts legislation to this end; [8] and (4) the President's authority to sustain such hostilities may be terminated short of thirty days by joint resolution of Congress.[9]

The four situations in which the President is limited to using the Armed Forces are:

"1. to repel a sudden attack against the United States, its territories, and possessions;

"2. to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

"3. to protect the lives and property, as may be required, of United States nationals abroad; and

"4. to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required." [10]

In addition S. 731 creates a system by which legislative proceedings shall be expedited whenever a bill or resolution is introduced continuing any military hostility initiated in one of the above four instances or terminating any such hostility.[11] Finally, S. 731 expressly waives its application to hostilities undertaken before its enactment.[12]

By comparison, S.J. Res. 59, introduced by Senator Eagleton, limits the President to committing U.S. forces to action only in three of the four circumstances outlined in S. 731, omitting any authority for the President to comply with a treaty commitment.[13] In fact, S.J. Res. 59 specifically mandates that no "treaty previously or hereafter entered into by the United States shall be construed as authorizing or requiring the Armed Forces of the United States to engage in hostilities without further Congressional authorization." [14]

Another distinguishing feature of the Eagleton resolution is found in its express declaration that "authorization to commit the Armed Forces of the United States to hostilities may not be inferred from legislative enactments, including *appropriation* bills which do not specifically include such authorization." [15]

In addition, S.J. Res. 59, unlike S. 731, includes a definition of the term "hostilities." [16] In this way, S.J. Res. 59 not only applies to "land, air, or naval actions," [17] but also to the deployment of American forces abroad "under circumstances where an imminent involvement in combat activities with other armed forces is a reasonable possibility." [18] United States military advisors accompanying "regular or irregular" troops of a foreign country on any combat mission are similarly reached by the definition.[19]

If a governing Congressional authorization exists, of which the resolution itself appears to be one, the President is authorized to order American forces into a third country with which we are not then engaged in hostilities when in hot pursuit of fleeing enemy forces or when a clear and present danger exists of an imminent attack on our forces by enemy units located in such third country.[20]

One remaining difference between the Javits bill and the Eagleton resolution is the requirement in S.J. Res. 59 that the President shall report periodically on the status of any authorized hostilities,[21] rather than solely at the onset of such actions.[22]

The third War Powers legislation, S.J. Res. 95 by Senator Stennis, is essentially similar to the provisions contained in S.J. Res. 59. The organization of sections is shifted somewhat, and Senator Stennis explicitly adds authority for the President "to prevent or defend against an imminent nuclear attack on the United States," [23] thereby making precise what is broadly allowed under the other proposals. Finally, S.J. Res. 95 refers to "armed conflicts" [24] instead of "hostilities." [25]

But the main substantive difference between the two joint resolutions lies in the absence from S.J. Res. 95 of an explicit disavowal saying a national commitment cannot arise from a treaty [26] and its omission of the "hot pursuit" provision of S.J. Res. 59.[27] One change in the Stennis resolution which could become important in different circumstances is its non-application solely to the Vietnam conflict.[28] This could mean that if war should break out at some fresh spot in the world, the action would be within the scope of the proposal's limitations even though it had started before the proposal was enacted. But in the event an unexpected military venture should develop before S.J. Res. 59 became law, the action would not be limited by the statute.[29]

S. 1880,[30] introduced by Senator Bentsen, is almost identical with S.J. Res. 95, and the above summary is adequate to describe its provisions.[31]

The fifth War Powers legislation is S.J. Res. 18, proposed by Senator Taft. It is most like S. 731 in that it defines four circumstances similar to those of that bill in which the President is restricted to using military force.[32] Unlike S. 731, however, the Taft resolution does not restrain the period of such hostilities to thirty days.[33] Nor does it include any procedure for the speedy consideration of legislation seeking to terminate the action.[34] Furthermore, S.J. Res. 18 extends solely to situations involving the commitment of forces "to combat," [35] while S. 731 may possibly be construed to reach a much broader category of troop movements and uses.[36]

Furthermore, S.J. Res. 18 does not contain any provision exempting prior hostilities from its restrictions.[37] It does contain a detailed part authorizing the continued deployment of United States troops in Vietnam so long as necessary to accomplish a withdrawal of our forces and the assumption by South Vietnam of its own defense.[38]

III. CONSTITUTIONALITY OF WAR POWERS BILLS

A. Fundamental issues

It is immediately evident that each of the War Powers Bills purports to lay down rigid boundaries which supposedly will govern the situations when the President may and may not use United States military forces abroad.[39] Four of the five measures attempt to specify for how long our troops can be committed even in the limited situations where the President is allowed to act.[40]

But what is the source of Congressional authority over the decision of when and where to wage war? Does the Constitution unequivocally deposit the controlling power over military matters with Congress? Is there a line of court decisions clearly supporting the view that Congress can forbid the sending of troops outside the country? Does historical practice bear out the doctrine of Congressional supremacy over the use of force in foreign affairs? Or are the War Powers Bills founded upon misplaced emotions and unproven postulates?

B. Textual arguments in support of legislation

The task of presenting arguments for the constitutional standing of the War Powers legislation has largely been assumed by Senator Javits. On March 5 of 1971, he inserted a thorough brief on his bill, incorporating a discussion of the textual arguments and decided cases, into the Congressional Record.[41]

His brief argues that:

"Article I, Section 8 confers on Congress the major war powers—the powers to provide for the common defense; to declare war; to raise and support an army and navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute federal laws, suppress insurrections and repel invasions; and to provide for organizing, arming, disciplining and governing the military—and the authority to make all laws necessary and proper to the execution of such powers." [42]

From this, the brief concludes "that the role of war policy formulation was intended for Congress and that the role of the President was to be the faithful execution of Congressional policy." [43] Thus, the executive power as Commander in Chief is seen as only a ministerial function,[44] derived from the experience of the framers of the Constitution with the conduct of the Revolutionary War.[45] Like General George Washington, whose commission from the Continental Congress insisted upon Congressional control of that war,[46] the "President, as Commander in Chief was intended to be the executive arm of Congress, carrying out its policy directives in the prosecution of military hostilities." [47]

The concept held by Senator Javits has received support from Professor Richard B. Morris, who recently assured the Senate Committee on Foreign Relations "it is a fair inference from the debates on ratification and from the learned analysis offered by the *Federalist* papers that the warmaking power of the President was little more than the power to defend against imminent invasion when Congress was not in session." [48]

Not all commentators agree. Professor Quincy Wright wrote in 1969:

"I conclude that the Constitution and practice under it have given the President, as Commander-in-Chief and conductor of

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Footnotes at end of article.

foreign policy, legal authority to send the armed forces abroad; to recognize foreign states, governments, belligerency, and aggression against the United States or a foreign state; to conduct foreign policy in a way to invite foreign hostilities; and even to make commitments which may require the future use of force. By the exercise of these powers he may nullify the theoretically, exclusive power of Congress to declare war." [49]

It is clear the above statement is not principally a modern day concept, erected in awe at the vast scope of Presidential conduct over the last twenty years.[50] Professor W. W. Willoughby, author of a famous three volume work on constitutional law, reached the same findings in 1929. Willoughby declared that the power of the President to send United States forces outside the country in time of peace "when this is deemed necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States" is a "discertionary right constitutionally vested in him, and, therefore, not subject to congressional control." [51]

The late Professor Edward Corwin, who was selected by Congress to edit the congressionally sponsored *Constitution Annotated,*[52] also recognized the President's authority to commit military forces abroad on his own initiative.[53] In 1944, he wrote that this power "had developed into an undefined power—almost unchallenged from the first and occasionally sanctified judicially—to employ without Congressional authorization the armed forces in the protection of American rights and interests abroad whenever necessary." [54]

In truth, there exists much informed opinion from which one might doubt the restrictive view held by the advocates of War Powers legislation.[55] Contrary to the position asserted by a sponsor of one of these bills, there is no uniform viewpoint or visible weight of opinion establishing that "the proposals are constitutional." [56]

C. Cases used in support of legislation

Regardless of theoretical arguments, what have the courts decided? According to the brief offered by Senator Javits, they have held unfallingly that Congress may curb the Executive's employment of military force,[57] a claim we shall now test.

Three of the cases relied upon by the War Powers brief construe the application of early statutes applicable to the undeclared Naval War of 1798 to 1800, between the United States and France.[58] In point of fact, all of the cases were decided after the event, subsequent to the close of hostilities and had no bearing whatsoever on the conduct of an ongoing war.

The first of these cases, *Bas* v. *Tingy* [59] (also cited as *The Eliza*), involved the factual determination of whether the term "enemy," as used by Congress, referred to French privateers. The sole purpose of the Court's exercise was aimed at determining whether the owner of the *Eliza* had to pay salvage under a special federal law relating to the recapture of ships from the "enemy," rather than under a general statute which provided for payment of a much lesser amount. It is true three justices made sweeping references to the limits which Congress might set on hostilities, but these statements were in no way necessary to the decision of the case.[60]

Talbot v. *Seeman,*[61] decided a year later, involved the same statutes and included a declaration by Chief Justice Marshall to the effect that "the whole powers of war" were "vested in Congress." [62] Though heavily relied upon by sponsors of the War Powers legislation, the decision imposed absolutely no restriction upon the Executive's conduct of an ongoing war. What the Court would decide in the event Congress sought to shackle the President's discretion in the middle of an actual conflict presents a far different situation than the minor incident settled by this case.

The third case, *The Flying Fish,*[63] construed the meaning of a Federal law providing for forfeiture of American vessels employed in commerce with France. While the statute empowered American war ships to seize United States trading ships going into French ports, President Adams directed the navy to capture United States vessels both going into and coming from French ports. After the war was over, the Court held the seizure of a Danish vessel upon leaving a French port was unlawful.

Plainly the Court's discussion of the conflict between the Presidential order and the Act of Congress was dictum. Neither the President nor Congress had directed the seizure of neutral vessels. The capture of a Danish ship was not permitted under either claim of authority. Further, the case was not aimed at stopping the President from using American forces. It turned on the civil obligations of the commander of one American frigate, not on the respective roles of Congress and the President in the making of war.[64]

Another significant factor downgrading the relevance of the above three cases has been raised by Professor John Norton Moore. Speaking before the Senate hearings on War Powers legislation, Professor Moore advised the committee "these cases involved an issue squarely within a specific grant of authority to Congress. That is, the power 'to make Rules concerning Captures on Land and Water.' Under the circumstances it hardly seems surprising or relevant that a congressional act concerning rules for capture was preferred by the Court to a presidential interpretation of that act." [65]

Further question has been raised about this early line of cases by Secretary of State William P. Rogers, who reminded the Senate Committee on Foreign Relations that they were "decided before the doctrine of 'political questions' was formulated by Chief Justice Marshall in *Foster* v. *Neilson,* 27 U.S. (2 Pet.) 253 (1829) and . . . a similar case would probably never reach decision on the merits today." [66]

Indeed, one of the sponsors of S. 731 writes: "Also, it is conceded that should war powers legislation be enacted and result in a confrontation between the President and the Congress, there is little chance of judicial interpretation." [67]

Chronologically, the next decision relied upon in the War Powers brief is the *Prize Cases,*[68] a Civil War judgment regarding the legality of President Lincoln's blockade against the Confederacy. It is claimed this case proves "the Court's insistence upon Congressional authorization as the basis of Presidential war powers." [69] Yet Justice Grier, who wrote the Court's opinion, carefully explained the issue was not whether Congress had authorized the blockade, but whether the President, acting alone, possessed a right to take military action "on the principles of international law, as known and acknowledged among civilized States?" [70]

In upholding President Lincoln's right to meet the insurrection, the Court said: "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority." [71] In the author's opinion, this case, far from indicating a superior role for Congress, points to the presence of a duty on the President to answer certain challenges against the nation without waiting for Congress to baptize them with a name.[72]

Another case cited in support of the War Powers bill is *Ex parte Milligan,*[73] in which the Court held that neither Congress nor the President could authorize the trial of a civilian before a military tribunal in a State which had been loyal to the Union during the Civil War. Though the case did involve limits on the power of the President, as well as on that of Congress, the Court's language might well be read as restricting the authority of Congress to impede the President's command of military decisions once hostilities break out. Four of the justices remarked upon the power of Congress in time of war as follows: "This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief." [74]

Another case which may actually enlarge upon the President's power, but has been cited as authority for the War Powers legislation,[75] is *United States* v. *Midwest Oil Company.*[76] This case considered the validity of a Presidential decree which withdrew from public acquisition all public lands containing petroleum. The President had issued the order even though Congress had passed a law making these same lands free and open to purchase by United States citizens.[77]

Nevertheless, the Court found that the Executive had been making similar orders contrary to Acts of Congress for a long time and, as a result, had acquired a power to do what it had been doing.[78] As we shall see in a later part of this article, the *Midwest* doctrine may thereby be applicable to support the practice of Presidents to commit United States troops overseas without Congressional direction.[79]

The remaining decision relied on in the War Powers brief is the "Steel Seizure" [80] case which arose out of President Truman's attempted takeover of the nation's major steel mills. Though the Court held, six to three, the President lacked authority on his own to take possession of private property, even on the ground of his role as Commander in Chief, it is plain the Courts majority treated the case as a domestic issue far removed from matters of day-to-day fighting in a theater of war.[81]

Justice Jackson appears to have expressed the mood of the Court aptly when he wrote: "We should not use this occasion to 'circumscribe,' much less to contract, the lawful role of the President as Commander-in-Chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society." [82]

Accordingly, it is believed the "Steel Seizure" case is mistakenly cited as being applicable to any situation regarding the use of United States troops outside the country for the protection of American interests. In the words of Secretary of State William P. Rogers, "the precise issue in that case was not the President's authority to conduct hostilities but the scope of his power over a clearly domestic matter—labor management relations." [83]

A somewhat analogous decision, inspiring a multiude of opinions and touching on the fringes of the President's War Powers, with no direct limit on his right to deploy forces, is the *New York Times* case [84] relating to the publication of the so-called Pentagon Papers. In this case, Justice Douglas, joined by Justice Black, aimed a thrust at the President by proclaiming "[n]owhere are presidential wars authorized." [85] But this view was not taken up by any other member of the Court's ruling.

D. Source of President's powers over military and foreign affairs

Numerous authorities have described in detail the vast scope of the President's authority to employ force abroad.[86] In general, these observers point to four distinct powers

Footnotes at end of article.

of the President as the root of his independent authority. The powers are centered in his acquisition of all the "Executive Power" of a great and sovereign nation,[87] in his mandate to initiate and conduct foreign policy,[88] in his right and duty to "take care that the laws be faithfully executed," [89] and in his designation as Commander in Chief.[90]

The very first sentence of article II of the Constitution reads: "The Executive Power shall be vested in a President of the United States of America." [91] As Solicitor General Erwin Griswold has recently noted, the grant of Executive power "is not a merely passive grant." [92]

It was Alexander Hamilton who first used this grant in arguing that the President's role in international matters is a positive one.[93] In fact, Hamilton claimed this clause had vested in the President the inherent powers held by any sovereign nation, including the right to form policy which "may, in its consequences, affect the exercise of the power of the Legislature to declare war." [94] The Hamiltonian concept of inherent powers over foreign affairs appears to have influenced Chief Justice John Marshall, who in 1800 while still a Member of the House of Representatives, conceived the familiar quote: "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." [95]

In 1971, Justice Harlan, Chief Justice Burger, and Justice Blackmun breathed fresh life into Marshall's characterization by writing: "From that time, shortly after the founding of the Nation, to this, there has been no substantial challenge to this description of the scope of executive power." [96] The reference by these three justices to the President's "constitutional primacy in the field of foreign affairs" was echoed in the same case by Justice Thurgood Marshall who declared: "[I]t is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander-in-Chief." [97]

All four justices cited with approval [98] the landmark case of *United States* v. *Curtiss-Wright Export Corp.*,[99] in which the Supreme Court had embraced the doctrine of "inherent" powers over the conduct of foreign affairs. There the nation's highest tribunal held it was dealing with "the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress. . . ." [100]

The third pertinent power of the President is derived from his duty and right to execute the laws, an implicit authority which often is overlooked in contemporary discussions of the war powers. Professor Quincy Wright has remarked on this authority:

"The duty to execute the laws is not limited to the enforcement of acts of Congress and treaties of the United States, but includes also 'the rights, duties and obligations growing out of the constitution itself, our international relations, and all the protection implied by the nature of the government under the constitution'." [101]

Corwin has described the implications of this doctrine as follows:

"Thanks to the same capacity to base action directly on his own reading of international law—a capacity which the Court recognized in the *Neagle* case—the President has been able to gather to himself powers with respect to warmaking which ill accord with the specific delegation in the Constitution of the war-declaring power to Congress." [102]

Thus, the implied power of the President to interpret for himself the scope of our international obligations has enabled him to validly exercise powers which might otherwise appears to have been left to the proper authority of Congress.[103]

It has also been judicially determined that "the President's duty to execute the laws includes a duty to protect citizens broad. . . ." [104] Thus said Justice Nelson, who sitting as a trial judge in 1860 upheld the authority of the President to take whatever action he determines proper to protect "the lives, liberty and property" of the citizen abroad, without awaiting word from Congress.[105] The corollary right of a citizen abroad "to demand the care and protection of the Federal government over his life, liberty, and property" was subsequently recognized by the Supreme Court.[106] which expressly included this protection among the privileges and immunities of citizenship guaranteed by the Constitution.[107]

Not only is there persuasive domestic law on the issue of intervention abroad for the protection of citizens, but J. Reuben Clark, citing several international authorities, claims:

"There is considerable authority for the proposition that such interposition by one state in the internal affairs of another state for the purpose of affording adequate protection to the citizens of one resident in the other as well as for the protection of the property of such citizens, is not only not improper, but, on the contrary, is based upon, is in accord with, and is the exercise of a right recognized by international law." [108]

In addition, the right of the nation to defend itself as well as its citizens, is clearly established in both international and domestic law." [109]

A fourth source of the President's powers in the field of war making rests upon his designation as Commander in Chief.[110] This power has been succinctly defined to encompass "the conduct of all military operations in time of peace and of war, thus embracing control of the disposition of troops, the direction of vessels of war and the planning and execution of campaigns," and to be "exclusive and independent of Congressional power." [111]

What little judicial holdings there are on this power suggest it is largely an unfettered one. For example, in 1886, four members of the Supreme Court pointedly stated: "Congress cannot direct the conduct of campaigns." [112] In 1897, the High Court affirmed a decision by the Court of Claims which held: "Congress cannot in the disguise of 'rules for the government' of the Army impair the authority of the President as Commander in Chief." [113]

E. Historical overview of President's war powers

Some twenty-five years ago, James Rogers, a former Assistant Secretary of State wrote: "It must be evident that the control of foreign policy and of the armed forces left to the President by the Constitution and reinforced by a century and half of augmentation, reduces the reservation of the power to 'declare war' to a mechanical step, sometimes even omitted." [114] What had happened to allow Rogers to assert such a bold claim? It was his discovery, unknown and unnoticed by most Americans, that "[t]he Executive has used force abroad at least a hundred times to accomplish national purposes without reference to Congress." [115]

This astonishing total was evaluated by Professor Corwin, who stated: "While inviting some pruning, the list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and to take action in accordance with that decision." [116]

Clearly little wars are not "phenomena new to the national experience," [117] as some authorities, obsessed by the Vietnam war, would have us believe.[118] Indeed, by April of 1971, Senator Barry Goldwater informed the Senate War Powers hearing that research at his direction had "turned up 153 such actions." [119] The Goldwater study is a continuing one and a fresh review of the subject by the author in preparation for future testimony by Senator Goldwater reveals there are at least 196 [120] separate military engagements initiated by the Executive branch without a declaration of war from 1798 to 1971.[121]

The list seems particularly imposing since its total consists of hostilities where actual fighting took place, landings were made on foreign soil, or United States citizens were evacuated. No precedents are listed involving mere deployment of forces or craft simply to maintain an American presence, even if the deployment constituted an alert accompanied by an advanced state of readiness, except for some eight instances in which the risk of war was particularly grave. Nor have any military operations been offered as precedents which were subsequently disavowed or repudiated by the Executive.[122]

Are these precedents "minor undertakings" [123] and "short-lived" [124] as charged by some critics? Are the incidents confined to the Western Hemisphere and contiguous territory up to "the last twenty years or so," with the sole exception of the Boxer Expedition, as claimed by Henry Steele Commager? [125] The author believes the record stands for itself. We might note first that out of the 196 actions listed, 102 occurred outside the Western Hemisphere,[126] 87 of them taking place before "the last twenty years or so." [127] To which fact, we might add that 82 hostilities constituted actual combat operations or ultimatums tantamount to the use of force.[128]

Ninety-six engagements continued for longer than 30 days.[129] No more than 81 of the precedents,[130] less than half, could arguably have been initiated with the support of a legislative instrumentality. At least 45 of the precedents [131] were "calculated and ideological" [132] in the sense that they committed the United States outside its own territory in order to advance major, long-range national interests stretching far beyond the immediate protection of its citizens or territory.

Were the operations minor? In 1854, at a time when American forces did not exceed 50,000 men, Commodore Perry took 2,000 of them to the other side of the world in order to pressure Japan into reaching a commercial treaty with us.[133] Between 1899 and 1901, the United States used 126,468 troops to put down the Philippine Insurrection.[134]

After World War I had ended, we landed 5,000 soldiers at Archangel, Russia, and 9,000 more in Siberia, to aid the anti-Bolsheviks and to forestall Japanese expansionist plans in Siberia.[135] From 1926 to 1933, United States Marines fought more than 150 battles in Nicaragua and lost 97 men in seeking to foil what has been referred to as the "first attempt of Communism to infiltrate Latin America." [136]

In 1927, the United States had 6,000 troops ashore in China and 44 naval vessels in its waters.[137] In numerous other instances, the United States has put ashore hundreds and even thousands of forces on foreign lands.[138]

Put in the perspective of their own times, it is believed these interventions cannot be classified as "minor." Rather, the author would agree with the assessment of Professor Henry Monaghan that:

"[W]ith ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their foreign policy objectives. When little force was needed (*e.g.*, in our incursions in Latin America), little was used; when larger commitments were necessary, they too were forthcoming. Whatever the intention of the framers, the military machine has become simply an instrument for the achievement of foreign policy goals, which, in turn, have become a central responsibility of the presidency." [139]

Further, the author believes Professor Monaghan is correct in telling us that "his-

Footnotes at end of article.

tory has legitimated the practice of presidential war-making." [140] In Monaghan's words, "A practice so deeply embedded in our governmental structure should be treated as decisive of the Constitutional issue." [141]

With this historical record in back of us, the principle laid down by the Supreme Court in *Midwest Oil* [142] gains added relevance. Here the Court had announced "that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." [143]

Certainly, the deployment of forces abroad on the initiative of the President alone is a "long-continued practice" extending backward far longer than the usage found to be valid in the *Midwest Oil* case.[144] Furthermore, Congress has known of and acquiesced in the President's usage for nearly a century and a half now, part of the time arguably in the face of a limiting Congressional statute.[145]

One instance when it is clear the President violated the terms of a Congressional statute attempting to govern his power to deploy troops abroad is the experience of the nation under the Selective Service Act of 1940.[146] The law expressly provided that no draftees were to be employed beyond the limits of the Western Hemisphere, except in territories and possessions of the United States.[147]

Notwithstanding the Congressional prohibition, President Roosevelt deployed our troops, including draftees, to occupy Iceland and Greenland several months before World War II had been declared.[148] Iceland, however, is over 2,300 miles away from the closest point in the United States and is invariably placed in the section on Europe in any prominent world atlas. If nothing more, the incident shows Presidents will ignore Congressional limitations when they believe vital American interests are undeniably at stake.[149]

IV. Policy considerations

Regardless of the legality or illegality of the War Powers legislation, are the measures wise or proper from a practical standpoint? Can any Member of Congress, or Congress collectively, foresee all contingencies that may arise in the future? Might the War Powers legislation unwittingly turn the tables on its sponsors by exciting a situation or pushing a reluctant President into broader action than he wishes? A partial answer might be evident from the fact that many of the same authorities who have testified in favor of the general concept of War Powers legislation nevertheless have uttered grave concerns about the wisdom of these measures in practice.

For example, McGeorge Bundy warned "no single rule is likely to meet all our needs, and in particular I think it is dangerous to try to deal with the future by legislating against the past." [150] Alexander Bickel has confessed: "Codification seems to me difficult, heavily prone to error, quite possibly dangerous, and unnecessary." [151] William D. Rogers remarked: "I think the Javits proposal requiring the President in effect to get out if Congress does not act within 30 days is dangerous." [152]

These thoughts have been refined and expanded by others who are in outright opposition to passage of War Powers legislation.[153] Secretary of State William P. Rogers cautioned those who might conceive of the War Powers legislation as serving the end of peace by saying: "Moreover, requiring prior congressional authorization for deployment of forces can deprive the President of a valuable instrument of diplomacy which is used most often to calm a crisis rather than enflame it." [154]

To which he added:

"There is another consideration. To circumscribe presidential ability to act in emergency situations—or even to appear to weaken it—would run the grave risk of miscalculation by a potential enemy regarding the ability of the United States to act in a crisis. This might embolden such a nation to provoke crises or take other actions which undermine international peace and security." [155]

Professor James MacGregor Burns, the recipient of a Pulitzer Prize for his skills as a political historian, has gone further. He has testified that any legislation which would encumber the President's ability to respond and adjust to changing world situations as he determines proper will remove the one essential ingredient preventing World War III—flexibility.[156] Dr. Burns warned that imposing artificial restrictions on Executive discretion "may not lead to peace but to war, as foreign adversaries estimate that the United States will not respond to a threat to world peace because of legislative restrictions on the executive." [157]

The fear expressed by Dr. Burns was recently taken up by former Under Secretary of State George W. Ball, who is credited with being a dove in the high ranks of the Johnson Administration. Mr. Ball reminds us that the Neutrality Acts adopted in the aftermath of World War I "very probably" impeded the United States from taking firm steps which would have averted World War II.[158] This illustration leads Mr. Ball to ask how does one draft a statute that will make it possible for Congress to play a role "in shaping fundamental decisions that may lead to war without inhibiting the President in doing whatever is necessary" to avert some future catastrope parallel to World War II.[159]

Senator Barry Goldwater sounded the same alarm in his appearance before the War Powers hearings. He charged the legislation "will undermine the credibility of our most basic defense agreements such as NATO. With one swipe, our 42 defense pacts will be chopped into 30-day wonders, if that." [160]

Senator Goldwater argued: "Thereby, the proposed bill will place all our treaty obligations in a state of permanent doubt. No ally can ever know if the United States will stand by it for more than 30 days; and even then, it cannot be certain whether Congress will shut off our aid sooner." [161] But there is another side to the coin. If Congress has the right to legislate concerning the rules of war as is argued by the sponsors of War Powers legislation,[162] Congress also possesses the power to order the President into broader hostilities than he wishes. This development could actually occur under a provision of these bills in their present form which establishes a procedure for expedited consideration by Congress of legislation designed to sustain hostilities beyond 30 days.[163]

The danger can be tested against actual history. For example, if the War Power legislation had been in effect at the time of the Cuban missile crisis,[164] Congress would have been required to act swiftly on the matter of continuing the deployment of forces in the Caribbean once the 30-day period possibly allowed by the legislation had expired. Under the telescoped parliamentary procedure created by the legislation, this vote likely would have occurred (Congress then having been in session) within a matter of a few days. Thus, Congress would have voted right at the peak of emotional excitement and public concern over the missile threat.

One can easily suppose in the setting of the time—with enemy missiles being aimed at cities holding 80 million American citizens, with reports arriving of attacks on American reconnaissance planes, and with the killing of an American pilot over Cuba [165]—that a majority in Congress, with one eye on elections only weeks away, would have favored legislation directing an all-out bombardment of Cuba or even an invasion.

As Senator Goldwater observed: "Those who look to Congress as the ultimate haven of peaceful thinking might thumb through the pages of Robert Kennedy's short manuscript on the Cuban Missile Crises." [166] In this book, the late Senator Kennedy recounts that of all the deliberations which preceded his brother's broadcast to the nation on the crisis, his session with the leaders of Congress "was the most difficult meeting." [167]

According to Robert Kennedy:

"Many Congressional leaders were sharp in their criticism. They felt the President should take more forceful action, a military attack or invasion, and that the blockade was far too weak a response. Senator Richard B. Russell of Georgia said he could not live with himself if he did not say in the strongest possible terms how important it was that we act with greater strength than the President was contemplating."

"Senator J. William Fulbright of Arkansas also strongly advised military action rather than such a weak step as the blockade." [168]

In light of this illustration, Senator Goldwater asks: "Is it not possible Congress might, when confronted with dramatic pressure for making an immediate decision, vote in favor of a military strike? Are the Members of Congress more immune to emotional, impulsive reactions than other humans?" [169]

In the event Congress should decide to steer our nation into expanded hostilities, the authors of War Powers legislation would leave the President no exit. Their whole argument for the power of Congress to pass such legislation is squarely based upon the proposition that Congress controls the War Powers and that the President must faithfully carry out the directives enacted by Congress.[170] According to the brief offered by Senator Javits, "the President has no right to contravene such legislation." [171]

There is another problem. What about the ability of the President to respond to specific, sudden emergencies? Is the assurance of Irving Brant correct that the War Powers legislation "does not interfere in the least with the handling of any emergency, from minor property damage to nuclear holocaust?" [172]

Perhaps reference to some actual situations will provide an answer. Oddly enough, the proposal introduced by a Senator from New York, himself Jewish, as well as the other War Powers legislation, would prohibit the United States from acting to defend the state of Israel. This result occurs because under the Javits bill, the President may act to comply with a national commitment only if the commitment results exclusively from a "legislative instrumentality specifically intended to give effect to such a commitment. . . ." [173]

But this country has no legislative commitment to defend the security of Israel. There is no treaty or convention or resolution authorizing the United States to assist in preserving Israel's independence.[174] Senator Goldwater has set the scene:

"No matter that Arab fanatics may be seeking to make good on their aim of shoving the Israelis into the sea. No matter that approximately 20,000 Soviet personnel may be manning SA–3 missile sites and advanced jet fighters while massive Egyptian tank forces mount an invasion on disputed Sinai territory. . . . Regardless of the humanitarian exigencies and the dire consequences on European security, the War Powers Bill prohibits an immediate response by the United States to forestall an Arab conquest of Israel." [175]

Senator Goldwater has added:

"Oh yes, we might rush in Air Force transport planes to whisk our own citizens out of danger. We might even send a contingent of marines into cities where our embassies and legations are located to aid them.

"But when our forces are called upon to act for broader purposes—for reasons of vital strategic interests such as saving another nation's people from annihilation—the war

Footnotes at end of article.

powers bill will halt our forces short. This would be carrying out a national commitment." [176]

Nor is the scenario described by Senator Goldwater an implausible one. The United States has already intervened once in the Arab-Israeli crisis in a way that would be specifically curbed under any of the pending War Powers legislation.[177] This incident occurred in June of 1967, during the six-day Middle East war, after President Johnson had heard over the hotline that Russia "had reached a decision that they were prepared to do what was necessary, including using the military" to stop the advance of Israeli troops into Arab territory.[178]

As President Johnson understood it at the time "unless the Israelis halt operations within the next five hours the Soviets will take necessary action, including military. . . ." In response President Johnson reports he ordered the U.S. 6th Fleet to move to within 50 miles off the Syrian coast as "a sign that the Soviet Union would have to deal with us." [179]

Though the preceding illustration refers solely to Israel, the identical problem exists under the Javits bill in the case of any other country with which the United States has no national commitment sanctified by action of Congress.

Another situation in which the President would be barred from taking independent action under most, if not all, of the War Powers legislation is the deployment of troops or equipment to back up United States foreign policy objectives in times of great crises, such as the recurrent Communist pressures on free Berlin.[180] In this connection, the Department of the Navy has compiled a list of what it calls 55 "wars/near wars" since 1946, in which naval units were involved, alerted, or redeployed.[181] All of these movements at the initiative of the President would be prohibited under the War Powers legislation to the extent that they back up a national commitment to a foreign country, with the single exception of commitments specifically dependent upon a treaty or convention which could be implemented for 30 days under the Javits bill alone.[182]

One more example, pinpointing a need for broad Executive discretion, is the 1964 Congo rescue effort which saved 2,000 persons, including about 60 Americans, who were being held hostage by Congolese rebels.[183] Former Secretary of State Rusk has described the incident:

"On one occasion, a large number of Europeans, including the staff of the American Consulate and other American private citizens, were being held as hostages by a savage group in the Eastern Congo called Simbas. Private negotiations with the Simbas over a period of weeks had failed to release the hostages. Threats of execution and brutal torture mounted. We and the Belgians decided (with the approval of the government of the Congo) to drop Belgian paratroopers into the area by American aircraft in order to rescue these hostages who were in a truly desperate situation. There could not have been action by the Congress without alerting the Simbas as to what was up; the result would almost certainly have been the summary execution of American Consular Officers and a considerable number of American citizens." [184]

As compelling as the humanitarian interests are in the Congo situation, it is doubtful the joint rescue mission would have been permitted under the rigid lines set by the War Powers legislation. Insofar as the military operation affected 97% of the persons evacuated, it would not have been legal under these proposals because the individuals were not United States citizens. [185] Of course, if the proposals could be construed broadly enough to permit the President to employ troops in another country under the guise of protecting Americans abroad, even though the main purpose or result reaches far beyond that end, the President can initiate the use of force in nearly every conceivable situation without running afoul of the proposals. Today United States citizens can be found in every nation of the world, including Communist China, a fact which would enable the President to employ force abroad at any place he determines necessary under the excuse of protecting our citizens.

This discussion should not be concluded without referring to a fundamental question posed by some critics of Presidential initiatives. The flavor is caught in the statement by Henry Steele Commager who claims that, with the exception of the Civil War and perhaps the Korean War:

"[T]here are no instances in our history where the use of war making powers by the Executive without authority of Congress was clearly and incontrovertibly required by the nature of the emergency which the nation faced but that on the contrary in almost every instance the long run interests of the nation would have been better promoted by consultation and delay." [186]

It is difficult to answer matters of subjective judgment. But we know of one instance in which Secretary Rusk believes "consultation and delay" would have led to the massacre of some 2,000 human beings.[187] Would these persons and their families conclude the use of military forces was not clearly required?

If you will ask the citizens of the Southwest whether they think it was necessary for Presidents Tyler and Polk to deploy American troops in Mexican territory to protect the people of what was then the independent Republic of Texas and what is now the State of Texas,[188] you might get a pretty vocal and unanimous reply to the question. Or if you will consider the stakes riding on a swift American response to Russian brinkmanship during the Cuban missile crisis, when inaction would have left the United States impotent to remove missiles which were being aimed at American cities holding 80 million citizens,[189] most would agree "second-thoughts" would have made a terrible difference to the well-being of these 80 million citizens.

The truth is that we just cannot predict what chain of events might have been instituted if we had failed to act in each of these 196 military incidents. To study them under a microscope might be worthwhile for a scholar located in an ivy-covered classroom, but for a President, faced with 20th Century reality, even a week's delay might see the overrun of an important friendly nation or the rise of an irremovable threat to national safety.

V. CONCLUSION

The verdict of history, reinforced by occasional judicial pronouncements, convinces the author that the President possesses a broad authority of independent initiative over the use of military force outside the United States. It is settled beyond question under both domestic and international law, that he can deploy fleets, land troops, order airlifts, or conduct battles in order to protect or rescue United States citizens and officials, together wtih their property.[190] It is equally obvious he can employ the military forces against an outside enemy who attacks United States territory or poses an imminent threat of such an attack.[191]

The author believes any legislation which seeks to lay down rules restricting in advance the President's ability to use military forces in these circumstances is illegal. The Constitution does not allow Congress to prohibit the President from acting in these defensive situations; nor does it permit Congress to impose statutory limitations on the period of time during which the President may act in these conditions. To this extent, the War Powers legislation is clearly unconstitutional.[192]

The President possesses authority which stretches far beyond that of making an *ad hoc*, limited response to an emergency where there is a widely recognized and immediate threat to the safety of United States citizens or the integrity of United States territory. Whenever the President, as the primary author for foreign policy and the exclusive Commander in Chief of United States forces determines there is a future danger to the ultimate preservation of the United States and its citizens which is highly probable of arising either as a direct or indirect result of a present crisis, he may commit United States forces on his own authority in any way he deems fit for the purpose of defending the future security of this country and its two hundred and ten million citizens.[193]

In the highly complex, interrelated society of the Twentieth Century, where the sudden domination of an ocean strait, or control of a critical resource, or deployment of a radically new weapon, might install an aggressive nation in a position of exclusive superiority from which it might dictate terms to all other countries, the Eighteenth Century concept of repelling "sudden attacks" must be broadened to encompass defense against threats which are probable of becoming irremovable once allowed to develop unchallenged out of present moves. The crucial test in the modern world has to be whether the damaging consequences to United States security are equally grave and equally likely to happen in the natural flow of events as the "sudden attack" which the Framers of the Constitution comprehended in their personal experience.

It is strange indeed that many of the same political liberals who make highly moving appeals for expanding the scope of federal jurisdiction and obligation on behalf of urban relief, hyphenated-Americans, and other social-welfare causes, deny their own preachments about a "living Constitution" when it comes to the President's ability to defend America's freedoms. Their unbending reliance upon brief debates at the Constitutional Convention as conveying the final meaning of the clause "to declare War" marks these commentators as the "strict constructionists" of all times.[194]

The advocates of War Powers legislation have, in general, allowed their repulsion over the tragedy of Vietnam to misguide them into a strained and rigid interpretation of the Constitution which is both wrong and unrealistic. Weaving through almost all testimony in support of War Powers legislation is the theme that there must not be "another Vietnam." [195] In fact, when Senator Javits introduced his bill, his opening sentence declared: "[T]he most compelling lesson of the 1960's for the United States is our need to devise procedures to prevent future undeclared wars as in Vietnam." [196]

The ironical error about using Vietnam as the reason for curbing Presidential initiatives is that Congress itself has been deeply involved with expansion of the Vietnam conflict each step of the way.[197] Senator Goldwater has documented at least 24 acts of Congress supporting our continued presence in Vietnam, both before and after the much discussed Gulf of Tonkin Resolution.[198]

This view has received judicial verification as well. The U.S. Court of Appeals for the Second Circuit ruled on April 20, 1971, that: "The Congress and the Executive have taken mutual and joint action in the prosecution and support of military operations in Southeast Asia from the beginning of those operations." [199]

In concluding, the author does not wish to leave the impression he believes Congress and the public are helpless to influence decisions on current and prospective foreign military policies. For one thing, a free press admonishing and criticizing the policy of an Executive

Footnotes at end of article.

or the Congress can mobilize public opinion in sufficient strength to change the course of action. Vietnam shows us that much.

For another, Congress can refuse to raise an Armed Force of the size an "activist" President requires to intervene at several point across the globe. As a foreshadow of events to come, the 92nd Congress has for the first time set an annual numerical ceiling on the total authorized active duty strength levels of each of the regular forces.[200]

Next, Congress can and must make individual determinations about specific military actions as they develop every time it votes on appropriations to continue these actions.[201] In this manner, Congress will be making its decision in the setting of the precise emergency or problem at hand. It will not be trying to erect rules for every kind of predictable and unpredictable event to come in the long-range future, but will be dealing with known facts and a specific request for a certain number of dollars or a certain number of helicopters, fighter aircraft, or other weapons.[202]

Finally, both Congress and the President can adhere to the Constitutional expectation that the two political branches of our government must spend an enormous amount of time working with each other to avoid the possibility of an impasse at moments of crisis. The Secretary of State, Secretary of Defense, and other ranking decision-makers in each administration must be willing to meet with committees and subcommittees of Congress hundreds of times if necessary trying to work together.

For its part, Congress must have the sense of mind and political courage to shape a recognizable position from which the President can be guided. This means the pertinent committees must develop an almost unanimous view on important issues, so that the President can clearly know the position of the Senate, or the House, as a corporate body, rather than having to choose from among the individual points of view of a hundred or so different members. Thereby, the two branches could better move in unison according to the true anticipation of our Founding Fathers.

APPENDIX

A. Chronological list of 196 U.S. military hostilities[203] abroad without a declaration of war

1798–1800: Naval War with France. When John Adams became President in 1797, he faced the serious problem of strained relation between France and the United States, in which France had made it a practice to seize American merchant ships and to manhandle their crews. Adams first attempted to negotiate a settlement, but, when the French demanded exorbitant bribes and loans, his envoys rejected the proposals and departed.

Adams, thereupon, asked Congress for the power to arm merchant ships and take other defensive measures. Congress responded by creating a Navy Department, voting appropriations for new warships, and authorizing the enlistment of a "Provisional Army" for the duration of the emergency. In July, 1798, the French treaties and consular conventions were abrogated.

The result was a "quasi-war," during which neither country declared war. The American Navy attacked only French warships and privateers and fought primarily for the protection of commerce. Some ninety French ships were captured during this naval war. In 1800 a convention was agreed to and peace was achieved. State, 2.[204]

1800: West Indies. On April 1, U.S. Marines participated in the action between the U.S. schooner *Enterprise* and a Spanish man-of-war brig in the West Indies. USMC, I, 40.

1801–1805: War with Tripoli. During the early years of the Republic, the United States, following the practice of several European nations, paid tribute to North African pirates. Shortly after Jefferson became President, the Pasha of Tripoli, dissatisfied with the apportionment of tribute, declared war on the United States (May 1801). Jefferson thereupon sent warships to the Mediterranean. After naval actions and landings under Commodore Preble, an inconclusive treaty of peace with Tripoli was signed in 1805. Congress passed various enabling acts during the conflict but never declared war. State, 3.

1806: Mexico (Spanish territory). Captain Z. M. Pike, with a platoon of troops and on the orders of General James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande, apparently on a secret mission. State, 16.

1806–1810: Gulf of Mexico. American gunboats operated from New Orleans against Spanish and French privateers. State, 16.

1810: West Florida (Spanish territory). Governor Claiborne of Louisiana, on orders from the President, occupied with troops disputed territory east of the Mississippi as far as the Pearl River. No armed clash occurred. State, 16.

1813: West Florida (Spanish territory). On authority granted by Congress, General Wilkinson seized Mobile Bay with 600 soldiers; a small Spanish garrison gave way without fighting. State, 16.

1813–1814: Marquesas Islands, South Pacific (claimed by Spain). U.S. Marines built a fort on one of the islands to protect three captured prize ships. State, 16.

1814–1825: There were repeated engagements between American ships and pirates both ashore and offshore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. In 1822, Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies. The United States sunk or captured 65 vessels. Marine detachments participated in at least 14 of these actions. State, 16.

1815: Second Barbary War (Algiers). In 1812 an Algerian naval squadron operated against American shipping in the Mediterranean. In one attack an American merchantman was captured and its crew imprisoned. In March, 1815, Congress passed an act that authorized the use of armed vessels "as may be judged requisite by the President" to provide effective protection to American commerce in the Atlantic and the Mediterranean. A naval squadron of 10 vessels under Commodore Stephen Decatur attacked Algiers, compelling the Dey to negotiate a treaty. Decatur also demonstrated at Tunis and Tripoli. All three states were forced to pay for losses to American shipping, and the threats and tribune terminated. State, 3.

1816–1818: Spanish Florida. During the "First Seminole War," U.S. forces invaded Spanish Florida on two occasions. In the first action, they destroyed a Spanish fort harboring raiders who had made forays into United States territory. In the second, Generals Jackson and Gaines attacked the Seminole Indians because their land was a haven for escaped slaves and border ruffians. In the process of pursuing the Indians, United States attacked and occupied Spanish posts. State, 17.

1817: Amelia Island (Spanish Territory). Under orders from President Monroe, U.S. forces landed and expelled a group of smugglers, adventurers, and freebooters. State 17.

1818: Oregon. The *U.S.S. Ontario* landed at the Columbia River and in August took possession. Russia and Spain asserted claims to the area. Rogers, 96.

1820: West Africa. Marines participated in the capture of seven slave schooners by the U.S. corvette *Cygne* off Cape Mount and the Gallinos River on the west coast of Africa during the period from April 5 through 12. USMC, I, 64.

1820–1822: West Coast of South America. Marines were aboard three of the U.S. ships stationed off the west coast of South America from 1820 until May, 1822, to protect American commerce during the revolt against Spain. USMC, I, 65.

1822: Cuba (Spanish Territory). U.S. naval forces landed on the northwestern coast of Cuba and burned a pirate station. State, 17.

1823: Cuba (Spanish Territory). Between April and October naval forces made a number of landings in pursuit of pirates, apparently incident to Congressional authorization which became operative in 1822. State, 17.

1824: Cuba (Spanish Territory). In October, the *U.S.S. Porpoise* landed sailors to pursue pirates during a cruise authorized by Congress. State, 17.

1825: Cuba (Spanish Territory). In March, British and American forces landed on two offshore Cuban islands to capture pirates who were based there. The action appears to be incident to Congressional authority. State, 17.

1827: Greece. Apparently acting pursuant to legislation, in October and November, United States forces from the *U.S.S. Warren* and the U.S. schooner *Porpoise* engaged in seven actions against pirate vessels off Greece and made landings on three Greek Islands. State, 17.

1828: West Indies. In December, incident to legislation, Marines participated in the capture of the Argentinean privateer *Federal* by the U.S. sloop *Eric* at St. Bartholomew Island, W.I. USMC, I, 67.

1830: Haiti. On June 5, marines participated in the capture of the slave brig *Fenix* by the U.S. schooner *Grampus* off Cape Haitien, Haiti. USMC, I, 67.

1831–1832: Falkland Islands (Argentina). American forces under Captain Duncan of the *U.S.S. Lexington* landed to investigate the capture of three American sailing vessels. The Americans succeeded in releasing the vessels and their crews and dispersed the Argentine colonists. State, 17.

1832: Sumatra. A force of 250 men from the *U.S.S. Potomac* landed to storm a fort and punish natives of a town for an attack on American shipping and the murder of crew members. State, 18.

1833: Argentina. Between October 31 and November 15, at the request of American residents of Buenos Aires, a force of 43 marines and sailors landed from the *U.S.S. Lexington* to protect American lives and property during an insurrection. State, 18.

1835: Samoan Island. On October 11, eighty marines and sailors burned the principal village on the island to avenge harsh treatment meted out to American seamen. Paullin, 729.

1835–1836: Peru. Marines from the *U.S.S. Brandywine* landed at various times at Callao and Lima to protect American lives and property during a revolt, and to protect the American Consulate at Lima. State, 18.

1837: Mexico. On April 16, marines joined in the capture of a Mexican brig-of-war by the *U.S.S. Natchez* off Brasos de Santiago for illegal seizure of two American merchantmen. USMC, I, 70.

1839: Sumatra. In January, American forces from the U. S. sloop *John Adams* and the U. S. frigate *Columbia* landed at Muckie, Sumatra, to protect American lives and property and to punish natives of two towns for attacking American ships. USMC, I, 70.

1840: Fiji Islands. American forces totaling 70 officers and men, landed on July 12 and 26 to punish natives of two towns for attacking American exploring and surveying parties. State, 18.

1841: Samoan Islands. On February 25, an American force of 70 marines and seamen from the *U.S.S. Peacock* landed to avenge the murder of a seaman. They burned three native villages. USMC, I, 71.

1841: Drummond Island (Kingsmill Group, Pacific Ocean). On April 6, marines from the

Footnotes at end of article.

U.S.S. Peacock landed and burned two towns to avenge the murder of a seaman by natives. State, 18.

1843: China. In June and July, a clash between Americans and Chinese at the Canton trading post led to the landing of 60 sailors and marines from the *St. Louis*. Paullin, 1095–1096.

1843: West Africa. In November and December, four U.S. vessels from Commodore Perry's squadron demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory Coast and to punish attacks made by the natives on American seamen and shipping. In the process, they burned villages and killed a local ruler. The actions appear to have been pursuant to the Treaty of August 9, 1842, with Great Britain relative to the suppression of the slave trade. State, 18.

1844: Mexico. President Tyler deployed our forces to protect Texas against Mexico, anticipating Senate approval of a treaty of annexation, which was rejected later in his term. Corwin, 245.

1844: China. On June 18, Marines from the U.S. sloop *St. Louis* went ashore at Canton, China, to protect American lives. USMC, I, 72.

1845: African coast. On November 30, Marines joined in the capture of the slave bark *Pons* by the U.S. sloop *Yorktown* off Kahenda, Africa. The action was consistent with the Treaty of 1842. USMC, I, 72.

1846: Mexico. President Polk ordered General Scott to occupy disputed territory months preceding a declaration of war. Our troops engaged in battle when Mexican forces entered the area between the Nueces and Rio Grande Rivers. The fighting occurred three days before Congress acted. U.S., 378.

1849: Smyrna (Now Izmir, Turkey). In July, the *U.S.S. St. Louis* gained the release of an American seized by Austrian officials. State, 18.

1850: African coast. On June 6, Marines joined in capturing a slave ship by the U.S. brig *Perry* off Luanda, Africa. The action was consistent with the Treaty of 1842. USMC, I, 77.

1851: Turkey. After a massacre of foreigners (including Americans) at Jaffa, the U. S. Mediterranean Squadron was ordered to demonstrate along the Turkish coast. Apparently, no shots were fired, but the display amounted to compulsion. State, 19.

1851: Johanna Island (East of Africa). The *U.S.S. Dale* delivered an ultimatum, bombarded the island, and landed a force to punish the local chieftain for the unlawful imprisonment of the captain of an American whaler. State, 19.

1852–1853: Argentina. Several landings of marines took place in order to protect American residents of Buenos Aires during a revolt. State, 19.

1853: Nicaragua. American forces landed at Greytown and remained for two days (March 11–13) to protect American lives and interests during political disturbances. State, 19.

1853: China. On September 11, a small Marine force from the U. S. steamer *Mississippi* boarded a Siamese vessel in the Canton River and put down a mutiny. USMC, I, 78.

1853: West Coast of Africa. In accordance with the Treaty of 1842, on December 3, Marines joined in the capture of the slave schooner *Gambrill* by the U.S. frigate *Constitution* off the Congo River on the west coast of Africa. USMC, I, 78.

1853: Smyrna. Martin Koszta, who was an American declarant, was released by his Austrian captors, by the action of Naval Captain Ingraham who trained his guns upon the Austrian vessel on which Koszta was held. Secretary of State Marcy defended the rescue against protest by the Austrian Government. Berdahl, 50.

1853–1854: Japan. Commodore Matthew C. Perry led an expedition consisting of four men-of-war to Japan to negotiate a commercial treaty. Four hundred armed men accompanied Perry on his initial landing at Edo Bay in July, 1853, where he stayed for ten days after refusing to leave when ordered. He then sailed south, landing a force at the Bonin Islands, where he took possession, and at the Ryukyus, where he established a coaling station. In March, 1854, he returned to Edo Bay with ten ships and 2,000 men, landed with an escort of 500 men, and after six weeks signed a treaty with Japanese authorities at Kanagawa. The whole campaign was on executive authority. State, 19.

1854: West Coast of Africa. Pursuant to the Treaty of 1842, on March 10, Marines joined in the capture of a slave brig by the U.S. brig *Perry* off the west coast of Africa. USMC, I, 78.

1854: China. American and British forces consisting of 150 English sailors, 60 U.S. sailors, and 30 merchant sailors landed at Shanghai on April 4 and stayed until June 7 to protect their nationals during a battle between Chinese imperial and revolutionary troops. State, 19.

1854: Greytown, Nicaragua. In July, the commander of an American naval vessel demanded reparation after an American official was injured during a riot. When this was not forthcoming, the vessel bombarded the town. Foreign property, including British and French, was destroyed. President Pierce defended the action of the American commander in his annual message to Congress. State, 19.

1854: Okinawa. On July 6, a force of 20 Marines from the U.S. steamer *Powhatan* went ashore on Okinawa and seized a religious shrine in punishment of persons who murdered an American. On November 17, Marines and seamen from the U.S. sloop *Vincennes* went ashore again at Okinawa to enforce treaty provisions. USMC, I. 78.

1855: China. There were two brief actions by U.S. warships, the first a landing in May at Shanghai to protect American interests there, the second an attack in August at Hong Kong against pirates. State, 20.

1885: Fiji Islands. In September and October, marines from the sloop-of-war *John Adams* landed four times to seek reparations for depredations against Americans and to force natives to honor a treaty. The landing parties fought skirmishes and burned some villages. USMC, I, 79.

1855: Uruguay. In August and November, U.S. naval forces put sailors ashore to protect American interests in Montevideo. State, 20.

1856: Panama, Republic of New Granada. U.S. forces landed and stayed two days to protect American interests, including the Isthmian railroad, during an insurrection. (By the treaty of 1846 with New Granada, the United States had acquired the right to protect the Isthmus and to keep it open, in return for guaranteeing its neutrality.) State, 20.

1856: China. In October and November, the U.S. warships *Portsmouth* and *Levant* landed 280 officers and men to protect American interests at Canton during hostilities between the British and the Chinese and in response to an unprovoked assault upon an unarmed boat displaying the U.S. flag. The Americans took and destroyed four Chinese forts. State, 20.

1858: Uruguay. Forces from two U.S. warships landed in January to protect American lives and property during a revolt in Montevideo. The action was taken in conjunction with the forces of other powers at the request of the local government. State, 20.

1858: African coast. On September 8, Marines joined in the capture of a ketch laden with slave food by the U.S. sloop *Marion* off the southeast coast of Africa. The action was consistent with the Treaty of 1842. USMC, I, 80.

1858: Fiji Islands. On October 6, about 60 marines and sailors from the *U.S.S. Vandalia* landed to punish natives for the murder of two American citizens and engaged in a fierce conflict with 300 native warriors. State, 21.

1858–1859: Turkey. American citizens were massacred in 1858 at Jaffa and mistreated elsewhere. In the face of Turkish indifference, the Secretary of State asked the U.S. Navy to make a display of force along the Levant. State, 21.

1858–1859: Paraguay. From October 1858, to February 1859, an American expedition went to Paraguay to demand redress for an attack on a naval vessel in the Parana River during 1855. Apologies were forthcoming after a display of force, which amounted to compulsion. Congress authorized the action. State, 21.

1859: African coast. On April 21 and 27, Marines joined in the capture of a slave ship near the Congo River, Africa. The action was consistent with the Treaty of 1842, USMC, I 81.

1859: Mexico. Two hundred U.S. soldiers crossed the Rio Grande in pursuit of the Mexican bandit Cortina. State, 21.

1859: China. On July 31, forces from the *U.S.S. Mississippi* landed at Woosung and Shanghai, where they remained until August 2, to protect American interests and restore order. The American consul had called on the ship for assistance. State, 21.

1860: Kissembo, West Africa. On March 1, 40 Marines and seamen from the sloop-of-war *Marion* landed twice to prevent the destruction of American property during a period of local unrest. State, 21.

1860: Colombia (State of Panama). On September 27, the Marine guard from the sloop *U.S.S. St. Mary's* landed to protect American interests during a revolt. This may have been authorized pursuant to the Treaty of 1846. State, 21.

1863: Japan. On July 16, when Japanese shore batteries at Shimonoseki fired on a U.S. merchant ship, the *U.S.S. Wyoming* retaliated by firing on three Japanese vessels lying at anchor. The shots were returned, and, by the time the action was over, there were casualties on both sides. State, 21.

1864: Japan. From July 14 to August 3, U.S. forces protected the U.S. Minister to Japan when he visited Yedo concerning some American claims against Japan. The forces also were designed to impress the Japanese with American power. LRS, IV, 52.

1864: Japan. Between September 4 and 8, naval forces of the United States, Great Britain, France, and the Netherlands jointly forced open the Straits of Shimonoseki, which had been closed in violation of commercial agreements. Shore batteries were destroyed and 70 cannon seized. State, 21.

1865–1866: Mexican border. In late 1865, General Sheridan was dispatched to the Mexican border with 50,000 troops to back up the protest made by Secretary of State Seward to Napoleon III that the presence of over 25,000 French troops in Mexico "is a serious concern to the United States." In February, 1866, Seward demanded a definite date be set for withdrawal and France complied. Though American forces did not cross the border, the threat of foreign military operations was clear and imminent. U.S., 580–581.

1865: Panama. American forces from the *U.S.S. St. Marys* landed to protect American interests during a revolt. This was apparently implied by the Treaty of 1846. State, 22.

1866: China. Various landings by over 100 marines and seamen were made in June and July at Newchwang to punish an assault on the American Consul and to guard diplomats. State, 22.

1867: Formosa. On June 13, 181 Marines and seamen from the *U.S.S. Hartford* and *U.S.S. Wyoming* landed to punish natives who had murdered the crew of a wrecked American merchantman. Several huts were burned. USMC, I, 91.

1867: Nicaragua. On September 6, Marines landed and occupied Managua and Leon. USMC, I, 92.

1868: Japan. From February 1 until April 4, landings were made at Hiago, Nagasaki, and Yokohama to protect American lives and property during local hostilities. USMC, I, 92.

1868: Uruguay. At the request of local Uruguayan authorities, several landings were made from five U.S. steamers at Montevideo during the month of February in order to protect American lives and property during an insurrection. State, 22.

1868: Colombia. An American force landed at Aspinwall in April to protect the transit route during the absence of local police. This was impliedly permitted by the Treaty of 1846. State, 22.

1869–1871: Dominican Republic. President Grant, having negotiated a treaty of annexation, sent a strong naval force to the island to protect it from invasion and internal disorder, both during the consideration of the treaty by the Senate and for months after its rejection. Berdahl, 48.

1870: Mexico. On June 17, the *U.S.S. Mohican* pursued a pirate ship up the Tecapan River near Mazatlan, landed a party of Marines and seamen, and destroyed it during a pitched battle. State, 22.

1871: Korea. In June, American landing forces under Admiral Rodgers captured five Korean forts after a surveying party, granted permission to make certain surveys and soundings, had been attacked. No treaty or convention was in effect. State, 22.

1873: Columbia. In May and September, nearly 200 American forces landed at the Bay of Panama to protect American lives and interests during local hostilities. The actions were impliedly allowed by the Treaty of 1846. State, 22.

1873–1882: Mexico. U.S. troops repeatedly crossed the Mexican border to pursue cattle thieves. Mexico occasionally reciprocated. Such incursions were finally recognized as legitimate by an agreement in 1882. State, 23.

1874: Hawaii. In February, a party of 150 men from two U.S. vessels landed to preserve order at the request of local authorities. State, 23.

1876: Mexico. On May 16, at the request of the U.S. Consul at Matamoras, a small American force was landed to preserve order when the town was temporarily without a government. State, 23.

1882: Egypt. On July 14, over 100 forces from the U.S.S. *Lancaster*, U.S.S. *Quinnebaug*, and U.S.S. *Nipsic* landed at Alexandria, when the city was being bombarded by the British navy, in order to protect American interests there, including the American consulate. State, 23.

1885: Colombia (State of Panama). On January 18, March 16, March 31, April 8, April 11, April 12, and April 25, American forces landed to protect American property and guard valuables in transit over the Isthmus during local revolutionary activity, an action authorized under the Treaty of 1846. USMC, I, 96.

1888: Korea. On June 19, 25 men from the U.S.S. *Essex* landed at Chemulpo and marched to Seoul to protect American residents during unsettled political conditions. The action was requested by the American Minister. State, 23.

1888–1889: Samoan Islands. In 1886, the German consul announced that the Sanwan group was henceforth a German protectorate, an action that brought the United States and Great Britain together in opposition. By 1889, Germany and the United States were close to a direct confrontation. The United States and Germany, together with Great Britain, shared certain treaty rights in Samoa for the maintenance of naval depots. In November 1888, U.S. Marines landed from the U.S.S. *Nipsic* to protect American interests after civil strife broke out ashore. In January, 1889, German forces landed, and, when those forces were attacked by the natives, German ships shelled the island. This action by Germany aroused the American public, and Congress appropriated $500,000 for the protection of American lives and property on the island and $100,000 for the development of Pago Pago harbor. The United States also ordered two more warships to the scene. All three powers had warships on the scene and an untoward event might have touched off war had not a hurricane in March, 1889, destroyed all the warships except one British vessel. Thereafter, the Germans invited the three powers to a conference, which was agreed to and held in Berlin. In April, 1889, they established a three-power protectorate there. In 1899 the Samoans were divided, the United States acquiring Tutuila. State, 23.

1888: Haiti. In December, American warships made a display of force to obtain the release of an American merchant vessel captured by a Haitian warship. The Haitian Government surrendered the ship and paid an indemnity after Admiral Luce gave an ultimatum ordering its release before sunset. State, 24.

1889: Hawaii. On July 30, at the request of the American Minister in Honolulu, the *U.S.S. Adams* sent a marine guard ashore to protect American lives and property during revolutionary disorder. State, 24.

1890: Argentina. The *U.S.S. Tallapoosa* landed a party in July to protect the American Consulate and Legation in Buenos Aires during a revolt. State, 24.

1891: Navassa Island, Haiti. American forces from the *U.S.S. Kearsarge* landed on June 2 to protect American lives and property during a period of unrest. The action was taken pursuant to Congressional action. State, 24.

1891: Bering Sea. An American squadron operated from June to October, jointly with British naval vessels, seizing four schooners. Rogers, 109.

1891: Chile. In August, 102 Americans of the South Pacific station landed at Valparaiso during a revolt in order to protect the American Consulate and American lives, State, 24.

1894: Brazil. The U.S. Navy engaged in gunfire and a show of force in January to protect American shipping at Rio de Janeiro during a revolt of the Brazilian navy. President Cleveland stated our action "was clearly justified by public law." State, 24.

1894: Nicaragua. In July, American forces landed at Bluefields to protect American interests during a revolt. State, 24.

1894–1896: Korea. On July 24, at the request of the American Minister, a force of 21 Marines and 29 sailors landed at Chemulpo and marched to Seoul to protect American lives and property during the Sino-Japanese War. A Marine guard remained at the American Legation until 1896. State, 24.

1894–1895: China. On December 6, 1894, Marines disembarked from the *U.S.S. Baltimore* at Taku and marched to Tientsin to protect American lives and property during the Sino-Japanese War. The landing party maintained order until May 16, 1895. USMC, I, 98.

1895: Colombia (State of Panama). Marines from the *U.S.S. Atlanta* landed in March to protect American interests during a revolt. This appears to have been authorized by treaty. State, 24.

1895–1896: Korea. During internal disorders from October 11, 1895, to April 3, 1896, the American Legation at Seoul was protected by Marines from various ships. Ellsworth, 60.

1896: Nicaragua. On May 2, Marines were put ashore at Corinto by the *U.S.S. Alert* during revolutionary disorders to protect American interests. USMC, I, 99.

1898: Nicaragua. On February 7, Marines landed at San Juan del Sur by the *U.S.S. Alert* to protect Americans against disorders. USMC, I, 99.

1898–1899: China. American forces guarded the Legation at Peking and the Consulate at Tientsin from November, 1898, to March, 1899, during a period of unrest. State, 25.

1899: Nicaragua. On February 24, in response to a petition from foreign merchants during an insurrection, Marines landed to protect life and property at San Juan del Norte and Bluefields. State, 25.

1899: Samoan Islands. Sixty Americans landed on February 14 from the *U.S.S. Philadelphia*, and on April 1 joined a British force in efforts to disperse native rebels. This may have been under color of treaty or statute. State, 25.

1899–1901: Philippine Islands. The United States employed 126,468 troops against the Philippine Insurrection without a declaration of war after the Treaty of Peace with Spain was concluded. Presumably the United States acted to suppress the rebellion under authority of the Treaty of Peace, which transferred to it the sovereignty possessed by Spain in the Philippine Islands. 40 Ct. of Claims 26–32.

1900–1901: "Boxer" Rebellion (Peking). In 1900 President McKinley sent 5,000 troops to join the international military force organized for the relief of foreign legations besieged in Peking by Chinese "Boxers." Using troops already mobilized for the Spanish-American War and the Philippine Insurrection, McKinley did not seek authority from Congress. Peace terms were concluded at an international conference, and a peace Protocol was signed September 7, 1901. The Protocol was not submitted to Congress. Because of the obvious inability of Chinese authorities to control local disorders, the United States acquired the right to maintain a guard at Peking for defense of the American Legation and to station military forces at certain points in Chinese territory to keep open communications between Peking and the sea. (Earlier, in 1858, the United States had acquired the right by treaty to station naval vessels in Chinese waters.) State, 3–4.

1901: Colombia (State of Panama). American forces went ashore in late November and stayed until December to protect American property and to keep transit lines open across the Isthmus during serious political disturbances. This apparently was authorized by the Treaty of 1846. State, 25.

1902: Colombia (State of Panama). Marine guards landed in April to protect American lives and the railroad across the Isthmus during civil disorders. They continued to land at various times between April and November. This appears to have been authorized by the Treaty of 1846. State, 25.

1903: Honduras. American forces disembarked at Puerto Cortez in March to protest the American Consulate and port facilities during a period of revolutionary activity. State, 25.

1903: Dominican Republic. In April, 29 Marines landed at Santo Domingo, where they remained for three weeks to protect American interests during a period of political disturbances. State, 25.

1903–1904: Syria. A Marine guard landed and remained for a few days at Beirut in April to protect the American Consulate during a Moslem uprising. Also our Mediterranean Squadron demonstrated at Beirut from September to January and at Smyrna the next August. State, 25.

1903: Panama. A revolution leading to the independence of Panama from Colombia broke out in November. Marines landed from the *U.S.S. Dixie* to prevent Colombian troops from carrying out a threat to kill American citizens, after Commander Hubbard had refused to allow the Colombians to transport their troops across the Isthmus. Marine guards remained on the Isthmus from the date of Panamanian independence (November 4, 1903) until January, 1914, to protect American interests during the construction

of the Canal. This was allowed under the Hay-Bunau-Varilla Treaty. State, 25–26.

1903–1904: Abyssinia. Twenty-five American marines were sent to protect the U.S. Consul General from November 18, 1903, to January 15, 1904, while he was negotiating a treaty with the Emperor. USMC, I, 109.

1904: Dominican Republic. On January 3, 7, and 17, and on February 11, over 300 Marines landed at Puerto Plata, Sosua, and Santo Domingo to protect American lives and property during a revolt. USMC, I, 108–109.

1904: Morocco. A squadron demonstrated in Moroccan waters in June to force the release of a kidnapped American. A Marine contingent had landed on May 30 to protect the Consul General. State, 26.

1904: Panama. American troops were used to protect American lives and property at Ancon in November when a revolt seemed imminent. This action seems to have been authorized by treaty. State, 26.

1904–1905: Korea. In January, 1904, over 100 American troops were sent to guard the American Legation at Seoul because of the outbreak of the Russo-Japanese War. They remained until November 1905. In March 1904, marines assisted in the evacuation of American nationals. USMC, I, 108.

1905–1907: Dominican Republic. After the Senate failed to ratify a treaty providing that the United States should guarantee the integrity of the Dominican Republic, take charge of its customs, and settle its obligations, President Roosevelt nevertheless put its terms into effect for two years until in 1907 the Senate ratified a slightly revised version. Berdahl, 41–42.

1906–1909: Cuba. An American squadron demonstrated off Havana, and, in September, marines, landed to protect American interests during a revolution. In October, marine and army units landed and took up quarters in many Cuban towns in connection with the temporary occupation of the country under a provisional governor appointed by the United States. This occupation was within the scope of the provision of the 1903 Treaty of Relations between the two countries, which gave the United States the right to intervene to preserve order. The occupation lasted until January, 1909. State, 26.

1907: Honduras. On March 18, during a war between Honduras and Nicaragua, the *U.S.S. Marietta* disembarked 10 men to guard the American Consulate at Trujillo. The *U.S.S. Paducah* also landed forces at Laguna and Choloma on April 28. State, 26.

1910: Nicaragua. In May, one hundred men from the U.S.S. *Paducah* landed at Greytown to protect American lives and property during a revolt. The U.S.S. *Dubuque* also engaged in shows of force. Joined combat was "hourly expected." State, 26.

1911: Honduras. Sixty men from the U.S.S. *Tacoma* and *Marietta* went ashore at Puerto Cortez during a revolt to protect American interests. The American Commander threatened to use force if necessary. State, 26.

1911–1912: China. American forces made six landings to protect American interests during the initial stages of a revolution. They were stationed at Foochow, Chinkiang, Peking, Hankow, Nanking, Shanghai and Taku. This may have occurred pursuant to treaty rights acquired during the "Boxer" rebellion. State, 27.

1912: Panama. During June and July, at the request of local political groups, American troops supervised elections outside the Canal Zone. This was impliedly authorized by the Hay-Bunau-Varilla Treaty. State, 27.

1912: Cuba. In May, American troops landed in eastern Cuba during a revolt and remained for three months to protect American interests. This appears to have been authorized by the treaty of 1903. State, 27.

1912: Turkey. A troop detachment from the U.S.S. *Scorpion* assisted in the protection of the diplomatic corps at Istanbul during the Balkan War. State, 27.

1912: Nicaragua. During a civil war, the President of Nicaragua asked the United States to protect its citizens resident there. Acting on a recommendation of the American Minister, President Taft ordered sizable landings of marines in August and September 1912. Political stability return to Nicaragua by January 1913, but a detachment of marines was kept in Managua to guard the American Legation after the rest of the American troops withdrew. The Legation guard was reinforced in 1922 and remained until August 1, 1925, State, 27.

1913: China. U. S. forces landed in July at Chapei and Shanghai to protect American interests. Rogers reports there were many demonstrations and landing parties by United States forces for protection in China continuously from 1912 to 1941. He writes: "In 1927, for example, this country had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 we had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901." Rogers, 117.

1913: Mexico. In September a few Marines disembarked at Ciaris Estero, during a period of civil strife, to aid in the evacuation of American citizens. State, 27.

1914: Haiti. Marines landed in January, February, and August to protect American citizens during a period of unrest. State, 27.

1914: Dominican Republic. During a period of revolutionary activity, U. S. naval forces fired at revolutionaries who were bombarding Puerto Plata, in order to stop the action. Also, by a threat of force, fighting in Santo Domingo was prevented. State, 28.

1914: Occupation of Vera Cruz, Mexico. On April 9, 1914, an American naval officer and 9 crewmen from the *U.S.S. Dolphin*, anchored off the coast of Tampico, Mexico, were arrested and marched through the streets by local authorities. They were released and an apology was extended as soon as the local Mexican commander learned of the incident. Admiral Mayo, commander of the American squadron, also demanded a 21-gun salute to the American flag. The Mexicans refused and President Wilson promptly ordered the North Atlantic battleship fleet to Tampico. On April 20, he addressed Congress in a joint session and asked for authority to use the armed forces. While Congress debated, Wilson learned that a German steamer was headed toward Vera Cruz to unload munitions for Huerta, and he decided to direct the naval action against Vera Cruz instead of Tampico. American armed forces landed at Vera Cruz, and, after an armed engagement resulting in 400 casualties, the Americans occupied the city on April 22. The same day, apparently after the fighting began, Congress passed a joint resolution which declared that the President was "justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States," but that "the United States disclaimed any hostility to the Mexican people or any purpose to make war upon Mexico." By November, 1914, American troops had left Mexican soil. State, 4.

1915: Dominican Republic. On August 15, the 5th Marine Regiment arrived at Puerto Plata to protect American lives and property during a revolutionary outbreak. Their protective mission lasted until October 12, 1915. USMC, I, 116.

1915–1934: Haiti. In July, at the initiative of the Executive, the United States placed Haiti under the military and financial administration of the United States, in part to protect American lives and property and in part to forestall European intervention to collect debts. Marines were stationed in Haiti until 1934. The occupation was sanctioned by a treaty signed and ratified by the Senate in February, 1916, but the first months of the occupation were on executive authority alone. State, 28.

1916–1924: Dominican Republic President Wilson ordered the occupation of Santo Domingo in May, 1916, owing to local unrest. At one point, 3,000 marines were ashore. The United States placed a military governor in the Dominican Republic but turned political affairs over to the Dominicans in 1922. U.S. troops withdrew in 1924, and a general treaty signed that year formally sanctioned the previous occupation. State, 28.

1916: China. American forces landed at Nanking to quell a riot taking place on American property. Apparently this was authorized by a treaty. State, 28.

1916–1917: Pershing Expedition into Mexico. In October, 1915, the United States recognized the Carranza regime as the *de facto* government in Mexico. At the same time, Mexican rebel, Pancho Villa, directed a campaign against the United States. In January, 1916, Villa's followers massacred 18 American mining engineers in Santa Ysabel, Mexico.

Then, on March 9, 1916, 400 of Villa's men raided Columbia, New Mexico, and killed 17 Americans. The American public was incensed, and Wilson delayed sending an expedition only until he could obtain Carranza's consent. On March 13, 1916, when Carranza's government acceded, Wilson ordered General John J. Pershing to take U.S. Army units into Mexico. On March 1, Pershing crossed the border with 6,000 troops. On the following day, Congress adopted a joint resolution introduced by Senator Robert LaFollette sanctioning the use of the armed forces. Until then, Wilson had been relying on the Acts of 1795 and 1807 relative to employing the armed forces whenever there is 'imminent danger of invasion.'

Villa eluded Pershing, and the size of the U.S. expedition soon grew to such proportions (12,000 men) that Carranza protested and demanded its withdrawal, threatening war. Wilson on June 18 called out the National Guard and incorporated it into the Army; 150,000 militia were ordered to the Mexican border. But neither country really wanted war, and the crisis gradually subsided. Wilson decided to withdraw all American troops from Mexico in February, 1917. State, 5–6.

1917: Armed Atlantic Merchant Ships. In February, President Wilson asked Congress for authority to arm U.S. merchant vessels with defensive guns, but Congress refused to pass such a law. Thereupon President Wilson acted, on his own authority, to equip American merchant vessels with guns and gunners assigned to them from the Navy. His action occurred prior to the declaration of war on Germany which did not take place until April 6 1917. Willoughby, III, 1568.

1917: Cuba. American troops landed in February at Manzanilla to protect American interests during a revolt. Various other landings were made, and, though the revolt ended in April, 1917, troops remained until 1922 because of continued unsettled political conditions. This was authorized by the Treaty of 1903. State, 28.

1918: China. American troops landed at Chungking to protect American lives during a political crisis. Apparently this was done pursuant to a treaty. State, 28.

1918–1919: Mexico. U.S. troops entered Mexico to pursue bandits three times in 1918 and six times in 1919. In August, 1918, there was a brief skirmish between American and Mexican troops at Nogales. State, 28.

1918–1920: Expeditions to Russia. Following the Bolshevik revolution in Russia in 1917, Allied expeditions landed, in 1918, at Murmansk and then Archangel. American troops first landed in August, 1918, with most arriving in Archangel Harbor on September 4. Though Armistice Day came on November 11, 1918, the American forces remained until June 27, 1919. At Archangel, the U.S. contributed some 5,208 men and suffered some 549 casualties, including 244 deaths.

The Allies also landed units in Siberia in August and September of 1918 where Bolshevik troops were fighting a force of 65,000 Czech soldiers who were trying to fight their way eastward. The Japanese sent 74,000 soldiers; the Americans sent 8,388; and the British and French provided minor contingents. The American forces began embarking for home on January 17, 1920, and the last units left on April 1, 1920.

President Wilson, who acted without Congressional approval, agreed to participate in the Allied expeditions to aid the anti-Bolsheviks, to help several thousands of Czech troops get back to their homeland, and to forestall possible Japanese expansionist plans in Siberia. State, 6.

1919: Turkey. On May 14, a Marine detachment from the *U.S.S. Arizona* landed to guard the U.S. Consulate at Constantinople during the Greek occupation of the city. USMC, I, 121.

1919: Dalmatia. At the request of Italian authorities, U.S. bluejackets were landed at Trau, September, 1919, in order to police order between the Italians and the Serbs. Berdahl, 56.

1919: Honduras. A small American force went ashore at Puerto Cortez to maintain order in a neutral zone during an attempted revolt. State, 29.

1918–1920: Panama. American troops went outside the Canal Zone, on request of the Panamanian Government, to supervise elections. This apparently was authorized by treaty. LRS, 55.

1920: China. American forces landed at Kiukang and Youchow to protect American lives and property. This may have been authorized by treaty. State, 29.

1920: Guatemala. Forty men from the *U.S.S. Tacoma* and *Niagara* went inland to Guatemala City to protect the American Legation and other American interests during local fighting. State, 29.

1920–1922: Siberia. The United States stationed a marine guard on Russian Island, Bay of Vladivostok, to protect United States radio facilities and other property. State, 29.

1921: Panama-Costa Rica. American naval squadrons demonstrated for one day on both sides of the Isthmus to prevent war between the two countries over a boundary dispute. This was impliedly authorized by treaty. State, 29.

1922: Turkey. In September forces from several American warships went ashore with the consent of both Greek and Turkish authorities to protect American interests when the Turkish forces were advancing on the city of Smyrna. State, 29.

1922–1923: China. There were five landings by Marines from April, 1922, to November, 1923 (at Peking, Tientsin, Taku, Tungshan, and Masu Island) to protect Americans during periods of unrest. This may have been authorized by treaty. USMC, I, 22–23.

1924–1925: Honduras. There were intermittent landings from February, 1924, to April, 1925, to protect American lives and property during local unrest. In March, 1924, the *Denver* put ashore 167 men and in September, the *U.S.S. Rochester* landed 111 additional forces. USMC, I, 123–124.

1924–1925: China. From September, 1924, to December, 1924, over seven landings were made by the Marines at Shanghai to protect Americans during a period of unrest. This may have been authorized by treaty. USMC, I, 124–125.

1925: Panama. As a result of strikes and rent riots, and at the request of Panamanian officials, 600 troops from the Canal Zone entered Panama City in October and remained for 11 days to maintain order. This conformed to American treaty rights. State, 29.

1926–1933: Nicaragua. When local disturbances broke out in 1926, the Nicaraguan Government requested that American forces undertake to protect lives and property of Americans and other foreigners. In 1927, five thousand soldiers were put ashore.

Rebel political leader, Sandino, who received Communist propaganda and financial support, turned the situation into a real civil war. In January, 1928, Sandino was forced to flee to Mexico by Marine forces, but backed by Communist aid, he returned in 1930 and Nicaragua flared again. By 1933 an all-Nicaraguan Guardia Nacional became strong enough so that all U.S. Marines could leave. In all the marines had engaged in 150 clashes and lost 97 men, 32 in action. Rebel losses were approximately over a thousand.

The occupation was initiated entirely on the executive responsibility of President Coolidge. The Democrat minority bitterly criticized his policy as a "private war" and as "imperialism," but did not question the President's authority. State, 6–7; and Depuy and Baumer, 168.

1926: China. American forces landed at Hankow in August and September and at Chingwangtao in November to protect American interests. This may have been authorized by treaty. State, 29.

1927–1928: Armed Actions in China. Anti-foreign incidents in China reached a climax in 1927.

In February, a U.S. expeditionary battalion landed at Shanghai, and in March, 1,228 Marine reinforcements landed there. By the end of 1927, the United States had 44 naval vessels in Chinese waters and 5,670 men ashore. In 1928, when the Nationalists had gained greater control over Chinese territory and purged themselves of Communist support, the United States reached a separate accord with the Nationalists, and, in July, signed a treaty which constituted United States recognition of the Nationalist Government. A gradual reduction of United States forces in China began in the same month. State, 7–8.

1932: China. In February, American forces landed at Shanghai to protect American interests during the Japanese occupation of the city, apparently under treaty. State, 30.

1933: Cuba. During a revolution, United States naval forces demonstrated offshore, but no forces landed. This was pursuant to the Treaty of 1903. State, 30.

1934: China. In January, marines from the *U.S.S. Tulsa* landed at Foochow to protect the American Consulate, apparently pursuant to treaty rights. USMC, I, 129.

1936: Spain. From July 27 through September 19, the *Quincy*, carrying a marine guard, served in the Spanish war zone. The vessel touched at several ports, sometimes evacuating American nationals. (Master rolls.)

1937–1938: China. Beginning on August 12, 1937, several marine landings were made at Shanghai to protect American interests during Sino-Japanese hostilities. Marine strength in China, assigned under the International Defense Scheme, reached 2,536 men by September 19. USMC, II, 2–3.

1940: British possessions in Western Atlantic. On September 3, President Roosevelt informed Congress that he had agreed to deliver a flotilla of destroyers to Great Britain in exchange for a series of military bases granted us on British soil along the Western Atlantic. American troops and ships occupied a number of these points in the following months. The President did not ask approval from Congress. State, 8–9.

1941: Greenland (Denmark). In April, after the German invasion of Denmark, the U.S. Army occupied Greenland under agreement with the local authorities. Congress was not consulted, and the action appears to be contrary to an express Congressional limitation on using troops outside the Western Hemisphere. State, 8–9.

1941: Iceland. By Presidential order, U.S. troops occupied Iceland on July 7, the same day Congress was notified. The President did not consult Congress in advance, and in fact, the action clearly violated an express restriction that Congress had enacted a year before. Both the Reserves Act of 1940 and the Selective Service Act of 1940 provided that United States troops could not be used outside the Western Hemisphere. Iceland is generally placed with the section on Europe in each World Atlas and is some 2,300 miles away from the United States. State, 8–9.

1941: Dutch Guiana. In November, the President ordered American troops to occupy Dutch Guiana by agreement with the Netherlands Government-in-exile. Again there was no Congressional authority for the military occupation. State, 8–9.

1941: Atlantic Convoys. By July 7, President Roosevelt had ordered U.S. warships to convoy supplies sent to Europe to protect military aid to Britain and Russia. By September, our ships were attacking German submarines. There was no authorization from Congress. Corwin, 247.

1946: Turkey. In April, during USSR–Iran hostilities and USSR–Turkey tensions, a U.S. carrier unit was deployed as an affirmation of U.S. intentions to shore up Turkey against Soviet imperialism. USN, 15712.

1946: Trieste. In July, during the Trieste ownership dispute, U.S. Naval units were dispatched to the scene with open warfare imminent. USN, 15712.

1946: Greece. During the political crisis in September, naval units were requested by the U.S. Ambassador. One carrier was on the scene. USN, 15712.

1948: Palestine. On July 18, a Marine consular guard was detached from the *U.S.S. Kearsarge* and sent to Jerusalem to protect the U.S. Consular General there. One consular official was assassinated, and two Marines were wounded during the Arab-Israeli War, USMC, III, 7.

1948: Mediterranean. On January 7, Fleet Admiral Nimitz implied Marine reinforcements sent from the U.S. to Mediterranean waters served as a warning to Yugoslavia that the 5,000 U.S. Army troops in Trieste were not to be molested. USMC, III, 5.

1948–1949: China. A platoon of Marines was sent to Nanking in November, 1948, to protect the American Embassy when the fall of the city to Communist troops was imminent. The guard was withdrawn on April 21, 1949. In November and December, Marines were sent to Shanghai to aid in the evacuation of American Nationals and to protect the 2,500 Americans in the Communist encircled city. USMC, III, 8–9.

1950–1953: Korean Conflict. Communist armies of North Korea invaded South Korea on June 25, 1950. Later that day the United Nations Security Council denounced the aggression, called for an immediate cease-fire, and asked member nations "to render every assistance to the United Nations in the execution of this resolution." On June 27, President Truman announced that he had "ordered United States air and sea forces to give the Korean Government troops cover and support" and had ordered the Seventh Fleet to prevent any attack on Formosa and also to prevent the Chinese Government on Formosa from conducting any air and sea operations against the Communist mainland. The Security Council, on the same day, adopted a resolution "that the members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."

The Department of State prepared a memorandum, on July 3, 1950, which defended the authority of the President to take the necessary action to repel the attack on Korea, using the argument that the "President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."

Truce talks began in July, 1951, but it was

not until July, 1953, that an armistice was signed. State, 9–11.

1954–1955: Tachen Islands (China). From July, 1954, to February, 1955, U.S. Naval units were employed in evacuation of U.S. civilians and military personnel. Five carriers were on the scene. USN, 15712.

1956: Egypt. On November 1 and 2, a Marine battalion evacuated over 1,500 persons, mostly U.S. nationals, from Alexandria, Egypt, during the Suez crisis. USMC, III, 34.

1957. Indonesia. On February 14, the 3rd Marines took up station 550 miles northeast of Sumatra ready to intervene to protect U.S. nationals during the Indonesian revolt. USMC, III, 34.

1957: Taiwan. During Communist shelling of Kinmen Island in July, naval units were dispatched to defend Taiwan. Four carriers were on the scene. USN, 15712.

1958: Venezuela. In January, when mob violence erupted in Caracas, a company of Marines embarked on board the *U.S.S. Des Moines* and remained on station off Venezuela ready to protect American interests. USMC, III, 36.

1958: Indonesia. In March, a Marine company, attack squadron, and helicopter squadron were deployed with elements of the Seventh Fleet off Indonesia prepared to protect U.S. citizens and interests. USMC III, 36.

1958: Lebanon Operation. A period of civil unrest began in Lebanon in May, 1958, led by Moslems who reportedly were aided by the United Arab Republic's President Nasser. When a pro-Nasser coup took place in Iraq July 14, President Chamoun of Lebanon appealed to President Eisenhower. On July 15, President Eisenhower sent 5,000 marines to Beirut to "protect American lives" and to "assist" Lebanon in preserving its political independence. The President publicly stressed the provocative Soviet as well as Cairo radio broadcasts. Eventually, 14,000 American soldiers and marines occupied strategic areas in Lebanon, but with orders not to shoot unless shot at.

On the day of the initial landings, the United States asked the United Nations Security Council to establish an international police force to preserve Lebanon's independence, but the Soviet delegate vetoed the American resolution. Further, the Soviet Union announced that it would hold military maneuvers near the Turkish and Iranian frontiers.

On August 21, the General Assembly passed a resolution calling on the member states to respect one another's territorial integrity and observe strict non-interference in one another's internal affairs. The resolution requested that practical arrangements be made leading to the withdrawal of troops from Lebanon. On September 26, the United States notified the Secretary-General of the United Nations that it had been possible to withdraw a portion of the American forces and to work out a schedule to withdraw the remainder by the end of October. State 11–12.

1959–1960: Cuba. In the period from November 20, 1959, to February 15, 1960, the 2d Marine Ground Task Force was deployed to protect U.S. nationals during the Cuban crisis. USMC, III, 42.

1961: Show of Naval Force in Dominican Waters. On May 30, Dominican dictator Rafael Trujillo was assassinated. Political conditions in the Dominican Republic steadily deteriorated during the summer and early autumn. Then, on November 15, General Hector Trujillo and General Jose Trujillo, brothers of the slain dictator, returned to the island. Secretary Rusk stated three days later they appeared "to be planning an attempt to reassert the dictatorial domination of the political and economic life of the country . . ." He added: "the United States is considering the further measures that unpredictable events might warrant."

On November 19, U.S. Navy ships took up positions three miles off the Dominican coast, and Navy jet planes patrolled the shoreline. The show of force produced the desired result because the Trujillo brothers and other members of the family departed for Miami before the day was over. According to one authority, "It later transpired that the Kennedy Administration was prepared to order U.S. Marines ashore if President Joaquin Balaguer had so requested or if the Trujillos had ousted Balaguer from the presidency." ERR, 449–500.

1962: Thailand. On May 17, the 3d Marine Expeditionary Unit landed in Thailand to support that country during the threat of Communist pressure from outside. On July 1, President Kennedy ordered 1,000 Marines in Thailand to return to their ships, and on July 30, the U.S. completed the withdrawal of the 5,000 Marines sent there, USMC, III, 56–57.

1962: Cuban Naval Quarantine. On October 24, confronted with a build-up of Soviet surface-to-surface missile bases in Cuba, President Kennedy ordered a quarantine 500 miles wide in the waters around Cuba. The blockade was aimed both at preventing delivery of additional Russian missiles and obtaining the removal of those offensive Russian weapons already in Cuba.

The crisis appears to date from Tuesday, October 16, when the Government's inner circles first began to discuss the idea of a blockade. On October 20, the First Armored Division began to move out of Texas into Georgia, and five more divisions were placed on alert. The base at Guantanamo Bay was strengthened. The Navy deployed 180 ships into the Caribbean. The Strategic Air Command was dispersed to civilian airfields, and the B–52 bomber force was ordered into the air fully loaded with atomic bombs.

On October 22, President Kennedy went on television to explain before the nation the situation in Cuba and the reasons for the quarantine. The President first notified members of Congress that same day. On Tuesday, October 23, the Council of the Organization of American States formally authorized by a unanimous vote "the use or armed forces" to carry out the quarantine of Cuba. Apparently, one day later the blockade went into effect.

Other notable dates include October 27, when the Defense Department announced that 24 troop-carrier squadrons of the Air Force Reserve were being recalled to active duty; October 28, when Premier Khrushchev in a message to President Kennedy, announced he had ordered the dismantling of Soviet missile bases in Cuba; November 11, when Deputy Secretary of Defense Gilpatric announced the United States had counted 42 medium-range missiles being removed from Cuba on Soviet ships; and November 20, when President Kennedy announced he had ordered the lifting of the naval blockade.

On December 6, U.S. Navy planes verified that 42 Soviet jet bombers were being transported home from Cuba. The United States apparently closed the book on the Cuban crisis about this date. LRS, I, 24–25; and LRS, II, I–18.

1963: Haiti. On May 4, a Marine battalion was positioned off the coast of Haiti for five days when trouble developed in that country. USMC, III, 61.

1964: Congo. In August, the United States sent four C–130 transport planes with approximately 100 flight and maintenance crews and paratroopers to protect the aircraft while on the ground. The purpose was said to be to provide airlift for the regular Congolese troops to combat areas during a rebellion against the government of Premier Tshombé and President Kasavubu. Earlier, in July, the United States had sent 68 officers and men to Leopoldville to advise the Congolese army. Both actions followed the withdrawal on June 30 of the last of the 20,000-man force which the United Nations had placed in the Congo in order to keep the peace.

Subsequently, in November, rebels in the Stanleyville area held over a thousand foreign civilian hostages, including 60 Americans, who were subjected to many atrocities and whom the rebels threatened to kill. When negotiations between the rebels and the United States failed, the United States and Belgium arranged to land Belgian paratroopers to undertake a humanitarian rescue operation.

On November 24, the force was airdropped by U.S. transport aircraft in the Stanleyville area and liberated most of the hostages. Belgian paratroopers undertook a second rescue operation on November 26, capturing the rebel town of Paulis. In all, about 2,000 foreigners were rescued. President Johnson assumed "full responsibility" for the United States role in the decision to transport the Belgian troops in American planes. Davids, 296–310.

1964–1971: Armed Actions in Laos. At the request of the Laotian Government, unarmed United States jet planes began flying reconnaissance missions over the Plaine des Jarres in May, 1964, in order to gather information on rebellious forces headed by leftist Pathet Lao. After two jets were shot down on June 6 and 7, President Johnson decided to carry out a limited reprisal. On June 9, U.S. Navy jets attacked a Communist gun position in north central Laos, and this was followed by 36 "sorties" which knocked out a number of Communist posts. The United States has continued to play a role of air support in Laos to date. State, 30.

1964–1971: Armed Action in Vietnam. Following the Geneva Accords of 1954 which provisionally divided Vietnam at approximately the 17th parallel, the Communists held control of the northern half of the country while anti-Communists maintained a precarious hold on the south. A U.S. Military Assistance Advisory Group, which assumed responsibility for the training of the South Vietnamese army after the French relinquished command, was steadily expanded as Communist guerrilla activity supported and directed from the north intensified. By 1962, there were 12,000 U.S. advisors.

In August 1964, at the request of President Johnson following an attack on American naval vessels in the Gulf of Tonkin, Congress passed the Gulf of Tonkin Resolution, unanimously in the House and by a vote of 88–2 in the Senate. The Resolution expressed approval and support of "the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Also it provided the United States is "prepared as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." (South Vietnam is a protocol state of SEATO). The joint resolution was signed into law on August 10 as Public Law 88–408.

Both this resolution and the SEATO agreement itself have been claimed as authority for United States activities in Vietnam. In addition, several appropriations laws providing for support of the hostilities in Southeast Asia are purported to represent authority for our engagement there. The Tonkin Gulf Resolution was subsequently repealed by P.L. 91–672 (Jan. 12, 1971).

Since assuming office in January, 1969, President Nixon has ordered the withdrawal of 480,500 troops. The latest reduction will lower the total of American military forces in South Vietnam to 69,000 by May 1, 1972. State, 12–14.

1965: Dominican Republic. A revolt broke out in the Dominican Republic on April 24, 1965, and on April 28 President Johnson announced that Dominican military authorities

had requested assistance from the United States in protecting the lives of United States citizens living in that country. The President added that he had ordered the Secretary of Defense to put the necessary troops ashore to protect Americans, and that this assistance would be available to the nationals of other countries as well.

The first United States military contingent to the Dominican Republic consisted of 400 men. On May 2, the President announced that he was sending 200 more men immediately and that an additional 4,500 would go at the earliest possible moment. He cited the increasing Communist control of the revolutionaries, as well as the urgent need for food, medical supplies, and other humanitarian assistance to the Dominican people, as reasons for his decision. At their peak, 21,500 United States troops were in the Dominican Republic.

On May 5, a five-man OAS peace commission succeeded in achieving a cease-fire agreement among the contending forces, and on May 6, the OAS voted to create an Inter-American Peace Force to assist in restoring peace and order. The arrival on May 21 of the first contingent of a Brazilian force permitted the withdrawal of 1,700 United States troops, and as other foreign contingents arrived, additional United States troops were withdrawn. By the end of 1965, the Inter-American Peace Force totaled 9,400. In the meantime, a formula to restore constitutional government, worked out by an OAS Ad Hoc Commission, made considerable progress. The inauguration of a civilian, Hector Garcia Godoy, as provisional president on September 3, 1965, was a major step toward the restoration of stability. State, 14–15.

1967: Syrian Coast. In June of 1967, during the Arab-Israeli War, President Johnson ordered the U.S. 6th Fleet to move to within 50 miles of the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict. The action was taken as a counter-move against the Soviet Union after Premier Kosygin told President Johnson over the hotline that the Soviets "had reached a decision that they were prepared to do what was necessary, including using the military" to stop the advance of Israeli troops into Arab territory, and would give the Israelis just five hours to halt their operations. Star, D–4.

1967: Congo. In July, Lt. General Mobutu, who had now become President of the Congo, was challenged by a revolt of about 170 white mercenaries and a few hundred Katangese troops. The Congolese army numbered around 32,000, but required outside logistical support in order to crush the revolt.

Responding to a direct appeal from President Mobutu, on July 8 the United States sent three C–130 military transport aircraft to the Congo, with their crews, to provide the Central Government with "long-range logistical support." Approximately 150 American military men arrived with the planes.

The small American task force immediately began to drop several plane loads of paratroopers and their equipment and continued to fly troops until November. On July 15, the first aircraft was withdrawn; on August 4, the second; and on December, the last. LRS, III.

1970:[205] Cambodia. From April 30 to June 30, U.S. troops attacked Communist sanctuaries in order to ensure the success of the program of Vietnamization. LRS, IV, 57.

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B. Five United States military actions abroad under a declaration of war

War of 1812. (1812–1815): On June 18, Congress approved a declaration of war against England. The war was officially concluded by the Treaty of Chent, December 24, 1814, but the major battle of the war occurred with an American victory at New Orleans in January, 1815.

War Between the United States and Mexico. (1846–1848): Congress declared war on May 11, 1846. The Treaty of Guadalupe Hidalgo ended the conflict on February 2, 1848.

Spanish-American War. (1898): On April 25, 1898, the United States declared war against Spain. The peace treaty ending hostilities was signed in Paris on December 10, 1898.

World War I. (1917–1919): The United States declared war on Germany on April 6, 1917, and against Austria on December 7, 1917. The Treaty of Versailles was signed on June 28, 1919. The treaty was never ratified by the United States

World War II. (1941–1945): The United States declared war on Japan December 8, 1941, and on Germany and Italy December 11, 1941. The war ended in Europe on May 8, 1945. Japan signed the formal surrender in Asia on September 2, 1945.

C. Forty-five major military actions for broad strategic aims

1798–1800: Navy War with France. The U.S. fought primarily for the protection of its free commerce.

1801–1805: War with Tripoli. The U.S. upheld its right of free commerce.

1814–1825: Caribbean Area. The U.S. sunk or captured 65 vessels to protect American commerce.

1815: Second Barbary War. The U.S. acted to provide effective protection to American commerce.

1844: Mexico. President Tyler deployed our troops to protect Texas one year before annexation.

1846: Mexico. President Polk ordered General Scott to occupy disputed territory between the Nueces and the Rio Grande.

1853–1854: Japan. Commodore Perry's expedition of 2000 men and ten ships advanced American commercial interests.

1864: Japan. U.S. Naval units participated in a joint effort to force open the Straits of Shimonoseki for the free conduct of international commerce.

1865–1866: Mexican border. General Sheridan and 50,000 U.S. troops backed up a demand from Secretary of State Seward that French forces withdraw from Mexico.

1869–1871: Dominican Republic. President Grant sought to annex the island.

1888–1889: Samoan Islands. Germany and the United States were close to warfare due to their rivalry over naval privileges in the Samoans.

1899–1901: Philippine Islands. The United States used 126,468 troops against the Philippine Insurrection in order to preserve and foster any rights it had acquired from Spain.

1900–1901: Boxer Rebellion (Peking). The U.S. sent 5,000 troops and marines to relieve foreign legations in Peking and to keep open communication between Peking and the sea.

1903–1914: Panama. Marine guards landed and remained on the Isthmus to protect construction of the Canal.

1906–1909: Cuba. The U.S. temporarily occupied Cuba to preserve order.

1912: Cuba. American troops remained three months to preserve order.

1915–1934: Haiti. By force of arms U.S. troops took over Haiti in part to forestall European intervention.

1916–1924: Dominican Republic. U.S. troops occupied Santo Domingo and supported a military governor in the Dominican Republic.

1917: Armed Atlantic Merchant Ships. President Wilson armed American merchant vessels with guns and gunners assigned from the Navy.

1917: Cuba. Several American landings were made to preserve order.

1918–1920: Expeditions to Russia. The U.S. contributed some 14,000 men to aid the anti-Bolsheviks and to forestall Japanese expansionist plans in Siberia.

1919: Dalmatia. U.S. forces policed order between the Italians and Serbs.

1926–1933: Nicaragua. The occupation of Nicaragua foiled the first attempt of Communism to infiltrate Latin America.

1927–1928: China. Nearly 6000 U.S. troops acted to help stabilize China.

1937–1938: China. Some 2,500 marines helped preserve order in Shanghai under the International Defense Scheme.

1940: British possessions in Western Atlantic. U.S. occupied military bases on British soil to protect long range national security interests.

1941: Greenland. The U.S. Army occupied Greenland for the same reason as above.

1941: Iceland. U.S. troops occupied Iceland for the same reason as above.

1941: Atlantic convoys. U.S. warships were used to convoy military supplies to Britain and Russia.

1941: Dutch Guiana. American troops occupied Dutch Guiana for same reason as above.

1946: Turkey. A U.S. carrier unit was deployed to affirm U.S. intentions to shore up Turkey against Soviet imperialism.

1950–1953: Korean War. U.S. forces acted to assist the Republic of Korea in order "to restore international peace and security in the area."

1957: Taiwan. U.S. naval units were dispatched to defend Taiwan.

1958: Lebanon. A primary purpose of using U.S. armed forces in Lebanon was to assist Lebanon in preserving its political independence.

1961: Dominican Waters, U.S. Navy ships took up positions three miles off the Dominican coast and Navy jet planes patrolled the shoreline to prevent a revolution in the Dominican Republic.

1962: Thailand. Some 5000 marines landed to support Thailand during a threat of external Communist aggression.

1962: Cuban Naval Quarantine. President Kennedy ordered a naval quarantine of Cuba to prevent delivery of additional Russian missiles and to obtain the removal of those already in Cuba.

1963: Haiti. A marine battalion was positioned off Haiti when trouble developed there.

1964: Congo. A task force of four U.S. C–130 transport planes with paratrooper guards was sent to the Congo to provide airlift for the regular Congolese troops against a Communist-assisted rebellion.

1964–1971: Vietnam. American forces have acted to support freedom and protect peace in Southeast Asia.

1964–1971: Laos. The United States has supported the free government of Laos, particularly with air missions.

1965: Dominican Republic. The threat of a Communist takeover and the need to provide humanitarian assistance to the Dominican people were major reasons for the American landings.

1967: Syrian Coast. During the Arab-Israeli war, the U.S. 6th Fleet moved to within 50 miles of the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict.

1967: Congo. A task force of three U.S. C–130 transports and 150 men ferried Congolese paratroopers in order to crush a revolt against Mobutu's government.

1970: Cambodia. U.S. troops were ordered into Cambodia to assist the program of Vietnamization.

D. Eighty-two hostilities with actual combat or ultimatums

1798–1800: Quasi-war with France.
1800: West Indies.
1801–1805: War with Tripoli.
1806: Mexico.
1806–1810: Gulf of Mexico.
1814–1825: Caribbean area.
1815: Second Barbary War.
1816–1818: Spanish Florida.
1817: Amelia Island (Spanish Territory).
1820: West Africa.
1820–1822: West Coast of South America.
1822: Cuba.
1823: Cuba.
1825: Cuban Keys.
1827: Greece.
1828: West Indies.
1830: Haiti.
1831–1832: Falkland Islands (Argentina).
1832: Sumatra.
1835: Samoan Islands.
1837: Mexico.
1840: Fiji Islands.
1841: Drummond Islands (Pacific Ocean).
1841: Samoan Islands.
1843: West Africa.
1845: African coast.
1846: Mexico.
1850: African coast.
1851: Turkey (Apparently no shots fired, but the force displayed amounted to a compulsory ultimatum).
1851: Johanna Island (East of Africa).
1853: China.
1853: West Coast of Africa.
1853: Smyrna.
1853–1854: Japan (Commodore Perry's expedition including 10 ships and 2000 men conveyed an imminent threat of force.).
1854: China.
1854: Greytown, Nicaragua.
1854: West Coast of Africa.
1854: Okinawa.
1855: China.
1855: Fiji Islands.
1855: Uraguay.
1856: China.
1858: Fiji Islands.
1858: African coast.
1859: African coast.
1859: Paraguay (The Naval display of force amounted to compulsion.)
1863: Japan.
1864: Japan.
1865–1866: Mexico border (General Sheridan and 50,000 American troops backed up the demand of Secretary of State Seward that French forces leave Mexico.).
1867: Formosa.
1867: Nicaragua.
1870: Mexico.
1871: Korea.
1888: Haiti (American Commander issued an ultimatum threatening force if necessary.).
1888–1889: Samoan Islands (Three powers had warships on the scene during an intense rivalry over claims in the islands. War was close when a hurricane destroyed German and American vessels.).
1891: Bering Sea.
1894: Brazil.
1899: Samoan Islands.
1900–1901: Boxer Rebellion (China).
1899–1901: Philippine Insurrection.
1910: Nicaragua (Armed combat was "hourly expected.)".
1911: Honduras (The American Commander expressly threatened to use force if necessary.).
1914: Dominican Republic.
1914: Occupation of Vera Cruz, Mexico.
1915: Haiti.
1916: Dominican Republic.
1916–1917: Pershing Expedition into Mexico.
1917: Armed Atlantic merchant ships.
1918–1919: Mexico.
1918–1920: Expeditions to Russia.
1926–1933: Nicaraguan occupation.
1927–1928: Armed actions in China.
1941: Atlantic convoys.
1946: Trieste.
1948: Palestine.
1950–53: Korean War.
1962: Cuban naval quarantine.
1964–1971: Armed actions in Laos.
1965: Dominican Republic.
1964–1971: Vietnam War.
1967: Syrian coast.
1970: Cambodia.

E. Ninety-six military actions lasting more than 30 days

1789–1800: Quasi-War with France.
1801–1805: War with Tripoli.
1806–1810: Gulf of Mexico.
1813–1814: Marquesas Islands (South Pacific).
1814–1825: Caribbean Area.
1815: Second Barbary War.
1816–1818: Spanish Florida.
1820–1822: West Coast of South America.
1823: Cuba.
1827: Greece.
1831–1832: Falkland Islands.
1835–1836: Peru.
1838–1839: Sumatra.
1843: West Africa.
1843: China.
1844: Mexico.
1846: Mexico.
1852–1853: Argentina.
1853–54: Japan.
1854: China.
1854: Okinawa.
1855: Fiji Islands.
1855: Uruguay.
1856: China.
1858–1859: Paraguay.
1858–1859: Turkey.
1865–1866: Mexican border.
1866: China.
1868: Japan.
1869–1871: Dominican Republic.
1873: Colombia.
1873–1882: Mexico.
1885: Colombia.
1888–1889: Samoan Islands.
1891: Bearing Sea.
1894: Nicaragua.
1894–1895: China.
1898–1899: China.
1899: Samoan Islands.
1899–1901: Philippine Islands.
1900–1901: "Boxer" Rebellion (Peking).
1901: State of Panama.
1902: State of Panama.
1903: Panama.
1903–1904: Abyssinia.
1903–1904: Syria.
1904: Dominican Republic.
1904–1905: Korea.
1905–1907: Dominican Republic.
1906–1909: Cuba.
1907: Honduras.
1911–1912: China.
1912: Panama.
1912: Cuba.
1912: Nicaragua.
1913: China.
1914: Haiti.
1914: Vera Cruz (Mexico).
1914–1915: Dominican Republic.
1915: Occupation of Haiti.
1916: Occupation of Dominican Republic.
1916–1917: Pershing Expedition into Mexico.
1917: Armed Atlantic merchant ships.
1917: Cuba.
1918–1919: Mexico.
1918–1920: Expeditions to Russia.
1918–1920: Panama.
1919: Dalmatia.
1920–1922: Siberia.
1922–1923: China.
1924–1925: China.
1924–1925: Honduras.
1926–1933: Nicaragua.
1926: China.
1927: China.
1936: Spain.
1937–1938: China.
1940: Occupation of British possessions in Western Atlantic.
1941: Occupation of Greenland.
1941: Occupation of Dutch Guiana.
1941: Occupation of Iceland.
1941: Atlantic convoys.
1948: Mediterranean.
1948–1949: China.
1950–1953: Korean War.
1954–1955: Tachen Islands (China).
1958: Lebanon.
1959–1960: Cuba.
1962: Thailand.
1962: Cuban naval quarantine.
1964–1971: Laos.
1964–1971: Vietnam.
1964: Congo:
1965: Dominican Republic.
1967: Congo.
1970: Cambodia.

F. One hundred and two military actions by the United States outside the western hemisphere

1801–1805: War with Tripoli.
1813–1814: Marquesas Islands (South Pacific).
1815: Second Barbary War.

1820: West Africa.
1827: Greece.
1832: Sumatra.
1835: Samoan Islands.
1838–1839: Sumatra.
1840: Fiji Islands.
1841: Drummond Island (Pacific Ocean).
1841: Samoan Islands.
1843: West Africa.
1843: China.
1844: China.
1845: African coast.
1849: Smyrna (Now Izmir, Turkey).
1850: African coast.
1851: Turkey.
1851: Johanna Island (east of Africa).
1853: Smyrna.
1853: China.
1853: African coast.
1853–1854: Japan.
1854: African coast.
1854: Okinawa.
1854: China.
1855: China.
1855: Fiji Islands.
1856: China.
1858: Fiji Islands.
1858: African coast.
1858–1859: Turkey.
1859: African coast.
1859: China.
1860: Kissembo (West Africa).
1863: Japan.
1864: Japan.
1864: Japan.
1866: China.
1867: Formosa.
1868: Japan.
1871: Korea.
1874: Hawaii.
1882: Egypt.
1888: Korea.
1888–1889: Samoan Islands.
1889: Hawaii.
1894–1896: Korea.
1894: China.
1895–1896: Korea.
1898–1899: China.
1899: Samoan Islands.
1899–1901: Philippine Islands.
1900–1901: "Boxer" Rebellion (Peking).
1903–1904: Syria
1903–1904: Abyssinia (Ethiopia).
1904: Morocco.
1904: Korea.
1911–1912: China.
1912: Turkey.
1913: China.
1916: China.
1917: Armed Atlantic merchant ships.
1918: China.
1918–1920: Expeditions to Russia.
1919: Turkey.
1919: Dalmatia.
1919: Turkey.
1920: China.
1920–1922: Siberia.
1922: Turkey
1922–1923: China.
1924: China.
1924–1925: China.
1926: China.
1927: China.
1932: China.
1934: China.
1936: Spain.
1937–1938: China
1941: Occupation of Greenland.
1941: Occupation of Iceland.
1941: Atlantic convoys.
1946: Turkey.
1946: Trieste.
1946: Greece.
1948: Palestine.
1948: Mediterranean.
1948–1949: China
1950–1953: Korea.
1954–1955: Tachen Islands (China).
1956: Egypt.
1957: Indonesia.
1957: Taiwan.
1958: Indonesia.
1958: Lebanon.
1962: Thailand.
1964–1971: Laos
1964–1971: Vietnam.
1964: Congo.
1967: Syrian coast.
1967: Congo.
1970: Cambodia.

FOOTNOTES

*A.B. Elon College 1956; L.L.B. Duke U. 1959; Richardson Foundation Congressional Fellowship 1959–1960; Assistant Counsel, Office of Legislative Counsel, U.S. Senate 1960–1969; Legislative Counsel to U.S. Senator Barry M. Goldwater 1969 to present.

[1] The Senate alone has spent parts of 61 days of Floor debate on issues affecting the President's war making machinery in the first 143 legislative days of the 92d Congress. These deliberations centered primarily around H.R. 6531, the Military Draft Extension Bill (45 days), and H. R. 8687, the Military Procurement Authorization Act (13 days).

[2] *See* S. 731, S. 1880, S.J. Res. 18, S.J. Res. 59, and S.J. Res. 95, all 92d Congress, 1st Sess. (1971). *But cf.* H.J. Res. 1, 92d Cong., 1st Sess., passed by the House of Representatives on August 2, 1971, in which "Congress reaffirms its powers under the Constitution to declare war," without specifying any rules for the conduct of military hostilities.

[3] Mr. Javits has introduced S. 731 for himself, Mr. Bayh, Mr. Mathias, Mr. Packwood, Mr. Pell, Mr. Spong, Mr. Weicker and Mr. Williams. Mr. Bentsen has introduced S. 1880 for himself and Mr. Byrd of W. Va. Mr. Taft has introduced S.J. Res. 18. Mr. Eagleton has introduced S.J. Res. 59 for himself, Mr. Inouye, Mr. McGovern, Mr. Montoya, and Mr. Stevenson, Mr. Stennis has introduced S.J. Res. 95 for himself, Mr. Mansfield, and Mr. Roth. On December 6, 1971, after this article was submitted, Senators Javits, Stennis, Eagleton, and Spong agreed to introduce a comprehensive redraft of S 731. The substantive provisions of this bill, S. 2956, are essentially the same as those in S. 731, with the addition of language borrowed from S.J. Res. 59 providing that authority to use the Armed Forces shall not be inferred from a treaty or appropriation act. S. 2956 was ordered favorably reported by the Senate Committee on Foreign Relations the next day, December 7.

[4] See discussion pp. 2–6, *infra*.

[5] S. 731, *supra* note 2, at 1, lines 3–5.

[6] *Id.* at 1–2, lines 7–13.

[7] *Id.* at 2, paragraph B, § 1.

[8] *Id.* at 2, paragraph C, § 1.

[9] *Id.* at 2–3, paragraph D, § 1.

[10] *Id.* at 1–2, paragraph A, § 1.

[11] *Id.* at 3, § s.

[12] *Id.* at 4, § 3.

[13] S.J. Res. 59, *supra note* 2, pp. 4–5, § 3.

[14] *Id.* at 2–3, § 1.

[15] *Id.* at 3, lines 9–12, § 2 (emphasis added).

[16] *Id.* at 6–7, § 6.

[17] *Id.* beginning at line 25, p. 6, and ending on line 2, p. 7.

[18] *Id.* at 7, lines 2–6.

[19] *Id.* at 7, lines 6–11.

[20] *Id.* beginning at line 12, p. 3, and ending on line 7, p. 4, § 2.

[21] *Id.* at 5, lines 13–19, § 4.

[22] See note 7, *supra*.

[23] S.J. Res. 95, *supra* note 2, at 2, paragraph B, § 2.

[24] *Id.* at 5–6, § 7.

[25] See S.J. Res. 59, note 16 *supra*.

[26] See S.J. Res. 59, note 14 *supra*.

[27] See S.J. Res. 59, note 20, *supra*.

[28] S.J. Res. 95, *supra* note 2, at p. 5, § 6.

[29] S.J. Res. 59, *supra* note 2, at p. 7, § 7. Nor would the fresh hostility be covered by S. 731. See note 12 *supra*.

[30] *Supra* note 2.

[31] See text accompanying note 16 to note 29 *supra*.

[32] S.J. Res. 18, *supra* note 2, at 2–3, paragraph 1–4, Part I. And see note 10 *supra*.

[33] *Cf.* S. 731, *supra* note 8.

[34] *Cf.* S. 731, *supra* note 11.

[35] S.J. Res. 18, *supra* note 2, at 2, line 10, Part I.

[36] S. 731 refers only to "military hostilities" and does not specify whether a purpose of combat is necessary to constitute a hostility. See text accompanying note 5 to note 12 *supra*. *But cf.* remarks of Senator Javits when he introduced his bill in which he refers to "combat hostilities" and "combat actions." 117 Cong. Rec. (daily ed.) S1204–S1206 (Feb. 10, 1971).

[37] *Cf.* S. 731, *supra* note 12.

[38] S.J. Res. 18, *supra* note 2, at 3–4, Part II.

[39] See text accompanying note 5 to note 39 *supra*, note 40 *infra*.

[40] *Id.*

[41] *See A Brief on S. 731, to Make Rules Respecting Military Hostilities in the Absence of a Declaration of War*, 117 Cong. Rec. (daily ed.) at S2527–S2531 (March 5, 1971), and *see* Javits, *supra* note 36.

[42] *Brief, supra* note 41, at S2528.

[43] *Id.*

[44] *Id.*

[45] *Id. See also* Javits, *supra* note 36, at S1205–S1206.

[46] *See* exhibit 1, Javits, *supra* note 36, at S1206. *But* cf. view of Professor John Norton Moore that "reliance on the experience under the Articles of Confederation seems a frail reed for interpreting a Constitution promulgated in large measure as a result of dissatisfaction with the experience under the Articles." *Hearings on War Powers Bills Before the Senate Comm. on Foreign Relations*, 92d Cong., 1st Sess. (1971), testimony of Professor Moore inserted in the Cong. Rec. by Senator Goldwater, 117 Cong. Rec. (daily ed.) S6469 (May 10, 1971). Moore's position applies with equal force to the Continental Congress.

[47] *Brief, supra* note 41, at S2529. The textual arguments of the Javits brief are reminiscent of the battle Jefferson and Randolph lost to Washington and Hamilton over the power of the President to "declare" on "the question of war or peace." When President Washington boldly issued a proclamation of neutrality on April 22, 1793, during the outbreak of war between France and Great Britain, it was a clear defeat for the position argued by Jefferson that only Congress could proclaim neutrality. To Jefferson, since Congress alone had the power to declare war, it alone had the power to declare we were not at war. Washington's rejection of Jefferson's narrow reasoning is generally credited with establishing early the principle of Presidential primacy in the making of foreign policy. See C. ROSSITER, ALEXANDER HAMILTON AND THE CONSTITUTION 84–85 (1964).

[48] *Hearings, supra* note 46. *See* testimony of Professor Richard B. Morris inserted in the Cong. Rec. by Senator Javits, 117 Cong. Rec. (daily ed.) S3359 (March 16, 1971). And *see* testimony of Professor Henry Steele Commager inserted in the Cong. Rec. by Senator Javits, 117 Cong. Rec. (daily ed.) S3353–S3354. *See generally* Note, *Congress, the President, and the Power to Commit Forces to Combat*, 81 HARV. L. REV. 1771 (1968).

[49] Wright, *The Power of the Executive to Use Military Forces Abroad*, 10 VA. J. INT'L. 54 (1969).

[50] Wright took the same position in 1920. *See* Wright, *Validity of the Proposed Reservations to the Peace Treaty*, 20 COL. L. REV. 134–36 (1920).

[51] W. W. WILLOUGHBY, THE CONSTITUTIONAL LAW OF THE UNITED STATES, (2d ed. 1929).

[52] E. CORWIN, CONSTITUTION ANNOTATED (1952).

[53] Another well-known constitutional authority states the President "possesses the organizational authority to resort to the use of force to protect American rights and interests abroad and to fulfill the commit-

ments of the nation under international agreements." B. SCHWARTZ, COMMENTARY ON THE CONSTITUTION OF THE UNITED STATES, Part I, Vol. II at 196 (1963).

[54] Corwin, *Who has the Power to Make War?*, N.Y. Times, July 31, 1949 at 14 (Magazine).

[55] *Hearings, supra*, note 46. *See* testimony of Moore at S6469–S6470; testimony of Secretary of State William P. Rogers inserted in the Cong. Rec. by Senator Goldwater, 117 Cong. Rec. (daily ed.) S7196–S7201 (May 18, 1971); and testimony of the Honorable George W. Ball inserted in the Con. Rec. by Senator Goldwater, 117 Cong. Rec. (daily ed.) S12619–S12621 (July 30, 1971).

Other recent statements recognizing full plenary power in the President to conduct military operations are: remarks by Solicitor General Erwin N. Griswold inserted in the Cong. Rec. by Senator Goldwater, 117 Cong. Rec. (daily ed.) S12967–S12969 (Aug. 3, 1971); Eberhard P. Deutsch, *The President as Commander in Chief*, 57 ABA J. 27–32 (Jan. 1971); Henry M. Pachter, *Reflections of Unilateral Intervention*, prepared for Foreign Military Commitments, FORENSIC Q., 135–38 (May 1969); and *Congress, the President, and the War Powers, Hearings Before the Subcomm. on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs*, 91st Cong. 2d Sess. (Comm. Print 1970), testimony of Dr. W. T. Mallison at 30–39, testimony of Professor Abram Chayes at 135–38, and testimony of William H. Rehnquist at 210–16, 228–29, 232, and 235.

[56] Spong, *Can Balance be Restored in the Constitutional War Powers of the President and Congress?*, 6 U. RICH. L. REV., at 27 (1971).

[57] See *Brief, supra* note 41, at S2529–S2530.

[58] See Appendix "A," *infra*, at 88.

[59] 4 U.S. (4 Dallas) 36 (1800).

[60] *Id.* at 39–45.

[61] Also cited as The Amelia, 5 U.S. (1 Cr.) 1 (1801).

[62] *Id.* at 28.

[63] Also cited as Little v. Barreme, 6 U.S. (2 Cr.) 170 (1804).

[64] *Id.* at 179. In fact, there never has been any Supreme Court holding in time of war which shackled the President's ability to use the forces at his disposal to carry on that hostility. See Ratner, *The Coordinated War-making Power—Legislative, Executive, and Judicial Roles*, 44 So. CAL. L. REV. at 486 (1971).

[65] *See* Moore, *supra* note 46, at S 6469. *And see* U.S. Const., Art. I, S 8.

[66] See Rogers, *supra* note 55 at n.45, S 7201.

[67] Spong, *supra* note 56, at 27. The Supreme Court has consistently refused to tackle cases directly challenging the legality of Presidential military decisions during an ongoing war. For example, the Court has turned away every request for a decision on the validity of the Vietnam conflict that has been made of it. See *Berk v. Laird*, 443 F. 2d 1039 (1971); *cert. denied* 40 U.S.L.W. 3166 (Oct. 11, 1971); Massachusetts v. Laird, *motion for leave to file complaint denied*, 400 U.S. 886 (1970); Mora v. McNamara, *cert. denied*, 389 U.S. 934 (1967); Luftig v. McNamara, *cert. denied*, 387 U.S. 945 (1967); and Mitchell v. United States, *cert. denied*, 386 U.S. 972 (1967).

There are earlier cases which indicate the Supreme Court will not consider issues arising out of any statute purporting to regulate the President's deployment of troops. In *Mississippi v. Johnson* the Court held it had no power to restrain acts of either Congress or the President regarding the use of troops. 71 U.S. 475 (1866). Some half century later the Court held that the propriety of what may be done in the exercise of the power to conduct foreign relations "is not subject to judicial inquiry or decision." Oetjen v. Central Leather Co., 246 U.S. 297, 302 (1918).

Then in 1950, the Court stated:

"Certainly it is not the function of the Judiciary to entertain private litigation—even by a citizen—which challenges the legality, the wisdom, or the propriety of the Commander-in-Chief in sending our armed forces abroad or to any particular region . . . The issue tendered . . . involves a challenge to conduct of diplomatic and foreign affairs, for which the President is exclusively responsible." Johnson v. Eisentrager, 339 U.S. 763, 789 (1950).

Two recent articles which conclude the Court will not entertain the issue of the President's war-making authority are (1) Note, *The Supreme Court as Arbitrator in the Conflict Between Pesidential and Congressional War-Making Powers*, 50 BOSTON U. L. REV. 78 (1970), and (2) *Undeclared War and the Right of Servicemen to Refuse Service Abroad*, 10–16, Legislative Reference Service, Library of Congress (Nov. 30, 1970). *But cf.* Tigar, *Judicial Power, The 'Political Question Doctrine,' and Foreign Relations*, 17 U.C.L.A. L. REV. 1135 (1970).

In light of the probable application of the "political question" doctrine to the war powers legislation, Senator Goldwater has charged: "[I]t may incite one of the gravest Constitutional crises in American history." Testimony of Senator Goldwater before Hearings on War Powers Bills, *supra* note 46, inserted in 117 Cong. Rec. (daily ed.) S5637–S5647 (April 26, 1971) at S5637.

[68] 67 U.S. (2 Black) 635 (1863.)

[69] See *Brief, supra* note 41, at S2529.

[70] Prize cases, 67 U.S. (2 Black) 635, 671 (1863).

[71] *Id.* at 668.

[72] Professor Schwartz claims: "The language of the high Court in the *Prize Cases* is broad enough to empower the President to do much more than merely parry a blow already struck against the nation. Properly construed in truth, it constitutes juristic justification of the many instances in our history (ranging from Jefferson's dispatch of a naval squadron to the Barbary Coast to the 1962 blockage of Cuba) in which the President has ordered belligerent measures abroad without a state of war having been declared by Congress." B. SCHWARTZ, THE REINS OF POWER at 98 (1963). And see text accompanying note 114 to note 149 *infra*.

[73] 71 U.S. (4 Wall.) 2 (1866).

[74] *Id.* at 139.

[75] See *Brief, supra* note 41, at S 2530.

[76] 236 U.S. 459 (1915).

[77] *Id.* at 466–67.

[78] *Id.* at 460–70, 474.

[79] See text accompanying note 142 to note 149 *infra*.

[80] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[81] *Id.* at 587.

[82] *Id.* at 645.

[83] See Rogers, *supra* note 55, at S 7198.

[84] New York Times Co. v. United States, 403 U.S. 713 (1971).

[85] *Id.* at 722.

[86] See text accompanying note 49 to note 56 *supra* pp. 8–9. And see note 55 *supra*.

[87] E. CORWIN, PRESIDENT: OFFICE AND POWERS 220 (3d rev. ed. 1948).

[88] See text accompanying note 96 to note 100 *infra*.

[89] See text accompanying note 101 to note 108 *infra*.

[90] See text accompanying note 110 to note 113 *infra*.

[91] U.S. CONST., Art. II, § 1.

[92] Griswold, *supra* note 55, at S 12968.

[93] See CORWIN, *supra* note 87, at 217–20.

[94] Cited in CORWIN, *supra* note 87, at 218.

[95] ANNALS, 6th Cong., col. 613 (1800).

[96] New York Times Co. v United States, 403 U.S. 713 (1971) *supra* note 84, at 756. And see separate dissent by Justice Blackmun at 761.

[97] *Id.* at 741.

[98] *Id.* at 741–42, 756.

[99] 299 U.S. 304 (1936).

[100] *Id.* at 319–20.

[101] Wright, *supra* note 50, at 134–35. And see *In re Neagle*, 135 U.S. 1, 64 (1889), cited by Wright in discussion.

[102] E. CORWIN, *supra* note 87, at 240–41.

[103] Corwin has also written:

"But the President may also make himself the direct administrator of the international rights and duties of the United States, or of what are adjudged by him to be such, without awaiting action either by the treaty-making power or by Congress, or by the courts." *Id.* at 239.

W. Willoughby observed:

"It is also to be noted that the powers constitutionally vested in the President with regard to the control of the foreign relations of the United States makes it possible for him to bring about a situation in which, as a practical proposition, there is little option left to Congress as to whether it will or will not declare war or recognize a state of war as existing." W. WILLOUGHBY, *supra* note 51, at 1558.

[104] *See* Q. WRIGHT, THE CONTROL OF AMERICAN FOREIGN RELATIONS 306 (1922); Durand v. Hollins, 8 F. Cas. 111 (4 Blatch 451, CCSD NY 1860).

[105] Durand v Hollins at 454.

[106] *See* The Slaughter-House Cases, 83 U.S. 36, 79 (1872).

[107] U.S. CONST. amend. XIV.

[108] J. CLARK, RIGHT TO PROTECT CITIZENS IN FOREIGN COUNTRIES BY LANDING FORCES, 25 (3d rev. ed. with sup. appendix up to 1933: 1934).

[109] *See* Q. WRIGHT, *supra* note 104, at 307; Spong, *supra* note 56, at 24; Moore, *The Lawfulness of Military Assistance to the Republic of Viet-Nam, The Vietnam War and International Law*; AM. SOC'Y OF INT'L L. 237 (1968); *id.* at 583–603; Memorandum by U.S. Dept. of State, *The Legality of United States Participation in the Defense of Viet-Nam*, (March 4, 1966); B. SCHWARTZ, supra a note 72, at 175.

[110] U.S. CONST. art II, § 2,, cls. 1.

[111] Q. WRIGHT, *supra* note 50, at 134; W. WILLOUGHBY, note 51 *supra*, at 1567.

[112] *Ex parte* Milligan, 71 U.S. (4 Wall) 2 at 139. *See also* holding by Court of Claims that "In time of war, the Commander in Chief has the same powers as other civilized governments, and the exercise of them needed no ratification to give them effective force." The Court was speaking of the *undeclared* war in the Philippines. Warner, Barnes and Co. v. United States, 40 Ct. Cl. 1, 32 (1904).

[113] Swaim v. United States, 28 Ct. Cl. 173, 21, *aff'd* 165 U.S. 553 (1897).

[114] J. ROGERS, WORLD POLICING AND THE CONSTITUTION 55 (1945).

[115] *Id.* at 56.

[116] E. CORWIN, *supra* note 54, at 14.

[117] *See* R. DUPUY AND W. BAUMER, THE LITTLE WARS OF THE UNITED STATES preface (1968).

[118] *See, e.g.*, Commager, *supra* note 48, principally at S 3355, and Morris, *supra* note 48, at S 3359.

[119] See Goldwater, *supra* note 67, at S 5637.

[120] See appendix A *infra*, as revised by author; February 1972.

[121] Other itemized lists of U.S. military operations abroad are: J. CLARK, *supra* note 108, at 51–130 (78 incidents without declarations of war and not later disavowed or repudiated); J. ROGERS, *supra* note 114, at 93–123 (139 such incidents); State, *infra* appendix A at 111 (135 such incidents); and Legislative Reference Service, Library of Congress, *Background Information on the Use of United States Armed Forces in Foreign Countries* (1970 Revision) at 50–57 (152 such incidents).

[122] See appendix A *infra*, note 3 at 110.

[123] Reveley, *Presidential War-Making: Con-*

stitutional Prerogative or Usurpation?, 55 VA. L. REV. 1258 (1969).

[124] Malawer, *The Vietnam War Under the Constitution: Legal Issues Involved in the United States Military Involvement in Vietnam*, 31 U. PITT. L. REV. 213 (1969).

[125] See Commager, *supra* note 48, at S 3355.

[126] See appendix F *infra* at 116.

[127] *Id.*

[128] See appendix D *infra* at 114.

[129] See appendix E *infra* at 115.

[130] See appendix G *infra* at 117.

[131] See appendix C *infra* at 112.

[132] *See* Commager, *supra* note 48, at S3355.

[133] See appendix A *infra* at 92.

[134] *Id.* at 98.

[135] *Id.* at 102.

[136] *Id.* at 103. See R. DUPUY AND W. BAUMER, *supra* note 117 at 168.

[137] Appendix A *infra* at 104.

[138] *Id.* generally.

[139] Monaghan, *Presidential War-Making*, 50 BOSTON U. L. REV. 27 (1970).

[140] *Id.* at 29.

[141] *Id.* at 31. *See generally* Griswold, *supra* note 55.

[142] United States v. Midwest Oil Co., 236 U.S. 459 (1915).

[143] *Id.* at 473.

[144] Presidents had issued orders withdrawing public lands from private acquisition over a period of 80 years. *Id.* at 469. In comparison, Presidents have been sending troops abroad on their own initiative for more than a century and a half. *See* appendix A *infra* generally.

[145] The statute reads in pertinent part:

"From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or *otherwise*, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be *expressly* authorized by the Constitution or by act of Congress . . ." (Emphasis added.) H. R. 4867, approved June 18, 1878, § 15 (45th Cong.) 20 Stat. 152.

It is true the law was aimed primarily at the use of troops in suppressing domestic violence or insurrection, but on its face it extends to all use of the Army, without any geographical limitation, for the purpose of executing the laws. As we have seen, the President's right to execute the laws includes a power to enforce international obligations as well as domesitc laws. See text accompanying notes 101 to 104, *supra*.

Furthermore, it was evident to Congress the law it was debating would be applicable to circumstances much broader than the *posse comitatus* situation described in the act. Members of both Houses indicated their awareness of the provision's reach to situations involving the employment of troops against foreign dangers. See remarks of Senator Matthews where he speaks of "foreign wars" 7 Cong. Rec. 4297 (1878) and remarks of Senator Hoar, *id.* at 4303. One proposed amendment, introduced and defeated during floor debate in the House of Representatives, would have exempted from the law the use of forces "on the Mexican border or in the execution of the neutrality laws elsewhere on the national boundary lines." *Id.* at 3849.

In these circumstances and in view of the broad language of the statute, the author believes it can reasonably be interpreted as purporting to limit the use of the Army in the international theater as well as the domestic one. Thereby the doctrine of constitutional interpretation announced in *Midwest Oil* would squarely provide additional support buttressing the legality of the President's use of troops abroad. Section 15 of H.R. 4867 was repealed in 1956 and restated in broader form as the new section 1385 of title 18, U.S.C. (70 A Stat. 626).

[146] 54 Stat. 885.

[147] *Id.* § 3(e), at 886. Congressional debate on the 1940 Selective Service law shows that when Congress referred to the "Western Hemisphere" it definitely meant only that area of North, Central, and South America which "we have long engaged to protect under the Monroe Doctrine."

The provision is also an unlikely precedent for War Powers legislation because its author, Senator Lodge, conceded on the Senate Floor, "This is a pious hope." It was openly recognized by him and others that Congress could not constitutionally restrict the President's deployment of forces. *See* 86 Cong. Rec. 10092, 10103, 10105, 10116, 10129, 10295, 10391, 10742, 10794–10798, and especially 10895–10914, 76th Cong. 3d Sess. (1940).

[148] See appendix A *infra* at 105.

[149] Corwin also argues the U.S. agreement to turn over 50 reconditioned destroyers to Britain in 1940 "was directly violative of at least two statutes . . . ." E. Corwin, *supra* note 87 at 288–89. And *see* appendix A *infra* at 104, and Senate Comm. on Foreign Relations, S. Rep. No. 797, 91st Cong., 1st Sess. (1969) 14–15.

[150] See testimony of McGeorge Bundy, *Congress, the President, and the War Powers*, *supra* note 55, at 3.

[151] See testimony of Alexander Bickel, *Congress, the President, and the War Powers*, *supra* note 55, at 45.

[152] See testimony of Attorney William D. Rogers, *Congress, the President, and the War Powers*, *supra* note 55, at 58.

[153] See testimony of Professor Abram Chayes, who supports legislative efforts to end the Indochina War, but nevertheless vigorously opposes as unconstitutional "bills that seek to lay out a detailed blueprint in advance to govern the relations between the President and the Congress in the exercise of the national war power in all possible contingencies." *Congress, the President, and the War Powers*, *supra* note 55, at 135.

[154] Rogers, *supra* note 55, at S 7199.

[155] *Id.*

[156] See testimony of Dr. James MacGregor Burns, *Congress, the President, and the War Powers*, *supra* note 55, at 81–82.

[157] *Id.* Consider the observation of former Ambassador Charles W. Thayer, that:

"It was due largely to the erratic, occasionally irresponsible actions of the ancient Greek assemblies that the city-states' diplomacy was ineffective and defensive collaboration against the Eastern aggressors impossible. Despite growing recognition by Congress and the public of the purpose, methods and needs of an effective diplomacy, so long as the consistent pursuit of long-range interests and aspirations is periodically sacrified to passing whims inspired by fleeting emotions in Washington, the danger persists of a twentieth century repetition of the Greek debacle." W. THAYER, DIPLOMAT 80 (1959).

[158] See Ball, *supra* note 55, at S 12261.

[159] *Id.*

[160] Goldwater, *supra* note 67, at S 5637.

[161] *Id.*

[162] *See generally Brief*, *supra* note 41.

[163] See generally text accompanying note 10 to note 36 *supra*. And *see* S. 731, § 2; S. 1880, § 4; S.J. Res. 59, § 4; and S.J. Res. 95, § 4, all *supra* note 2.

[164] See appendix A *infra* at 107.

[165] *See* R. KENNEDY, THIRTEEN DAYS (1969) at 35, 36, 68, 97, and 107.

[166] Goldwater, *supra* note 67, at S 5638.

[167] KENNEDY, *supra* note 165, at 53.

[168] *Id.* at 53–54.

[169] Goldwater, *supra* note 67, at S 5638.

[170] *See generally* testimony of Commager and Morris, *supra* note 48; testimony of Professor Alexander Bickel, inserted in the Cong. Rec. by Senator Javits, 117 Cong. Rec. (daily ed.) S 12387 (July 28, 1971). *See generally* Brief, *supra* note 41.

[171] See Brief, *supra* note 41, at S 2528. In case the President should veto any such legislation shoving him into an expanded war, he would be put in the unenviable position of facing a Congress which (1) would likely claim he had thereby deprived himself of any authority to act at all in the hostility concerned and (2) could vote to override his veto.

[172] Brant, *Nixon vs. Constitution in War Powers Debate*, The Washington Post, July 4, 1971, at B–3.

Compare the position of Ambassador Thayer, who views the Foreign Service dangerously handicapped under present Congressional practices, let alone under the complications added by War Powers legislation. For example Thayer recites:

"In his Memoirs, President Truman indicates how the Greek Civil War was very nearly lost to the Communists because of the time needed to get the necessary Congressional action.

"The first warning that the British, then on the verge of bankruptcy, would have to withdraw from Greece not later than April 1, 1946 was telephoned to the President by the State Department on Friday, February 21. Four days later Congressional leaders were notified that some sort of action would be essential. But it was not until seventy-five days later, that the House on May 9, finally approved the measure. Meantime the Communist guerrillas had almost succeeded in overthrowing the Greek government." C. W. THAYER, *supra* note 157, at 78–79.

[173] S. 731, *supra* note 2, at § 1A (4).

[174] Secretary of State Rogers contends "such a restriction could seriously limit the ability of the President to make a demonstration of force . . . to deploy elements of the Sixth Fleet in the Mediterranean in connection with the Middle East situation," which is exactly what President Johnson did in 1967. See Rogers, *supra* note 55, at S7199, and see text accompanying notes 177 to 179, *infra;* Moore, *supra* note 46, at S6470; S. Comm. on Foreign Relations, note 149, at 26.

Representative Zablocki, Chairman of the House Subcommittee hearings on war powers in 1970, told Senator Javits during the latter's appearance at the hearings: "Let us say that as a result of renewed hostilities in the Middle East the President finds it necessary to intervene on the side of Israel. Your bill does not seem to fit that contingency since the United States has no formal treaty or pact with Israel."

Senator Javits replied: "I would hope that long before any such terribly untoward situation would develop in the Middle East . . . this would have been adopted as a NATO responsibility and then it would come under the fourth item of my own bill." *See Congress, the President, and the War Powers*, *supra* note 55, at 400–401.

Thus, from Senator Javits' own admission the President could not act independently in defense of the people of Israel under his bill, but would have to await either a decision by NATO to take collective action in support of Israel (no one else has suggested Israel is a NATO obligation) or legislative action by Congress.

No authority considers the Middle East Resolution to be pertinent, apparently because it (1) does not grant any authority to employ force, but simply states a policy that "the United States is prepared to use armed forces," (2) does not apply unless the aggressor country is "controlled by international communism," and (3) provides the employment of force "shall be consonant with the treaty obligations of the United States" and we do not have any defense treaty with Israel. Pub. Law 85–7, a joint resolution to promote peace and stability in the Middle East, approved March 9, 1957 (71 Stat. 5).

[175] Goldwater, *supra* note 67, at S. 5637.

[176] Remarks of Senator Goldwater, 117 Cong. Rec. (daily ed.) S. 5636–S. 5637 (April 26, 1971).

[177] See appendix A *infra* at 109.

[178] The Evening Star (Washington, D.C.), May 12, 1971, D–4; Johnson, *The Vantage Point*, excerpt 8, The Washington Post, Oct. 24, 1971, A1, A14.

[179] *Id.*

[180] See Rogers, *supra* note 55, at S. 7199.

[181] U.S. Dept. of Navy, *Summary of Wars/Near Wars Since 1946*, 116 Cong. Rec. S15712–S15713 (May 15, 1970).

[182] See S. 731, *supra* note 173; S.J. Res. 59, *supra* note 173; S.J. Res. 59, *supra* note 2, § 2; S.J. Res. 95, *supra* note 2, § 3; and S. 1880, *supra* note 2, § 3, which prohibit the President from inferring a right to act under any law unless that law "specifically authorizes the use of such forces in armed conflict." *See also* S.J. Res. 18, which prohibits deployments to fulfill a treaty obligation qualified by constitutional limitations or conditions. Since nearly all United States defense treaties "limit" or "condition" our responsibility to act to steps which are "in accordance with" our own "constitutional processes," S.J. Res. 18 would seem designed to preclude Presidential initiatives under all such agreements. *See* S. Rep. No. 794, 90th Cong., 1st Sess. 15, (1967).

[183] See appendix A *infra* at 108.

[184] Unpublished letter of Dean Rusk in personal files of Senator Goldwater.

[185] See testimony of Professor Moore where he warns S. 731 would prohibit "humanitarian intervention similar to the joint United States-Belgian operation in the Congo if the intervention were not for the protection of United States nationals." Moore, *supra* note 46, at S6470.

[186] Commager, *supra* note 48, at S3357.

[187] See text accompanying notes 185–86 *Supra.*

[188] See appendix A *infra* at 91, 92.

[189] See KENNEDY, *supra* note 165, at 35–36.

[190] See text accompanying note 104 to note 108 *supra.*

[191] See text accompanying note 109 *supra.*

[192] Even Professor Bickel, who otherwise endorsed War Powers legislation, cautioned: "I don't think the President can be deprived of his power to respond to an imminent threat of attack (as well as to the attack itself); or of his power to respond to attacks and threats against our troops wherever they may be, as well as against our territory; or of the power to continue to see to the safety of our troops once they are engaged, even if a statutory 30-day period has expired." Bickel, *supra* note 170, at S12390.

Almost all commentators grant that the Founding Fathers purposefully left with the President at least "the power to repel sudden attacks." *See, e.g.*, Note, *The War-Making Powers: The Intentions of the Framers in the Light of Parliamentary History*, 50 Boston U. L. Rev. 1 (1970).

[193] Senator Goldwater has put the same view in these words: "I am convinced there is no question that the President can take military action at any time he feels danger for the country or for its freedoms or stretching a point, for its position in the world." Goldwater, *supra* note 67, at S5639. *See generally* text accompanying note 86 to note 155 *supra.*

And see position of Bernard Schwartz that: "The unwritten constitutional law of presidential power (if not the text of the basic document) has all but vested in the highest officer the virtual authority to make war whenever deemed necessary to protect the interests of the United States." B. Schwartz, *supra* note 72 at 177.

[194] *See, e.g.*, text accompanying note 41 to note 50 *supra;* Javits, *supra* note 36; Morris, *supra* note 48; Commager, *supra* note 48; and Bickel, *supra* note 170.

[195] *See generally*, Bickel, *supra* note 170 at S12388; Commager, *supra* note 48, at S3353; testimony of McGeorge Bundy, inserted in the Cong. Rec. by Senator Javits, 117 Cong. Rec. (daily ed.) S5629 (April 26, 1971).

[196] Javits, *supra* note 36, at S1204.

[197] *See* remarks of Senator Cooper, 117 Cong. Rec. S23722–S23744 (July 10, 1970), with accompanying documents.

[198] *See* remarks of Senator Goldwater, 117 Cong. Rec. (daily ed.) S12446 (July 29, 1971).

[199] Berk v. Laird, 443 F.2d 1039 (1971), *cert. denied* 40 U.S.L.W. 3166 (1971).

[200] During Floor debate on the military draft extension law, Senator Stennis, Chairman of the Senate Committee on Armed Services, asserted this is the first time Congress has set numerical strength levels on the regular forces, as distinguished from the Reserves, and including volunteers, officers, and inductees. *See* remarks of Senator Stennis, 117 Cong. Rec. (daily ed.) at S9589 (June 21, 1971).

See also Senate Report 92–93 on H.R. 6531, 92d Cong., 1st Sess. at 35 (1971); Pub. L. 92–129, Act of Sept. 28, 1971, § 301.

See generally the report by Congressional Reference Service, Library of Congress, *Regulating the Size of the Armed Force Under Selective Service Law*, 117 Cong. Rec. (daily ed.) S9590–S9591 (June 21, 1971).

[201] For example, following a trip to Saigon in May, 1964, Secretary of Defense McNamara brought back recommendations for increases in American assistance, specifically including an increase in the size of the American advisory personnel and a larger air force for South Vietnam. President Johnson asked for, and obtained, from Congress an additional $125 million in military aid funds earmarked for these purposes. Pub. L. 88–633, 78 Stat. 1009, 1010; Pub. L. 88–634, 78 Stat. 1015 (1964).

In 1965, less than nine months after Congress passed the Gulf of Tonkin Resolution, President Johnson sent to Congress an appropriation request specifically and solely related to the war in Vietnam. In it he asked for $700 million to support an increase in the number of troops in South Vietnam. The House of Representatives approved the money by a vote of 408 to 7 and the Senate approved it by a vote of 88 to 3. 111 Cong. Rec. 9282–9284; Pub. L. 89–18, 79 Stat. 109 (1965).

In each of these instances Congress was confronted with a policy decision to expand the defense commitment in Vietnam in the future. These were not requests for funds to cover past expenses, but to support future policy. Here is the kind of clear-cut decision on a specific issue in which the author believes Congress can play a proper and important role in shaping the advance course of the nation's activities or in shifting present trends, if it wishes.

[202] William H. Rehnquist contends that "at the very heart of the Presidential power as Commander-in-Chief is his sole authority to determine the tactics and strategy which shall govern the way in which hostilities once commenced are conducted." SENATE COMM. ON FOREIGN RELATIONS, DOCUMENTS RELATING TO THE WAR POWER OF CONGRESS, THE PRESIDENT'S AUTHORITY AS COMMANDER-IN-CHIEF AND THE WAR IN INDOCHINA, 91st Cong., 2nd Sess. 177 (July 1970).

Thus a distinction should be made between the decision of Congress to cut or reject an appropriation of funds for the conduct of hostilities and the attempt by Congress to dictate rules governing the deployment of forces. For example, the Senate Committee on Foreign Relations was acting within the authority of Congress in October when it voted to reduce the funds sought by the Nixon Administration for military and economic assistance in Cambodia from $341 million to $250 million. SENATE COMM. ON FOREIGN RELATIONS, Rep. No. 92–404 at 46–47, 92d Cong., 1st Sess. (1971).

On the other hand, the author believes Congress would have improperly invaded the President's sphere as the primary source of foreign policy and Commander in Chief had it passed the so-called "End the War Amendment," which called for a total withdrawal of U.S. troops from Vietnam by December 31, 1971. This would be an effort by Congress to "direct the conduct of campaigns," something four Justices said, in *Ex parte Milligan*, that it cannot do. For text of amendment, see 117 Cong. Rec. (daily ed.) at S8760 (June 10, 1971). *Cf.* Mansfield Amendment no. 427, which simply declares a policy of withdrawal from Vietnam and "requests" the President to implement it. See text at 117 Cong. Rec. (daily ed.) S15111 (Sept. 27, 1971).

In some current instances, Congress has passed quasi-restrictions on the deployment of forces with the acquiescence of the President. Section 843 of The Department of Defense Appropriations Act, 1971, is a case in point. P. L. 91–668. This provision prohibits "the introduction of American ground combat troops into Laos or Thailand," but it was not opposed by the Administration. Nor had the Administration earlier opposed a restriction against the introduction of U.S. ground combat troops or advisors into Cambodia when this provision was placed in the Supplement Foreign Assistance Authorization Act for 1971. See Pub. L. 91–652; and Congressional Research Service, Library of Congress, *Legislation Enacted by the 91st Congress to Limit United States Military Involvement in Southeast Asia*, March 30, 1971.

So long as the President agrees to comply with the limitation (each of these two restate a previously announced intention of President Nixon), the language will have the full force and effect of law. However, it is the author's view that the President could legally defy these and simliar restrictions on the use of American forces whenever he determines it is vitally necessary to defend American security.

[203] The list includes only actual battles, landings, or evacuations. Deployments to maintain an American presence, or alerts bringing an advanced state of readiness are not included, except for seven or eight incidents when the risk of war was unusually grave. No military operations known to have been subsequently disavowed or repudiated have been included. The list was prepared with the direction of U.S. Senator Barry Goldwater and is published with his consent. It has been supplemented by the author, February 1972.

[204] Authority for each of the listed hostilities is given at the end of its description. The reference is to one of the sources in the author's Sources for Compilation which follows this section of the Appendix.

[205] Eight military engagements which were subsequently disavowed or repudiated have been omitted from the above list of precedents. These are:

1812: Amelia Island, Spanish territory. United States disavowed General Matthews' occupation of the area when he made himself the head of a revolutionary party. State, 16.

1824: Puerto Rico, Spanish territory. Commodore Porter was later courtmartialed for exceeding his powers when he forced an apology from a group of pirates who had insulted American naval officers. State, 17.

1842: Mexico. Commodore T.A.C. Jones occupied Monterey in the mistaken belief that war had started between the United States and Mexico. He withdrew and saluted, thereby disavowing his action. State, 18.

1857: Nicaragua. An American naval commander compelled the leader of a rebel group who was trying to seize Nicaragua to leave the country. The American commander's action was tacitly disavowed by the Secretary of State and apparently repudiated by President Buchanan. State, 20.

1866: Mexico. After General Sedgwich obtained the surrender of the Mexican border town of Matamoras, he was ordered to withdraw and his act was repudiated by the President. State, 22.

Late 1880's: Bering Sea. The United States paid nearly $500,000 to Britain in damages resulting from the seizure of British sealers by United States patrol boats outside the three mile limit. U.S. 586.

1893: Hawaii. On January 16, Marines from the schooner *U.S.S. Boston* landed at Honolulu and were dispatched until April 1 to protect American lives and property, after the deposition of Queen Liliuokalani. The action was later disavowed by the United States. LRS, III. 53.

1912: Honduras. A small naval force landed at Puerto Cortez to protect an American-owned railroad there. Apparently Washington disapproved and the men were withdrawn in a day or two. State, 27.

[206] Only the primary source is cited, although in several instances the summary was prepared from a composite of information published in more than one of the sources referred to herein.

G. 81 MILITARY OPERATIONS ARGUABLY INITIATED UNDER PRIOR LEGISLATIVE AUTHORITY (NO DECLARATIONS OF WAR)

Year	Military operation	Legislation	Treaty
1798–1800	Quasi-war with France	X	
1801–05	War with Tripoli	X	
1813	Spanish Florida	X	
1806–10	Gulf of Mexico	X	
1813–14	Marquesas Islands	X	
1814–25	Caribbean area	X	
1815	2d Barbary war	X	
1817	Amelia Island	X	
1820	West africa	X	
1822	Cuba	X	
1823	do	X	
1824	do	X	
1825	Cuban Keys	X	
1827 [2]	Greece	X	
1828 [2]	West Indies	X	
1832 [2]	Sumatra	X	
1835 [2]	Samoan Islands	X	
1838–39 [2]	Sumatra	X	
1841 [2]	Drummond Island	X	
1841 [2]	Samoan Islands	X	
1843 [1]	West Africa	X	
1845 [2]	African coast		X
1850 [1]	do		X
1851 [2]	Johanna Island, east of Africa	X	
1853 [1]	African coast		X
1854 [1]	do		X
1854	Okinawa		X
1855 [2]	China	X	
1856	Panama		X
1858	African coast		X
1859 [1]	African		X
1859	Paraguay		X
1860	Panama		X
1864	Japan		X
1865	Panama		X
1867 [2]	Formosa	X	
1868	Colombia		X
1870	Mexico	X	
1873	Columbia		X
1885	Panama		X
1888–89	Samoan Islands	X	X
1891	Navassa Island, Haiti	X	
1894	Brazil	X	
1895	Panama		X
1899	Samoan Islands	X	X
1899–01	Philippine Islands		X
1901	Panama		X
1902	do		X
1903	do		X
1904	do		X
1906	Cuba		X
1911–12	China		X
1912	Panama		X
1912	Cuba		X
1913	China		X
1914	Vera Cruz, Mexico	X	
1916	China		X
1916	Pershing expedition into Mexico.	X	
1917	Cuba		X
1918	China		X
1918–20	Panama		X
1920	China		X
1921	Panama-Costa Rica		X
1922–23	China		X
1924	do		X
1924–25	do		X
1925	Panama		X
1926	China		X
1927	China		X
1932	do		X
1933	Cuba		X
1934	China		X
1937–38	do		X
1950–53 [3]	Korean war		X [4]
1957	Taiwan	X	X
1958 [5]	Lebanon operation	X	
1962 [6]	Cuban naval quarantine		X [7]
1962	Thailand		X
1964–71	Vietnam	X	X
1964–71	Laos	X	X
1970	Cambodia	X	X

[1] Indicates operation occurred under act of 1819 or treaty of Aug. 9, 1842, with Great Britain, both relative to the suppression of slavery.

[2] Indicates military activity may have occurred pursuant ot broad interpretation of authority conferred by certain acts of Congress against piracy. See act of Mar. 3, 1819 (3 Stat. 510), act of Jan. 14, 1823 (3 Stat. 720), and act of Aug. 5, 1861 (12 Stat. 314).

[3] Though reliance was also placed on the U.N. Charter, the Truman administration based its authority to commit troops squarely on the President's independent constitutional authority. Rogers, discussion supra, note 55, at S7197.

[4] U.N. Charter.

[5] In fact President Eisenhower sent troops into Lebanon without seeking specific congressional approval and without specifically basing his authority on the 1957 Middle East resolution. Rogers, supra, note 55, at S7197.

[6] According to Secretary of State Rogers, "the Cuban resolution, unlike the other area resolutions, contained no grant of authority to the President." Id.

[7] OAS.

REFORMS IN CRIMINAL JUSTICE SYSTEM

Mr. GURNEY. Mr. President, among the major difficulties in dealing with the problem of crime in America today has been the burden placed on our police by certain Supreme Court rulings coupled with our overburdened court system.

The police officer on the beat operates with the knowledge that his work may be for naught. The pusher or murderer whom he arrests may well be allowed to plead guilty to a lesser charge, arranged by his defense lawyer and the prosecutor during "plea bargaining" because the courts are so crowded. Or, if he is tried and convicted, he may be ordered retried or released because of a legal technicality.

Recently, U.S. News & World Report presented an excellent study of the reactions of law enforcement officials to this situation. The thoughts of district attorneys and police chiefs are important in helping us all to understand the frustrations and the needs of those in law enforcement today. Further, the article points out some reforms which are necessary to upgrade the functioning of our criminal justice system.

Mr. President, I recommend this article to the Senate and I ask unanimous consent that it be printed in the RECORD.

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

COURTS TOO EASY ON CRIME? POLICE CHIEFS SPEAK OUT

Law-enforcement officials are tired of arresting and prosecuting criminals only to see them go free—to commit new crimes. A survey shows why many feel that courts must share the blame for the growth of the nation's crime problem.

Police and prosecutors, fighting a losing battle against the steady rise in crime, are laying much of the blame for their frustration at the door of this nation's criminal-court system.

Many of these law-enforcement officials feel that courts are turning too big a proportion of criminals loose, being too lenient or too slow—or overtechnical—in their administration of justice.

New York City's Police Commissioner Patrick V. Murphy put it this way recently in a speech:

"Too many criminals are not going to jail, and their victims scream that the criminal-justice system has broken down—and they are right. . . .

"I will state emphatically that the court system must accept the giant share of the blame for the continual rise in crime."

Commissioner Murphy's statement set off an echo of agreement from law-enforcement officials all across the U.S. One after another police chiefs and prosecutors questioned in a survey by members of the staff of "U.S. News & World Report" expressed similar views. Only a few disagreed.

WORK THEIR HEARTS OUT

From critics of the courts came such statements as these:

"We're fortunate if we're able to get 50 per cent of the criminals in court, and then we're fortunate again if we can convict 50 per cent of those," said Bernard L. Garmire, chief of the Miami, Fla., police force.

"The police go out and work their hearts out, and if the criminals aren't taken care of it becomes a rather frustrating situation.

"A tremendous number of crimes are being committed, few people are getting arrested, fewer still are being convicted, and many of those are getting probation or less than that. When is it going to end?"

Edward M. Davis, Los Angeles chief of police, said the problem of rising crime "can't be solved with wall-to-wall cops or better prosecutors" as long as "courts turn convicted felons back on our streets."

Estimating that 90 per cent of the felons convicted in Los Angeles County are not committed to prison, Mr. Davis suggested that while this treatment may be humane to criminals it is not protecting the right of honest citizens to "life, liberty and the pursuit of happiness." He said:

"Ten years ago, the criminals were locked up behind bars and the people were pursuing happiness on the streets.

"Today, the people are locked up in their homes and offices, and the criminals are pursuing happiness on the streets."

From Charles Boone, Negro chief of police in Gary, Ind., where more than half the residents are black, came this complaint:

"You can't put a black burglar in jail in Lake County, and that makes it impossible to protect the black community here."

Declaring that 90 per cent of those arrested in 1971 for burglary, theft or robbery are "back on the streets" now, Mr. Boone said:

"The courts must either help us with a solution to the crime situation or they become part of the problem. It's like they give out a license to steal."

PLACING THE BLAME

What's wrong with the courts?

Some officials criticize judges for being too lenient in dealing with criminals brought before them.

Other officials blame an outdated, overburdened court system, rather than individual judges. The courts, they say, simply don't have the manpower or the facilities to cope with the rapid rise in the number of criminal cases in recent years. One hears complaints, too, about court rulings that police claim tie their hands, hamper their investigations and set criminals free on "technicalities."

Among those who criticize judges as too lenient is John T. Corrigan, the prosecutor of Cuyahoga County, which includes the city of Cleveland.

Judges, he suggests, are under pressure to be known as "liberal"—"they are concerned with not being thought of as bad guys."

"Leniency is going to catch up with us," Mr. Corrigan warned. "If a criminal who should be confined is not confined, we multiply the problem."

Philadelphia's Mayor Frank L. Rizzo was commissioner of police before his election as mayor last November.

"Some of the judges are too lenient—there's no question," he told "U.S. News & World Report." He added:

"Our big problem is the repeaters—people who commit felonies again and again. I'm not exaggerating when I say that there are people with a record of from 8 to 30 arrests for felonious crime who are put on probation.

"If we could just put them in jail for a long while, we could cut our crime rate in half."

Those who criticize judges find support in Congress.

"As I see it, too many guilty persons escape the penalties of the law," said Senator John L. McClellan (Dem.), of Arkansas, Chairman of the Senate Subcommittee on Criminal Laws and Procedures. "I feel that the courts are too lenient. There definitely has been a trend in that direction, although there's some evidence now of a change."

In San Francisco, the Police Officers Association announced a year ago that it would watch judges "who consistently are too lenient" with criminals. So far, no judge has been cited.

Citizens' groups in several cities have organized surveillance of trial judges, hoping to stiffen their stands in criminal cases.

It is the inadequacy of court facilities—rather than the judges themselves—that most police officials blame for their problems.

Courts are described as understaffed—with not enough judges, prosecutors, defense attorneys or other personnel to keep up with their work.

The results are long delays between arrest and trial and the growth of a method known as "plea bargaining."

In "plea bargaining," a person accused of a serious crime is permitted to plead guilty to a lesser crime to avoid the trouble of a trial on a docket that is already overcrowded.

According to Police Commissioner Murphy, out of 94,000 felony cases in New York City last year, only 552 went to trial. The rest were "disposed of" by plea bargaining or dismissal. Officials in other cities cite similar statistics.

In Houston, Assistant Harris County District Attorney Neil McKay said 90 per cent of the cases are handled by plea bargaining.

"We have to do it to keep our heads above water," he explained. "It is impossible to give every man a trial under the circumstances."

In Atlanta, Fulton County District Attorney Lewis R. Slaton reported that of 6,256 felony indictments in the first 11 months of 1971, only 396 went to trial, with about 3,800 cases ended by plea bargaining.

In Detroit, of 11,000 felony warrants issued in 1970, only 1,115—or slightly more than 10 per cent—were brought to trial. "On the average," says James Garber, chief of the criminal division of the office of Wayne County prosecutor, "about 80 per cent of the cases are disposed of by reduced plea."

Plea bargaining, of course, permits a felon to get off with a lighter sentence than his actual crime would merit.

Prosecutors contend, however, that plea bargaining is an absolute necessity, the way courts are jammed today.

"You can't get away from it," said Fred Inbau, a criminal-law specialist at Northwestern University School of Law. "It's the only way the system can be made to work. If every defendant or prosecutor insisted on a trial, you couldn't possibly cope with it."

Joseph Power, chief judge of the criminal division of Cook County Circuit Court in Chicago, is not concerned about plea bargaining. Said the judge:

"It's nothing new. You've always had discussions between the State and defense counsel. It just has a new name. Now we've brought plea bargaining out in the open. There's a frank discussion in the courtroom between everyone involved, including the judge."

In Cook County, according to Judge Power, the criminal courts' case load has declined the last three years.

"When you read about other urban areas," he said, "our courts look good by comparison."

Chicago Police Superintendent James Conlisk, Jr., agrees. "I think the courts are doing a good job," he said.

DELAYS ASSAILED

State's Attorney Edward V. Hanrahan of Chicago takes a more critical view of the court situation. He said:

"The courts have not adapted themselves properly to handle the volume of criminal business they have before them efficiently or effectively. There are an extremely large number of criminal cases taking too long to bring to trial."

Besides the volume of cases, Mr. Hanrahan blames court delays on "maudlin sentimentality, an overreluctance to force defendants to face trial." He went on to say:

"The media is a tremendous contributor to this. It never talks about victims and it helps turn the tables on the prosecutor. Name me a case in which you can remember the name of the victim. Who, for instance, was a victim of the crime of which Angela Davis is accused?"

Delay in criminal trials was perhaps the most common complaint.

"Delay favors a defendant," said Mr. Garber of the Detroit prosecutor's office. "The knowledgeable defendant takes advantage of every possible roadblock. He knows that delay increases his chances of a reduced plea or dismissal. We must reduce the delay between arrest and final disposition so that the prospect of punishment serves as a deterrent—not structure the system to encourage postponements."

Houston Police Chief Herman Short said courts are too prone to grant long delays.

"I personally have seen the defense use delays as a tool to wear witnesses down," said Chief Short. "If there's too long a delay, witnesses often die or disappear. The long delay between arrest and trial is a significant factor in the rise in crime."

"Some defense attorneys prostitute the system by using delays instead of trying to bring a case to trial," said Washington, D.C., Police Chief Jerry Wilson.

The jury system is cited as a cause of trial delay. A study of Georgia's criminal courts found that in a serious felony case a panel of 48 prospective jurors must be called because so many are challenged by opposing lawyers. Then, it is noted, one juror who disagrees with the others can block a verdict and force a new trial.

CONTROVERSIAL RULINGS

What about the Supreme Court rulings that laid down rigid rules of procedure for police to follow in questioning suspects? And the decisions that forbid the trial use of evidence not obtained in strict conformance with rules imposed by high courts?

There are complaints from police and some prosecutors about such rulings.

"I think that all too often lawyers and judges at the appellate level grasp at minor things to show that a defendant's rights have been violated," said Richard A. Sprague, assistant district attorney in Philadelphia.

"Most regrettably," Senator McClellan has said, trial delays frequently "are occasioned by technicalities that are associated with 'new rights' and procedural requirements which the Supreme Court in recent years has imposed on trial processes in criminal cases."

Yet, many law-enforcement officials discount the effect of court rulings on crime or punishment. Oakland Chief of Police Charles R. Gain said this:

"Numbers of our officers feel that the courts have been too lenient. Some feel that the appellate-court decisions have handicapped the police. But it absolutely cannot be demonstrated according to evidence I have read that the rulings which have been handed down by the so-called 'Warren Court' [the Supreme Court when Earl Warren was Chief Justice] have caused any increase in crime whatever. People tend, when frustrated, to seek a scapegoat."

California's Attorney General Evelle Younger said:

"It is absurd to say that you can attribute the rise in crime to our courts—particularly the Supreme Court.

"Let's not say the courts are handicapping police. Let's say the courts are handicapping themselves. The appellate courts have made it almost impossible for the trial judge to perform his duties."

What most law-enforcement officials appear to want is expansion and modernization of the court system so it can handle its growing burden and give cases the attention they merit.

SYSTEM BROKEN DOWN

In DeKalb County, Ga., Police Chief Dick Hand, former federal prosecutor, summed up:

"The courts have got to be reorganized. The system itself has broken down, simply because of the volume of work thrust upon it. Police departments have improved greatly, whereas the court system has not.

"The biggest thing is not so much the amount of punishment, but the swiftness and the sureness of the punishment.

"Frankly, we don't have much swiftness or sureness any more."

CERTAINTY OF PUNISHMENT—"THIS IDEA HAS BECOME A FARCE"

Following are excerpts from an address by New York City's Police Commissioner Patrick V. Murphy before the Bar Association of the City of New York, on Dec. 20, 1971:

There is more crime today than ever before. There are more criminals today than ever before. There are more victims today than ever before. But too many criminals are not going to jail, and their victims scream that the criminal-justice system has broken down—and they are right. The victims scream that the police are at fault, but this is not right and it is not fair.

We, the police, are far from perfect, but we have shouldered the entire blame long enough. We, the police, are more efficient today than ever. We pour arrested criminals into the wide end of the criminal-justice funnel, and they choke it up until they split over the top. And when I say spill over—they spill over into the street and commit more crime.

So we arrest them again, pour them into the funnel as far as the court system again, and they spill out again. And the cycle repeats itself day after day after day. . . .

In today's courts, everything is aimed at disposition of cases. Our courts have become totally committed to clearing the calendar. Partly this is due to the fact that there are no jail cells to put criminals into. I admit this. Corrections is still another sad story. . . .

But the court system is what I am talking about tonight. The surest deterrent to crime is the knowledge by potential criminals that they are likely to get caught, and the certainty—the certainty, I said—that once caught they will be promptly prosecuted, convicted if guilty, and jailed. There is no such certainty today. This idea has become a farce.

Professional stick-up men, narcotics pushers, gamblers laugh at it. Not only are we not jailing them, but each arrest that they walk away from leads to an increased disrespect of the law, not only by the persons

arrested but also by young criminals, amateur criminals, would-be criminals who would emulate them.

In 1960, the New York City police department made 35,629 felony arrests. Last year we made 94,042 felony arrests, an increase of 165 per cent over a 10-year period. You ask what happened to last year's 94,000 felony arrests? Exactly 552 of them went to trial—552 out of 94,000. The rest of them were "disposed of." Disposed of means dismissed outright, reduced to misdemeanors via plea bargaining, reduced to much lesser felonies via plea bargaining.

No doubt certain of the honest, dedicated policemen who made these 94,000 arrests last year came to the belief that conscientious police work is a waste of time, a waste of effort and a waste of devotion. . . .

All we can do is take criminals out of circulation as far as the court system, and we do this. We are arresting criminals, often the same ones, over and over again.

Does this effectively remove them from circulation? It does not. . . . The court system is not dealing with these criminals. They get out on bail, and in the months and sometimes years before the case comes to trial some of them have committed 20 to 50 more crimes and have been apprehended 5 or 10 or 20 additional times.

Or the courts, in their desperate struggle to dispose of cases, send vicious criminals out on the street again on probation or after very brief sentences on much reduced charges, and another 10 or 100 citizens get mugged as a result. . . .

I will state emphatically that the court system must accept the giant share of the blame for the continual rise in crime.

We in the criminal-justice system realize that the courts have problems, that money and time are needed, that the system wasn't designed to cope with modern violence and modern crime nor with the criminal subculture in drugs. Some improvements to the system have been made already. Yet they have been too few and too slow. We can't wait much longer. Society can't wait much longer.

THE RIGHTS OF OUR SENIOR CITIZENS

Mr. McGOVERN. Mr. President, for too long we have been looking at the rights of senior citizens as though they were privileges—something given by society as a whole out of goodness and generosity.

That philosophy must be changed. It is time we started recognizing that such necessities as good health care, a decent income, and a chance to a fulfilling retirement are basic human rights of older Americans. They should be seen as part and parcel of the right to pursue happiness which is guaranteed by the Constitution to all of our people.

Now, language of this kind is quite common in presidential campaigns. And the gap between promise and performance has grown so wide that any voter does well to doubt high-sounding rhetoric. You have every right to be suspicious of candidates who rely on generalities, Madison Avenue imagemaking, public opinion polls, and campaign gimmicks, as a substitute for serious discussion of the issues.

To people who are concerned about the direction of the country, it is not enough for a politician to say, "Don't ask what I'm going to do; trust me." A response of that kind is an insult to the voters of New Hampshire and to the New England traditions which inspired our democratic traditions.

That is why I have been spelling out in detail the kind of program I will present to Congress and to the American people if I am elected President of the United States.

It is why I have devoted months of study, consultation, and staff work to writing a complete alternative defense posture that can guarantee our security and still free tens of billions of dollars to build up our own country here at home.

It is why I have prepared and released a detailed tax reform plan to close the gaping loopholes for the rich and to finance our urgent domestic needs.

And it is why I want to tell you today specifically what I intend to do, as President, on issues affecting older Americans.

First, the social security system must be completely overhauled. As a beginning we should adopt the full 20 percent across-the-board increase recommended by the National Council of Senior Citizens, move the minimum payment up at least $150 a month, and remove the restriction on outside earnings.

Second, I have proposed a program to provide an income supplement—perhaps $1,000 per year to each American. This taxable supplement would be added to existing income from any source, including social security and other pension retirement income.

Third, to protect against the inflation that constitutes another kind of cruel tax on people with fixed incomes, the Government should issue savings bonds with purchasing power guarantees. Their value would automatically go up with increases in the cost of living. They would be available both to individuals and to private pensions and insurance annuities, to guarantee cost-of-living protection.

Fourth, we need a comprehensive national health insurance program. That is why I am a sponsor of the Health Security Act, developed by the UAW's Committee of One Hundred, endorsed by the AFL–CIO and introduced by Senator KENNEDY. In the McGovern administration there would be no foot dragging on this all important issue, and certainly no attempts to write alternatives designed solely to preserve and build the wealth of the giant private insurance companies.

Fifth, I will be spelling out in a few days another health program of special concern in States like New Hampshire—to provide better emergency medical services. Once the cost barriers to decent health care are surmounted, we will still be left with the likelihood that many Americans of all ages, particularly those living some distance from hospitals and clinics, will suffer preventable death or injury because it takes too long to get them to treatment facilities. That should be remedied.

Sixth, the aid to education and property tax relief program I spelled out on Monday has special significance for older Americans. They are gouged more deeply than almost anyone else as a result of the Federal Government's failure to assume its fair share of public education costs.

Property taxes take about 2.8 percent of personal income nationwide. The Senate Committee on Aging has found, however that in one State aged homeowners were paying about 30 percent of their total income in property taxes. In some cases it went as high as 58 percent. So we have the sorry spectacle of people paying most of their working lives so they could have their own home, then being forced out of that home, and onto a tight rental housing market, because they cannot afford the heavy taxes.

I propose that we change that situation, by having the Federal Government assume at least one-third of the education costs that account for the biggest share of the property tax load.

These programs all have a bearing on the income condition of older Americans, and certainly that issue deserves top priority attention.

But we should be concerned as well about what people do after they retire; about making life worth living after 65.

Specifically, I think the individual and our whole society are both losers when we act as if age 65 were a mystical milestone that somehow deprives people of their physical and mental resources.

The truth is that about 80 percent of all American citizens over age 65 are capable of discharging all normal responsibilities. Some live in financial poverty. But all 16 million of the healthy aged have been forced into a poverty of opportunities. They are deprived of the chance to make their own way out of the prison of enforced idleness. As a result, and because of wooden job standards that exclude older workers, many of these people have been goaded into believing themselves that they are useless, and that is simply not true.

I propose, therefore, that the Federal Government assist in the establishment of Retirement Career Guidance Centers, in cooperation with existing nonprofit agencies and organizations. Under this system, small groups of older people could come together with trained counselors to identify their skills, without regard to the title of the jobs they held before retirement; to see how those skills can be put to work in voluntary, part-time or full-time work; and to learn job-finding techniques. For a minimal expenditure of about $12 million, and the cooperation of private agencies and individuals, we could have centers of this kind operating in every State.

Proposals of this kind give substance and meaning to talk about new priorities in this country. We can build a society grounded on justice and on compassion, if we dare to try. And we can build a system in which retirement is not an end but a new beginning and a stimulating new departure. It is in pursuit of those goals that I seek your help in this important matter.

YOUTH FOR UNDERSTANDING

Mr. HRUSKA. Mr. President, it is a privilege for me to comment today on the Youth for Understanding program which is observing its 20th year of building international good will and understand-

ing through an exceptionally successful student exchange program.

The program was begun in 1951 with the placement of 75 German students in homes in Detroit. Since that time more than 30,000 students from 45 countries have participated. The program consists of bringing foreign students to the United States to live and attend high school for 1 year, and of sending American students overseas during the summer months.

The YFU's value is enhanced greatly by the fact that the program's educational exchanges have a maximum effectiveness. They affect the individual at an age when he can assimilate the culture, language and historical background of other nations much more readily and with more appreciation.

One of the intriguing hallmarks of this program is the fact that the total budget of Youth for Understanding for 1971 was less than $4 million. Who can measure the return in international understanding which the Nation has received in return for expenditure of those private funds? Would that we received commensurate return for the billions of public dollars which have been expended in the same countries over the years in an often frustrating effort to secure good will and understanding.

In an era of increasing tension and distrust among nations and their peoples, Youth for Understanding is making a vital contribution toward developing a friendship and trust between the youth of the world. The young people who participate in this program will carry a deep understanding and appreciation of their fellow citizens of the world throughout their lifetime.

This is a most worthwhile work. All of the selfless people throughout the Nation who have dedicated their efforts to it for the past 20 years are to be highly commended.

I encourage support of Youth for Understanding by all Senators and expanded participation by all who seek to build a better world through the education of our young people.

SENATOR CARL HAYDEN

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by him concerning the late former Senator Carl Hayden, of Arizona.

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

STATEMENT BY SENATOR JACKSON

It was with a very deep personal sadness that I learned of the passing of our former colleague and friend, Carl Hayden of Arizona.

He entered Congress when Arizona entered the Union, and remained a faithful and effective member until his retirement in 1968. As the Chairman of the Senate Appropriations Committee, he was directly involved with the great resource projects that have aided in the growth and development of our country, particularly of the West from whence he came. I could talk about his great contribution to the development of the natural resources of our Nation, but these historic achievements are well known. Today, I want to dwell on more than these important milestones that mark the public career of this great American. I want to remember Carl Hayden, the man.

Carl Hayden was more than just a senator and revered Senator to the junior Senator from Washington. Indeed, from the time I entered Congress 31 years ago, he was like a father to me. I knew him to be a kind, gentle, and warm human being who cared about his fellow-man. He had one of the most impressive careers in American political life in the history of the Republic, yet he lived a life of simplicity, fairness, and honesty. His fine character earned him the respect not only of his colleagues but of all who knew him.

It is quite true that with his passing a splendid chapter in the history of the West has come to a close. But all that he accomplished during his lifetime will live on to make a better life for his fellow-citizens and their children.

This is the real monument to Carl Hayden—a wonderful memory of a constructive and dedicated lifetime of service to others. I shall miss him greatly, but to have known him has enriched my life.

TOWARD AN END TO DRUG ABUSE

Mr. McGOVERN. Mr. President, the American drug scene is dominated by harsh realities. Optimistic appraisals and easy solutions have no place; the problem is already acute and it is growing worse. And there are no simple answers.

The problem cannot even be easily defined. It includes addictive drugs—the hard narcotics, generally opium and opium derivatives such as heroin, morphine and codeine, plus alcohol and nicotine as well. It includes hallucinogens such as LSD, mescaline, peyote, and an extensive list of synthetic substances capable of altering visual and mental images. It includes commercially produced amphetamines and barbiturates designed to either offset fatigue or to relax. And it includes the intoxicant cannabis—marihuana or hashish, depending on the method of preparation.

But the problem also includes, by derivation, the widespread belief that an answer to virtually any physical or mental malady on the one hand, or improved health and happiness on the other, can be found in a shot, a pill or a swallow. Certainly the harried housewife who takes an aspirin to relieve a tension headache, the tense bank president who takes a mild depressant to help him sleep, or the student who takes caffine pills to keep himself awake for a cramming session, do not pose a great threat to society. But such widely accepted practices as these help a great deal in explaining why the ghetto youngster whose entire life is a process of hopelessness and despair is a good prospective customer for the heroin pusher who promises escape, however temporary, from those oppressive conditions. He is not unique in seeing drugs as an answer; his problems are just more severe, and his solution is more drastic.

For the most part drugs have made enormous contributions to the health and comfort of the American people. But while the majority may find it a relatively simple matter to determine which drugs are good and which are bad, for whom, and under what conditions, the lines become quite blurred when they are applied to the vast multitude of real life situations.

As suggested above, the most widely abused drugs differ substantially in their effects. They also come from different sources, and they tend to be used for different reasons. No single set of arguments or answers can be applied to all; in fact, the past tendency to lump them all together has had a lasting detrimental effect on education and control programs.

ADDICTIVE DRUGS

All statistics on narcotics addiction are questionable, but best current estimates—and they are admittedly understated—put the American drug addict population at about 350,000 persons. In New York City that may mean as many as 100,000 people. In one District of Columbia neighborhood it translates into a constant heroin craving for one in three males between the ages of 15 and 24

The human tragedy involved in such statistics is bad enough. But the addicts themselves, although they are the most seriously damaged, constitute only a portion of the total problem. Narcotics addiction and crime are inseparable companions.

A heroin addict with a $35 daily habit, and that is probably well below the average, must somehow come up with that amount of cash each day, every day of his life. In 98 percent of the cases he steals to pay the pusher, but because of high cost of fencing stolen goods he must steal as much as five times the value of his habit every day. On an annual basis he must steal nearly $64,000 worth of property. Countrywide—using low estimates on both the number of addicts and the cost of their habits—that translates into about $4.4 billion in crime.

It also translates into one of the country's biggest and most lucrative criminal industries. Opium is not grown in the United States. It is entirely an import crop, coming mostly from poppy fields in Turkey, Afghanistan, Mexico, and Southeast Asia. The cultivation, refinement, shipping, cutting and distribution of heroin requires—and supports—a huge and intricate underworld apparatus. The opiates themselves account for only a tiny fraction of the price paid by the addict; the remainder constitutes the cost of doing business plus a handsome multibillion-dollar profit for criminal industry.

Considering their total costs to society and their infliction of virtually permanent damage on the user, the control of addictive drugs must be the main priority of overall national drug policy. And programs to control addictive drugs must, in turn, be based on a realistic understanding of their physical effects.

People who use heroin develop rather quickly a physical condition in which their bodies crave, in fact require, the substance. Moreover, the physical effects of addicting drugs include the growth of tolerance. Over time the body tolerates stronger and stronger doses, and larger and larger amounts are required to satisfy the craving.

The symptoms of withdrawal are similarly phyiscal and medically determi-

nable. Once addicted the body that is deprived of its narcotic exhibits clear physical reactions—yawning, sweating, tearing, chills, vomiting, nervousness, restlessness and acute pain. The worst agonies of withdrawal last for a full week. Some aspects of addiction last much longer, and others are believed to remain for life. Some authorities believe that heroin use establishes an irreversible metabolic change.

There is thus very little truth to the folk wisdom which assumes that an addict who is deprived of his drugs somehow "dries out." Once established, the addict's need remains.

Until the past few years public policy has relied almost entirely on criminal sanctions against narcotics addicts, and that approach is still dominant. An addict who is found in possession of illegal drugs is automatically arrested and usually incarcerated. He is rarely given medical treatment; most criminal detention facilities are not equipped to provide any form of medical attention. As a consequence the effect on the apprehended addict is simply that he is prevented from supporting his habit for as many days as he is detained. He is ultimately released with no real change in his need to return to narcotics.

And that need is a consuming one, almost certainly overcoming whatever deterrent effect there is in a threatened prison term, either for possession of drugs or for the shoplifting, burglary, muggings, or prostitution required to raise the necessary funds. The same need overcomes whatever humane restraints the addict might feel against becoming a pusher and searching out new heroin markets—against becoming a promotor for the same commodity which has made him a slave. In fact, few pushers who are arrested are not addicts themselves.

So despite more rigorous law enforcement, the traffic in illicit drugs has not declined, the number of addicts has not declined, and the amount and type of crimes associated with addiction support have not declined. All have risen dramatically. Judges find themselves increasingly faced by defendants with drug records. Drug law arrests rose by 740 percent from 1960 to 1970. Some 40 percent of New York City's prison inmates are addicts; two out of every 1,000 men reporting for military induction are rejected due to addiction. It is plain that criminal sanctions have been a dismal failure.

The record does not, of course, support a case for less vigorous efforts by law enforcement agencies to locate addicts and to prosecute violations, particularly for heroin pushing and for the crimes used to finance addiction. The fact that he is usually quite helpless, that his needs are physiological, does not render the damage done by the addict any more bearable to society as a whole.

The record does suggest, however, that with respect to the addicts themselves, law enforcement agencies have been saddled with a problem they are not equipped to handle. They can do next to nothing either to prevent addiction or to cure it. At best they can only keep a portion of the addict population temporarily locked up, and much more is required if the problem is to be brought under control.

There is clearly no cure for addiction that can even approach the merit of prevention, including the most intensive possible pursuit of illicit sources, education, and treatment of the desperate social and economic conditions which make narcotics attractive to a sizable proportion of the population. As for the treatment of present addicts, there is a need to recognize that while its consequences and its most visible manifestations may be criminal, the addict suffers a medical infirmity against which imprisonment is probably no more effective than it would be against cancer or heart disease.

The beginnings of serious treatment of heroin addiction in recent years have concentrated on three major components; ridding the body of the physical addiction, rehabilitating the addict through therapy, and assisting in assimilation back into society. No major breakthroughs have been made in any area. The search for drugs which are antagonistic to heroin continues, with some now in limited use, with limited success. Methadone, which can be addictive itself, but which does not have the same debilitating effects and does not produce a "high," is being used on an experimental basis both as a substitute for heroin and as a method of gradual detoxification, but it has sharp limitations and some dangers. For example, it takes repeated use for an individual to become addicted to heroin; if methadone is prescribed in a case where heroin has been used only briefly, it may create an addiction which could have been avoided. A durable drug-free status has been attained by some addicts through this method, through intensive counselling, and through rehabilitation centers emphasizing peer group contact. The obvious truths that people differ, addicts differ, and they have become involved with heroin for a variety of reasons, are reflected in the fact that no single method is producing consistent results.

HALLUCINOGENS

The middle range mind-altering drugs, particularly LSD, have come to symbolize the so-called youth drug culture. They have two related characteristics which distinguish, and tend to diminish, the overall problem as compared to that of hard narcotics. They are not physically addictive, and they do not, therefore, create the same kind of trafficking attraction for organized crime as is present with heroin, where the physical craving literally guarantees a captive market in which price is no object.

While estimates are no more than educated guesses, drugs of the LSD variety have been tried at least once by as many as 1 million people. Regular use is probably limited to several tens of thousands of mostly middle class youth.

LSD produces strong sensations. It can cause acute panic at the time of use, recurring visual effects and delusions extending months thereafter, and in some cases schizophrenic psychoses. There have been a few instances of accidental death and suicide while under the influence of the drug. Other permanent effects, including the potential for brain damage or damage to offspring, are at least open questions.

Yet as many as 1 million people have used these drugs, apparently without concern about the possible consequences. It is logical to assume that they are more dangerous to those who are undergoing emotional and mental development yet recent surveys indicate that usage has reached at least some proportions of high school students. Such developments raise profound questions about the credibility of drug education programs. Beyond that they suggest something quite disturbing about the influences which have shaped many young personalities to the point where they have so little self-esteem that they are willing to experiment with drugs whose effects are potentially so dangerous. It is no exaggeration to suggest that the use of these substances is akin to suicide.

LSD is rigidly controlled, but penalties for their production and possession are at best only a partial method of dealing with synthetic hallucinogens. The range includes a number of substances which can be made quite easily in a college laboratory or even in a garage, from ingredients which are widely available. As with many other implements of self-destruction, they will likely remain available to determined experimenters.

Criminal sanctions can, of course, help to discourage the use and, of still greater concern, the production and transfer of dangerous hallucinogens. Beyond that, overriding objectives should be intensive research into their nature and their consequences, coupled with broadened dissemination of what is and is not known, in believable forms and through believable channels.

PILLS

An estimated 10 million chiefly middle- and upper-class adult Americans use amphetamines and barbiturates to some extent. The former, principally methadrine, benzadrine, and dexedrine, are "uppers," used to remove fatigue and drowsiness and supposedly to increase mental activity and alertness. The latter, "downers," or depressants, are used to relax or to sleep, and they can be addictive.

Both categories have legitimate uses. But roughly half of the total annual production in recent years has gone into illicit channels. Again the total number of abusers cannot be estimated, but it probably ranges up to several hundred thousand. If the hallucinogens and marihuana symbolize the young drug culture, amphetamines and barbiturates—neglecting alcohol and nicotine only because they are not commonly associated with the drug problem—have been the adult counterparts. There is little disagreement that adults have been the principal abusers, obtaining the drugs, most often by prescription, to treat conditions for which their use is unnecessary and ill-advised. But in this instance the generation gap is narrowing; there is significant use of "uppers" and "downers" among young adults and also by teenagers.

The prospects for effective control of

amphetamines and barbiturates are enhanced by the fact that their manufacture is a relatively complex process, and is thus suitable for strict regulation to fit production to the legitimate demand. The same is true of the ingredients.

MARIHUANA

Estimates of the number of marihuana users vary from a low of 8 million to a high of 20 million persons. Its common effects are not nearly so serious as those attributable to the use of chemical or addictive drugs, but the stigma of criminality attached to marihuana use has already significantly altered thousands of young American lives. Every parent with a child between 11 and 21 years of age has learned to worry about the prospect of seeing their son or daughter arrested for possession of this substance.

Marihuana is not physically addictive, but psychological dependence is apparently possible with regular use. The intoxicating experience of users is inconsistent and depends on such variables as the potency, which is almost totally unpredictable, the state of mind of the person using it, and the setting. In large enough quantities and in concentrated form it can have some of the properties of the hallucinogens. A typical "high" involves a distortion of sensory perception and psychomotor activity.

Despite centuries of experience with marihuana, much remains to be learned about its properties. The active ingredient was not isolated until 1964. In the United States its use in cigarette form as an intoxicant began around the turn of the century. The first national law on the subject, the Marihuana Tax Act of 1937, was based on wildly inflated and inaccurate descriptions supplied by the Bureau of Narcotics. The disastrous myths created then have persisted and have inspired most of the State laws on the subject, notwithstanding persuasive evidence to the contrary. The same myths have greatly impaired the effectiveness of not only those laws but of informational and control efforts dealing with the whole range of more dangerous drugs.

Yet many experts who were once convinced that marihuana was a harmless substance have become less sure as it has been more widely used. As research continues, no more can be said than that it is vastly less dangerous than was once supposed—hardly a positive recommendation.

Continuing investigations on the overall effects of marihuana leave unsettled the related but separate question whether society can or should attempt to completely prohibit its use. The most relevant historical precedent—prohibition of alcohol, a substance which, unlike marihuana, is often physically addictive and which is used by as many as 80 million Americans, at enormous economic and human cost—produced an obvious, abject failure. That experience, along with limitations on enforcement personnel and the grave costs involved in imposing severe sentences and prison terms on usually law-abiding young people and young adults, suggests that a more promising route might be to regulate marihuana along the same lines as alcohol, while continuing and expanding educational programs aimed at discouraging its use.

CONCLUSIONS AND RECOMMENDATIONS

Government has no more compelling or urgent domestic priority than to reverse the alarming growth of drug addiction, the crime which supports it, and of the crime which, in turn, supports.

The concentration of heroin addiction in some of the country's most blighted neighborhoods suggests that the problem is inseparable from the ugliness and the hopelessness which are the daily companions of millions of Americans. Considering the extent to which those dehumanizing conditions persist, it may well be that the country's illicit drug industry, notwithstanding its monstrous proportions, still operates far below its full potential.

Yet no one would suggest that drugs ought to be ignored until those failings are remedied. Narcotics addiction must not be an inevitable answer, even to a desperate human environment, for it can only increase the despair and degradation of the user.

Instead the country ought to do its best to understand drugs and their use, to set priorities for attention ranging from the most to the least serious, and then to approach the problem with a firm resolution that we will commit all the resources needed to defeat it, not at some distant target date but at the earliest possible moment. In the 1940's the United States undertook that kind of an effort in the Manhattan project, to find the key to nuclear fission before it could be found by our adversaries. The race to find an answer to narcotics deserves the same sense of urgency and the same kind of mobilization.

LAW ENFORCEMENT AND CONTROL OF SUPPLIES

A first step toward the effective control of drugs must be to recognize what law enforcement can and cannot accomplish.

It is futile and unfair to expect local and State police and Federal agents either to eliminate the conditions which lead to drug addiction or, without help, to transform addicts into useful members of society. And it presents them with a hopeless task to ask that they pursue with equal fervor the hard drugs which pose the greatest threat to society and the milder drugs, such as marihuana, which are regarded as reasonably safe and are used by millions of Americans. If we expect effective law enforcement in this area, then society must set some realistic priorities on what it expects law enforcement agencies to do.

The 50 States will inevitably establish their own definition of dangerous drugs. They should do so in the knowledge that the prison terms which have often been imposed upon youthful experimenters with marihuana are many times more destructive than the substance itself. They should recognize that laws which define 20 million Americans, and perhaps more, as criminals, create a crushing burden for law enforcement agencies, and that such laws inevitably divert law enforcement resources from more productive activities. Some 45.4 percent of all drug law arrests in 1970 were related to marihuana; only 31.3 percent were related to heroin and cocaine. Had the resources expended on marihuana control been applied to hard drugs, few would dispute the premise that they would have produced an immensely greater benefit to society even if they had produced only a slight rise in arrests.

Some States, notably West Virginia, Illinois, and Massachusetts, have begun to account for these factors and to adjust their laws accordingly, at least to eliminate prison terms and criminal treatment for first possession. Other States would be well advised to move in a similar direction.

But if there are sharp limitations on the capability of law enforcement agencies to deal alone with the drug problem, there are also significant opportunities for more effective action in this sphere. A determined, sharply focused effort to stem the flow of addictive drugs into and throughout the United States, to crack down especially hard on the criminal apparatus which controls the drug traffic, and to increase the rate of apprehension of addicts, both to end their damage to society and themselves and to allow rehabilitation to begin, can move a great part of the way toward ridding this country of the curse of drug abuse.

The following initiatives will help achieve that objective:

First, all Federal agencies, including the Bureau of Customs, the Bureau of Narcotics and Dangerous Drugs, and the Federal Bureau of Investigation, should focus their drug enforcement efforts on truly dangerous and addictive drugs. This means that they should leave any remaining attempts at antimarihuana enforcement to the States;

Second, the Federal effort should be coordinated by BNDD, and that agency should have the full cooperation of the Federal Bureau of Investigation in pursuing the involvement of organized crime in the narcotics industry;

Third, all three Federal agencies require additional specialized manpower if they are to meet their drug control responsibilities. An additional $50 million should be made available for this purpose—$20 million each for BNDD and the Customs Bureau, and $10 million for the FBI, to be used specifically for hiring and training specialists in drug law enforcement;

Fourth, to encourage more effective and more sharply focused State action, an additional $500 million should be made available under the Law Enforcement Assistance Act, to be allocated among the States on the basis of current best estimates of the addict population. These funds should be specifically earmarked for drug law enforcement, including the development and expansion of specialized teams. Investigative information should be freely exchanged between Federal, State, and local authorities, to achieve a fully coordinated effort;

Fifth, the reclassification of amphetamines and barbiturates to allow strict regulation of their supply should be accompanied by corresponding controls on production of their constituent parts; and

Sixth, the United States should un-

dertake aggressive diplomatic efforts aimed at both stemming the illicit international traffic in opiates and at eventually eliminating opium production entirely. To pursue this effort an additional $200 million should be available to assist in the use of new technology, to assist in the transfer of producers of "legal opium" to other crops, and to assure the availability of alternate drugs to replace the need for opiates where they are still in medical use. The United States should also be willing to reduce or eliminate foreign assistance to countries which fail to cooperate with the program to eliminate production and transportation of narcotics.

EDUCATION AND PREVENTION

Considering their harmful effects, it is probably safe to say that no rational being who is fully aware of the consequences would voluntarily choose to experiment with addictive or dangerous drugs. But this plausible premise must coexist with the troubling reality that hundreds of thousands of Americans have become addicted, and thousands more are addicted every year.

This condition may be regarded as a description of the painful circumstances in which many Americans live. But it is also a measure of the success of drug education programs to date, and it is not hopeful.

Existing programs contain much that is useful, and they have been vastly improved in recent years. But they still suffer from past mistakes, including the dissemination of facts about drugs which were demonstrably untrue. The fight for credibility is still being fought.

It follows that accuracy and relevancy are firm preconditions in any program which seeks to inform and to recommend against the use of any drug, whether it is heroin, marihuana, alcohol or nicotine. And much more education of that kind is needed, involving not only governmental agencies but the widest possible range of private organizations as well.

The following approaches should supplement existing education programs:

First, through FCC regulation, commercial advertising which implies that normal problems of human behavior can be solved through the use of drugs should be eliminated from the mass media and confined to professional journals;

Second, Federal agencies with drug control and mental health responsibilities should cooperate in the preparation of an entire range of factual materials, including printed information, films and other visual aids, and other means of communication, designed especially for use in elementary and secondary schools. The materials should be varied to account for differences in ethnic, social, and economic conditions in the neighborhoods where they will be used. They should cover all drugs which are commonly subject to abuse, whether or not the use of such drugs is prohibited by law, to avoid the danger that permitted will be equated with either safe or wise. These materials should be available in quantity, and without charge, to all elementary and secondary schools, and to all State and local drug control agencies, public and private;

Third, the Federal Government should cooperate with, and offer financial assistance where necessary, to States, localities, and private neighborhood groups to recruit personnel and establish broadly based community drug education programs. Special efforts should be made to involve individuals and groups which have lived in the same conditions as the people who are most likely to become addicts, to enhance the credibility and relevance of education programs; and

Fourth, a priority effort should be undertaken to encourage the media and the press to devote public service time and space to drug education messages.

REHABILITATION AND RESEARCH

Rehabilitation is perhaps the least tangible and yet the most critical element in drug control. Unfortunately there is no single answer to successful rehabilitation of the addict; what works for one may as easily have negative or no effects on any other. One consequence of this fact is the need for all treatment and rehabilitation facilities to be able to respond in a variety of ways.

In most cases addiction is a treatable or controllable disease. Yet, despite the virtual epidemic of addiction in many urban centers, rehabilitation programs and facilities are in shockingly short supply. State and Federal prisons, hospitals, halfway houses, and clinics are in desperate need of trained personnel and facilities. The situation is best illustrated by the fact that all of the existing methadone treatment programs have waiting lists.

The shortage of crisis centers is particularly acute. Centers of this kind can respond to addicts or drug abusers who are suffering an overdose, and they can also serve as a means of identifying addicts who come to them for emergency help, and of guiding addicts to longer range treatment and rehabilitation.

The present outlook is for the strain on facilities to worsen. As many as two-thirds of today's addicts became addicted since 1963, and much of that alarming growth has occurred since 1968. But only about 40,000 out of at least 350,000 addicts now receive treatment. There is an obvious need for more funding.

The States should be encouraged and assisted in establishing rehabilitation programs encompassing a wide variety of proven methods plus experimental approaches. Additional research, concentrating in particular on an effort to find a heroin antagonist drug, must be pressed vigorously.

The following initiatives can increase the prospects for successful treatment and rehabilitation of the Nation's addict population:

First, the United States should establish a firm objective of guaranteeing automatic treatment of all addicts who come to the attention of law enforcement and medical personnel. Based on estimates of from $1,500 to $2,000 per addict per year, a minimum of $500 million is required to deal with today's known addicts. That amount should be authorized and made available on an annual basis as rapidly as known addicts can be identified and brought into treatment programs;

Second, $20 million in Federal funds should be made available to support and train personnel for work in the rehabilitation of addicts. Half of that amount would be earmarked for training stipends, and half would be used as Federal matching for salaries paid out of State and local funds;

Third, $25 million should be made available to urban areas, with first priority to those having large addict populations, for the establishment and maintenance of neighborhood crisis centers to serve as referral points and to provide emergency treatment; and

Fourth, the National Institute of Mental Health and the Bureau of Narcotics and Dangerous Drugs must be able to support badly needed research into a variety of rehabilitation methods, including heroin antagonists, therapeutic communities, methadone maintenance, and counseling, job training, and education. Such funds should be offered to the full extent that they can be effectively used.

A STEAM-POWERED ROAD VEHICLE

Mr. GOLDWATER. Mr. President, on February 4, in Reno, Nev., I had one of the greatest thrills of a lifetime that has literally been packed with thrilling events.

I had my first ride in a steam-powered road vehicle. I was not only thrilled because of the ride, but thrilled because once again one of the geniuses of our time, Bill Lear, has overcome what most experts said were insurmountable odds. He has created an engine of simplicity and power that I feel will revolutionize the automotive industry in the same way his earlier discoveries affected the electronics, communications, and aviation industries.

This engine not only produces power and does it quickly and efficiently, but the exhaust emissions are approximately 50 percent of what the official standards will call for in 1976. He is installing the invention in a conventional car, and, having sat in the driver's seat, I can attest to the fact that it will not carry any more instruments than the present automobile. It will operate in precisely the same way as do present automobiles and will start in 6 seconds after the engine has been turned on. Engineers for years have dreamed about using the simple power of steam to provide combustion for land vehicles, and now Mr. Lear has come through again as he has on so many occasions in the past when technology seemed stalled.

PREVENTION OF CRIPPLING STRIKES

Mr. TAFT. Mr. President, on December 6, I introduced S. 2959, the Emergency Labor Disputes Act of 1971. Unlike some other proposals which have been made to curb national emergency strikes, my approach was not limited solely to the transportation industry.

While I would support such legislation, I believe that those who would limit this legislation to transportation disputes are only tackling part of the problem. If the advocates of such narrow legislation would only look to the current coal strike in Great Britain, they will be able to see how an entire nation is being crippled by a nontransportation strike.

On February 14, the New York Times reported that the British Government has ordered 20,000 large- and medium-size companies to cut back to a 3-day week and slash power consumption by 50 percent. Official predictions are that by midweek the number of men laid off as a result of the British coal strike will run between 5 and 8 million. The situation in Great Britain is deteriorating, and it is predicted that up to 20 million workers will have to be laid off very shortly.

This type of calamity can occur in this country just as easily as it can occur in Great Britain. In fact, since the coal industry is nationalized in Great Britain, it would appear that such a crisis could occur even more readily in this country.

Rather than lock the barn door after the horse is gone, I think that we should recognize that legislation is needed now to give the Secretary of Labor additional tools with which to deal with these crippling strikes. There is nothing in this legislation that would require the Secretary of Labor to act if he did not wish to do so. But it would be foolhardy, in my judgment, not to have these tools available if this country is to avert the kind of economic crisis which has now overtaken Great Britain.

I ask unanimous consent that the article to which I have referred entitled, "Britons Warned on Power Crisis," published in the New York Times of February 14, be printed in the RECORD.

I also ask unanimous consent that the article entitled "The Lights Go Out Again in Britain," published in the Washington Post of February 13, be printed in the RECORD.

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

[From the New York Times, Feb. 14, 1972]

BRITONS WARNED ON POWER CRISIS—FULL HALT IN INDUSTRY SEEN IF STRIKE GOES ON 2 WEEKS

LONDON, February 13.—Britain will be forced to impose an almost total electric power blackout and a complete shutdown of industry in about two weeks if the nationwide coal miners' strike continues that much longer, the Government said today.

Government officials said such curtailments would mean that up to 20 million workers would be laid off.

The Government has contingency plans to deal with such a national emergency, Robert Carr, Secretary of State for Employment, said in a British Broadcasting Company radio interview. "But the situation would be very grave," he declared.

John Davies, Secretary for Trade and Industry, told newsmen that if the miners rejected a court of inquiry's findings on the issue, the normal life of the country would come to a virtual standstill.

"Within two weeks or so at the present rate of rundown," he said, "virtually all domestic and industrial supplies will be cut off more or less the whole time."

"We would be moving into a situation where we couldn't be sure of maintaining even the essential services," he asserted. "We could not be sure of keeping all hospitals open and some water and sewage treatment plants would have to close."

COURT BEGINS HEARINGS

As Government officials delivered their warnings, the three-man court of inquiry began hearings on the miners' five-week walkout, which has crippled power supplies and plunged Britain into one of her most critical industrial situations.

The court was named by the Government Friday after the latest round of pay talks between the National Coal Board and the National Mineworkers Union broke down.

After a preliminary meeting with representatives of management and the union, the court announced it would start public hearings Tuesday.

The mineworkers' general secretary, Lawrence Daly, said that if the court's findings were satisfactory they would be put to a rank-and-file ballot within two to three days.

"But the miners are determined to continue strike action until the Government and the Coal Board see reason," he said.

The court is headed by Lord Wilberforce, an Appeals Court judge. It has promised to make known its findings by Friday or within a week at most.

A 47 PERCENT INCREASE ASKED

The miners walked off their jobs on Jan. 9, demanding a 47 per cent pay increase. The Coal Board offered 7.9 per cent.

At the last round of talks the Coal Board raised its offer to 12 per cent, but the union said a 25 percent pay increase was its final demand.

For the fourth day, 10 per cent of the country at a time was blacked out today by rotating power cuts.

Among those affected were international news agencies, which were forced to use small emergency generators to keep communications computers and a minimum of other essential equipment running.

The real disruption appears due tomorrow morning. The Government on Friday ordered 20,000 large and medium-size companies to cut back to a three-day work week and to slash power consumption 50 per cent.

Many large automotive, steel and other industrial concerns already have laid off tens of thousands of workers. Officials predicted that by midweek the numbers laid off would run as high as 5 to 8 million.

[From the Washington Post, Feb. 13, 1972]

THE LIGHTS GO OUT AGAIN IN BRITAIN: COAL MINERS' STRIKE CRIPPLES COUNTRY, THOUSANDS LAID OFF

(By Colin Chapman)

LONDON, February 12.—London is a quiet and somber city tonight. In Piccadilly Circus, the neon lights are out, and the shopfronts of stores and the facades of public buildings are in darkness. Many streets are no longer lit, and, by government decree, no shops, theaters, restaurants, halls or places of entertainment have heating.

Although today is the Londoner's traditional night out, many of the entertainment areas are nearly deserted, with people deciding to stay at home and face the prospect of long power cuts with hot-water bottles, blankets and candles.

The state of emergency announced by the British government yesterday, to conserve the country's dwindling power supplies caused by a five-week-old coal miners' strike, has today forced people to face the worst industrial crisis since World War II and, some say, since the general strike of 1926.

From Monday on, industry will be in a state of near-paralysis. The government has cut the electricity consumption of the nation's 200 largest industrial users by 50 per cent and ordered more than 20,000 factories to shut for four days a week.

Today, up and down the country, board meetings have been frantically called as industry prepares to lay off workers.

Tonight, Trade Minister John Davies warned that if the position deteriorated at the present rate, Britain would be at a standstill in two or three weeks, with 20 million people—virtually the country's entire labor force—out of work.

The first layoffs were announced this afternoon, and much worse is likely to come. British Steel laid off 9,000, Jaguar Motors 6,000, and Lucas Electrics 25,000. Triumph will lay off 2,500 each day until further notice.

General Motors put most of its Vauxhall plants on half-time, while Ford enterprisingly called in workers over the weekend for a big drive to advance production while power supplies remain.

The Central Electricity Generation Board, which controls the nation's supplies—three-quarters of which come from power stations fired by coal—admitted that the situation "grows steadily worse." Stocks of coal are now down to two weeks' supply, although they may stretch out to three weeks if households follow government instructions and burn light and use electric heaters in only one room.

Once the coal runs out, industry will have to shut down totally, along with schools, shops and private homes. The 25 per cent noncoal-burning capacity of the nation's power supplies is sufficient only to keep essential services going.

RESTRICTIONS FELT

In human terms, the government restrictions have already made themselves felt, apart from layoffs: housewives in many areas had to shop by candlelight today, and food stores were giving away perishable goods defrosting in freezers.

Old people were stranded in apartments at the top of high-rise buildings, with the supplies of power to elevators cut off. In one block in London's Southwalk district, the elderly expect to be stranded until the crisis ends—which many fear will be in weeks rather than days.

Most homes are affected by power cuts made on a rotating basis—up to nine hours a day per home.

The only aspects of national life exempt from total cuts are hospitals, railways, docks, water and gas plants, harbors, airports, milk producers, certain food industries, and broadcasting and telephone services. Schools stay open, but only during daylight hours.

The severity of the crisis is matched only by the suddenness of its arrival.

Britain's 292,000 miners went on strike—their first since before World War II—for pay increases of between 25 and 30 percent, after rejecting an offer of 7.9 per cent from the nationalized coal industry.

DISPUTE COMPLICATED

The dispute is not as simple as it sounds: more than an industrial issue, it represents a head-on confrontation between Prime Minister Edward Heath's determination to keep wage claims in the public sector to within the government's norm of 8 per cent annually and the miners' equal resolve to prove they are a special case.

They argue that the wage they receive, about $50 a week, for dirty and arduous work in the coal mines is, by and large, less than that received by most transport workers, clerks and shorthand typists.

They have received support from some other trade unionists and have managed to stifle supplies of coal from pitheads to power stations by a strong and sometimes bitter display of picketing.

That this dispute has many of the qualities of a class struggle is symbolized by the rhetoric of the two principal actors. Prime Minister Heath has resolved to "stand firm against the miners' threat to the silent pickets of our society—the housewives, elderly and those living on fixed incomes."

Transport union leader Jack Jones, announcing his union's support for the miners, retorted that "the government this year gave tax concessions worth millions of pounds to the better off, but it will not pay the miners a living wage."

WILSON ATTACKS HEATH

Labor opposition leader Harold Wilson today accused Heath of a "scheduled exercise in confrontation." "He has appealed to the miners to return to work," said Wilson. "He should show an example by returning to work himself. The half-time prime minister is now producing a half-time Britain, through his determination to bully through as a symbol of his virility."

Tonight, Heath met with Trade Minister Davies, Employment Minister Robert Carr and Home Secretary Reginald Maudling.

Contingency plans exist to order the British army to get coal to the power stations, but the government is reluctant to take this step until a court of inquiry, hastily set up Thursday, announces its findings on the miners' claim.

The government has said that it will pay the miners more than the 8 per cent if the tribunal so recommends.

INFLATION CURBS

Even government supporters are now conceding that the miners are likely to win. If they do, it will reduce to ruins the Heath government's attempts to restrain inflation by curbing wages in the nationalized industries and once more raise doubts about Britain's long-term economic recovery.

As the lights went out over Britain, the country's trade balance went into the red for the first time since the Conservatives were elected 20 months ago, while the Sunday edition of the Observer newspaper reported growing concern in Brussels among Common Market leaders over Britain's economic health.

Perhaps the most ironic commentary is the failure of the British candle-manufacturing industry to produce enough stocks for the gloom ahead. Today, British stores were placing huge orders for candles from Scandinavian and Germany companies—because British firms said they could not promise delivery until next year.

DEPARTMENT OF DEFENSE REPORT

Mr. TOWER. Mr. President, today, Secretary of Defense Melvin Laird appeared before the Armed Services Committee to present his Defense report for the fiscal year 1973 defense budget and the fiscal year 1973–77 program. As always, the Secretary has provided the Congress with a most comprehensive assessment of our Nation's defenses. The report details the goals of President Nixon's strategy for peace, outlines the threats to the free world security and establishes the defense posture required now and in the future to enable the United States to remain a strong and viable nation.

Although the entire report should be read to appreciate fully the direction that our country's defense effort is going, the parts devoted to the strategy and to the net assessment and threat are of considerable interest to me. It is in these parts that the Secretary fully develops the relationship between the broad aspects of the Nixon doctrine and the details of the defense budget. Particularly praiseworthy is the increased emphasis on total force and long-range planning through the use of net assessments. This should result in a more effective use of our defense resources.

Mr. President, I commend Secretary Laird on his fine statement. I ask unanimous consent to place at this point in the RECORD those parts of the statement to which I have referred.

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

I. THE STRATEGY IN BRIEF

President Nixon, in his January, 1969, Inaugural Address committed this nation to the pursuit of something we have not known in this century—an enduring peace.

At Guam, six months later, he enunciated the Nixon Doctrine.

In his first Foreign Policy Report to the Congress in early 1970, the President explained in detail his new Strategy for Peace. He insisted that attainment of lasting peace requires a foreign policy guided by three basic principles—strength, partnership, and a willingness to negotiate. The President noted that sustained American strength remains crucial, but related this strength to a new order of partnership under the Nixon Doctrine—a partnership in which:

"The United States will participate in the defense and development of allies and friends but that America cannot—and will not—undertake all the defense of the free nations of the world."

In my Defense Report to the Congress last year, I described a National Security Strategy of Realistic Deterrence based upon the strength and partnership principles of the President's Strategy for Peace and designed to implement the Nixon Doctrine. Strength and partnership also provide an essential foundation for the third principle, a willingness to negotiate.

To set the stage for a comprehensive discussion of our follow-on plans, programs and actions for this year. I will briefly review this Strategy of Realistic Deterrence and its basic relationship to President Nixon's Strategy for Peace.

The Nixon Doctrine calls for a new approach to security planning. It means changing the allocation of responsibilities among Free World nations, by providing a new emphasis on shared strength. This approach has been incorporated in our National Security Strategy.

The ultimate goal of the Strategy of Realistic Deterrence is to discourage—and ultimately to eliminate—the use of military force as a means by which one nation seeks to impose its will upon another. Military power in the hands of nations that wish to preserve peace and freedom is an essential part of this strategy, although military power alone cannot achieve the objective. As long as the threat of aggression against the independence and territorial integrity of nations with whom we share common interests exists, our country and our friends and allies must maintain strong military forces to deter conflict. Further our strategy must provide the defense capability necessary to protect our nation and its interests should deterrence fail.

The task before us is not easy. Successful implementation of the Strategy of Realistic Deterrence is, I believe, the most difficult and challenging national security effort this country has ever undertaken. This is so because we must move forward in an environment of virtual balance in the strategic nuclear field, and in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space. In addition, we must pursue our goal with due regard for the influence of today's other constraining realities—realities which I will discuss at some length.

Success will require deep understanding and strong support, both from Congress and the American people. For without understanding of our national objectives, and without support for the means we adopt to reach them, no strategy pursued by the representative leaders of a free and open society can possibly succeed for long when contested by a powerful, closed society. Free nations must measure the ultimate strength of their defense policies in proportion to the willing support their citizens give to those policies. A closed society is not dependent on such popular support.

A. Approach to defense planning

Our defense strategy is based on the three key elements of the Nixon Doctrine.

"*First*, the United States will keep all of its treaty commitments.

"*Second*, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

"*Third*, in cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibi ity of providing the manpower for its defense."

From these elements, and after a thorough review of the situation as it existed at the time this Administration took office, we established the following basic criteria for national security planning for the decade of the 70's:

Preservation by the United States of an adequate strategic nuclear capability as the cornerstone of the Free World's nuclear deterrent.

Development and/or continued maintenance of Free World forces that are effective, and minimize the likelihood of requiring the employment of strategic nuclear forces should deterrence fail.

An International Security Assistance Program that will enhance self-defense capabilities throughout the Free World, and, when coupled with diplomatic and other actions, will encourage regional cooperation and/or security agreements among our friends and allies.

Last year I reported that these defense planning criteria, which reflect the imperatives of the Nixon Doctrine, would be implemented in harmony with the following four guidelines:

In deterring *strategic nuclear warfare* primary reliance will continue to be placed on U.S. strategic deterrent forces.

In deterring *theater nuclear warfare* the U.S. also has primary responsibility, but certain of our allies are able to share this responsibility by virtue of their own nuclear capabilities.

In deterring *theater conventional warfare*—for example, a major war in Europe—U.S. and allied forces share responsibility.

In deterring *subtheater or localized warfare*, the country or ally which is threatened bears the primary burden, particularly for providing manpower, but when U.S. interests or obligations are at stake we must be prepared to provide help as appropriate.

Effective deterrence, of course, is not divisible. It is based on a balanced force structure of strategic and theater nuclear weapons and adequate U.S. and allied conventional defenses. In Europe, for example, our strategic nuclear power, the theater nuclear forces of the U.S. and its allies, and the conventional forces of all the NATO Allies combine to insure that realistic deterrence is effective from the lowest level of conventional conflict to the highest level of nuclear conflict.

The four guidelines reflect our continued commitment to do our part in the common defense. But they also recognize the need for a new and evolving partnership in which our friends and allies carry a greater share of the responsibility for their own defense. The ultimate effectiveness of this new part-

nership, however, will depend not only on the willingness of others to assume their own responsibilities, but also on the degree to which we are prepared to assist them to do so through effective and adequate security assistance programs.

The United States must continue to maintain adequate strength to meet its responsibilities under the Strategy. The capabilities of our active forces must be improved substantially through modernization and improved readiness. At the same time, we are placing increased emphasis on our National Guard and Reserve components so that we may obtain maximum defense capabilities from the limited resources available. The strengthening of the National Guard and Reserve Forces, as well as the new order of partnership, is an integral part of the Total Force planning approach that is fundamental to the new stratgey.

The Total Force approach, however, involves much more than a mere division of responsibilities or an analytical separation of potential threats into categories of conflict or required forces. The conceptional thrust of Total Force is toward the efficient integration of all relevant Free World resources to provide more security for all of us. This concept, this integration, calls for many changes and improvements. The potential and significance of the concept are profound; so are its difficulties. Total Force demands a new order of coordination and cooperation in order to permit employment of the many different resources in concent—resources that in many cases are both scarce and difficult to relate, in any firm analytical sense, to a common objective.

We are striving to enhance partnership in dealing with the burdens of defense, looking more to our friends and allies in those areas where they have available resources to provide for their own defense. But in doing this, we seek ways that will not create the kind of local imbalance that could invite the use of force by others to settle disputes that bear on our treaty commitments and other important interests. Our present approach in Vietnam and Korea demonstrates this, as does the burdensharing progress in NATO.

We are making substantial progress in our effort to implement Total Force planning, but it does take time to adjust from the deeply imbedded practices of the past to a more flexible and realistic system that will meet the demands of the present and future. These adjustments are being made, both in our own force planning and in planning and in planning with our allies and friends. But we face many difficult problems ahead—problems that we intend to meet more and more effectively through a new emphasis on Net Assessment, Total Force and Long-Range Planning.

B. Net assessment, total force and long-range planning

The three national security planning criteria for the decade of the 1970's, based on the Nixon Doctrine, have established the basic parameters within which we must do our planning. As previously noted, there are four categories of potential conflict with which we, our allies and friends, must be prepared to cope: Strategic Nuclear, Theater Nuclear, Theater Conventional and Subtheater. This means that our force planning must be focused on deriving the most realistic mixture of forces and supporting assistance possible in order to carry out the necessary tasks.

We seek to accomplish this through the process of *Total Force Planning*, which I described in detail in last year's report and which calls for the use of all appropriate resources for deterrence—U.S. and Free World—to capitalize on the potential of available assets.

But force planning, no matter how effective, will rest on an uneasy base if it disregards a host of influences either largely or wholly beyond our ability to control, such as the nature of a potential enemy's capabilities and his likely strategy to the extent that we can perceive it. Acceptable force planning, therefore, must be based not only on a definition of our *objective*, but also on a sophisticated analysis of the nature and relative importance of the various impediments and *obstacles* to the achievement of our objectives—be they economic, political, technological, or military.

We intend to accomplish this through a more coordinated emphasis on *Net Assessment* in my immediate office and throughout the Department of Defense. Net Assessment is a comparative analysis of those factors, military, technological, political and economic, which impede or have a potential to impede our national security objectives with those factors available or potentially available to enhance the accomplishment of those objectives. Through this process, we are able to determine how to apply our resources most effectively in order to improve our total capability to accomplish our national security goals.

It is important to bear in mind, however, that Total Force planning must be carried out both in terms of immediate as well as longer-range phased objectives. Our approach to Vietnamization illustrates this. As it has been with Vietnamization, however, this will be a difficult task since the apparent demands of the moment may sometimes have an adverse impact on what we hope to accomplish in the future.

In order to minimize this often troublesome problem, my Director of Net Assessments will be supported by and work closely with the Office of my Assistant for Long-Range Planning, whose task it will be to assure effective coordination of the Net Assessment and Total Force planning functions of the Secretary of Defense.

Through our net assessment effort to date we have a better understanding of the difficulties that lie ahead, an understanding that I will share with you in the following section.

We have made substantial progress in achieving our objectives over the past year; we have moved closer to peace through effective implementation of the Nixon Doctrine. Our budget and our proposed programs for FY 1973 are designed to continue this movement.

As a former member of the Congress, I am confident that our new approach, with its emphasis on Net Assessment and Total Force planning, will permit the Department of Defense in coming months and years to be even more responsive to the Congress as we share the responsibility for assuring our national security. The appropriate Committees of the Congress will receive more meaningful information in a form more useful to the members than ever before. As we continue to develop and refine these new comprehensive approaches to national security planning, there will undoubtedly be additional changes in the way that I utilize the resources available to the Department. I will keep you fully informed of such changes.

While there are many difficulties ahead—difficulties that we can and must overcome—our policy for the future is clear. It was summarized by President Nixon before the Congress on January 20, 1972:

"We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

"We will help other nations develop the capability of defending themselves.

"We will faithfully honor all of our treaty commitments.

"We will act to defend our interests whenever and wherever they are threatened any place in the world.

"But where our interests or our treaty commitments are not involved our role will be limited.

"We will not intervene militarily.

"But we will use our influence to prevent war.

"If war comes we will use our influence to try to stop it.

"Once war is over we will do our share in helping to bind up the wounds of those who have participated in it."

II. NET ASSESSMENT AND THE THREAT

A successful Strategy of Realistic Deterrence requires a careful and intricate assessment of the various threats to peace, freedom and stability that exists in today's world.

The overriding concern of the Department of Defense is to provide adequate United States military forces so that we can, with our friends and allies, deter war. Should deterrence fail, these forces must be capable of prompt and effective use to achieve United States national objectives.

Assessment and planning in the nuclear age are intimately related to an understanding of international relations on the one hand and to weapons technology and possible use on the other hand. There is, of course, nothing new in this dependence. What is new is the enormous complexity that has entered into force planning since World War II, compounded by dramatic technological advances, major world economic adjustments, and a fragmenting of the past bi-polar world structure.

The international environment is dynamic, confusing and in some aspects disconcerting. The rate of change—political, economic, social and technical—is perhaps the greatest we have ever known. Net Assessment offers a valuable tool for understanding and responding to these challenges.

To assist in establishing the requirements for United States and allied forces as well as for Security Assistance to our own allies, a series of Net Assessments in selected critical areas have been made. More are in progress. It is important to re-emphasize that any realistic assessments and resulting plans for military forces and new weapon systems must include political, economic and social considerations.

Net Assessment plays a critical role in our Total Force Planning and in the development of forces necessary to maintain our national security. In these assessments we weigh the capabilities of potential enemies against our capabilities and those of our allies. At the same time, we must give careful consideration not only to the strengths of potential adversaries, but also to the deficiencies in their capabilities and the various constraints with which they must cope.

The end product of Net Assessment provides a basis for judging whether, in the case examined, we and our allies will be able to sustain our national objectives and protect our vital interests, or if not, where there are problem areas.

The four realities which I have discussed on many occasions in the past three years represent the four major areas we must take into account in any comprehensive Net Assessment related to national security planning. They are the Strategic Reality, the Political Reality, the Fiscal Reality and the Manpower Reality.

A. The strategic, political, fiscal and manpower realities

1. Strategic

The discussion and assessment of the threats we and our allies face—from strategic nuclear to sub-theater, from communist military assistance to the Soviet challenge to U.S. technological superiority—will be the major focus of this chapter. In combination, these threats represent the more obvious dimensions of the strategic reality.

Developments in the Soviet threat have brought the strategic reality into sharper focus during the past year. The Soviet build-up is showing even greater momentum than I projected in last year's Defense Report:

The Y-class ballistic missile submarine force of the Soviet Union could be as large as our Polaris/Poseidon force by the end of next year, rather than in 1974 as I predicted last year.

The new Soviet supersonic dash bomber, the Backfire, could be operational by the mid-1970s.

Nearly 100 new ICBM silo sites have been identified, for new or modified ICBM systems. The possibility of such a new deployment program was mentioned in my Defense Report last year.

Construction of the Moscow ABM system has resumed, and testing of an improved missile continues.

Ongoing Soviet naval ship construction programs include production of nuclear-powered torpedo attack and cruise-missile submarines, and at least one large new cruiser, armed with multiple missile systems.

New Soviet fighter aircraft, especially the high speed Foxbat as well as the Flogger and Fitter B, are entering the inventory.

Two new Soviet tanks, one a light tank, and the other a new main battle tank are probably in production.

2. Political Reality

The President in his Foreign Policy Report, and the Secretary of State in his annual Report on U.S. Foreign Policy, discuss in detail the national and international political realities that confront the United States.

As Secretary of Defense, I also must take explicit account of both international and domestic political realities. From my perspective as a defense planner, these include:

The political and psychological effects of the growing Soviet military capabilities and presence around the world, such as in the Mediterranean, the Middle East, the Indian Ocean and the Caribbean.

Allied concerns that we maintain substantial forward deployed U.S. forces.

Countervailing Congressional concerns to bring about a withdrawal of substantial portions of our forward deployed forces.

The possible effect potential agreements controlling or reducing arms could have on the need for U.S. military forces.

The difficulty of maintaining broad domestic public support for those programs necessary to assure national security.

3. Fiscal Reality

The fiscal reality is simply stated: resources are limited, yet there is an increasing need to commit greater resources to urgent domestic demands. This reality is apparent from the allocation of resources in this Administration's federal budgets. In 1968 the Department of Defense received about 39% of the federal budget, in 1973 it will be about 30%. Over the same periods the human resources share of the budget went from some 32% to 45%. While these numbers express a fiscal reality, they must also be considered in the context of the internal factors that impact on the DOD budget and the external factors of change in the Soviet Union's budget. For example:

Fifty-three percent of fiscal year 1972 outlays in the DOD Budget were people-related costs, a figure that will rise to 56% in the fiscal year 1973 Budget. By comparison, only about 30–35% of the Soviet defense budget is devoted to such costs. As a result, when we estimate Soviet personnel expenditures relative to U.S. prices, the USSR starts with a significant advantage in purchasing power available for weapons-related programs, given roughly comparable total Defense budgets. This built-in Soviet advantage has been greatly enhanced at our expense since 1965 because of the costs of the war in Vietnam.

The chart below compares United States and estimated Soviet expenditures in support of the conflict in Southeast Asia since 1965 (not printed in the RECORD).

The following table estimates United States and Soviet military outlays for operations, procurement and military construction; U.S. Southeast Asia expenditures are shown separately. You will note that from 1965 through 1972 the Soviets have had substantially more funds available to apply to the development of their total military capability. The U.S. on the other hand has been restricted in its ability to invest in more modern and improved military capabilities. Since 1966, when the net available to the Soviet Union first exceeded that for the U.S., the Soviet Union has had some $21 billion more available for modernization than has the U.S. This difference has had a significant and adverse impact on the military posture of the United States relative to that of the Soviet Union.

RELATIVE IMPACT OF SOUTHEAST ASIA CONFLICT ON UNITED STATES VERSUS U.S.S.R. 1965–72

[In billion 1970 dollars]

	Calendar year						
	1965	1966	1967	1968	1969	1970	1971
Soviet expenditures: U.S.S.R. military outlays [1]	49.9	51.6	54.1	56.2	57.2	58.3	59.1
U.S. expenditures: U.S. military Outlays [1]	53.6	62.7	72.0	73.8	69.8	65.0	60.7
Military outlays for SEA (including MASF)	3.0	12.7	19.9	20.3	17.7	11.9	6.4
Net available	50.6	50.0	52.1	53.5	52.1	53.1	54.3

[1] Excludes R.D.T. & E., military assistance and AEC-type outlays.

In constant 1970 dollars: the baseline forces before the Vietnam war buildup in 1964 cost $50.6 billion in Budget Authority; the Nixon Doctrine forces, although smaller because of our new Strategy and the Total Force Concept, will cost $79.2 billion in FY 1973. This higher cost in FY 1973 funds a manpower level 326,000 below FY 1964.

A more detailed discussion of the impact of the fiscal reality can be found in the final section of this report: The Defense Budget.

4. The Manpower Reality

The Manpower Reality has become an increasingly important factor in Defense planning, particularly as we move toward a restructured and revitalized defense force without resort to the draft. It is not easy to obtain and retain the manpower needed in quality and quantity under voluntary enlistment.

Military manpower in the last few years has become considerably more expensive. The average annual pay for military personnel and civilian employees has been significantly improved in the past few years. Since 1964, military average basic pay rates have more than doubled (125% growth). Average civilian salaries have increased by 70% since 1964.

Furthermore, when comparing our general purpose forces with those of the Soviet Union, we have to face the hard reality that the Soviets can field more men than the U.S. can at equal over-all costs.

Among the factors which account for higher manpower costs in U.S. forces are the following.

The growing demand for highly skilled people.

The increasing level of technical sophistication of U.S. weaponry which, in turn, requires highly skilled people.

The continued need for a high state of readiness requires extensive training and calls for a high level of maintenance for our weapons systems.

The collective impact of all these pressures is great. The costs of our personnel will constitute 56% of our budget outlays in FY 1973, compared with 43% in FY 1964. The obvious implication is that we must place greater emphasis in our reduced force on modernized and technically capable forces.

These four realities must be carefully considered in determining our military requirements and planning our forces to meet these requirements. We need to know the full dimension of the strategic reality if correct requirements are to be formulated. In meeting the threat we must consider the fiscal reality to bring maximum efficiency in the use of scarce resources for defense, to claim for defense no more of the nation's resources than needed and to minimize economic dislocations influenced by defense spending. Also, we need to take account of the political realities, including the feasibility of obtaining legislative approval and public support for our programs.

Finally, the manpower reality—in conjunction with the fiscal reality—has generated powerful pressures for smaller forces. Given these realities, our forces must have the most modern and effective equipment practicable and must be supported by a vigorous research and development program that can assure our continued technological superiority in the future. In addition, our intelligence activities take on greater importance. In the face of an increasing and complex threat, we need to know more about what is going on. We need foreknowledge of attacks against us or our allies, and we need to know enough about each major threat to be able to counter it as necessary.

Let me now turn to an assessment of the various threats to peace.

THE THREATS TO FREE WORLD SECURITY

Mr. BROCK. Mr. President, in his appearance before the Senate Armed Services Committee today, Secretary of Defense Mel Laird presented the fiscal year 1973 Defense budget and fiscal year 1973–77 program. I believe that, perhaps, the most sobering part of this thorough, comprehensive report is that section which describes the threats to the security of the free world.

Indeed, every American who values his freedom and freedom of choice for all men should be apprised of these threats. This should lead to a better understanding and appreciation of what the Nixon doctrine is all about.

Mel Laird has done his homework, it behooves each of us to do ours.

Mr. President, I ask unanimous consent to have that part of the fiscal year 1973 defense budget and fiscal year 1973–77 program to which I have referred printed in the RECORD.

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

B. The threats to free world security

While all four realities must concern the Department of Defense, the Joint Chiefs of Staff and I must be most concerned about the military realities that face us—the threat posed by the military forces of potential opponents, the potential impacts of military assistance and the technological challenge.

The Chairman of the Joint Chiefs of Staff, Admiral Moorer, will report to you on his view of our military posture. When I refer to mili-

tary forces inventories it will be in a summary form, knowing that he will give you the details in his presentation. I also will present a few of the charts which Admiral Moorer will discuss more fully in his statement.

It is true that the world is in a period of transition from its former dominance by two superpowers. But it is equally true that, from a military perspective, we must continue to view the Soviet Union as the primary potential threat. The military forces of the Soviet Union, and their threat to U.S. and Free World security, must continue to be the dominant factors in our planning of programs and forces to support our Strategy of Realistic Deterrence.

Three categories of Soviet military forces deserve particular attention—strategic nuclear, theater nuclear and theater conventional. These specific categories were chosen for ease of understanding and clarity of presentation, but such structuring does not mean that the forces discussed can be neatly allocated specific roles in the spectrum of conflict.

As I noted earlier, our Strategy places primary emphasis on U.S. forces for the deterrence of strategic nuclear warfare. We will, therefore, first look at the reality of the Soviet strategic threat, and then discuss the nuclear forces of the Peoples Republic of China.

1. Strategic Nuclear Threat

The Soviet Union: Figures 1 through 4 (not printed in RECORD) give estimates of Soviet strategic offensive strength in terms of numbers of operational ICBM launchers, numbers of SLBM launchers, numbers of intercontinental bombers, and total number of intercontinental strategic offensive delivery vehicles. Estimates of these various measures are provided for the decade 1962–1972, together with similar U.S. measures for comparison.

It is evident that the Soviets have built up their ICBM forces at a rapid rate during the past five years. As of the end of 1971 they had some 1,520 operational launchers, including some deployed in MR/IRBM fields.

There has been very little construction activity on the standard SS–9, SS–11, and SS–13 missile sites during the past year and the Soviets may have completed this phase of missile deployment. However, during the course of last year we detected almost 100 new silos that differ from currently deployed Soviet ICBMs.

The implications of new silo construction are not yet completely clear, but the Soviets may be preparing to deploy two new or modified ICBM systems.

The Soviets have a substantial nuclear-powered, ballistic missile submarine fleet. The most capable component of this fleet is the Y-class which, like the U.S. Polaris, has 16 tubes for launching missiles. The number of such submarines has grown from four operational units in January 1967 to 25 as of January 1972. Additional missile tubes on the older H and G class subs give the Soviets a total approaching 500 launchers in the operational inventory (January 1972). At least another 17 Y-class submarines are in various stages of assembly and fitting out, and could bring the operational force of Y-class submarines to 42 as early as the end of 1973. With a continuation of the current production rate of 9–10 units per year, the USSR would develop an operational force of Y-class submarines considerably larger in numbers to the current Polaris force by the mid-1970's.

There seems little doubt that out-of-area operations by these submarines will increase over the next several years—continuing the recent trend of more extensive and regular Soviet submarine deployments. Currently (in February 1972), there are Y-class submarines deployed in both the Atlantic and the Pacific.

The Soviet intercontinental heavy bomber force remains, as it has for the last few years, at around 195 aircraft (including about 50 tankers). A number of these bombers are equipped to carry air-to-surface missiles.

The Soviets have, however, test flown the Backfire, a new supersonic swing-wing bomber, which they could deploy in significant numbers over the next several years.

Although we believe the Soviet medium bomber force of several hundred aircraft is primarily targeted against Eurasia, we cannot ignore the fact that these aircraft do have a one-way mission capability against the United States.

Soviet Strategic Offensive Forces pose an extremely formidable threat to the United States. Our primary method of coping with these forces is deterrence by threat of retaliation. At the same time, we are striving to achieve a limitation or reduction of these forces by negotiation.

As you know, our offensive strength—our retaliatory capability—is maintained in the form of ICBMs, SLBMs, and bombers. Our current strength in these forces was shown in the previous graphs and is shown numerically for comparison purposes on the table below. Admiral Moorer will provide detailed information on these systems.

STRATEGIC FORCE STRENGTHS

	Nov. 1, 1972		Mid-1972	
	U.S.S.R.	U.S.	U.S.S.R.	U.S.
ICBM launchers	[1] 1,520	1,054	[1] 1,550	1,054
SLBM launch tubes	475	656	580	656
Heavy bombers	[2] 140	565	[2] 140	531
Total offensive force loadings (weapons) [3 4]	2,100	4,700	2,500	5,700
Air defenses:				
Fighter-interceptors	3,200	612	3,100	593
SAM launchers	10,000	895	10,000	839
ABM launchers	64	0	64	0

[1] Includes SS–11's at MR/IRBM complexes.
[2] Excludes about 50 Soviet tanker and several reconnaissance aircraft.
[3] Data not available for November 1971. Figures are as of midyear.
[4] Figures for U.S.S.R. are presented as computed. They should not create an impression of precise intelligence.

As I have already indicated, considerable emphasis has been given during the past year to our Net Assessment Programs—particularly Net Technical Assessment—within the Department of Defense. These investigations provide consolidated and organized information, identify intelligence collection requirements, indicate fruitful areas for research, and allow a determination as to how well we are doing in comparison with the Soviet threat. I would like to give you very briefly the results of those assessments which relate to the survivability of U.S. strategic nuclear forces, and our proposed programs. Further details are contained in the following section.

Future significant development in Soviet forces for intercontinental attack will probably lie in qualitative improvements in their ballistic missile forces. Of greatest concern to the pre-launch survivability of U.S. ICBM forces would be improvements in the accuracy of Soviet missiles and the development of a MIRV capability. Considering the problems involved in predicting the future course of Soviet ICBM developments, the lead time required to understand these developments, and the time needed to devise appropriate countermeasures, we are pursuing several different programs. To counter near term qualitative improvements on the Soviet ICBM forces, we are improving the existing hardness of the Minuteman launcher and silo components, for a relatively small investment. In addition, deployment of SAFEGUARD is continuing, and deployment of a prototype Hardsite Defense System, which could be deployed in the future to augment SAFEGUARD, is in progress. Modification of these programs or additional measures may or may not be necessary, depending on developments in the threat or results at SALT.

The pre-launch survivability of U.S. strategic bombers and tankers is not seriously affected by a Soviet ICBM attack, since sufficient warning permits alert aircraft to escape. At present, the greatest threat to the pre-launch survivability of our bombers is the growing force of Soviet SLMBs. In this case, present tactical warning systems are inadequate. Consequently, a new satellite warning system is under development. In addition, a phased program of interior basing, bomber dispersal, and reduced bomber reaction time is being implemented. Admiral Moorer's presentation provides more information on Air Force plans, and the qualitative improvements in the Soviet SLBM force that these plans are designed to deal with. The pre-launch survivability of our bomber forces would be much improved by deployment of the B–1 aircraft currently in development.

We have also assessed the survivability of the Fleet Ballistic Missile System. To date, investigations show that the at-sea portion of those strategic forces is highly survivable. Indications are that the Soviets are attempting to establish an area surveillance system, and associated ASW strike forces, but as yet they do not have this capability. Today, the U.S. enjoys a substantial, though decreasing, lead in acoustic sensor technology and submarine quietness—two important factors that impact on undersea warfare capabilities. In part to offset the possible development of an effective Soviet area surveillance system and for other reasons which are discussed later, we are developing the Undersea Long-Range Missile System (ULMS). This program, together with aggressive effort in submarine quieting and SSBN defense, will, we are confident, provide a continued highly survivable sea-based deterrent.

The strategic defensive forces of the Soviet Union include the extensive deployment of aircraft defense as well as the ABM system deployed around Moscow. Figures 5 and 6 on the following page show the number of Soviet Home Defense Interceptor aircraft and SAM launchers estimated for the period 1963–1972.

Our assessments indicate that Soviet air defense have good capabilities against medium and high altitude bombers, but their effectiveness against low altitude penetrators—less than 1,000 feet—is limited. These defenses consist of several thousand radars located throughout the Soviet Union, a force of over 3,000 interceptor aircraft, and the Surface-to-Air missiles (SAM) shown on the charts on the following page.

The quality of the interceptor aircraft force has improved as newer models have been added. Since 1964, the Soviets have put four new interceptor models into their inventory, the most recent being the FOXBAT. These newer models now make up more than one-third of the force, and are expected to be about one-half of the force by mid-1973.

In addition, four different SAM systems, with about 10,000 launchers, are presently deployed for air defense. This force level should remain about the same through mid-1973. The SA–5 is the newest strategic SAM system, and has been deployed throughout the Soviet Union. Some technical experts continue to be concerned that the SA–5 system could possibly be adapted for use in an ABM role, although there is general agreement that it is not presently intended for this role.

Low altitude approach is the basic tactic used by U.S. bombers to penetrate Soviet air defenses; but that tactic does not, by itself, insure penetration. The penetration of heavy Soviet defenses requires decoys, ECM and air-to-surface missiles. Should the Soviets con-

tinue to improve their air defense systems by deploying an over-land Airborne Warning and Control System, or should they, as now projected, introduce advanced interceptors with an ability to locate, intercept, and fire on low flying bombers by the mid-to-late 70's, the United States may have to accelerate SCAD to insure that our B–52s will remain capable, for the rest of this decade, of reaching their targets.

The Soviets are continuing construction of their ballistic missile defenses around Moscow. These defenses include ballistic missile early warning (BMEW) radars, target acquisition and tracking radars, launch facilities and necessary command and control facilities.

There are four ABM–1 complexes at Moscow which provide 64 missiles on launchers. All four complexes are now operational.

From our assessments, we continue to be confident of the ability of Poseidon and Minuteman III to penetrate all known Soviet ABM defenses.

These assessments of the survivability and penetrability of U.S. strategic forces, of our ability to control those forces should deterrence fail, and the identification and pursuit of programs that can and will maintain our capabilities through the 70's, give me confidence that the United States will continue to have sufficient strategic nuclear forces to deter general war. This conclusion is valid provided that the improvement programs for existing forces, and new programs that will be discussed later, are approved and developed, and provided that we are not faced with a serious "technological surprise" on the part of the Soviet Union.

The Peoples Republic of China: It is difficult to assess either the strategic nuclear threat posed by the Peoples Republic of China, or how that threat will evolve through the 1970's. This is true primarily because we lack complete information on the state of their ICBM development, the mix of strategic and theater nuclear delivery systems that may ultimately be deployed, and their development and production problems. The Chinese have not disclosed their strategic doctrine or their allocation of resources to ICBM development.

But this much is clear. The two Chinese space satellite launches during the last year and a half, and the approximately one dozen nuclear tests since 1964, indicate a fairly high degree of sophistication in both missile and warhead development. The two space satellites were probably orbited using a multi-stage vehicle based on their IRBM, and therefore should be considered as part of China's progressive development of an ICBM. We have not as yet been able to confirm the initial flight testing of an ICBM, although a reduced-range testing of an ICBM system may already have occurred.

We cannot state with confidence just when China will have an ICBM capable of striking the continental United States, but it is estimated that deployment could not occur before 1975, with some 10–20 missiles being deployed by mid-1976.

The Chinese have no intercontinental heavy bomber force, and do not appear to be developing one.

The Chinese are known to be interested in nuclear-powered submarine technology, and probably have the capability to develop a prototype nuclear-powered attack submarine in the next several years as part of a program leading to development of a nuclear-powered, ballistic missile submarine. Neither nuclear-powered, ballistic missile submarines nor their associated missiles, however, are likely to be available until the last half of the decade.

2. Theater Nuclear Threat

The Soviet Union: We now turn to the threat posed by Soviet theater nuclear forces. Theater nuclear war is that which involves the use of theater nuclear weapons by or against U.S. forces or our allies, but does not include nuclear attack on the U.S. We seek to deter this type of conflict through the threat of the use of theater nuclear weapons and the capability for escalation.

Soviet theater nuclear forces include about 700 ballistic missile launchers (including medium and intermediate range missiles, as well as the SS–11 dual-purpose missile) and about 850 tactical surface-to-surface missile launchers assigned to their ground forces. In addition, their large medium bomber force of about 700 aircraft in long range aviation and 500 aircraft in naval aviation are capable of carrying nuclear weapons, as are approximately 1,100 light bomber and fighter bombers in the tactical air forces. Soviet naval forces, both surface and subsurface, also carry nuclear-capable missiles. There are also small numbers of the short range Shaddock and Scaleboard missiles.

A great many aircraft in the Soviet tactical air force possess a nuclear weapon delivery capability. In addition to the multi-purpose FISHBED (MIG–21) fighters, this total includes BREWER (YAK–28) and BEAGLE (IL–28) light bombers and FITTER (SU–7) fighter/bombers, which appear to be the primary tactical air nuclear delivery vehicles.

In theater nuclear capable naval forces, the Soviets have continued a steady buildup in their three western fleets—surface and subsurface—for operations against NATO navies, NATO sea lines of communication and coastal targets. These forces include their two ASW helicopter ships, as well as other major surface combatants, submarines and small patrol boats and submarine chasers equipped with possible nuclear capable surface-to-surface and/or surface-to-air guided missiles.

The People Republic of China: At the present time the theater nuclear strike capability of the Peoples Republic of China rests primarily in its small but growing fleet of TU–16/BADGER medium bombers. These aircraft can operate from numerous airfields in China, and can reach targets up to 1,650 nm away without refueling when carrying a normal payload.

The growth of the Chinese nuclear strike capability has been remarkable, given the short time it has been in existence and the formidable obstacles that had to be overcome.

In mid-1970, for example, the Chinese had a small number of TU–16s. However, series production will account for a substantial number by mid-1972.

China is now focusing on the development of liquid-fueled ICBM/IRBM systems. There is some evidence that the Chinese are engaged in the development of solid fuel missiles, but there is no good basis for estimating specific dates for production or deployment. A few MR/IRBMs may have been deployed. We expect to see a modest force of MRBMs and IRBMs deployed this year.

Development of a regional nuclear capability would require an emphasis on IRBMs rather than MRBMs. Moreover, even though we regard Chinese theater nuclear capabilities as primarily deterrence-oriented, the range and warhead yield of the missile force and the expansion of the TU–16 fleet are significant. At present, the Chinese missile threat encompasses most cities and other area-type targets in South and East Asia and a substantial part of the USSR. We believe that the Chinese could begin deployment of an ICBM with a range of 3,000 nm or more, capable of striking all or most of the USSR, by 1975.

During the coming year we will be examining, in even greater depth than previously, the growing Chinese nuclear capability. These studies will be based on what we can learn about technical characteristics, deployment and plausible areas of intended use.

3. The Theater Conventional Threat

We have defined theater conventional welfare as that which occurs when the Soviet Union or the PRC are involved in direct conflict with the United States.

As I mentioned earlier, we would expect all Soviet Union forces to be used should a theater nuclear conflict occur, but in addition Soviet forces are fully capable of taking part in conventional conflicts, as well as in the projection of Soviet presence outside the immediate Eurasian continent.

Over the past year, we have seen Soviet and other Warsaw Pact forces continue their growth both in quality and quantity. The Soviets now have about 160 divisions, 60% motorized rifle, 35% tank and 5% airborne. This total includes many divisions deployed along the USSR-Chinese border where a buildup has been underway for the past few years. However, Soviet divisions are appreciably smaller in personnel than their U.S. counterparts at full strength. The Soviets allocate a considerably smaller portion of their active military manpower to support functions than do we. They seem to rely upon quick mobilization of civilian resources for support.

Two new Soviet tanks probably are in production and will be entering the operational forces in large numbers in coming years.

Over the past several years, the Soviet Union has continued to build up its forces facing the PRC along the Sino-Soviet border. Despite this buildup, however, the capability of Soviet military forces opposite NATO has not been reduced. It is important to note that all of the Soviet divisions in East Germany, Poland and Czechoslovakia are still being maintained in a high state of readiness.

We believe there will be qualitative improvements in the general purpose land forces of the Warsaw Pact nations over the next decade, but we see no evidence to indicate any substantial changes in their contribution to overall Pact capabilities. Barring disruptive political developments, we believe the Soviets will continue to place emphasis on the quality of East European forces opposing NATO.

A gradual buildup in the quality of tactical aviation will probably continue for the next few years. So far as we can determine, the force at the beginning of this year consisted of some 4,000 aircraft in combat units with about 1,800 more in training units. Approximately 2,000 aircraft at the present time are assigned to units that do not have a primary ground attack mission.

As I reported last year the Soviets have developed several new aircraft which could satisfy their requirement to replace obsolescent ground attack fighters, light bombers, and improve their capability to shield ground forces from air attack. These new aircraft reflect a trend towards more versatile aircraft capable of carrying larger conventional payloads as well as nuclear weapons, in addition to providing improved air defense and reconnaissance capabilities. Most of the current tactical aircraft, such at Fitter, Fishbed, and Brewer, began to enter service in the early 60's to meet nuclear war requirements—but due to range and payload limitations are poorly adapted to conventional war tasks. The variable geometry wing (VGW) Flogger, now entering the inventory has improvements in loiter time, range, low altitude capabilities and dispersal characteristics over the Fishbed. The Fitter B, a VGW version of the Fitter A offering improvements as a weapons delivery platform, is also now entering service. Flogger also has excellent capabilities as a fighter bomber. The Foxbat should be in service in tactical aviation in 1973. A few are probably already operating in this role with the Soviet air contingent in Egypt. The introduction of these

various systems should result in a smaller but more capable force with greater flexibility by the end of the decade.

Since 1958, the Soviets have put into operation in their Navy, eight classes of long-range surface combatants, five classes of submarines and three classes of patrol boats, all of which are missile-equipped. The Soviets have pursued a vigorous cruise missile research and development program which has resulted in the operational deployment of several different air-to-surface and surface-to-surface missiles.

The Soviet naval air force has not developed new aircraft to carry anti-ship air-to-surface missiles, but uses modified long and medium range bombers of long-range aviation. These aircraft are carried in the inventory of the naval air force.

In order to employ these anti-ship weapons systems effectively, the Soviets have developed a significant ocean surveillance capability. The Soviets have demonstrated in several exercises an ability to conduct a coordinated attack involving aircraft, surface ships and submarines against simulated U.S. surface combatants.

Although the Soviets have made significant advances in their Navy there remains some basic deficiencies and constraints in the use of these forces. The Soviets must contend with a paucity of all-weather ports, a lack of air cover when the fleet operates far from the Soviet home land and a lack of adequate open-ocean replenishment ships. Consequently, Soviet naval forces have significantly less military capability when operated far from the Soviet home land.

Nevertheless, our ability to defend against Soviet cruise missile systems, particularly in confined bodies of water, has not kept pace with the growth of the Soviet threat. Thus, we are initiating a number of programs aimed both at modernizing our naval forces and developing adequate means of defending against their cruise missiles. I will discuss some of these programs in a later section; Admiral Zumwalt, in his presentation to Congress, will describe in detail a number of these programs designed to counter the Soviet threat.

The Soviet Union continues to improve its tactical submarine fleet. The introduction of nuclear powered cruise missile attack classes has added a new dimension to submarine warfare. Additionally, since 1968, several more new submarine classes have been introduced.

With regard to lift forces, the Soviets have increased their military air transport capability to include the Cock (AN–22) heavy logistic transport; a few are now operational with transport units. The AN–22 can carry nearly 100,000 pounds of cargo to a radius of 2,800 nm, or 175 troops to a radius of some 5,000 nm. Additional CUB medium transports and Hook heavy helicopters are being added to the force. A new heavy jet transport, Candid, somewhat similar to our C–141, has been developed and will likely soon be available.

U.S. and allied forces, in consonance with the Nixon Doctrine, share the responsibility for the theater conventional deterrent, including air, ground and naval forces. Our force planning takes this interdependence into account, as it also recognizes the U.S. fiscal and domestic political realities and the major political concerns of each of our allies. As important as these non-military realities are, however, we must remember that our policy of maintaining the military balance vis-a-vis the Warsaw Pact represents, contrary to the opinions of some, a most prudent course. The North Atlantic Alliance has maintained the peace in Europe for twenty-five years.

Our assessments indicate that the current force balance in NATO can be maintained and that an effective deterrent does exist. As we move to implement the President's Strategy for Peace, the lessons we have learned in Europe will not be ignored; we intend to maintain and improve our force capabilities in NATO, given a similar effort on the part of our European allies.

Our friends and allies in Asia face a threat of a different nature. Not only are the Peoples Republic of China, North Korea, and North Vietnam capable of launching full-scale conventional attacks against nearby countries, they also foment guerrilla warfare, sabotage, espionage, and subversion throughout the area.

The Chinese army of some 2.5 million men, a well-balanced force containing 150 combat divisions, is essentially the same as it was last year. But it is continually being modernized and upgraded. The Air Force (including the Navy air arm) can muster over 3,000 jet fighters (several hundred more than last year) and approximately 350 light and medium jet bombers (up by more than 10%). The offensive strength of the Navy centers on a force of over 40 diesel-powered attack submarines—of which a major portion are medium-range R-class. Like the Army and Air Force, the Chinese navy is concentrating on developing sophisticated weapons systems such as guided-missile destroyers and missile-equipped coastal patrol craft.

Logistic constraints—and the necessity of providing forces to meet the Soviet threat—remain and make it unlikely that the Chinese would undertake operations on more than one front. We estimate that a multi-front conflict could be carried out successfully only if China's warmaking capacity and lines of communication remain undamaged.

4. Subtheater/localized threats

Subtheater conventional wars do not involve the United States in direct conflict with either the USSR or the PRC. They could result, for example, from aggression by North Vietnam, North Korea, or they could involve a conflict in the Middle East between the Arab states and Israel.

We are grateful for the ceasefire in the Middle East and continue to hope that the U.S. initiative for peace will be successful. The obvious immediate threat in the Middle East is the constant danger of an Arab-Israeli war, which could expand to involve the Soviet Union and the U.S.

The balance of power in the Middle East obviously has a vital bearing on U.S. security interests. Moreover, the Soviets have deeply involved themselves in several of the Arab states—particularly Egypt, where they have stationed both personnel and equipment to bolster the Egyptian armed forces.

As the President has explained, our assistance programs are designed to preserve the balance of military power in the Middle East.

Our objective is to shift primary responsibility for deterring or fighting subtheater or localized conflict to our allies and friends. Our help will be primarily in the form of other than ground force elements, but could include force deployments under special circumstances.

The country or ally threatened must increasingly bear the primary burden—particularly the manpower burden—of deterring subtheater or localized warfare.

North Korea and North Vietnam possess strong military forces. Either of them could add substantially to the theater conventional threat posed by Chinese forces, if jointly involved in a conflict. Without Chinese involvement, however, neither nation is capable of posing a theater-level threat in Asia.

After the Soviet Union and the PRC, North Korea is the most powerful communist nation in Asia. Supplied in large part by the USSR and to a lesser extent by the Peoples Republic of China, it possesses a modern and continually improving military establishment maintained at a high state of combat readiness. The Army of about 360,000 men has 25 division equivalents and could engage in initial offensive operations without outside aid. The Air Force includes about 450 jet fighters and a significant number of small transports. Naval capabilities remain limited and are oriented mainly toward coastal defense and hit-and-run attacks against the Republic of Korea. Although aid from the USSR and/or the Peoples Republic of China would be necessary to support sustained large-scale North Korean military operations, Pyongyang has the capability of undertaking a variety of unconventional warfare operations independently.

The North Vietnamese threat in Southeast Asia, although degraded somewhat by the commitment of 12 division equivalents to the Indochina war, nevertheless remains formidable. The Army has an in-country strength of about 315,000 (including six infantry divisions), several thousand artillery pieces, and a large number of tanks. The Air Force has more than 200 jet fighters—over one-third of which are MIG–19s/21s—and over 100 transports and helicopters. The Navy is the weakest component among the North Vietnamese services, consisting of motor gunboats and motor torpedo boats.

The immediate threat to our allies and friends in Indochina results from North Vietnamese aggression and Hanoi-sponsored communist insurgency in the region. At the present time, there are at least 150,000 North Vietnamese/Viet Cong (NVA/VC) personnel in the Republic of Vietnam, more than 60,000 VC/NVA and Khmer Communists (10,000–15,000) in Cambodia, and at least 120,000 NVA and Pathet Lao in Laos.

The war against the Republic of Vietnam remains North Vietnam's first priority. The major threat derives from enemy capabilities to launch large-scale attacks. Cambodia is likely to be the scene of continued enemy military and psychological pressure.

The continuing rise in the communist insurgency in Thailand provides a clear example of the ever present danger of modern revolutionary warfare, in which external communist influence and support fans problems arising from ethnic and social class differences into internal political subversion and thence to open armed aggression.

Armed insurgents operate from bases in much of Thailand's border area. The United States policy has been one of helping the Thais to develop the ability to help themselves. This they are now learning to do—particularly in the military techniques of aerial resupply, coordination of ground and air forces, and the use of fire support bases to assist maneuvering ground forces. There is also better intelligence, slowly improving police-military relationships, and the use of air-mobility—all without the use of U.S. support troops.

5. Communist Military Assistance

Communist military assistance programs have come to be important instruments of Communist foreign and military policies. Thus, they impact directly upon our own security interests and upon the maintenance of international stability.

Since 1955 the Communists have supplied about $26 million in military aid. The Soviets have supplied more than 85 percent of this aid, the East Europeans 8 percent, and the PRC about 7 percent. Of the total, over $16 billion has been supplied to other Communist governments—most notably those of East Europe, North Vietnam, and North Korea. Almost $10 billion has been supplied to the less developed countries of the Third World, primarily in the Middle East, and to India, and Pakistan.

While Chinese military aid to underdeveloped countries has been scattered, over 90 percent of Soviet military aid—and practically all of that aid committed in recent years—has been given to countries situated in an arc running from the Eastern Mediterranean, through the Red Sea, to the Arabian Sea. In this arc are countries which either control the strategic Suez waterway, contain the bulk of the Free World's oil re-

serves, or are adjacent to the southern borders of the USSR.

About 60% of intra-Communist military assistance provided during the 1955–1971 period is accounted for by arms transfers between the USSR and Eastern Europe. The Soviets provided almost all of this aid, with the level of their assistance averaging over $500 million annually since 1961. Poland and Czechosovakia have annually provided a smaller, but sizeable amount of aid to other Warsaw Pact nations.

North Vietnam has received about 70% of its military aid from the Soviet Union, most of it from 1966 through 1971, and about 30% from the Peoples Republic of China. North Korea, another major recipient, received all but a small portion of its military aid from the Soviets. Since 1966, the Soviets have provided North Korea significant sums annually for force modernization. Soviet military aid to Cuba has been significant and is expected to continue at its present annual level for the next few years.

Almost 90% of Communist military assistance to non-Communist governments during the 1955–1971 period has been Soviet. Of this, over half has gone into the Middle East—to Egypt, Syria and Iraq. The bulk of this aid has been provided since 1967, mostly to the UAR. The Soviets have also negotiated a military aid program valuing over $300 million with Iran and concluded in 1971 a new agreement with Egypt.

The Soviets have also concluded a sizeable military aid program in Afghanistan and India and have provided aid to the States of North Africa and the Horn—areas adjacent to the major recipient countries in the Middle East. The Eastern European countries, together, have provided about $1.0 billion of aid to Third World nations.

The PRC has provided over $300 million to the non-Communist Third World, most notably to Pakistan and Tanzania. Most of this aid was supplied after the Cultural Revolution. We expect that the PRC military aid program will grow.

There are gaps in our information about the purposes and scope of this sizeable Communist military assistance effort, and its impact cannot be precisely measured. In many cases, military assistance is supplied to areas of obvious strategic importance to the donors—such as Soviet aid to the Warsaw Pact nations or Chinese assistance to North Vietnam—and is clearly security as well as politically oriented. In many other cases, the motives have appeared more specifically supportive of broad policy purposes—such as Soviet aid to Cuba and Chinese programs in Tanzania.

Predominantly, however, Communist military assistance programs are selective, and constitute primary components of a campaign for influence and leverage. They provide the Communists with a direct, high impact conduit to the centers of authority in the recipient nations. Such aid has to a considerable extent, served to increase political leverage and thus to affect the behavior of assisted governments. Furthermore, these programs are often geared specifically to weaken relations between the U.S. and the country concerned. When tactically directed, as it typically is, to particularly nationalistic governments, Communist support can contribute substantially to the weakening or elimination of Western influence in target countries. In the past decade it has, in particular, facilitated an expansion of communist commercial and diplomatic presence in the Middle East, South Asia, and North Africa.

Influence is, of course, a subtle and largely immeasurable quality. Having procured Soviet arms, for example, a number of states now are heavily dependent on their donors for new logistical and technical support. At the same time, military assistance has enabled the Communist countries to establish rapport with recipient country military leaders and junior officers. In some cases improved access to recipient country ports, airfields and other facilities has apparently resulted from such programs.

A major part of Communist assistance programs are the low-interest, long-terms loans they offer. While the easy terms are attractive, much of the aid is tied to purchases from or barter arrangements with the donor. Such arrangements can restrict the recipient's flexibility with regard to economic development. In addition, most military assistance offers include the services of military assistance training teams from the donor nation, or an invitation to assisted military personnel to come to it for training. The recipient armed forces are thus exposed to political as well as technical influence over their country's military establishment. The number of Communist military personnel in developing countries increased by about 40 percent between 1969 and 1971—from approximately 7,000 people to over 10,000. In their advisory capacities, they have played key roles in modernizing and reorganizing their host's military establishment.

A major impact of Communist military assistance frequently has been to upset regional military balances, introducing new sources of tension into already unstable areas. While Communist leaders are aware that their aid programs have on occasion encouraged some countries to engage in political and military activity that they otherwise might not have undertaken, they continue to supply aid to such countries if it fits their broad policy goals. Furthermore, as the performance of the PRC and the USSR in the India-Pakistanti hostilities of December 1971 indicated, we continue to be faced with the prospect that the Communist powers will use military assistance as a means to play out their own rivalries, without regard for the effect on regional balances.

The United States must and will remain responsive, through strength and mutual cooperation, to challenges to our security and peace. But we wish, equally, to be alert to the possibilities of reducing the wasteful and destructive competition in providing conventional weapons.

The President has called for an end to confrontation and a beginning of cooperation. One element of that change could be the exercise of mutual restraint in military assistance programs. No nation can, in the long run, be served by adding to instability or increasing the risks of violence which could escalate into great power confrontations. Military assistance programs should strengthen rather than weaken regional balances and national development; they should respect the needs and national pride of the recipients, rather than make of them pawns in a greater international contest; they should, above all, reflect a genuine intent among major arms suppliers to bring conventional as well as nuclear weapons under control.

6. The Challenge to Technological Superiority

Forces in-being and military assistance are only part of the military threat to our nation's security. The technology behind the capabilities of our potential opponents, particularly the Soviets, is of real concern to us. With the continuing technological effort on their part, we must expect the Soviets will be capable of reducing our technological lead in some areas, and at some point in the future, we could even lag in certain critical areas.

Since the late 1960's Soviet expenditures for technological development have increased at an average annual rate of more than 10 percent. For 1972, as an example, the announced science budget of 14.4 billion rubles is almost nine percent greater than 1971 expenditures. A major portion of these science expenditures are believed earmarked for military RDT&E and space exploration. Any substantial increase in science outlays would therefore include an increase in these military related technological efforts.

With a technological effort of that size, and without an appropriate effort on our part, we could lose our technological superiority, if we do not take and gain support for adequate offsetting actions.

Although these comments relate primarily to our estimates of funding associated with Soviet research, the same general trends are evident with regard to other measures—manpower, facility growth, and basic research efforts. Given the fact that theirs is a closed society, if the Soviets were to take the technological lead it would be much more difficult for us to interpret the intelligence information we acquire, and to make confident decisions based on this information.

There may be other, perhaps dramatic changes as a result of the growth of Soviet technical capabilities, which could emerge unexpectedly from their closed society, and which could create urgent problems for us in the future. These surprises and consequent problems could occur across the spectrum of capabilities—as unexpected threats to strategic force survivability, as new, tactical weapons and surveillance systems which we might not understand or be able to cope with, or as major improvements in existing systems.

Some of the more important Soviet research and development efforts deserve mention. Admiral Moorer and Dr. Foster provide more detailed descriptions in their statements, as do the Service Secretaries and Chiefs.

While the Soviets probably have not tested MIRVed missiles thus far, they have conducted many tests of the SS–9 with Multiple Reentry Vehicles (MRVs) since flight testing began in August, 1968. The last MRV tests were in late 1970.

Extensive testing of the MOD 3 version of the SS–9 since 1965 is believed to be for development of either a fractional orbit bombardment system (FOBS), a depressed trajectory ICBM, or a system with both capabilities.

Flight testing of SS–11 modifications commenced in 1969.

Development of a new SLBM, designated the SS–NX–8, continues.

The Soviets have accelerated their SLBM submarine construction.

Soviet development of a new swing-wing bomber continues. This new variable-geometry wing (VGW), supersonic dash bomber, has been designated the BACKFIRE. It has a gross weight of more than twice that of our FB–111. There is a probability that it has a capability for inflight refueling. With refueling it could reach virtually all U.S. targets. Based upon the scope and pace of the BACKFIRE development program, we assess that this new bomber could become operational in the mid–1970s.

During the past three years, we have noted testing of what appears to be an improved GALOSH ABM missile. It has a controlled coast capability and restartable engine providing a higher degree of flexibility in countering incoming RVs.

The Soviets have deployed a wide-spread space tracking system within the territory of the USSR. This system would provide the Soviets with the capability of predicting the position of near earth orbiting satellites.

New major surface combatants are currently under construction at Soviet shipyards.

The Soviets are continuing to develop improved high fragmentation conventional weapons, and within several years the Soviets could have sizeable operational inventories of improved conventional artillery shells, bombs, missile warheads, and ASW weapons in theater force units. From our experience in Vietnam, we know that Soviet and PRC

produce excellent foot mobile weapons: small arms, rockets, projectiles, grenades; and their surface-to-surface rockets are cheap, easy to maintain and quite reliable. Continued improvements are being made in these weapons and they are being distributed throughout the world.

I know you will agree that these examples show a very active and productive Soviet RDT&E program.

In addition to the assessments of Soviet RDT&E which have been conducted, we have examined the Soviet decision-making process for weapons system acquisition, and the relative costs for procuring comparable weapons systems in the U.S. and the Soviet Union. These investigations are continuing and will receive a new emphasis as we expand our Net Assessment capabilities. Preliminary indications are that Soviet industry receives the very highest priority within their economy and that the defense sector is probably the most efficient and productive of any part of the Soviet economic system. In addition, it seems clear that the Soviets are apparently allocating a higher percentage of their defense budget to the high technology area of research and development and space than is the U.S.

We cannot guarantee that technological surprises and problems will not develop, but to the extent possible, we are incorporating flexibility in our own development programs to hedge against increased threats or unexpected failures in U.S. systems. We also believe that our technology programs should result in diversified U.S. military systems, so that one adverse event is not likely to impact heavily on the U.S. deterrent posture.

Dr. Foster, in his presentation to the Congress, will enlarge on the technological challenge that we face from the Soviet Union, but I will note here that the Soviets continue to make a substantial investment in their RDT&E system. The Soviets certainly are aware of the growing U.S. domestic pressure for Defense RDT&E spending reductions and the Soviets have decided to continue their steady growth rate in expenditures for science and technology.

CONVENTIONAL FORCES FOR DETERRENCE

Mr. BUCKLEY. Today, Mr. President, the Armed Services Committee had presented to it the fiscal year 1973 Defense budget and fiscal year 1973–77 program by the Secretary of Defense Melvin R. Laird.

In this report of our Nation's defense posture the total force concept and its relationship to the strategy of realistic deterrence is explained in detail. In this nuclear age it is refreshing to see that the role of conventional forces as a part of this strategy is not being forgotten, and that the development and deployment of conventional forces is to be on the basis of a "common strategy with our allies and a common sharing of the defense burden." This is the intended implementation of the Nixon doctrine.

The Secretary's budget provides the programs by which our conventional forces will be modernized and improved so that, together with our allies, this Nation can continue to be capable of posing unacceptable risks to potential enemies.

Mr. President, I ask unanimous consent to have printed in the RECORD that portion of the defense report concerning conventional forces for deterrence.

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

E. Conventional forces for deterrence

"To serve as a realistic deterrent, our general purpose forces, together with those of our allies, must be such as to convince potential enemies that they have nothing to gain by launching conventional attacks.

"To deter conventional aggression, we and our allies together must be capable of posing unacceptable risks to potential enemies. We must not be in a position of being able to employ only strategic weapons to meet challenges to our interests. On the other hand, having a full range of options does not mean that we will necessarily limit our response to the level or intensity chosen by an enemy. Potential enemies must know that we will respond to whatever degree is required to protect our interests. They must also know that they will only worsen their situation by escalating the level of violence.

"It is our policy that future guerrilla and subversive threats should be dealt with primarily by the indigenous forces of our allies. Consistent with the Nixon Doctrine, we can and will provide economic and military assistance to supplement local efforts where our interests are involved.

"Our forces will be developed and deployed to the extent possible on the basis of a common strategy with our allies and a common sharing of the defense burden." (President's Foreign Policy Report, 1971)

In deterring theater conventional warfare—i.e., a major nonnuclear war involving the USSR or PRC such as a major conventional war in Europe—U:S. and allied forces share the responsibility.

Under our Total Force Concept for Force Planning, U.S. general purpose forces include assets applicable to theater nuclear, theater conventional and sub-theater roles.

These forces include the full range of air, sea, and ground forces needed to meet our planning goals. The programs that we are recommending this year maintain this full range of capabilities.

National Guard and Reserve forces have a key role to play under the Total Force Concept in implementing the strategy. Reserve components will be the initial and primary source of augmentation of the active forces during a contingency. This increased reliance on the Reserves requires much higher readiness than they have had in the past, however, and we are continuing to emphasize the three key elements of combat readiness—equipping, manning, and training. Progress in the manning and training of the Reserves will be discussed in Section Two of this Report, Manpower Objectives.

There are three areas of significant progress in the equipping of Selected Reserves units to perform their mobilization missions. One takes the form of resource identification—the establishment of formal procedures for observing and controlling equipment flow from the allocation of procurement funds to the receipt of hardware by the units. Another is the provision of equipment to fill requirements and the modernization of equipment on hand. The third is the provision of sufficient full time personnel to manage and maintain the greater quantities of modern equipment and to train other unit members in its use.

In the remainder of this section, I will discuss many of the modernization programs related to our active conventional forces, together with improvements in the equipping of the Reserve and National Guard forces.

Shown on the table on the following page are the major modernization and procurement programs that we are proposing in FY 1973 for the general purpose and mobility forces.

1. Ground Combat Forces

Our capability to respond directly to any conventional land conflict with a high degree of control rests primarily on our Ground Forces, both active and reserve. Their visible combat capability and their deployment in areas where we have important security interests contributes substantially to an effective deterrent posture.

The Army and Marine Forces are sized and structured to be able to respond in concert with our allies to a wide spectrum of conflict intensity ranging from a NATO confrontation with the Warsaw Pact to minor contingencies requiring perhaps only a few brigades or battalions.

SELECTED GENERAL PURPOSE AND MOBILITY FORCES, MODERNIZATION AND IMPROVEMENT PROGRAMS

[In millions of dollars]

	Fiscal years		
	1971 actual funding	1972 planned funding	1973 proposed funding
Ground combat capabilities:			
Final development/termination costs for main battle tank (XM–803)	79	20	
New tank development		20	20
Continued production/retrofit, M60A2 tank	12	40	105
Continued modification and procurement of M60A1 tank	66	32	56
Development and continued procurement of TOW and Dragon antitank missiles	119	91	101
Procurement of Lance missile system	32	81	95
Procurement of army helicopters	126	35	
Continued development and advance production engineering for Cheyenne helicopter	53	9	54
Continued development of heavy lift helicopter (HLH)	15	30	53
Continued development of utility tactical transport aircraft system (UTTAS)	8	30	64
Air superiority and air defense:			
Continued development/procurement of F–15 air superiority fighter	349	420	911
Procurement of F–5E	9	79	101
Procurement and continued development of F–14 multimission fighter	1,034	1,031	735
Procurement of Phoenix missiles	92	104	100
Procurement of improved Hawk and Chaparral/Vulcan surface-to-air missile systems	104	94	106
Continued development of a new surface-to-air missile system, SAM–D	3	116	171
Interdiction, reconnaissance, and other combat aircraft:			
Procurement of A–7 Air Force attack aircraft	235	224	
Continued procurement of F–111 including over-target costs and performance testing	626	487	160
Procurement of A–6E and A–7E attack aircraft	264	192	214

SELECTED GENERAL PURPOSE AND MOBILITY FORCES, MODERNIZATION AND IMPROVEMENT PROGRAMS—Continued

[In millions of dollars]

	Fiscal years		
	1971 actual funding	1972 planned funding	1973 proposed funding
Interdiction, reconnaissance, and other combat aircraft—Continued			
Continued development and procurement of EA–6B electronic warfare aircraft and E–2C fleet early warning aircraft	308	523	380
Procurement of RF–4C reconnaissance aircraft	34	41	
Close air support:			
Development of A–X close support aircraft	28	47	48
Procurement of AV–8A close support aircraft for Marine Corps	87	114	133
Development and initial procurement of Maverick air-to-ground missile	31	91	74
Sea control and other naval forces:			
Procurement/conversion of ASW/AAW destroyers [1]	653	730	730
2 nuclear-powered guided missile Frigates (DLGN–38 class)	206	195	
Development of Condor and Harpoon long range, standoff missiles	41	60	64
Continued development of Aegis ship air defense system (R. & D.)	72	99	82
Procurement of high speed nuclear attack submarines [2]	662	904	1,042
Continued development and procurement of MK–48 torpedo	166	182	184
Development and initial procurement of S–3A carrier-based ASW aircraft	288	583	666
Continued procurement of the P–3C land-based ASW aircraft	169	279	246
Patrol frigate (lead ship)	1	11	193
Sea control ship (advance procurement)			10
Development and test of surface effects ship	20	26	50
Hydrofoil patrol craft		5	60
Advance funding for CVN 70			299
LHA program [3]	313	110	5
Procurement of logistic and support ships	22	206	218
Procurement of Marine Corps:			
Amphibious assault vehicle	40	56	45
Helicopters	17	13	55
Hawk	12	1	21
Mobility forces: C–5A prior year unfunded deficiencies	594	299	208
Miscellaneous:			
VC–X [4]			19
Trainers [5]	35	47	48
120 UH–1H [6]	72		36
Total other Air Force aircraft	107	47	103
VH–53 [7] White House			37
VH–1N [7] White House			12
LC–130R [8] National Science Foundation			32
Total DOD procurement for other agencies	—	—	81

[1] 10 in fiscal year 1971; 9 in fiscal year 1972; 9 in fiscal year 1973.
[2] 4 in fiscal year 1971; 5 in fiscal year 1972; 6 in fiscal year 1973.
[3] Termination of program at 5 ships in fiscal year 1972.
[4] 4 in fiscal year 1973.
[5] 12 in fiscal year 1971; 10 in fiscal year 1972; 9 in fiscal year 1973.
[6] 300 in fiscal year 1971; 120 in fiscal year 1973. Air Force procuring 120 UH–1H for payback to Army at $36,000,000 in fiscal year 1973.
[7] 6 in fiscal year 1973.
[8] 5 in fiscal year 1973.

The requirements for Army and Marine Forces are determined after consideration of their unique capabilities to satisfy specfic requirements under the Total Force Concept. In our force planning we recognize these unique capabilities.

Taking the capabilities of our allies into full account, we have concluded that 13 active Army divisions and 3 Active Marine divisions is the minimum peacetime "baseline" force necessary to support national objectives during FY 1973. To counter a major conflict such as NATO, we would rely heavily upon a ready Reserve Component force of nine more divisions (8 Army, 1 Marine Corps) to reinforce our active forces.

Our strategy requires that we be able to respond to a wide range of potential conflicts against both "light" and "heavy" forces. We have structured and equipped major elements of our Army force to be primarily capable, together with our NATO allies, of defending against conventional attack in Europe against an enemy heavy in armor. At the same time we realize that conflict against less sophisticated forces would require different force capabilities. Other elements of the Army as well as our Marine Amphibious Forces would provide such capabilities.

Structured in this way, our ground forces do provide a necessary flexibility—with a hard-hitting ground and airborne anti-tank capability in certain elements, and with other elements capable of relatively rapid deployment to global trouble spots.

The Army is continuing to improve its relative overall combat capability as its manpower resources decrease by reducing support forces and where possible trading off support forces for combat forces. The Army is also continuing to seek to improve the capability of their division organization. The Tri-Capability (TRICAP) division was activated in the spring of 1971 as an experimental division combining armored, air cavalry, and air-mobile forces. The TRICAP test program is expected to provide information for a major force decision concerning TRICAP.

In summary, by the end of FY 1972, the active Army force structure will consist of 13 active division equivalents. All 13 divisions are expected to be manned in FY 1973. The active Army will also maintain five separate brigades, one less than in FY 1972. The Marine Corps will have three active division/wing teams. The reserve land forces will include eight National Guard Divisions and one Marine Corps Reserve Division, and 21 separate Army Reserve component brigades. Excluding the separate brigades, the above forces combine to form total U.S. General Purpose Land Forces of 25 division equivalents at the end of FY 1972, compared to 25⅔ at the end of FY 1971.

By the end of FY 1972 we will have completed the planned reduction in major land forces from their level at the Vietnam peak. Total active manpower will be 841,000 Army and 198,000 Marines at end-FY 1973, compared with 861,000 and 198,000 respectively, at the end of FY 1972. This will be a reduction of about 838,000 in Army and Marine active manpower from the peak of about 1,877,000 at the end of FY 1968.

a. Modernization of Our Ground Forces: There are a number of important programs which comprise our plan to modernize the ground forces of the Army and Marine Corps. While later witnesses will discuss these in detail, I will highlight several major elements which I believe are of particular importance to our overall objective of improving ground combat effectiveness.

New Main Battle Tank Program. Action has been taken to terminate XM803 (MBT–70) tank development consistent with the action of the Congress last year. The Army has initiated a new tank development program with the immediate goal of defining design and performance characteristics which will enable the Army to field a tank capable of meeting the Main Battle Tank mission within the guidelines and constraints established by Congress. The program will take maximum advantage of lessons learned and technology developed in the MBT–70 program, as well as knowledge and experience gained from other tank and tank related programs conducted in recent years. The funds requested for FY 1973 will sustain both the planning effort and development of the most promising componentry until prototyping of complete systems can begin in FY 1974.

M60 Tanks. To continue improvements and retrofit of the M60 Series tanks, $114 million is included in the FY 1973 Budget. Of this, $10 million will be used for a conservative product improvement program to upgrade the M60 Series tanks, the Army's current main battle tanks. These improvements will provide for better performance and longer life. The remainder is for the production/retrofit of 316 M60A2 tanks. This will complete a program which provides a total of 540 missile firing tanks, not as a substitute for, but to complement our main battle tank.

In addition, the Army plans to continue its procurement of M60A1 tanks and has included $49 million for 166 M60A1 tanks.

Tow and Dragon. Deployment of the Tow to Europe began in 1970 and by the end of this year the Army will have all of these forces. We used competitive procurement for both launchers and missiles in FY 1972 and will realize a significant reduction in costs.

The Dragon is a light weight anti-tank system designed to be hand carried by most forward ground combat elements. Like the Tow, it is destined primarily for our European based forces. Funds for the first year's procurement are included in our current budget request.

Lance. Continued procurement of the Lance missile system is planned for FY 1973 and $95 million is included for this purpose. This system will replace the aging Honest John and Sergeant systems. Lance will have a primary nuclear warhead capability, and with greater mobility and quicker reaction time, will provide our ground forces in Europe with considerably increased survivable firepower. These improved characteristics will allow the Army to replace Honest John and Sergeant battalions with Lance on a less than one-for-one ratio with significant savings in manpower.

FY 1972 funds for the development and procurement of a non-nuclear warhead for the Lance were recently deleted by both Congressional Appropriations Committees. The Army is preparing a request for Congressional approval to reprogram funds to continue non-nuclear warhead development. No FY 1973 funds are included for procurement of this warhead.

Advanced Attack Helicopter. During the past year, the Army has made an extensive examination of the handling qualities, weapons accuracy, avionics performance and human engineering of the Cheyenne Attack Helicopter. Over 1400 hours of test time have been accomplished in the development of the program. The majority of the testing has been under Army supervision at the Yuma Proving Ground and both Army and civilian

pilots have participated. The test aircraft have met most of the desired requirements of performance and the weapon subsystem have exceeded the Army's expectations, particularly in day and night firing of the Tow missile. Before any procurement, the Army is also making a detailed evaluation of the attack helicopter concept and the necessary system requirements. In this evaluation, the Army is expanding its evaluation of requirements by examining two industry sponsored prototypes. The results of this testing effort will be available in early FY 1973. The information obtained from the review of the industry sponsored aircraft and the results of the operational testing of the Cheyenne together with other information, will provide the basis for a decision to proceed further in FY 1974.

Heavy Lift Helicopter (HLH). The FY 1973 Budget includes $53 million for continued development of the Heavy Lift Helicopter (HLH). Funds will support continued development of the critical components (rotor, transmission, drive system, flight control system, cargo handling system) of a tandem rotor helicopter. Development of engines to power a Test Stand for dynamic critical components will also continue. Funds are provided for initial development of a single prototype.

Utility Tactical Transport Aircraft System. The Army has entered the contract definition phase of development on a helicopter to replace the UH–1H in the air assault role in the 1980's. This helicopter, the Utility Tactical Transport System (UTTAS), will be the Army's first true squad assault helicopter. Its mission will be to transport combat troops and their organic mission-essential equipment in the assault, resupply those units while in combat, and perform the aeromedical evacuation mission. Industry proposals for developing this helicopter are expected on 31 March 1972, and the FY 1973 Budget includes $64 million for this program.

SAM–D. The FY 1973 Budget includes $171 million for engineering development of the SAM–D system which is planned to replace Nike Hercules and Hawk whose basic designs date from the 1950's.

Technology advances in electronic countermeasures hold the potential for further degradation of our current air defense system effectiveness. SAM–D is being designed to maintain its effectiveness in an intense electronic countermeasure environment. By using the latest in digital signal processing and self-test concepts, the programmed SAM–D replacement of Nike Hercules and of Hawk will reduce personnel requirements substantially. FY 1973 will be the first full year of Engineering Development with completion scheduled for the late 1970s.

Marine Corps Modernization Program. The few unilateral Marine Corps development programs normally relate to capabilities peculiar to landing force operations. Such programs as the LVTP–7 and the improved CH–53 Helicopter are good examples. Many other service development programs can, and do, relate directly to Marine Corps requirements. Examples include the Dragon and Redeye missile programs. The Marine Corps follows these programs closely, and uses many of these systems once developed.

Modernization of Reserve Ground Forces Components. Turning now to the availability of equipment for allocation to the Reserve components, deliveries of combat serviceable equipment to the Army's Reserve components in Fiscal Year 1971 had a dollar value of about $726 million, compared with our estimate last January of $450 to $600 million. These issues included 6,500 tactical radios, almost 15,000 wheeled vehicles, approximately 287,000 M–16 rifles, and 52 M–60 tanks. Equipment issues for Fiscal Year 1972 are forecast now to exceed $900 million, and in Fiscal Year 1973 they are expected to be more than $1 billion in value. These forecasts are based in part on programmed repair of serviceable, combat capable equipment in depot stocks. This year's budget includes special funds dedicated to the rework of equipment for issue to the Army Guard and Reserve.

If the projected flow of equipment is maintained, the Army's Reserve Components should have 99% of their authorized aviation assets by the end of Fiscal Year 1973 and all substitute and obsolete aircraft should have been withdrawn; other essential equipment requirements for early deployment combat units should also be met by the end of Fiscal Year 1973; and the remaining units should be substantially equipped by the end of Fiscal Year 1976.

The Marine Corps Reserve division units continued to be equipped in phase with the Active Marine Corps divisions. Marine Corps Reserve Aircraft Wing units are also continuing to modernize with CH–46 and CH–53 helicopters replacing the CH–34s and RF–4s replacing the RF–8s. As in the Naval Air Reserve, the A–4Cs are being supplemented by later A–4E and A-4L models.

The ground force modernization programs described in this section, which represent only a portion of our overall modernization program, will definitely improve our force effectiveness. Additional modernization effort is shown on the summary page. In addition, Secretary Froehlke and General Westmoreland will be prepared to discuss in considerable detail all aspects of the Army modernization program, as will Secretary Chafee and General Cushman for Marine Corps programs.

2. Tactical Air Forces

The threat presented earlier poses a wide range of potential conflict situations in which military response might be required. The tactical air force structure described in this section provides to the National Command Authorities a variety of options, ranging from small, conventional deployments to large scale conventional and/or tactical nuclear operations. These forces are being structured to provide the responsiveness, positive control, and overall capability best suited to provide a wide variety of options to meet the requirements of our strategy.

The flexible nature of tactical air forces enables elements of the combat and supporting forces to be deployed as a package to meet threats to our national interests at the level of theater or subtheater conflict. These contingency force packages can be configured to expressly counter threats to our allies or for minor contingency situations where rapid reinforcement or force presence may be required.

In supporting the overall strategy, tactical aircraft provide a capability to carry out a variety of missions, including close air support, interdiction, counter air (both fleet and area), reconnaissance, tactical airlift, and special purpose missions. The majority of our tactical fighter/attack aircraft are capable of effectively performing several of the fighter and attack missions. The F–4 Phantom is perhaps the most well-known example, although the A–6, A–7, and F–111 also possess this capability.

Close air support missions are flown against enemy forces in close proximity to friendly forces. In FY 72–73 the primary fixed wing close air support aircraft will be the multi-service F–4, the Marine Corps A–4, the Air Force/Navy A–7. As the newer A–7D/Es enter the forces, they will substantially improve close air support and interdiction capability.

Both the Air Force and Navy have the capability to fly interdiction missions against a wide range of land and sea targets. Tactical aircraft with primary interdiction capability are the Air Force F–111, the multi-service F–4, Air Force/Navy A–7, and the Navy/Marine Corps A–6. The capability of these forces are being significantly improved by the addition of the F–111F, the A–6E, and the A–7D/E.

General purpose force air defense/air superiority missions are flown to protect friendly air, sea or ground forces from enemy air attack. The primary aircraft for these missions is the F–4, although the Navy does operate some F–8s for fleet air defense.

Reconnaissance aircraft provide surveillance of enemy activity through day and night photography, side looking radar, and infra-red imagery. The Air Force and Marine Corps operate RF–4Cs to provide reconnaissance capability while the Navy operates RA–5Cs and RF–8 aircraft from carriers.

Tactical airlift provides the theater commander the capability to support deployed forces, to forward deploy forces from air and sea ports and to employ and resupply ground combat forces.

Special purpose aircraft are used in electronic warfare (detection of and countermeasures against enemy electronic emitters), special operations forces, tactical air control (enroute and terminal control of tactical aircraft), and airborne early warning (airborne search radar). Our FY 1972–1973 forces include a variety of special purpose aircraft: EC–121s used in SEA, A–37s used to provide ground support in lightly defended areas, Navy E–2s used as airborne radar platforms for the fleet, and EA–6B and EB–66, EB–57 and EC–47 electronic countermeasure aircraft. In addition, the Marine Corps maintains EA–6A aircraft for an ECM capability.

In order to meet the NATO threat, yet retain the flexibility and quick response capability to provide adequate support in Asia and other areas, in FY 1973 the Air Force will operate 72 active fighter/attack squadrons and 39 reserve squadrons. In addition, the Navy will maintain 70 active and 10 reserve Naval fighter/attack squadrons in FY 73. The Marine Corps will operate three active wings and one reserve wing as part of their Division/Wing teams. In addition to these tactical forces of the Air Force, Navy and Marines, 23 active reconnaissance squadrons will be operated along with six reserve squadrons.

a. Modernization of Tactical Air Forces: Modernization of our tactical aircraft forces is needed in order to meet the threat I described in the previous chapter. Newer Soviet aircraft that must be countered include such systems as the FOXBAT and a variable geometry attack aircraft.

Fighters: The increasing number and quality of aircraft being developed by the Soviet Union increases the risk associated with gaining and maintaining air superiority in any potential NATO/Warsaw Pact conflict. Air superiority in such a conflict is essential, if we are to conduct effective close air support and interdiction tasks without undue interference from enemy aircraft. The task of gaining air superiority when the enemy is operating in a friendly radar environment is extremely demanding and requires long-range aircraft with on-board systems for detecting enemy aircraft. The Air Force is developing the F–15 for this purpose. It is specifically designed to excel in air-to-air combat and is expected to have excellent maneuverability—a vital factor in close-in air-to-air combat. The FY 1973 Budget contains $454.5 million for the F–15 development program, and $422 million for procurement of the first 30 F–15s, plus $34.4 million for initial spares. Emphasis in early FY 1973 will be on obtaining flight testing experience before a production decision is made in the latter part of the fiscal year.

We are carefully examining the advanced technology applicable to the development of a low-cost single-purpose, fighter aircraft that could be procured in large quantities. This prototype project should help us obtain better information on costs and operational suitability before deciding upon de-

velopment. A total of $46 million is requested for the prototype lightweight fighter program in FY 1973. In addition, with our new emphasis on tailored programs for security assistance to our friends and allies under the Total Force Concept, 90 F–5Es are being procured in the MAP/MASF program to help our allies provide air defense against Soviet type aircraft.

In order to modernize the Navy's tactical aircraft, the Navy is continuing to procure the F–14 in FY 1973 for fleet air defense and air superiority missions. Once operational, the increased capability of the F–14 with the PHOENIX missile system will provide a better defense against the increasing air-to-surface missile threat to the fleet than is currently provided by the F–4. In addition, the increased range and radar capability compared to the F–4 will enable the F–14 to more effectively protect strike aircraft in the force projection mission.

A total of $570.1 million is requested this year for procurement of 48 F–14As. An additional $162.6 million is included in our RDT&E request for the F–14, and $2.1 million for military construction.

There has been a great deal of controversy about the F–14, particularly with respect to its cost and estimated performance. I will discuss the contractual problems in a later section on organization and management. I do regard that existing contract as a valid and binding one.

With respect to F–14A performance the plane has met specifications to date. Nine aircraft are now in a flying status with full radar and weapons systems tests scheduled during the next few months.

Attack Aircraft: In FY 1973 the Air Force will complete the procurement of three wings of A–7Ds. These aircraft, with the integral computer-aided, visual-delivery system, will provide increased capabilities in the close air support and interdiction mission areas. The A–7Ds are intended to replace the F–100s and a majority of the F–105s in the Air Force inventory.

In addition to the A–7D, we are improving our attack capability by procuring 12 F–111Fs for $160 million in FY 1973 to complete a fourth wing of F–111s for the Air Force. The Air Force has procured the F–111F primarily for the long-range tactical interdiction role. With its radar bombing capability, the F–111 is particularly useful at night or in bad weather conditions. The F–111 and the A–7 can also serve a role in anti-surface ship operations—a capability which could be directly applicable to total force operations in areas such as the Mediterranean, the North Sea and the Caribbean.

Reserve Fighter/Attack Aircraft: General Ryan, in his statement to the Congress, indicated the significant progress made by the Air Force in its program to modernize the Anr National Guard and the Air Force Reserve. These are ready forces capable of responding on very short notice. Many of these units participate on a continuing basis with the regular forces and can easily integrate into these forces, if activated. The units in the process of transitioning to more modern and capable aircraft are intensifying efforts to complete their readiness training.

By the end of Fiscal Year 1973, the fighter force within the Air National Guard and Air Force Reserve units is expected to include six squadrons of F–105s, one of F–104s and one of F–4s. The attack segment of the Air National Guard is scheduled to have 25 F–100 squadrons, three A–37 units, and one unit of B–57Gs. The ANG will also possess one F–105 and one F–100 training squadron, in addition to the number indicated above. Additional modernization will be accomplished as more F–105s and F–4s become available from the Active force.

Modernization of Naval Air Reserve fighter/attack aircraft continued with a second F–8 fighter squadron being formed and a second squadron converting from A–4s to A–7s. All A–4C aircraft are scheduled for replacement with A–4E and A–4L models, and the F–8H fighters will be replaced with F–8Js in Fiscal Year 1973.

Special Purpose Aircraft: In addition to modernizing our fighter and attack aircraft, we are increasing the capability of our tactical air forces by making improvements in special purpose aircraft. The FY 1973 Budget contains $184 million for seven EA–6Bs and $170 million for eight E–2Cs, plus $26 million for development of the two aircraft. Funds are included in the FY 1973 budget submission for the development of an Airborne Warning and Control System (AWACS) that can be used not only for strategic air defense, but for tactical air control as well. The application of AWACS to the tactical mission area will enable the Air Force to consolidate in one aerial platform a variety of the functions, i.e., radio relay, command and control, etc., now being performed by many different aircraft.

The Navy is procuring the EA–6B to provide electronic counter-measures to assist A–7s and A–6s in penetrating sophisticated enemy defense. The Air Force is developing a modification to early F–111s using EA–6B electronics to provide similar escort capability for Air Force interdiction aircraft. Both the Navy and the Air Force are developing airborne early warning aircraft: the Navy is providing the E–2C for fleet air defense while the Air Force is developing a tactical version of AWACS.

The Air Force Reserve added this year a squadron of EC–121s to perform an Airborne Early Warning and Control Mission. Air rescue units of the Air Force Reserve are being completely modernized with the transition to HH–34 helicopters and HC–130 fixed wing rescue craft. ANG tactical reconnaissance units are converting to RF–4s. Some of the former reconnaissance units are converting to the attack mission.

Air Munitions and Missiles: FY 1973 will be the second year of a five-year procurement program to build an inventory of more sophisticated, more effective air munitions. When completed, this modernization air munitions inventory will, through a higher degree of effectiveness per sortie, improve the ability of our fighter/attack aircraft to achieve desirable effectiveness with fewer sorties and less exposure to anti-aircraft defenses.

This air munitions modernization program calls for significant additions of new munitions with better target destruction capability than those currently in the inventory. For example, the FY 1973 Budget contains $128 million funds for: Rockeye—a specially designed cluster bomb with anti-armor applications. The FY 1973 Budget also contains $42 million for laser-guided bombs—a much more effective free-fall bomb. Moreover, the TV-guided Walleye glide bomb program is being modernized to provide a weapon with a larger warhead and greater stand-off range.

Modernization of the tactical air-to-ground missile inventory includes $61 million in FY 1973 for procurement of the TV-guided Maverick missile for the Air Force. The Maverick, with stand-off features, is designed to provide significant improvement in our anti-armor capability. The FY 1973 R&D budget contains $58 million for Harpoon, a radar-guided anti-ship missile capable of being both ship-launched and air-launched, and a promising counter to Soviet surface ships capable of launching cruise missiles.

Modernization of the air-to-air missile inventory is aided in FY 1973 by $5 million R&D and $95 million procurement for Phoenix, $12 million R&D and $97 million procurement for an Improved Sparrow, and $7 million R&D and $29 million procurement for an Improved Sidewinder. The Phoenix missile system is designed to provide the F–14 with a long-range, multi-shot capability for improved fleet air defense capability. The improved Sparrow will be more reliable and more maneuverable in medium range air combat than current Sparrow missiles. The Improved Sidewinder will be more effective in close-in maneuvering air combat than earlier versions.

Close Air Support: During the course of last year's hearings the close air support issue was examined extensively, including a special study effort by former Deputy Secretary of Defense David Packard. The first report of his group was submitted to Congress in June 1971, recommending continuation of the development of the Army's Cheyenne attack helicopter and the Air Force A–X. However, specific tests were outlined for each service to accomplish before procurement would be considered. We expect the first flight of A–X prototypes in June 1972. The two airframe contractors are each building two prototypes that will begin a competitive fly-off in November 1972. A total of $48 million is included in this budget for A–X development. Secretary Seamans has described the program in greater detail.

The report of the Close Air Support Review Group also recommended that we make certain tests with the Harrier, a multimission V/STOL aircraft now being procured for the Marine Corps. We intend to continue with Harrier procurement, and the FY 1973 budget contains $133 million for another 30 aircraft to provide flexibility in tactical operations.

The Army's development of advanced helicopter gunships is discussed in the section on land forces. The Department is proceeding with the recommended tests, and I have continued the Review Group and have asked it to carefully examine Command and Control aspects of the close air support mission.

3. Sea Control and Other Naval Forces

The U.S. is a maritime nation dependent on sea lines of communication for international trade and support of our allies.

As a maritime nation we strongly support freedom of the high seas for commerce in peacetime, and we must maintain access to vital sea areas in the event of conflict to ensure support to our own forces and European and Pacific allies.

More specifically, in the Atlantic and Mediterranean area our forces, together with those of our NATO allies, should be capable of sea control operations to help ensure protection of deployed U.S. forces, military support shipping and an austere level of economic support.

In addition, U.S. and allied forces should be capable of keeping sea lines of communication to Europe open indefinitely at a minimum necessary supply level against a maximum Soviet naval interdiction effort.

In the Pacific, U.S. forces should be capable of supplementing the forces of our Pacific allies to ensure that a minimum necessary level of supplies can be maintained against expected threats to the sea lanes.

Our basic military strategy reflects these requirements, and a strong Navy is required to fulfill them. However, I would point out that under the Total Force Concept, the forces of our other Services can and do contribute to meeting this requirement, just as allied forces also contribute to overall capability. Moreover, our naval forces can and do operate in support of land operations.

The naval force levels that we are planning for FY 1973 include 16 aircraft carriers, a total of 242 missile cruisers, frigates, destroyers, destroyer escorts, and active naval reserve escorts, 60 nuclear and 27 diesel-powered attack submarines, and 66 amphibious ships. Counting all ships, the program includes a total of 594 active fleet ships and 58 Naval Reserve Force ships. For comparison, the planned end FY 1972 active fleet strength is 657 ships.

a. Modernization of Sea Control and Other Naval Forces:

Aircraft Carriers: At the end of FY 1973,

the aircraft carrier force will consist of nine Forrestal Class or larger, including the nuclear powered Enterprise, plus three Midway Class and four older carriers. The average age of the current carrier force is now over 18 years, with two ships now over 28 years old. Two nuclear powered carriers, Nimitz and Dwight D. Eisenhower, are under construction and are scheduled for commissioning in 1973 and 1975. The carriers will be ready for operational deployment about one year after commissioning.

As I stated last year, I am convinced that our responsibilities in the Atlantic, the Pacific, the Mediterranean and other ocean areas require that we proceed now with the construction of an additional nuclear powered carrier for the Navy to insure adequate aircraft carrier capabilities for the 1980's and beyond. The CVN–70 is needed to continue the modernization of our sea-based tactical air forces; it will replace an old conventional carrier.

We are requesting $299 million in FY 1973 to procure long lead time items for CVN–70, which the Navy currently estimates will cost almost one billion dollars. The Navy will give details on its current cost estimate in its presentations to the Congress. This carrier, along with the USS Enterprise and the two others currently under construction would provide us with four nuclear carriers, enabling us to operate two on each coast.

Other Programs. We are pursuing several important programs for modernizing and updating our other surface combatants. One of them is the construction of 30 new DD–963 destroyers, to be built by Litton Industries. Sixteen of these ships have already been funded, and the FY 1973 Budget includes $612 million to procure seven more ships. We now plan to procure the last seven of the ships in FY 1974. In addition, the budget includes $118 million to modernize two more guided missile frigates.

The Navy is also proceeding with construction of three new DLGN–38 class frigates, which will be equipped with both anti-aircraft and anti-submarine weapons. These three ships are to be constructed on a multi-year contract.

The weapons systems of our surface combatants presently are undergoing a comprehensive updating. The interim surface-to-surface missile system and surface-to-air missiles such as the Standard, Basic Point Defense and NATO Sea Sparrow, are providing enhanced defense against certain high performance and long-range targets. In addition, a new surface-to-air missile system, AEGIS, and surface-to-surface system, Harpoon, are under development of our surface combatants. This year, increasing numbers of combatant ships will be equipped with Lamps helicopters, which will increase the ships surface surveillance capability and also provide active ASW coverage out beyond the range of ship mounted sonars. Most new surface combatants will have an aircraft capability to complement that of the primary aviation ships.

Naval Reserve surface forces have also been upgraded with more modern destroyers replacing older ships. During this past year the numbers of Naval Reserve ships were increased by three destroyers and three minesweepers. Proposed transfers in FY 1973 are three minesweepers and two tugs, with additional forces, including carriers, programmed for future years. The Navy is studying plans to place more ships in the naval reserve as Active force levels are reduced.

Increasing emphasis is being given to ship-based aircraft for sea control operations. The Navy is continuing its evaluation of the "CV concept," aboard the USS Saratoga. This approach involves employing attack, fighter, and ASW aircraft from the same ship, thus vastly increasing the range of threat response available on our carrier decks. The mix of aircraft on each CV will be especially tailored for its mission, ranging from primarily ASW to primarily attack. The Navy's experience to date indicates that the "CV concept" has considerable merit.

The nuclear-powered attack submarine (SSN) is also an important element of our sea control forces. These ships can perform a number of sea control missions. They can be used as barriers across strategic "choke points" to prevent an adversary's forces from getting to sea or returning home. They may also serve as open-ocean search and destroy forces, or in attacking opposing surface ships.

The Navy is continuing its major program to construct new SSN–688 class ships. The number of SSs in the force will decline in future years as more new SSNs are delivered and the Navy moves closer to an all-nuclear force that is highly capable in the ASW role. The new 688-class SSNs will have a propulsion core life of more than ten years, as well as speed and other characteristics that are much improved when compared with those of earlier classes. Twelve of them are already under contract, and the FY 1973 Budget includes $1,042 million to procure six more of these ships.

The submarine's primary weapons system consist of passive sonar and acoustic homing torpedoes. The recently-initiated procurement of the MK–48 torpedo should provide a significant improvement in our combat power. The advanced sonar being installed in the 688 class SSN will also add to this submarine's potential. We are also requesting funds to maintain development options for an advanced high performance SSN and a long-range cruise missile.

The MK–48 Torpedo program is of major importance to the effectiveness of U.S. nuclear submarines against the current and projected Soviet naval threat. The MK–48 Mod 1 was selected in July 1971 for quantity procurement. Production is on schedule and this torpedo is scheduled to be introduced into the fleet in the near future. While this program has experienced many problems in the past, the Navy is now proceeding with the operational evaluation, with satisfactory results to date. A total of $184.1 million is included in the FY 1973 Budget for the MK–48. These funds are primarily for procurement of torpedoes and related equipment, but also include $7 million for R&D to exploit the results of the test and evaluation program.

Our air anti-submarine program is designed to provide a balanced force of both sea-based and land-based air ASW forces. Each possesses unique advantages under difference tactical situations and in different tactical domains. The increased range and area coverage and improved sensing devices that our air ASW forces will attain should further enhance the effectiveness of airborne ASW.

The new fixed wing carrier-based ASW aircraft, the S–3A, is planned for fleet introduction in February 1974. This aircraft will be much more effective than the one it replaces, the S–2, and it will help to cope with the large Soviet submarine threat.

The S–3A development program is proceeding on schedule, and has met the first two milestones. The FY 1973 RDT&E budget contains $37 million to complete the major portion of the development effort. We also propose to procure the second increment of production aircraft in FY 1973, and the FY 1973 Budget includes $628 million for 42 aircraft. The budget also includes a small amount for military construction for this program. This procurement, along with the 13 aircraft authorized in FY 1972, will provide sufficient aircraft to convert the first fleet squadrons to S–3As in 1974.

The land-based patrol ASW aircraft are also an important part of our ASW forces. The Navy now maintains a force of 24 squadrons of the land-based P–3 ASW aircraft and expects to retain this force level for the next few years. We have been procuring the new P–3C aircraft with the more capable A–NEW avionics system to replace older P–3As and P–3Bs. These latter aircraft are being transferred to the Reserve forces as they are phased out of the Active forces to replace obsolete P–2 aircraft. The Third Reserve Squadron will complete the transition from P–2s to P–3s in FY 1973.

We propose to continue procurement of the P–3C in FY 1973, and the budget includes $246 million to buy another 24 of these aircraft. Other programs include in the FY 1973 budget to improve sea control capabilities includes:

Patrol Frigate (PF). The PF will be a relatively small, gas-turbine propelled escort designed to protect convoys, amphibious forces and underway replenishment groups from air and submarine attack. It will not have the size and all the capabilities of our frigates and destroyers, but it should also cost much less than those ships. The FY 1973 Budget includes $193 million to complete design and fund start-up costs, as well as build the lead ship.

Sea Control Ship (SCS). Another ship currently in the review and design stage within the Navy is the sea control ship. Current Navy plans call for this ship to carry a mix of helicopters and Vertical and Short Take-Off and Landing (V/STOL) aircraft to help protect underway replenishment groups, amphibious forces and military convoys. The precise characteristics, size and estimated cost of the SCS are uncertain at this time. We have included $10 million in the FY 1973 Budget to finance the design effort, and hope to move ahead with procurement of the first ship in FY 1974.

Surface Effects Ship (SES). The Navy has been working on test surface effects craft of various sizes for the past few years. If successful, this effort should produce ships with speeds in the range of 80–100 knots and capable of reasonably long range operations.

Hydrofoil Patrol Boat (PHM). These ships should be about twice as fast as current surface combatants. The Navy plans, in conjunction with NATO allies, to build a missile-carrying hydrofoil boat designed to operate in littoral waters. The FY 1973 Budget includes $60 million for the initial procurement of two PHMs.

The amphibious ship force at the end of FY 1973 will include 67 ships, with a capability to lift the assault elements of slightly more than one Marine Amphibious Force (MAF). To provide modern 20-knot ships, we are procuring five LHAs (a large ship capable of handling both helicopters and surface landing craft) and will accept delivery of the last of 20 new class LSTs.

The LHA construction program is behind schedule. These ships, and the DD–93 destroyers that I mentioned earlier, are being built by Litton Industries in a new shipyard. Problems have been experienced in this new and complex ship facility at Pascagoula, both in technical operation and in recruiting a proper workforce.

The Navy has advised me that LHA design work was not completed on schedule, and that this has retarded the DD–963 ship design work. At this time the LHAs are expected to be delayed 12–16 months, but it is not yet known what impact this delay will have on the DD–963 construction program. The Navy will be prepared to discuss this subject in detail.

In order to minimize fleet dependence on shore facilities, the Navy maintains a force of mobile support ships comprised of Tenders, Underway Replenishment Group (URG) ships, and other support ships. Many of the existing ships are old and obsolescent and in need of replacement. As a start on the modernization needed in this area we have included funds for four new support ships in the FY 1973 Budget.

4. Mobility forces

a. Missions; A major requirement of our strategy is a capability to deploy initial or augmenting U.S. forces in time to cope with aggression which cannot be met by local forces alone. While our forces deployed forward in peacetime are an essential contribution to deterrence, a major portion of our forces are based in the United States. The objective of U.S. Strategic Mobility Forces is to provide flexibility of deployment so that appropriate military forces can be positioned and supported where and when necessary. The existence of these forces permits an overall force level lower than would otherwise be necessary to constitute a realistic deterrent.

The threats which our general purpose and mobility forces must be capable of meeting range from a minor contingency, requiring one to two brigades to a Warsaw Pact attack on NATO, requiring a number of divisions. Deployments to a minor contingency can for the most part be accomplished with the active military forces. To meet deployment requirements generated by an attack on NATO or Chinese aggression in Asia, we would rely on full mobilization of reserve forces and a large number of commercial aircraft and all available U.S. flag merchant ships in addition to the active force.

Present planning for the spectrum of possible deployments utilizes principally U.S. commercial and military assets. However, recognizing the considerable lift assets of our NATO allies, we are investigating increased participation on their part in supporting deployments to NATO.

b. Airlift:

Strategic Airlift: As presently programmed, U.S. strategic airlift resources should provide the basic capability needed to meet our deployment requirements through the 1970's. By the end of FY 1973, the build-up of the C–5 force will be completed, and the active strategic airlift force will consist of 4 squadrons of C–5s (79 aircraft) and 13 squadrons of C–141s (275 aircraft). In addition to these military assets, U.S. mobility forces include approximately 330 commercial aircraft in the Civil Reserve Air Fleet (CRAF).

In FY 1973, we are planning to adjust the aerial ports so that our mobility forces have improved facilities and we are able to use more effectively our airlift system in support of our deployment objectives. We have also made adjustments in the ratio of active to reserve personnel in our strategic airlift force by reducing the number of active personnel and increasing the number of reserve personnel in the associate units.

Additionally, military strategic airlift has the capability to deliver forces and supplies directly into the combat zone through assault landings and/or airdrop operations.

Tactical Airlift: In contrast to the strategic airlift force, which provides the deployment capability for U.S. forces, tactical airlift provides airlift within the contingency area for U.S. and allied forces. This support includes the movement of unit equipment, resupply, and passengers. In FY 1973, our active tactical airlift force will consist of 16 squadrons of C–130E aircraft and one squadron of specialized C–130s stationed in Alaska.

One of our needs in this area is to replace in the active forces the STOL airlift capability transferred to the Reserves and to the Vietnamese in the Vietnamization program. For this purpose, we are proceeding with a prototype for an Advanced Medium STOL transport program. The aim of this program is to develop an operationally useful prototype aircraft which will provide an option for procurement.

Reserve Airlift: In addition to our increased emphasis on the reserve portion of our strategic airlift force, we have also significantly increased the tactical airlift capability of the Reserve forces.

ANG and USAFR tactical airlift forces have been increased and modernized with the transition from C–124s and the older C–119s to C–130s. The C–7 Caribou will make its debut in the Air Force Reserve this year, and C–123Ks will also be added to provide STOL capability.

The Air Force Reserves will have 17 units equipped with 117 C–130 aircraft and 6 squadrons equipped with 105 STOL aircraft. The Air National Guard will possess 10 units equipped with 81 C–130 aircraft and one specialized C–123 unit in Alaska. The Navy is actively exploring methods of modernizing Naval Reserve airlift units, currently equipped with C–118's, by the introduction of jet transports.

c. Sealift: In the latter half of the 1970's, without acquisition of new assets, our strategic sealift force of dry cargo ships will be limited to three roll-on/roll-off vessels. To meet wartime needs, we must rely almost exclusively on U.S. commercial shipping which can be mobilized under Presidential authority. During a NATO contingency, we could rely on the commercial shipping assets of our NATO allies although the availability of these ships in a contingency is questionable. In the next several months, we will be working with our allies to develop agreements regarding the earlier availability of such NATO-flag vessels. Despite these U.S. and foreign commercial shipping resources, however, we would also require specialized shipping, not currently available from commercial sources.

Military sealift procurement, requirements, and capabilities are currently undergoing an extensive interagency review entitled the Sealift Procurement and National Security (SPANS) Study. We are participating in this study along with the Department of Commerce, Federal Maritime Commission, the Office of Management and Budget, and Industry. We now expect the SPANS Study to be completed by the end of March, 1972, and recommendations should be forthcoming on the following issues: (1) possible revision of the competitive negotiated procurement system used to obtain rates for the movement of peacetime cargo under shipping and container agreements; (2) the need to acquire specially designed vessels for a fleet controlled by the Department of Defense, and (3) the development of a strengthened Sealift Readiness Program which will make available in a timely manner sufficient commercial shipping resources to meet the requirements of minor contingencies.

In addition to addressing these issues, the SPANS Study will also provide the factual basis necessary to update the agreement developed in 1954 between the Secretaries of Defense and Commerce (Wilson-Weeks Agreement) concerning the use of merchant shipping resources by DoD. If the government is to realize fully the benefits of the maritime/sealift programs of these two agencies, an effective policy must be jointly developed.

NEW INITIATIVES IN TOTAL FORCE PLANNING AND REGIONAL CONSIDERATIONS AND TOTAL FORCE PLANNING

Mr. SCOTT. Mr. President, today Secretary of Defense Mel Laird presented to the Senate Armed Services Committee the fiscal year 1973 defense budget and fiscal year 1973–77 program. He has provided us a detailed, comprehensive report, as he has done every year since he became Secretary. In this year's report, he describes, in addition to new initiatives in U.S. force planning, those regional considerations which must be taken into account in the overall strategy of realistic deterrence. In summarizing that section which concerns security assistance, the Secretary states:

I believe that we have made major progress, through security assistance, in strengthening the capabilities of Free World Nations to defend themselves, thereby helping move toward a more equitable sharing of the defense burden.

This is one of the tenets of the Nixon doctrine whose goal is a generation of peace.

Mr. President, I respectfully request that those portions of Secretary Laird's fiscal year 1973 defense budget and fiscal year 1973–77 program which I have just discussed be printed in the RECORD.

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

F. New initiatives in total force planning

As I reported last year, the Strategy of Realistic Deterrence calls for new initiatives and new concepts to complement Total Force Planning. Some of these initiatives will fall in areas where the U.S. bears the primary responsibility, while others stem from closer integration of our planning with that of our friends and allies. Some may more properly be called new directions or redirections of effort, rather than initiatives. Regardless of what we call them, we believe they are necessary—to modernize our forces, reshape them to future environments, and to provide for our security.

1. U.S. Force Planning Initiatives

Last year I described a number of initiatives that we were taking in order to strengthen our forces. This year we hope to build upon these initiatives begun last year, add new ones, and make them a successful part of our overall force planning.

One new initiative under the Total Force Concept relates to Air Force-Navy cooperation to counter Soviet naval threats. Additional tests of the effectiveness of guided weapons against surface vessels are in progress. The Air Force has developed tactics and has updated training manuals for ship attacks. In addition, we are developing plans to take full advantage of the versatility, range, sensors, and weaponry of our new aircraft to assure that our total forces can continue to deal effectively with the Soviet surface fleet.

The Army is also experimenting with the TRI-CAP division. Initial results on the TRI-CAP division look favorable, but we will not be in a position to thoroughly evaluate the utility of this concept until further tests have been completed.

The Navy is studying the possibility of using merchant ships for underway replenishment and rapid deployments in a wartime contingency. The advantage would be to reduce the need for shipbuilding funds to procure new Navy support ships. The Navy will test the feasibility of using a commercial tanker to refuel Navy ships in a series of tests early this year.

Another new item the Navy is considering is the homeporting overseas of fleet units forward deployed. This action could enable us to get better utilization from our force levels during peacetime without adverse family separation effect. Some units are already established in Japan and the Philippines, and we are now examining the merits of additional forward deployments in the Mediterranean, Western Pacific, and Northern Europe.

Indicative of Total Force Planning within the Air Force are the new initiatives which assign a greater share of the CONUS air defense tasks to the Air National Guard. During 1973, the number of Air National Guard units committed to air defense will increase

to 24 from a total of 17 units in FY 1972. Notably, this increase of about 24% will result in ANG units possessing more than two-thirds of the total interceptor aircraft assigned to CONUS air defense. These factors illustrate the potential of the Air Reserve Forces to perform essential tasks under the Total Force Concept.

We intend to continue searching for new initiatives that can improve force capabilities and readiness. We will also pursue other new initiatives, both in the area of technology, and in planning with our allies.

2. The U.S. Technology Base and Technological Initiatives

Research and development effort continues as a key factor in Free World capabilities to deter a wide spectrum of conflict.

Maintaining technological superiority requires a dynamic research, exploratory and advanced development effort. The Soviets appear to be seeking to surpass us in military related technological efforts, but we intend to maintain clear military technological superiority. We cannot afford the loss of that superiority. We simply cannot compete with a closed, secretive society without the confidence of knowing the "upper limit" of their military offensive potential at all levels of warfare—and we can know this only if we have technological superiority.

These latter requirements on the Defense RDT&E community are substantially independent of force levels. As I explained last year, we are continuing to support increased RDT&E expenditures in the face of an overall declining force level. The sheer magnitude and trend of Soviet scientific/technological endeavors appears to be unchanged from last year, and it is obvious that the Soviets are mounting a severe challenge to our own present technological superiority. We know that their latest research in several areas is comparable to our own.

This year, in order to maintain our technological superiority, we are requesting a substantial increase over last year and insisting that the Defense community find better management techniques to stretch the productivity of their efforts. Dr. Foster will describe our efforts in greater detail.

There is one area I would like to describe in which we are seeking to get more from our R&D investment. It involves a greater effort to adopt allied developments to our own requirements as a means of increasing the productivity of our combined Free World efforts. This approach clearly represents an example of successful implementation of the Total Force Concept and a step forward in the Administration's policy of partnership. The severe competition for national resources makes it virtually impossible for the U.S. to plan to retain technological superiority across the full spectrum of defense technology all by itself.

Our European and Pacific Allies have built up a strong technological capability at an impressive rate. Collectively these Allies spend about $3 billion on R&D for tactical weapons, approximately equivalent to the U.S. effort. We have begun a major effort with our allies in an attempt to achieve better coordination of our R&D programs, so that we can better benefit from the advances made by our allies in tactical weapon technology. By doing so, it may be possible to increase our own R&D efforts in critical scientific frontiers, which can be of major help in maintaining our lead in advanced technology so vital to our security.

This implements the Total Force Concept in an important new way. It means that the U.S. would depend on its allies for some of its development needs. This dependence would not affect our economy because we would intend, with the help of our industry, to produce any selected allied weapon systems here in the U.S. To this end, we have undertaken to provide our industry a greater degree of freedom in establishing working relationships with European and other allied industries. We do not expect that this dependence will ever be more than a small percentage of the overall U.S. defense effort. But for its small size, we would expect large improvements by reductions in international duplicative developments which will help us and our allies while increasing the bonds of partnership and solidarity between us.

We also see some benefit in competitive international developments in tactical weapons. By emphasizing hardware prototypes and testing them realistically in the field, we can obtain better equipment at less cost. This testing can serve the U.S. needs for competition. If we and our allies can learn to depend on and select the winner for our inventories, we can make an important contribution toward improving standardization, compatibility and interoperability of our forces in the field. This would be a significant step towards reversing a deteriorating trend in this area.

We have also expanded our technological data exchange programs with our Allies and instituted new programs. For example, we have exchanged data with the Republic of Korea, in the hope of establishing an improved technological base for them to develop and produce basic spares and equipment. We believe that this data exchange program is important, because it is through such information exchange programs that the first steps are taken to harmonize requirements and coordinate research and development plans.

Dr. Foster and his staff have explored the promises and potentials of international cooperation with our allies within the parameters described above. He will discuss this matter in more detail and describe examples where interdependence in R&D between us and our allies could benefit the U.S. and improve the overall Free World defense posture.

G. Regional considerations and total force planning

1. Total Force Planning in Europe

Our general purpose theater force requirements are largely determined by planning for U.S. and allied conventional forces which will deter the Warsaw Pact nations from conventional attack of NATO Europe. We and our allies also must insure—and display—our ability to sustain and reinforce our deployed forces and those of our allies through control of the air and sea lanes.

Our force planning for NATO has been developed to implement our agreed strategy. In this regard, it is appropriate to note what the Defense Ministers stated in their communique of December 8, 1970:

"Ministers confirmed the continued validity of the NATO strategy of flexibility in response, which includes forward defense, reinforcements of the flanks and capabilities for rapid mobilization, and calls for the maintenance of military capabilities which are able to provide an appropriate counter to any aggression. They noted the continuous rise in Soviet defense and defense-related expenditure and the evidence that the USSR is continuing to strengthen still further its military establishment, including that in the maritime field where Soviet power and the range of its activity have markedly increased. They, therefore, emphasize the need for improvements in NATO's conventional deterrent, as well as the maintenance of a sufficient and modern tactical and strategic nuclear deterrent.

"The security of NATO being indivisible, Ministers underlined the special military and political role of North American forces present in Europe as an irreplaceable contribution to the common defense."

Our relationship with our NATO allies during this past year provides an excellent example of the Total Force Planning Concept at work.

a. NATO Planning in Perspective: You will recall that in the early stages of this Administration, we undertook an intensive review of our defense needs, deficiencies and policies in Europe. We also worked closely with the allies in a parallel study effort pertaining to NATO as a whole. From this comprehensive assessment and intense consultation with our Allies emerged the NATO Study on Alliance Defense Problems in the 1970's, known as AD–70.

In December 1970, the NATO Ministers approved this study at the Ministerial Meeting in Brussels, identifying the specific deficiencies in NATO's conventional defenses and establishing an action program of force improvements designed to reduce imbalances between NATO and Warsaw Pact conventional capabilities. At that same meeting, the European allies initiated the European Defense Improvement Program (EDIP) of about $1 billion of additional expenditures over the following five years, about half for improvements to their own forces and the remainder for a program of aircraft survival measures consisting of the construction of aircraft shelters and related protective facilities. A large number of these shelters will be for U.S. aircraft but at about 30% of the cost in U.S. military construction funds, since there will be about 70% recoupment from EDIP funds.

At the December 1971 Ministerial Meeting the Ministers assigned priority areas within the overall AD–70 program of force improvements for early action.

On December 7, just prior to the Ministerial Meeting, the Euro-Group Nations, which set up the special European Defense Improvement Plan in 1970 (UK, FRG, Belgium, Netherlands, Luxembourg, Italy, Norway, Denmark, Greece and Turkey), announced a combined total increase in their 197 Defense Budget of over $1 billion, and identified significant improvements along AD–70 lines.

b. U.S. and Allied Cooperation in NATO: The past year has been one of considerable stability in Europe, and of the expansion of cooperation within the NATO alliance. The alliance defense effort has been put on its most solid footing in many years as a result of the NATO AD–70 efforts, the desire of the Europeans to show that they are definitely shouldering their part of the NATO defense burden, and our own efforts to restore the readiness of our forces in Europe.

That our efforts have been reasonably successful in the past year is, however, no reason for complacency. The common coordinated force improvements must be sustained, because we see no slackening of Warsaw Pact defense capabilities, but rather improvements.

On the whole, I am pleased with allied efforts to assume a greater role in the collective defense effort. In this connection, I want to make special mention of the two-year Offset Agreement just concluded with the Federal Republic of Germany in December in Brussels. This is another tangible example of the progress we have made toward achieving the President's goal of a greater sharing of the burdens of the alliance. I would like to call attention to one feature of that agreement in particular. The Federal Republic has embarked on an extensive program of 600 million Deutsch Marks (about $183 million) to refurbish at no cost to the U.S. the antiquated facilities in which our troops have been living. I have been personally concerned that everything be done to insure that our troops enjoy adequate living conditions.

1. Allied Improvement Efforts

The EDIP program announced by our Allies in December 1970 is being rapidly implemented. Over two-thirds of the total program of aircraft survival measures (i.e., shelters and other facilities) is already the subject of definite NATO programming or

implementation action. Action on special national force improvements announced as a part of EDIP are also moving forward on schedule.

But the EDIP is only a small part of the European contribution to the Alliance. For the year 1972, almost all of our allies are planning increases in their defense budgets. As I noted earlier, at current prices the total planned increase for 1972 is well over $1 billion, without counting certain possible supplementary budget appropriations to meet further rises in costs. Our allies in the last few years have also taken important steps to modernize the structure and equipment of their forces. These steps are generally in consonance with the priorities established in the AD–70 study, and the allies are also engaged in reexamining and where necessary reshaping their ongoing defense programs to fit those priorities. They have important programs for the modernization of their forces.

Our allies have made clear that the maintenance of their force levels and their extensive improvement programs are worthwhile because of the continued U.S. commitment to NATO defense, given the high quality of U.S. forces, and the critical part they play in NATO defense plans. They have alsc made clear that efforts to achieve sufficient defense capabilities are a necessary precondition to realistic negotiations on security and cooperation in Europe.

2. Improvements to U.S. Forces in Europe

The U.S. is also making a strong effort to maintain and improve its forces in Europe. During the past five years, manpower shortages and personnel turnover have caused readiness problems for U.S. forces in Europe. In the past year we raised the priority of European forces for personnel, and the units are now at virtually 100 percent of authorized manning.

We plan to continue our FY 1973 force deployments to Europe at current levels, with minor adjustments as appropriate consistent with force modernization and improvement in efficiency of support components.

Modernization of the equipment of U.S. forces is also progressing well. In the first instance, we are making significant improvements in our anti-armor capabilities. The TOW anti-tank guided missile is being introduced in significant numbers now, and the smaller Dragon missile will follow. We will soon introduce the M60A2 tank with stabilized guns and Shillelagh missile launchers with a new laser range finder. Our program to replace gasoline-drive armored personnel carriers with new and improved diesel models is nearing completion. We have almost completed modernization of the helicopter fleet and are equipping Army aviation units with new transports. We plan to deploy the Lance missile to Europe as scheduled.

For our tactical air forces, we will complete conversion of F–100 aircraft to F–111 and F–4 in FY 1973. We have already built some 380 aircraft shelters and should finish the program with over 400 by the end of calendar 1972. We also hope to decrease force vulnerability by increasing the number of available dispersal bases and thus reduce wartime air base loading.

In addition to our own force improvements, both made and planned, we have offered recommendations to the allies for additional measures to bolster allied security. In the spring of 1971, we propcsed certain new weaponry for NATO forces.

We further called upon the allies to take a greater role in coping with increasing Soviet naval capabilities in the Norwegian Sea and Mediterranean areas. We have also encouraged the allies to consider and suggest still other measures with which all of us might be able to further enhance our collective capability.

Another significant feature in allied defense planning is the work of the NATO Nuclear Planning Group. The activities of this Group, including the Ministerial sessions that I attend with my colleagues, represent one of the most important and valuable examples of Alliance cooperation.

At the two Ministerial sessions of the Nuclear Planning Group during the past year, I presented briefings on the balance of strategic forces, and shared in frank and useful exchanges with my colleagues on the implications for NATO of recent trends and developments in this area. The major field of work by the Nuclear Planning Group has been a continuing series of studies on the tactical use of nuclear weapons in defense of the Treaty area in support of the strategy of flexible response. A number of studies were completed during the past year, including one that German Minister of Defense Schmidt and I presented to the Nuclear Planning Group in October. These studies have given valuable insights into a critical area of NATO defense. This work program is expected to assist in the development of further guidance on the tactical use of nuclear weapons to augment the political guidelines for their use in defense of NATO approved in 1969. This effort will constitute a vitally important and challenging task for the Nuclear Planning Group in the months ahead.

c. Negotiations Aspects: Our NATO allies are clearly aware of President Nixon's program to move from confrontation into negotiation. At the December 1971 Ministerial meeting, the allies recognized the importance of maintaining our strength and partnership while moving toward detente, reaffirming the Alliance position that its overall military capability should not be reduced except in the context of mutual and balanced force reductions. For our part, we reaffirmed the U.S. position that, given a similar approach by the other allies, the United States would maintain and improve its forces in Europe and would not reduce them except in the context of reciprocal East-West action.

We are working closely with our NATO allies in preparing for possible negotiations on mutual and balanced force reductions (MBFR) in Europe. Over the past year our Government submitted to NATO three major studies on this subject, and we intend to submit the results of future studies as they become available. Only by working closely together can we insure that allied solidarity is preserved.

Our objective, as we move forward with our Allies in developing positions on MBFR, is the maintenance of Alliance security, with a more stable military balance at lower levels of forces. We are considering MBFR in a comprehensive manner, focusing on a combination of reductions, collateral constraints (such as limitations on exercises), and verification provisions. We have concluded that NATO force improvements and MBFR must complement each other; we will need to move forward with force improvements before, during, and after MBFR negotiations.

We are confident that our efforts will ensure that we are thoroughly prepared for MBFR negotiations at such a time as they can be brought about. In this regard, Allied Ministers have invited the Warsaw Pact to hold exploratory talks on MBFR, and Mr. Manlio Brosio has been appointed and given a mandate to explore this subject. Although the USSR and the Pact have failed to date to respond to these NATO initiatives, we and our allies remain prepared to discuss MBFR should they see fit to respond.

d. Summary: Clearly, the year 1971 has been a year of progress in working together with our European Allies in maintaining and improving our own and allied forces to meet the common threat and to share the common defense burdens more equitably. The historic decisions of the December 1970 Ministerial meeting were given impetus during the past year and received new emphasis from the NATO Ministers at their December 1971 meeting in Brussels. I have been heartened by this demonstration of allied spirit in response to U.S. and allied needs in Europe. This integrated planning effort and action program is most essential to provide for our common security, especially in light of the continuing expansion of military power and potentials by Warsaw Pact nations. It is essential to the allied partnership, and it is essential to the maintenance of a position of strength from which to negotiate differences with our adversaries in the pursuit of peace.

2. Total Force Planning in Asia

"In the next decade our Asia policy will be dealing simultaneously with three phases of Asian development. In some countries, there will still be an absolute—though we hope diminishing—need for us to play a central role in helping them meet their security and economic requirements. In others, we will complete the process of adjusting our relationship to the concepts of the Nixon Doctrine. And with all countries, we will be striving to establish a new and stable structure reflecting the renewed vigor of the smaller Asian states, the expanding role of Japan, and the changing interests of the Soviet Union and the Peoples Republic of China . . ."—President's Foreign Policy Report to Congress, 1971.

The United States is a Pacific power, and as such must recognize and accept its responsibilities in the area. We seek to do so as a partner, as one of a group of concerned nations acting in concert. It is our objective to support our allies and fulfill our treaty commitments in the context of the Nixon Doctrine.

Last year I noted that we do not plan for the long term to maintain separate large U.S. ground combat forces specifically oriented to the Asian theater alone, but we do intend to maintain strong air, naval and support capabilities. To serve as a deterrent and to support our allies, we continue, of course, to maintain balanced, forward deployed ground, air and naval forces in the Asian theater. However, we expect to continue to emphasize the strengthening of the military capabilities of our friends and allies, as we move toward Nixon Doctrine peacetime deterrent forces.

The forces and assistance which are provided in the FY 1973 Budget will enable us to continue to provide essential U.S. capabilities while moving in this direction in our planning.

Thus, in Asia, our primary emphasis lies in assisting our friends and allies in developing their own capabilities to cope with aggression, against both internal and external threats. In this sense, U.S. forces will increasingly serve a complementary role, and our security assistance programs are a key to making progress in this direction I believe that we and the Asian nations have made considerable progress in this direction in the past year.

Final agreement has been reached with Japan on the reversion of Okinawa in 1972. Japan is to begin assuming responsibility for the immediate defense of the Ryukyu Islands.

The Republic of Korea has assumed responsibility for the defense of virtually all the Korean DMZ and, with our assistance, is undertaking substantial improvement of her own forces.

We have completed significant reductions in our own force deployment in the Philippines, Japan, Korea, and Thailand.

There is also concrete evidence of the dynamism and regionalism that exist in this region. In this regard, Australia, New Zealand and the UK reached agreement with Malaysia and Singapore on the continued forward deployment of an integrated ANZUK defense force in the two Southeast Asia countries under the new Five Power Defense arrangement.

Thus, although 1971 has been a year of progress, with progress must come change and change is not without its problems. We recognize that as these changes take place, problems and differences must and will arise in our relationships with the nations of Asia. We have sought to minimize the differences and we have laid stress on our many common aspirations; however, we do not hide from problems. We seek straightforward, honest negotiations to find mutually satisfactory solutions. To facilitate this dialogue and emphasize the new role of partnership we seek, both former Deputy Secretary Packard and I traveled to the Far East this past year to discuss with our friends our common security objectives and means to accomplish them.

Japan: As we have all come to recognize in recent years, Japan's growing power on the Asian scene will make her one of the keys to peace and stability in Asia in the years ahead. The importance we attach to maintaining a close security relationship with Japan was underscored by the President in his meeting with Prime Minister Sato at San Clemente in January. A large share of their time together was devoted to a review of our mutual interests in the broad security problems of the Asian region. As they announced at the end of those meetings, and as I said after my trip to Japan last summer, the approaches of our two countries to these problems are complementary.

While some public opposition to our bases still persists in Japan and Okinawa, the Japanese Government recognizes the regional security role our forces play, and their ultimate relevance to Japan's defense. For our part, we are making every effort to streamline our base structure in Japan and Okinawa, and to keep our military deployments there to the minimum compatible with our mutually agreed security interests. In January of this year we reached general agreement with the Japanese Government on yet another consolidation of our military activities and reduction of our land use in the populous Kanto Plain area around Tokyo. As a part of the Okinawa reversion agreement, the whole or part of 34 facilities and areas on Okinawa will be returned. Additionally, 12 facilities will be turned over to the Japanese self-defense forces as they assume Okinawa's defense mission.

For her part, Japan has embarked on a fourth Five-Year Defense plan designed to improve qualitatively herself-defense forces to better perform their assigned task of defending the home islands. When the reversion of Okinawa takes place on May 15, 1972, Japan will begin to assume responsibility for the immediate defense of the Ryukyu Islands.

As a result of my trip to Japan last summer, I gained a better appreciation of Japan's need for military equipment modernization if her forces are to become effective against sophisticated threats. Accordingly, we are encouraging Japan to modernize the equipment of her forces, and have placed our technical services as the disposal of the Japanese to help assess their needs and determine what equipment we might be able to provide within Japanese budget constraints.

Korea: Our relations with the Republic of Korea provide an excellent example of the Nixon Doctrine at work as I saw on my visit there last year. As 1970 closed, the Republic of Korea continued to face across the demilitarized zone a hostile North Korean regime. Considerable effort was required during 1971 to prevent incursions of saboteurs and agents from North Korea and to apprehend those personnel who succeeded in entering the country, and this type of activity continues. North Korea continues to maintain the fourth largest Army in the communist world and to improve her military posture. It was in this environment that we and the Republic of Korea moved forward in 1971 to implement the Nixon Doctrine and our new strategy. These have been the achievements:

U.S. troops no longer man any significant portion of the DMZ where they had been stationed since the cessation of hostilities in 1953.

ROK troops now have assumed responsibility for the security of the line dividing the two halves of Korea, with the exception of the very small portion devoted to the Military Armistice talks.

Authorized U.S. troop strength was reduced over the last year from some 60,000 men to the present strength of about 40,000.

A Five Year Modernization Program for the Republic of Korea Armed Forces has been instituted which, with Congressional sanction and support, will enable the Koreans to maintain an adequate defense posture. In addition, the ROK is taking steps to increase its own self-sufficiency by providing, through its own defense budget, items previously supplied by the U.S. which can be readily procured in Korea.

Cambodia: President Nixon said on November 12, 1971:

". . . Cambodia is the Nixon Doctrine in its purest form. Vietnam was in violation of the Nixon Doctrine. Because in Cambodia what we are doing is helping the Cambodians to help themselves, and we are doing that rather than to go in and do the fighting ourselves, as we did in Korea and as we did in Vietnam."

During the past year, the U.S. security assistance program in Cambodia has been an excellent example of how we believe the Nixon Doctrine should be implemented. In the first place, U.S. assistance is confined to military and economic aid, and some air support, with Cambodia assuming the basic responsibility for its own self-defense. The U.S. has no ground troops and no military advisers in Cambodia.

Additionally, the U.S. assistance effort is being complemented by military and economic aid from a growing number of Cambodia's friends in East Asia and the world. In January, a group of seven countries agreed to contribute to an economic stabilization fund for Cambodia. The most direct assistance, of course, is coming from South Vietnam. Indeed, one of the most encouraging developments of the last year was the increasing number of combined operations conducted by Cambodian and South Vietnamese forces against NVA/VC forces in Eastern Cambodia.

Most heartening of all has been Cambodia's own efforts to defend her territory and people against the North Vietnamese invaders. Cambodia has expanded its military manpower six-fold in the past year and has been able to maintain the major populated areas under government control. Despite enemy interdiction efforts, Cambodia has kept open the major highways and is now assuming responsibility for Mekong River convoys from the South Vietnamese border to Phnom Penh.

These Cambodian efforts have, of course, also placed additional strain on the NVA/VC logistical ssytem and helped to relieve pressure on U.S. and allied forces in South Vietnam. Thus, in the military area there has been considerable progress in the past year. But much more still needs to be done, particularly in the fields of training and logistics. These are the tasks we and our friends will be assisting Cambodia with in the coming year.

Vietnam: "Vietnamization . . . has now effectively concluded the U.S. ground combat responsibility. Our other activities are being transferred to the South Vietnamese. We are ending American involvement in the war while making it possible for those who do not wish to be dominated by outside forces to carry on their own defense."—President's Foreign Policy Report to Congress, 1972.

The President in his Foreign Policy Report to the Congress has presented a comprehensive and detailed review of all aspects of our Vietnam policy. I would like in this Report to highlight those dimensions which are of particular concern to me as Secretary of Defense.

Vietnam became the test case and the first crucial step for implementing the Nixon Doctrine and our new planning approach to Asia. Vietnamization was based on the simple proposition that responsibility for the war should be turned over to the South Vietnamese. We expected them to defend themselves with our material and security assistance but without indefinite American combat involvement. The results to date have justified, in my view, the faith we placed in this new policy and in our South Vietnamese friends.

When we assumed office in January 1969, Americans were deeply involved in combat. And so we set out systematically to bring Vietnam into conformity wtih the principles of the Nixon Doctrine. 1971 has demonstrated the viability and effectiveness of the Nixon Doctrine principles we have applied in Vietnam.

The Vietnamization program has paved the way for a self-reliant South Vietnamese defense force, for increased cooperation among the other free nations of mainland Southeast Asia and for eventual restoration and maintenance of peace in Indochina. Should our approach to peace in Indochina through negotiations fail, our strength through partnership approach will continue to make possible reductions in the level and intensity of the present conflict.

The Vietnamization program was planned in three phases:

Phase I—Assumption by South Vietnam of the ground combat role against Viet Cong and North Vietnamese forces. Phase I was completed last year.

Phase II—Development by South Vietnam of those support capabilities—air, naval, artillery, logistics and other support—necessary to maintain effective security. Major progress was made last year notably including the turnover of in-country naval operations and a very substantial portion of the in-country air combat responsibilities.

Phase III—Reduction of American presence to a military advisory mission, with whatever small security forces are needed to protect this mission, and then further reductions as South Vietnam becomes capable of handling the threat with no U.S. military presence required.

Our activity in Indochina has been and will continue to be in consonance with the goals we established at the beginnig of Vietnamization. We seek to:

Maintain our obligations and interests in Asia as we move toward a generation of peace;

Reduce American casualties;

Secure the release of our Prisoners of War and an accounting for our missing in action;

Continue to withdraw U.S. forces; and

Transfer military responsibility to the Republic of Vietnam in a way that provides the South Vietnamese with a realistic capability to defend itself from aggression.

We are closer now to meeting these goals than at any time in the past. During each of my four trips to Vietnam as Secretary of Defense, I have been heartened by the progress which has permitted me to recommend and the President to direct further reductions in U.S. troop strength.

As I prepare this Report, the situation in Vietnam remains encouraging. Phase I of Vietnamization is completed, with only a small U.S. ground combat force remaining in a security role to protect U.S. forces as Phase II progresses. Phase II is progressing ahead of schedule as the Vietnamese themselves work hard to complete the complex training required before they can fully assume an effective support role. Phase III has begun with the reorganization of our corps and field force headquarters to assistance commands and with reductions contemplated in our military headquarters in Saigon.

In sum, the major part of our Vietnamiza-

tion program has been accomplished and we are ahead of schedule on the tasks that remain. The philosophy that predominated as we assumed office in 1969 of a U.S. "takeover" of military activities in South Vietnam has been superseded by the reality now of a U.S. "turnover" of responsibility for continued combat operations, as every statistical indicator confirms. Vietnamese forces have demonstrated professional skill, valor and combined arms effectiveness in their operations to date. Particularly noteworthy has been the ability of the Vietnamese to operate away from their permanent bases in areas the enemy has occupied for years. While we cannot expect the South Vietnamese to win every battle, their effectiveness should increase even more as they gain more confidence and strength.

During my second trip to Vietnam in February 1970, I encouraged greater coordination of our military activities with the economic aspects of Vietnamization. The economic implications of Vietnamization are complex but the response to our new emphasis has been encouraging. The burden of defense reduced the availability of goods and services to Vietnam and its people. The result was a rampant inflation; prices rose by 650 percent in the five-year period ended June 1970. The withdrawal of U.S. forces and the consequent reduction in Vietnam's foreign exchange earnings threatened the economy still further. The Vietnamese themselves, however, are displaying a growing economic sophistication and learning to control their wartime economy. Government-instituted reform measures in September and October of 1970 and in March and November of 1971 have addressed many of the economic difficulties facing the Republic of Vietnam with the latest reforms stressing self-sufficiency as a goal. In addition, a reorientation of our economic assistance programs has contributed to achievement of relative stability and enhancement of prospects for growth.

The implication of this improvement in the economy of Vietnam is that the Vietnamese will soon be able to shoulder more of the financial cost of providing for their security while at the same time they benefit from the higher standards of living which increased security and economic stability and growth assure. Nevertheless, continued substantial U.S. economic assistance will be needed for the foreseeable future.

With respect to negotiations, the President's recent nationwide address on January 25, 1972, and the detailed description of our efforts to achieve a settlement presented in his Foreign Policy Report conclusively demonstrate our willingness and Hanoi's refusal to date to achieve an early and honorable peace through negotiations. In this connection the President described, and I would like to underscore our deep concern for the American servicemen now held captive by the North Vietnamese and Viet Cong in Indochina, and for those missing in action. The other side has continued to violate the provisions of the 1949 Geneva Convention with regard to prisoners of war and to ignore the protests of the United States and the civilized world. Hanoi's violations of the Geneva Convention are as follows:

The Geneva Convention requires that prisoners be humanely treated and protected. This provision has been consistently violated.

The Geneva Convention requires that neutral inspection of prisoner camps be permitted, including interviews of the prisoners without witnesses in attendance. The enemy has never permitted such inspection or such interviews.

The Geneva Convention requires that the names of all prisoners be released promptly. Such names as the enemy has released have not been released promptly nor through regular channels.

The Geneva Convention requires notification of deaths in captivity and full information on the circumstances and place of burial. The enemy has not furnished any information about circumstances of death and place of burial.

The Geneva Convention requires that prisoners of war camps be marked clearly and their location be made public. The enemy has not marked its camps nor divulged their location.

The Geneva Convention requires that the seriously sick and wounded be repatriated or interned in a neutral country. The enemy has refused to comply with this provision.

The Geneva Convention requires that prisoners be permitted to send at least 2 letters and 4 cards a month. The average has been 2 or 3 letters a year and none at all from some prisoners.

The Geneva Convention requires that sufficient food must be given to prisoners. Yet, all of the released prisoners have been found to be underweight and suffering from malnutrition.

The Geneva Convention requires that prisoners not be held in close confinement. Yet, the enemy has held some men in solitary confinement for years.

The behavior of the enemy in flouting the basic precepts of humanity and international conventions and in contributing to the anguish of our POW/MIA families must end. Neither President Nixon nor I will consider Vietnamization to be completed until the Prisoner-of-War and Missing-in-Action issues have been resolved.

3. Total Force Planning and Security Assistance

In deterring subtheater or localized warfare, i.e., non-nuclear conflict that does not involve the USSR or PRC in combat, the country or ally which is directly threatened bears the primary burden, particularly for providing the manpower for its defense.

We believe that our allies can and must increasingly bear the primary burden for planning to cope with subtheater and localized conflicts. Such conflicts, running from localized insurgency or guerrilla warfare to the type of conventional attack which North Korea itself could mount against South Korea will continue to threaten the security of our friends and allies through the 1970's. Although security assistance is not limited to the friends and allies threatened by subtheater/localized conflict, in practice, the bulk of our assistance goes to these countries.

A strong, effective program of security assistance to key friends and allies is an indispensable tool for implementing our National Security strategy of Realistic Deterrence. It also plays a central role in fulfilling the Nixon Doctrine objective of a more equitable sharing of the Free World defense burden.

President Nixon has indicated that in the future the U.S. would look to the forces of our allies to deal with guerrilla and subversive threats. However, he emphasized that the United States can and will furnish military and economic assistance to supplement this local effort, where our interests are involved. Elaborating on that theme in his Foreign Aid Message to the Congress on April 21, 1971, the President pointed out that increased security assistance "enables us to continue to reduce our direct presence abroad, and helps to reduce the likelihood of direct U.S. military involvement in the future."

In that same address, the President underlined the importance he attaches to foreign aid as a tool of his foreign policy for the 1970's. He announced his decision to reform the U.S. aid effort, beginning with creation of separate structures for security-related development, and humanitarian assistance. The various ongoing assistance efforts which serve U.S. security interests were thus combined into one coherent program. The elements of that program are the following:

Military Assistance Program (MAP—grants of military weapons and other equipment, as well as of military training.

Foreign Military Sales (FMS) Credit—government-to-government or commercial sales of defense material financed by U.S. government or by government-guaranteed credit.

Security Supporting Assistance—aid intended to offset, in part, the impact of exceptional defense costs of the recipient country on its civilian economy.

Non-funded Security Assistance—Grant Excess:

Grant Excess Transfers—material declared excess to U.S. force requirements.

Equipment Loans and Leases—primarily ship leases.

FMS Cash and Commercial Military Sales.

a. Security Assistance Organization, Reform and Planning: During the past year, a number of steps have been taken in the Executive Branch to make the planning and administration of security assistance more effective.

In reshaping the foreign aid program, the President directed that the planning of all security-related aid program elements be integrated. Accordingly, although MAP and FMS programs were administered in the Defense Department, while economic supporting assistance was administered by AID, during the period in which the FY 1973 security assistance budget was being constructed and subjected to the President's final review, security assistance was treated as an integrated whole.

Within the Department of Defense, I have initiated several innovations to improve integration of security assistance in the overall U.S. security effort. For the first time, planning for FY 1973 military assistance and credit sales took place within the Department of Defense Planning, Programming and Budgeting System (PPBS). The results of the initial effort were gratifying to me because of the long-term prospects for more efficient security resource allocations within the Total Force Concept.

A second important step was creation of the Defense Security Assistance Council, and the Defense Security Assistance Agency, which are discussed in the Organization and Management chapter.

I would note that security assistance planning continues to be an interagency effort within the Executive Branch. This procedure insures that the Department of State is able to exercise its statutory responsibilities for policy guidance of security assistance while the Department of Defense will continue to manage the military program, thus permitting more effective use of all defense resources.

b. Progress in Total Force Planning and Security Assistance:

1. Combined and Complementary Force Planning and Security Assistance

Vietnamization has had a major impact on the size of U.S. forces as it has permitted a step-by-step transfer of responsibility for combat operations to South Vietnamese forces without diminution in security and without undue burden on the stability of the Vietnamese economy. Similarly, joint development and implementation of a U.S.-Republic of Korea five-year security assistance modernization for their forces program has permitted withdrawal of one U.S. division from Korea in FY 1971.

I would emphasize that substantial security aid to South Vietnam must be maintained to continue this progress. Our security assistance to the peoples of Laos, Thailand and Cambodia in their struggle to maintain their independence has likewise been essential and it will continue to be so for some time. Unlike other country programs, most security assistance to South Vietnam, Laos, and Thailand has been provided for several years through the Defense budget. The Thailand program is being returned entirely to

regular International Security Assistance funding for FY 1973.

In South Korea, national forces are assuming increased responsibility for their own defense. The ROK Government must maintain large defense forces to meet the threat posed by well-equipped forces in the North. Consequently, it must support a heavy burden on its national economy, and simultaneously undertake increased production in country of defense equipment, aided in part by MAP and FMS credit. Thus, South Korea may continue for some time to be dependent on the United States for support of its defense efforts. Nonetheless, greater Korean self-sufficiency in defense is signaled by that government's recent agreement to assume responsibility for procurement of operating material formerly supplied under MAP as well as inauguration of an FMS credit program to finance development of M–16 rifle and ammunition production facilities in-country.

A significant feature of the five-year program to advance Korean force modernization is our plan to provide the new International Fighter Aircraft, the F–5E. This aircraft has been developed specifically to meet the need of allied and friendly air forces for an effective and flexible, yet relatively simple and inexpensive new fighter aircraft. Congress had a strong role in initiating this program.

U.S. security assistance to our NATO allies, except for Turkey, Greece and Portugal is limited almost exclusively to military export cash sales. Credit assistance is no longer required in most instances, and military sales to Europe represent an economic gain rather than a drain to the U.S. However, three allies, Turkey, Greece and Portugal, continue to require outside grant and credit security assistance to permit them to improve their capabilities for fulfilling their assigned roles in NATO defense plans. Indeed, their importance to U.S. and NATO security interests have increased significantly in recent years as a result of the Soviet military buildup in the Mediterranean and the volatile situation in the Middle East. Both Greece and Turkey have demonstrated their dedication to NATO defense by major manpower and resource commitments to the Alliance. It is in the U.S. interest, therefore, to assist these willing allies to make a more effective contribution to NATO defense by helping them acquire more modern defense equipment and improved training. In the case of Greece, economic growth now permits U.S. assistance for the most part, to take the form of FMS credit for arms purchases rather than outright grants.

2. Supplementary Planning and Security Assistance

Security assistance can also advance U.S. security in ways less directly related to specific force trade-offs under total force planning. As we work cooperatively with the military officers who play such an important role in many Latin American countries, our missions and assistance programs further our interests while responding positively to those of the Latin Americans. Latin American nations are our partners, not our dependents. We seek only to assist—partly through the several, less explicitly military aspects of our security assistance programs such as training aids—in preserving the environment within which social and economic progress can occur.

Among our hemisphere neighbors and elsewhere, selectively, throughout the world the United States seeks to utilize judiciously its diplomatic, economic and military resources to help avert war. We must strike a balance and take care, for example, that our security assistance does not contribute to hostility between neighboring states and forces. We provide security assistance on a case-by-case basis to assist friendly countries to combat insurgency and help defeat externally inspired subversion and maintain the kind of military balance which will deter external attack. In supplying security assistance, and in the licensing of military exports through commercial sale, we seek to emphasize regional arrangements that enhance stability. We must recognize, however, that every nation has the right to be prepared to defend itself against internal and external threats and that most nations do not themselves produce the equipment for their own defense that they may need. We must also be cognizant of the fact that today, as never before, foreign countries have alternatives to acquisition of defense equipment from the U.S.—particularly if some form of purchase is involved. Nonetheless, we shall continue to review most carefully potential sales of military equipment, even to close allies, and to refuse them where regional security or other U.S. interests would be adversely affected.

c. Security Assistance Legislation: For FY 1972 the President proposed to the Congress that it enact sweeping new foreign aid legislation authorizing and funding security assistance separately from development and humanitarian aid. The Congress elected to defer consideration of this approach and instead to appropriate funds under existing legislation. Nevertheless, by the end of the 1971 session I believe that the benefits associated with combining all elements of security assistance into a cohesive program separate from development and humanitarian programs was appreciated by a majority of the Congress.

d. Summary: I believe that presentation of security assistance budget requests in the context of the overall U.S. national security program will permit easier understanding of the linkage between the U.S. force posture and overseas deployments, on the one hand, and adequate security assistance to allied forces, on the other.

It is important that the Congress recognize and understand the important role that grant military assistance and other forms of U.S. security assistance have played over the past two and a half decades in countering threats to non-Communist countries. For while the burdens in blood and dollars which the American people have borne to help defend others have been great, they would in my judgment have been far greater without security assistance. During the past few years, I believe that we have made major progress, through security assistance, in strengthening the capabilities of Free World nations to defend themselves, thereby helping move toward a more equitable sharing of the defense burden.

DEPARTMENT OF DEFENSE REPORT

Mr. GOLDWATER. Mr. President, we in this body are daily confronted with the problems of organization and management of government at all levels. Today the Secretary of Defense presented to the Committee on Armed Services his statement in support of the fiscal year 1973 defense budget. I was extremely gratified to read that portion of his statement dealing with the organization and management of the Department of Defense. I believe that Secretary Laird's approach to these problems has great merit. It is an approach which will insure more economical use of the resources of that Department.

The cornerstones of the Department of Defense concepts of management are participatory decisionmaking, selective decentralization and delegation of authority under specific guidelines.

I would, at this point, strongly endorse one request of the Secretary of Defense. He expressed the hope that the Congress would take early and favorable action on last year's proposal for the establishment of a second Deputy Secretary of Defense. Such favorable action would contribute an immense contribution to the improved management of the Department.

I recommend Secretary Laird's views on management to each Member of this body.

I ask unanimous consent that the organization and management section of Secretary Laird's statement be printed in the RECORD.

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

I. ORGANIZATION AND MANAGEMENT

In my Defense Report last year, I discussed the concepts of management we have been and are applying in the Department of Defense. The concepts of participatory decisionmaking, defined and selective decentralization, and delegation of authority under specific guidance remain valid and we are continuing to build upon them.

Application of these management concepts places more emphasis on people and less emphasis on elaborate detailed procedures. Our approach is to define the task, pick a good man, provide guidance to him and the necessary responsibility and authority to do the job.

Our experience demonstrates that people perform better if they play an active role in the decision-making process leading to the policy decision they are responsible for executing.

The members of the JCS and the Secretaries of the Military Departments remain my principal advisers on programs for the Department of Defense. They know that their views are sought and valued; they play an active role in both decision-making and in the management of the Department.

Although we emphasize decentralization of management and have increased the role of the Military Departments and the JCS, there are functions and decisions which necessarily must remain the responsibility of the Secretary of Defense. Some of the changes in organization and management made last year will assure that, as Secretary of Defense, I can better meet my responsibilities and insure better management of the resources provided to the Department.

We should all recognize that new concepts of management cannot solve all of our problems. We should also be aware that the benefits of new and improved management concepts do not accrue immediately but only in time, and that we must continue to carry the products of earlier management well into our Administration.

A. Specific improvements in organization and management

In a number of instances, the application of our new management concepts has necessitated additional changes in organization since my report last year. Among the more significant organizational and management changes instituted in the past year are:

Establishment of the Office of the Assistant Secretary of Defense (Intelligence).

Establishment of the Central Security Service.

Establishment of the Defense Investigative Service.

Establishment of the Defense Mapping Agency.

Disestablishment of the Office of the Assistant Secretary of Defense (Administration).

Creation of the Office of the Assistant Secretary of Defense (Telecommunications).

Reorganization of the Defense Atomic Support Agency.

Reconstituting the Worldwide Military Command and Control System (WWMCCS).

Establishment of the position of Director of Net Assessments.

Creation of the position of Deputy Director (Test and Evaluation) within the Office of the Director, Defense Research & Engineering.

Changes to the Unified Command Structure.

Establishment of the Defense Security Assistance Agency.

As you know, we requested Congress last year to establish a second Deputy Secretary of Defense. This important position is crucial to effective and continuing management of the largest government Department in the world. I hope that the Congress will act favorably and very soon in authorizing the establishment of this important position.

Each of the organization changes we have been able to make is significant. I will discuss them in some detail, although not necessarily in the order listed.

1. New Assistant Secretaries of Defense

Several organizational changes were made last year in the Office of the Secretary of Defense. During the course of the year, I disestablished the Office of the Assistant Secretary of Defense for Administration and divided its responsibilities among other Assistant Secretaries. In its place, a new Office of Assistant Secretary of Defense for Intelligence was established.

This Congress has authorized one additional Assistant Secretary of Defense, making a total of nine. This new authorization has been used to establish the Assistant Secretary of Defense for Telecommunications. I will discuss the responsibilities of each of these new offices in greater detail.

2. Intelligence

Before discussing organizational changes, I want to point out important adjustments made in the intelligence program itself. Our basic posture in intelligence continues to be one of readjustment from the operational problems of Southeast Asia to the longer term intelligence needs of our overall strategy. This adjustment must take place simultaneously at several levels among the several Department of Defense intelligence programs which are tasked to provide support. In addition to meeting its own requirements, the Department of Defense performs the bulk of all U.S. intelligence collection operations in support of national requirements for intelligence. Adjustments in our intelligence resource levels and in the scope and direction of our intelligence efforts must, then, take into account national intelligence needs, Defense intelligence needs for the support of research, development and planning, and the needs of military commanders to maintain intelligence capabilities and assets essential to the conduct of operations.

If there is a single area which deserves particular and increased emphasis in the intelligence arena at this time, it is the provision of support to our research and development community. The growth of technology with potential application to weapons systems is accelerating. The identification, assessment, and reporting of advances in foreign technology and in technological applications to weapons systems to support our own research efforts are of critical importance. We must understand the requirements of our own R&D organizations for this intelligence support and focus our intelligence efforts carefully and purposefully to provide this information.

There is no question that the manpower problem is the greatest challenge to our ability to sustain our intelligence program at their essential levels of effort and effectiveness. Despite our substantive investments in technical sensors, computers, and other applications of technology to intelligence, manpower remains the largest, and the most critical area of investment in DOD intelligence. From a peak figure of 152,000 in 1969, we will have reduced the manpower in major DOD intelligence programs to less than 117,000 by the end of FY 1972. Since we are faced with a situation in which manpower, our most important resource, is being reduced and limited in numbers, we must get the most effectiveness from present manpower levels. Research and development programs for intelligence systems must be focused on the need to reduce manpower levels and to lessen the dependence of the intelligence effort on high levels of personnel manning.

Since people are our most important intelligence resource, we will improve the career development programs for our military and civilian professionals. We have made some progress in this area of career development but further improvement is needed.

a. The Assistant Secretary of Defense for Intelligence: The most important organizational change in this function during the past year was the appointment of an Assistant Secretary of Defense, with responsibility for management of intelligence resources, programs and activities.

This action continues the emphasis on stronger management of intelligence begun two years ago when the then Assistant Secretary of Defense (Administration), was given additional responsibilities for staff management of the major intelligence resource programs of the Department. Based on the recommendation of the Blue Ribbon Defense Panel and on the experience in intelligence resource management under the Assistant Secretary of Defense (Administration), I established the new office of the Assistant Secretary of Defense (Intelligence) on 3 November 1971.

The Assistant Secretary of Defense (Intelligence) supervises Department of Defense intelligence programs through the entire-management cycle, from initial research and development through programming, budgeting, and the final process of follow-up evaluation. In addition, he provides the principal point for management and policy coordination with the Director of Central Intelligence, the CIA, and other intelligence officials and agencies outside the Department of Defense. These arrangements will provide the Assistant Secretary of Defense (Intelligence) with the management tools needed, not only to achieve greater economy, but also to produce a more effective and responsive intelligence effort.

The establishment of the Assistant Secretary of Defense (Intelligence) leaves unchanged the basic responsibilities of DIA and NSA for their respective areas of general intelligence and cryptology. The Assistant Secretary of Defense (Intelligence) will have the OSD staff management overview of both areas, and will coordinate both programs with those of the other Department of Defense intelligence and intelligence-related activities under his purview, including the warning, reconnaissance, and tactical intelligence programs conducted by the Military Departments. The Assistant Secretary of Defense (Intelligence) will also assume responsibility for recommending the requirements and priorities for net threat assessments of foreign weapons systems.

b. Central Security Service: In accordance with the President's desire to consolidate cryptologic activities, we have established a Central Security Service (CSS), under the Director, NSA, who will serve concurrently as the Chief, CSS. The purpose of this new organization is to provide a unified, more economical, and more effective structure for executing cryptologic and related electronic operations previously conducted under the Military Departments. The Military Departments will retain administrative and logistic support responsibilities for the military units involved, but these units will be managed and controlled by the CSS.

c. Defense Investigative Service: In response to the President's directive, we have established a Defense Agency, the Defense Investigative Service, to centralize control of all personnel security investigations and some related matters within the Department of Defense. This is also consistent with the Blue Ribbon Defense Panel recommendations. The Agency is designed to obtain monetary savings, managerial efficiencies and a more prompt response to overall defense needs for personnel security investigations, as well as to provide a more uniform product. At the same time, it will afford another management tool for assuring that investigative activities of the Defense establishment are always conducted with due respect for the rights of all citizens. The new Agency will operate under staff supervision of the ASD(C).

It will receive advice and counsel from the Defense Investigative Review Council, which I created last year so that our top level civilian leadership could establish detailed guidance for investigative activities and assure that these activities are consistent with law and tradition on civil-military relationships.

d. Defense Mapping Agency: Defense mapping, charting, and geodetic operations (MC&G), are being consolidated to the extent practicable, balancing economy against military requirements. For this purpose, we established the Defense Mapping Agency, a separate entity reporting through the Joint Chiefs of Staff to the Secretary of Defense. The functions being consolidated include production, source of data storage and retrieval, distribution facilities, and the Topography School—approximately 75% of total MC&G resources. Data collection and RDT&E will continue as functional responsibilities of the Military Departments, and units providing direct support to field commanders will remain assigned to the Military Departments.

3. Telecommunications

The effective management of Department of Defense telecommunications has been a matter of concern to me, of special interest to the Blue Ribbon Defense Panel, and also to the Congress. We all agree that there was a great need for improved management of this function, coordinating the needs of the entire department and consolidating resource management of the entire program. This is needed to help insure reliable, survivable, secure and cost-effective telecommunications for the DOD and the National Communications System.

In order to place telecommunications in proper perspective, I think you may be interested in the fact that the Department of Defense telecommunications function involves worldwide operation and about $5.6 billion in capital investment and $2.6 billion in annual appropriations.

As a first step in providing effective management for telecommunications, I appointed an Assistant to the Secretary of Defense for Telecommunications, who, under the close guidance of former Deputy Secretary David Packard, initiated action to establish Department-wide communications policy and to coordinate the Department's communications efforts. This enabled us to provide improved interim management and to assess the management requirements for the long term.

This past year for the first time, we developed the consolidated Telecommunications Program, which we considered as a single package in our normal planning and programming cycle. This program enabled us to identify telecommunications manpower, resources, and programs throughout the Department of Defense. In addition, we prepared an assessment of the Department of Defense programs and needs for satellite communications. This provided us, for the first time, with an overview of our capabilities and requirements in this important area. One Department of Defense telecommunications

program newly established is the jointly manned field agency called TRI-TAC. It has the mission of coordinating the tactical communications requirements and insuring the interoperability of equipment applicable to joint use by all components of the Department as well as its timely and economical placement in the field.

The additional position of Assistant Secretary of Defense recently authorized by Congress was used for Telecommunications, replacing the office of Assistant to the Secretary established earlier. I will look to the Assistant Secretary (Telecommunications) to lead and guide the future design and development of DOD telecommunications systems, and to assume the OSD responsibility for the telecommunications management, and resource programming and allocation. The Assistant Secretary of Defense (Telecommunications) will also have key OSD functions in connection with the Worldwide Military Command and Control System.

I believe that the changes we have made in the telecommunications area are an effective response to our concern and the concern of the Congress for improved telecommunications management. I am confident that with this new office we will see continued and effective change and improvement in the management of this function.

4. Defense Nuclear Agency

On 1 July 1971 as another part of our continuing effort to improve defense management and organization, the Defense Atomic Support Agency was reorganized and redesignated the Defense Nuclear Agency (DNA). Our objectives were to insure that DNA activities were realigned to emphasize those functions which are more effectively and economically performed on a centralized basis, to decentralize activities which could be performed better by the military services, to eliminate unnecessary functions and to consolidate support requirements. DNA will continue as a defense agency with the same primary mission but with somewhat reduced functions and personnel. In general, these functions include those requiring unique technical or administrative expertise such as nuclear weapons management, nuclear weapons testing, and nuclear weapons effects research. This action was consistent with the thrust and intent of the recommendation of the Blue Ribbon Defense Panel. We believe this reorganization will result in more efficient overall management of our nuclear program.

5. Unified Command Plan

A major step for improving the command and control of the U.S. combatant forces became effective on 1 January 1972. For the first time since 1963, the Unified Command Plan was revised to reflect changes in our international commitments and policies. This change is in keeping with the Nixon Doctrine and is consistent with our ongoing efforts to revitalize our organizational structure in support of the Strategy of Realistic Deterrence.

The U.S. Strike Command was disestablished and its geographical areas of responsibility assigned to other Commands. In its place a new Command, the U.S. Readiness Command, has been established at MacDill Air Force Base, Florida, with no geographic area of responsibility. It will be manned austerely and its responsibility is to control U.S. based major combatant general purpose forces not assigned to other unified commands. The Readiness Command will have the responsibility to provide a general reserve of combat ready forces to reinforce other U.S. Commands, perform deployment planning, and assist the Joint Chiefs of Staff in developing doctrines and techniques for the joint employment of forces.

The area of responsibility of the U.S. European Command was expanded to include the Red Sea, the Persian Gulf and the Middle East to the eastern border of Iran. This will strengthen the planning capability for defense of the southern flank of NATO and for countering the increased Soviet presence in the Mediterranean and the Middle East. It also insures that all U.S. military planning and operations in Europe will be coordinated and controlled by one commander.

The area of responsibility of the Pacific Command was expanded to include the Indian Ocean to 62 degrees east longitude, those South Asian countries formerly assigned to USCINCMEAFSA, the Aleutian Islands and a portion of the Arctic Ocean. This realigned area of responsibility is more compatible with the forces likely to be deployed for contingencies in these areas.

The area of responsibility for the Atlantic Command was expanded to include the international water areas around the continents of Africa and South America. This arrangement is also more in concert with the existing and likely deployment of U.S. naval forces.

The missions and responsibilities of the Alaskan Command, Strategic Air Command, the Continental Air Defense Command and Southern Command remain essentially the same at this time.

As is true in other areas, we intend to continue to review our worldwide command arrangements in order to insure responsiveness to the President's policies and objectives.

6. Test and Evaluation

The establishment of a Deputy Director for Test and Evaluation within DDR&E with across-the-board responsibilities in OSD for test and evaluation matters is in large part a result of the Blue Ribbon Defense Panel report of mid-1970, which commented extensively on deficiencies with regard to Defense test and evaluation and particularly operational test and evaluation programs. The appointment of the new Deputy Director is a part of our overall program for improvement of systems acquisition management and is improving the timeliness and quality of our testing. His responsibilities include monitoring all DOD testing and advising the Secretary of Defense and the Defense Systems Acquisition Review Council (DSARC) as necessary on test and evaluation matters. His organization is now manned and operating effectively.

The application of these responsibilities, together with other actions we have taken which increase the effect of test and evaluation progress on decisions made on programs following the DSARC process, is having a definite and beneficial impact on a major number of our weapons acquisition programs.

7. Defense Security Assistance Agency

The relationship of security assistance to the Nixon Doctrine, the Strategy of Realistic Deterrence and the Total Force Concept has been further strengthened in the Department of Defense during the past year by two organizational changes.

First, I have established the Defense Security Assistance Council. The purpose of this council is to advise me on matters relating to security assistance and to provide DOD coordination of this assistance. This council is chaired by the Assistant Secretary of Defense (ISA) with members from JCS, the Director of Defense Research and Engineering, the Office of the Assistant Secretary of Defense (I&L), the Office of the Assistant Secretary of Defense (SA), and the Director of the Defense Security Assistance Agency, who will function as the Secretary. The membership is designed to assure that security assistance meets the requirements of those who would receive the assistance and is still consistent with overall DOD plans, programs, and capabilities.

As a second step, I have established a Defense Security Assistance Agency (DSAA). The DSAA is the central organization in the Department of Defense responsible for directing and supervising the execution and administration of approved security assistance programs. In the past, we have found that information on security assistance programs, for a specific country was divided between the OSD staff and the Military Departments. It was difficult and time-consuming to get a complete report on the programs and status of security assistance either by country or area. With the Defense Security Assistance Agency we will now have this capability.

The Director of DSAA is the focal point in the Department of Defense for the administration of approved Security Assistance Programs. He operates in close coordination with the Department of State and under the policy guidance of the ASD (ISA), the Defense Security Assistance Council and, of course, the Secretary of Defense.

Security Assistance is a vital and integral part of the programs of the Department of Defense. The establishment of DSAA assures that Security Assistance will receive the management attention due this critical program.

B. Improvements in military operations

Our experience with military operations over the past three years has demonstrated that one of the areas that most needed improved management and effectiveness was the command and control of our forces. The problems that we identified in this area were in part the result of a lack of overall management of these resources from the point of view of the entire Department of Defense. I believe that this problem has been satisfactorily met by the establishment of an Assistant Secretary of Defense for Telecommunications. Related problems were: the inadequacy of the internal organizational structure designed to pass messages to the operating commands; the fragmentation of responsibility to manage the particularly critical functions that serve the national command authority in time of crisis; and insufficient emphasis on improving our command and control systems.

All of these problems were the subject of an extensive evaluation for former Deputy Secretary of Defense, David Packard, and the Chairman of the Joint Chiefs of Staff, Admiral Moorer. Together, they analyzed the problem, prepared solutions to it, and drafted a new DOD Directive specifically focused on this problem. This Directive has brought about the following changes:

1. Our internal organization for command and control has been streamlined to assure that the instructions of the National Command Authority, the President and the Secretary of Defense, can be rapidly communicated to the operating forces. In the past, these instructions went from the National Command Authority to the JCS, to the operating commands and then to the operating forces. These procedures have been changed so that critical, time sensitive instructions go from the National Command Authority to the Chairman of the JCS who, acting for the JCS, has authority to pass instructions directly to the operating forces.

2. The critical component of the Worldwide Military Command and Control System (WWMCCS) is the National Military Command System (NMCS). This is the system through which the National Command Authorities (NCA) receives information and passes instructions. In the past, responsibility for staff supervision and policy guidance for the NMCS was divided among the JCS, the DDR&E and several of the Assistant Secretaries of Defense. No one person was charged with assuring that the NMCS procedures were adequate or that the systems were compatible. I have designated the Chairman of the JCS to operate the NMCS for the Secretary of Defense. The Chairman has the authority and responsibility to see that the NMCS has the capability and procedures to assure the rapid and reliable

transmission of the instructions from the NCA to the operating forces.

3. We found that our internal procedures for processing the requirements and providing the capabilities necessary for the WWMCCS were unduly cumbersome. This problem has been met by the creation of a WWMCCS Council. This council is chaired by the Deputy Secretary of Defense, and the members are the Chairman of the JCS, the Assistant Secretary of Defense (Intelligence) and the Assistant Secretary of Defense (Telecommunications). It is the function of this council to provide policy guidance for the development and operation of the WWMCCS and to evaluate its overall performance. The council will be specifically concerned with exercises conducted to test the effectiveness of the WWMCCS, the identification of system weaknesses and the development of R&D and procurement programs necessary to improve the capability of the WWMCCS.

This council was formed on 2 December 1971. One of its first actions was a review of the National Emergency Airborne Command Post program's present capabilities, needs and options. The result of its review was my recommendation to the Congress that we take action in FY 1972 to develop and procure an improved capability for this vital link in the command and control of the operational forces. The WWMCCS Council's rapid identification of this problem and its solution gives me confidence that this vital function is now receiving the senior level and responsible direction it needs.

C. Structuring for net assessments

A recognition of the urgent need for an effective net assessment capability is by no means new or original with me. We have long recognized the requirement, but the creation of the capability to accomplish the extremely difficult and complex task of net assessment cannot be completed overnight.

We approached the task on a phased basis. Last year, I advised you that we had established an organization within the Office of the Director, Defense Research and Engineering (DDR&E) to perform net technical assessments. From a modest beginning, this capability has progressed encouragingly. Techniques have been developed to accomplish the technical assessments, and we are now convinced that some of these techniques can be applied beyond the technical scope.

The intelligence community has performed net threat assessments over the years. They have been of varying quality. In the past, the responsibility for making net threat assessments has not been focused. To improve the quality, objectivity and coverage of the net threat assessments, I have assigned the responsibility for their preparation to the Assistant Secretary of Defense (Intelligence), and this function is being organized in his office.

During the past year, we reached the point where it has become possible to tie together the existing elements of net assessments under central coordination and tasking and to expand the scope of the assessments to include all relevant factors. I, therefore, established the position of the Director of Net Assessments in my immediate office. His job will be to integrate the elements of net assessment by tasking the existing functional assessment capabilities as well as the establishment of capabilities within other functional areas as necessary to give us a total net assessment capability.

To assure that this complex task is accomplished effectively, I have reorganized my immediate staff so that there will be a careful and interdependent use of our new strategy planning tools. Obviously, this small staff will continue to utilize as necessary all of the existing civilian and military resources and expertise in the Department.

We are now at a point where we can, based on our past experience, codify and organize formally the processes which we have been using to an ever-increasing degree in handling such complex matters as Vietnamization, the development of our strategy, the problems of maintaining technological superiority, and zero draft. I have been reluctant to establish new organizations. But these processes work. In my judgment, therefore, formal establishment of these two functions was both needed and necessary.

As I mentioned earlier, the Director of Net Assessments will be supported by the office of my Assistant for Long-Range Planning.

We have made encouraging progress toward meeting our requirements for Net Assessment. The endeavor is still in early stages of development. Although the products to date of our net assessments are most useful in the planning and decision-making process, we must recognize that realization of the full potential for Net Assessment lies well out in the future.

D. Improvements in weapon systems acquisition

Weapon Systems Acquisition remains a matter of concern and action in the Department of Defense and one of significant interest to the Congress. It has long suffered from inefficiencies and cost growth. Last year, I reported to you on changes that we have made in the process.

We are now beginning to see some positive results from these policy and procedural changes. The Services have extensively streamlined the management and reporting structure within their systems acquisition functions. Program managers are much more clearly vested with the responsibility and authority necessary to operate effectively and expedite decision making. Our new major program initiations are all characterized by the competitive development, or "fly before buy" concept of management. The Services have also begun a longer range activity of investing in technology for the future through modest prototyping programs. We are just beginning to see the fruits of these labors and expect our future payoffs to be substantial.

Today I would like to outline problems that remain and bring you up to date on our continuing efforts to improve this process.

We all recognize the role that my former Deputy, Dave Packard, played in improving weapons systems acquisition. He brought order out of chaos and provided us with common sense policies for weapon systems acquisition. Just before he left I asked him for his thoughts on what we had learned and what we had accomplished during the past three years. I would like to pass on a few of his thoughts; he identified four factors that seemed to have gotten us in trouble in the past:

The initial decision was wrong, resulting in projects that were too ambitious or unrealistic, and often in project cancellations.

Department of Defense management was not as effective as it should have been.

Cost estimates were unrealistic and accepted even when we could have known better.

Defense industry was in trouble in both its management and finances. To a significant degree, their problems were the product of bad Department of Defense procurement policies.

I believe, and he agrees, that we have taken constructive action in each of these four areas and that we can see marked improvement in all of them. At the same time, there are active programs initiated years ago that still bear the problems that these four factors have generated. Let me list a few examples:

The Mark-48 Torpedo is designed to provide a capability critically needed by the Department of Defense. When we first looked at this program it was in serious trouble both technologically and financially.

It must be recognized that this program was too far along to assume that we will not have problems in the future. We have taken many corrective actions. We did restructure the program. We placed greater emphasis on competitive testing under the most realistic conditions. We then made a procurement decision and selected the contractor we believed had the best proposal and the best comparative capability. At the same time, I want to strongly emphasize that we have not solved all the problems associated with this program. Testing continues and reliability has improved. I hope that when MK 48 will finally meet our needs. I will continue to watch it closely.

The C–5A has come to be the example of all that can go wrong in weapons systems acquisition. It suffered from every one of the four major factors identified by Dave Packard. It is obvious that if we could start over at the beginning of the program, we would do it very much differently—but those decisions were behind us. We will continue to watch the C–5A closely and do all that we can do to obtain this needed lift capability At the same time it is clear that the C–5A cannot, and probably never could, meet all the design objectives specified in the original contract.

The F–14 program is another program that warrants and will receive, our closest attention. It, too, has suffered to some degree from each of the four major factors that have created problems in weapon systems acquisition. The testing of the F–14 airframe and avionics has just begun. This testing is critical since the demonstrated effectiveness of the F–14 will be the primary factor that I will consider in making any further decisions on the F–14 program. I am recommending that the Congress authorize $735 million for the F–14 for FY 1973. I urge your support of this request. This authorization will permit us to retain the contractual commitments that we have negotiated with the Grumman Aircraft Corporation and will provide us the financial authority to exercise an option for the procurement of 48 aircraft in Lot V. While the contractor has indicated that he is unwilling to accept this option, we retain the position that we have a valid and legal contract with Grumman. I want to reassure the Congress that the option on Lot V will be exercised only if I am convinced that the F–14 will provide the capability that the Navy needs and at a realistic cost. The Department of Defense has a significant investment in the F–14 in time and money, but I want to make it very clear that the investment that we will have made is non-recoverable and that my decisions on the F–14 will be based solely upon its demonstrated effectiveness and not upon cost already incurred as a result of earlier decisions.

A final area of major concern is the Navy Shipbuilding Program. I have recommended and strongly support a Shipbuilding and Conversion program of $3.6 billion for FY 1973. I have described in some detail the objectives of our Strategy of Realistic Deterrence, the threat that we face in reaching these objectives, and our great need for improving and modernizing our naval forces. Despite this urgent need, I cannot and will not accept the serious inefficiencies that we have earlier observed in our shipbuilding program. We need a modern and efficient Navy and we need to procure and operate it in an efficient way. I assure you that I will give equal attention to both of these needs.

I have identified those factors which made things go wrong and some of the continuing programs that were affected by these factors. Let me briefly comment on what I think we have done to minimize the effect of these factors.

1. Decision-Making Factors

First, we have a better basis for improving the initial decision to move forward on a contract. In this Administration we have received clear guidance on the President's objectives in national security affairs. Our efforts to accomplish net assessments will enable us to make better decisions on actual requirements and the initial decisions to meet those requirements. We have also made major changes in the internal decision-making process within the Department of Defense. We give new recognition to the views of the Joint Chiefs of Staff and of all of our personnel in uniform. This increased responsibility given to the Secretaries of the Military Departments has resulted in a marked improvement in their management and recommendations. All of these steps have resulted in recommendations to the Secretary of Defense that are both more relevant and more realistic in their demands in terms of both cost and technology.

As part of the weapons systems acquisition process we have placed increased emphasis on the use of hardware to demonstrate capabilities rather than paperwork to describe them. The prototype program presented to the Congress and now underway within the Military Departments is a specific example of this emphasis on hardware rather than paper. I believe that with hardware in hand, we will be vastly better able to make a good initial decision on production than is possible when that decision must be based solely upon contractor and military department estimates.

Secondly, I believe that we have made significant improvements in Department of Defense management and in our weapons system acquisition policies. In my statement last year I discussed some of these policies and the Deputy Secretary of Defense in his testimony to Congress amplified upon my statement. Very briefly in the acquisition process itself, if we are placing increased emphasis on tradeoffs, completing development before production, and better testing before we make a production decision. We have first made a real improvement in the procedure for selecting and training our project managers. The Defense Systems Management School is established and has graduated its first class. The project managers now have increasing responsibility and authority, a more streamlined line of command within their military departments to the decision-makers, longer tour lengths which are tied to major program milestones, and are in a career that is appropriately recognized and rewarded.

The third factor is a basic cause of cost growth that has been most conspicuous in programs in the past. One of the primary reasons for cost growth has been the fact that we have asked for firm bids to produce something that had not been developed. Contractor bids were consistently low and the Department of Defense consistently accepted them without giving adequate consideration to the technical problems, program stretchouts and the cost growth normally associated with that particular type of program. The Department then implicitly put itself in the position of either being willing to see companies suffer major financial losses and possibly go into bankruptcy, or else agreeing to cover the actual costs in one way or another. We have done two things to meet this problem.

First, in looking at programs with very large cost growths, we found that data and techniques were or could have been reasonably available which would have indicated the final actual cost of a system within 10 to 20 percent, compared to the differences between the contractor's bid and the final cost which ranged to more than 200 percent in some cases. We will make more use of these types of estimating techniques in looking at future weapons systems programs so that we can have a better estimate of acquisition cost on which to base our decision.

To this end, I have established an OSD Cost Analysis Improvement Group to review the estimates presented and to develop uniform criteria to be used by all DOD units making parametric cost estimates. This group has representation from the Director, Defense Research and Engineering, and the Assistant Secretaries for Comptroller, Installation and Logistics and Systems Analysis. They will be responsive to the DSARC Chairman in assessing the reasonableness of cost estimates and the criteria followed in their development. At the same time, because valid cost estimates are so critical to a successful defense posture, I expect each Service Secretary to have a staff component capable of preparing independent parametric cost estimates. Our goal is to have formalized procedures for program cost presentations, as well as uniform criteria to which future parametric cost analyses will be expected to conform.

Secondly, we have recognized that development by its nature is dealing with the unknown and wherever appropriate our contracts for development will be on a cost basis rather than of a fixed price type. This will help to minimize the problem of buying in and alleviate many of the problems contractors have faced in the past.

With regard to the fourth factor which has made things go wrong, we have established a better working relationship between industry and the Department of Defense. Industry's weakness in financial structure can inhibit both development capability and productivity, and can contribute to unnecessary costs of weapons acquisition. We must maintain a defense industry that is strong both technologically and financially. Defense profits have been a matter of interest and concern to industry, the Department of Defense, and the Congress. Great attention is normally given to those defense contractors whose profits seem to be excessive. Such industries I have found to be in the minority rather than being representative.

In fact, based on the most recent Renegotiation Board data, pre-tax profits as a percentage of sales have averaged about 2.55%. Based on this data, estimates would indicate that after-tax profits in the Defense industry are less than 1.3% of sales. Based on various studies, including a recent GAO study, it can be safely stated that profits measured either as a percentage of capital (both equity and total capital investment) or of sales, in the Defense industry, are well below profits realized from commercial ventures. It is in the interest of the nation to assure a strong defense industry. I am convinced that only through a strong defense industry can we both obtain the weapons that we need and obtain them at the lowest overall cost to the taxpayer.

We have worked closely with the General Accounting Office this year in taking action to meet legitimate concerns on defense profit levels in two different areas. First, we now permit contractors to collect interest when these claims are honored. It seems a matter of simple equity that in those cases where the government incurs an obligation and the payment is delayed, the contractor should not be expected to finance this obligation during the time it is in dispute. Secondly, we have established a contractual procedure which will recognize the contractor's capital investment in arriving at profits. There has been great interest on the part of the General Accounting Office and the Congress in this recognition of capital. We are proceeding slowly and carefully with this new procedure, so that we can better understand how and when it should be applied.

Two significant changes have also been made with respect to progress payments on contracts. First, a uniform policy has been promulgated on the frequency and timing of progress payments. Second, in the future, progress payments will be made for costs paid by the contractor, rather than for costs incurred as has been the basis in the past. This latter change will provide an increased incentive for the prime contractor to pay material supplies and other subcontractors more promptly. It will also, of course, somewhat increase the requirement for private financing of operating expenses by the contractors.

All of these improvements together will not accomplish the full level of improvements we seek in improving the weapons systems acquisition process. We need to do more and will continue to search for appropriate new techniques to accomplish our aims. For instance, we are not yet convinced that we have established the proper incentives for the elimination of marginal requirements that needlessly increase acquisition—and operating—costs with little performance benefits. We are not convinced we have established sufficient competitive incentives toward economy and simplicity in design and operation. There will probably never be a "final report" on reaching perfection in Weapons Systems Acquisition. However, this Administration intends to continue to provide substantive "progress reports" indicating our efforts in this direction. We are hopeful that the Congress will continue to help us, as they have done in the past, in this difficult task.

MANPOWER OBJECTIVES OF FISCAL YEAR 1973 DEFENSE BUDGET

Mr. THURMOND. Mr. President, it was about a year ago that this body was studying the extension of selective service—the draft. Throughout the many hours devoted to committee hearings and eventual passage of that bill, we heard considerable reference to the all-volunteer force concept, zero draft calls, the need to upgrade the attractiveness of the serviceman's life, and raising military salaries to make them more competitive with industry.

We heard these and many other references pertaining to that one commodity so important to our Nation's survival—people, manpower.

Today it was most gratifying to see this vital subject presented so clearly in the statement of Secretary of Defense Melvin Laird before the Armed Services Committee.

In support of the fiscal year 1973 defense budget and the 5-year defense program Secretary Laird outlined the administration's manpower goals.

In achieving these goals, Secretary Laird stressed the one fundamental objective which guides all of the DOD manpower planning:

> To provide the required personnel to man and operate our military force, thus providing us with essential capabilities for national security.

The Secretary has made an excellent statement. It is important that each Member of the Congress fully understand this important area.

Mr. President, in keeping with this view, I ask unanimous consent that the manpower section of Secretary Laird's presentation be printed in the RECORD.

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

II. DEPARTMENT OF DEFENSE MANPOWER OBJECTIVES

A. Major manpower goals

The major Department of Defense goals in manpower policy remain the same as those I reported to you last year. They are:

Reduction of draft calls to zero by July 1, 1973, and achievement of an all-volunteer force.

Improvement of the quality of life in the military services to continue toward the objectives expressed in the 1969 statement of our Human Goals.

Completion of the transition to peacetime manpower levels with minimum hardship to individuals, while simultaneously maintaining and upgrading the quality of the force.

These goals relate to our manpower policy. There is, however, one fundamental objective which guides all of our manpower planning:

To provide the required personnel to man and operate our military forces, thus providing us with essential capabilities for national security.

This year I would like to discuss with you the broad rationale for our manpower requirements—why, in gross terms, we need the personnel strengths that we are recommending—and some of the trends regarding personnel strengths over the past years—with hopes of giving you a better understanding of our current manpower situation.

B. Manpower requirements

The manpower strengths which we are recommending, together with those for previous years, are shown in the two-part table on the following page. The top part shows a summary without general support personnel allocated, and the second part shows this support allocated to our major mission categories. I will discuss the general support category in more detail in subsequent pages.

As you can see, personnel requirements for strategic forces represents a small portion of our overall manpower requirements, about 10% even with support allocated. These people man the strategic offensive and defensive forces necessary to provide adequate capability to fulfill the requirements of strategic sufficiency. They are highly trained, and in many cases require specialized skills.

ACTIVE MILITARY MANPOWER SUMMARY
WITHOUT GENERAL SUPPORT ALLOCATED

[Manpower end-strengths in thousands]

	Fiscal year—			
	1970	1971	1972	1973
Strategic forces	143	130	130	127
Offense	90	88	88	89
Defense	38	27	26	24
Command and control	15	14	15	14
General purpose forces	1,251	1,082	949	935
Land forces	746	638	513	516
Tactical Air Forces	188	167	166	167
Naval Forces	232	205	206	195
Mobility Forces	85	72	64	57
Other mission	214	204	181	180
Intelligence	93	91	75	68
Communications	59	55	52	50
Research and development	39	37	37	35
Support to other nations	23	21	17	27
General support	1,457	1,298	1,132	1,116
Base and individual support	657	580	513	506
Training	617	550	460	458
Command	154	138	129	121
Logistics	29	30	30	31
Total	3,065	2,713	2,391	2,358

WITH GENERAL SUPPORT ALLOCATED TO MAJOR MISSIONS

	Fiscal year—			
	1970	1971	1972	1973
Strategicf orces	273	249	245	240
Offense	172	168	166	166
Defense	73	53	52	49
Command and control	28	28	27	25
General purpose forces	2,384	2,075	1,803	1,775
Land forces	1,427	1,223	975	980
Tactical air forces	356	319	317	317
Naval forces	440	396	389	370
Mobility forces	161	138	122	108
Other mission	408	391	345	344
Intelligence	178	176	146	133
Communications	114	104	98	95
Research and development	74	71	68	66
Support to other nations	42	40	33	50
Total	3,065	2,713	2,391	2,358

Note: Figures may not add due to rounding.

Much of the support personnel allocated to strategic forces perform essential functions in our deterrent posture, such as manning strategic alert and satellite bases, and operating fleet ballistic missile submarine support facilities.

Our strategic force manpower requirements are dictated by the numbers of forces deployed. As you can see from the table, these have been reduced in the past three years. This reduction is due primarily to the phasing out of both B–52 and air defense aircraft, plus adjustments in headquarters and command and control structure.

Far more defense manpower (about 75% with support allocated) is assigned to missions associated with our general purpose forces. These land, naval, mobility and tactical air forces are maintained not only for defense of the United States but also for the support of other nations to which we are linked by common interests. The structure of these forces and their location around the world reflect two policy judgments which have been in effect for many years. These policies are: that the security of the U.S. and protection of our vital interests require forces for forward deployment and forward defense; and that strategic nuclear forces, by themselves, are not a sufficient deterrent against the entire spectrum of aggression we must be prepared to face.

I noted in an earlier section the planning factors related to providing adequate capabilities to meet our basic military strategy requirements.

Strong and capable general purpose forces in peacetime have significant value in deterring war. Peace would be precarious, indeed, if the President of the United States had no option except the threat of a nuclear attack, when faced with a threat to our security or interests.

In addition, our general purpose forces actually deployed overseas in peacetime take on a significance beyond their purely military function, because they symbolize both to our allies and our enemies the commitment of the U.S. to the area involved.

The basic size of our general purpose forces is significantly influenced by our commitment to NATO. The percentage of U.S. forces necessary to fulfill our deterrent requirements for NATO reflects both an indication of our intentions toward Europe and a military capability of high credibility.

In simple terms our mission in Europe is, together with the forces of our allies, to deter, and to defend if conflict occurs. The political and military adequacy of our commitment is measured by both our NATO allies and potential opponents. We believe that the general purpose force structure we are recommending will provide this adequacy.

The size and composition of our general purpose forces also reflects a requirement to provide substantial forces oriented toward our role as a Pacific power, and an effective mobile capability to deploy these forces in support of our interests. Here to our forward deployed forces serve an essential role—a role increasingly oriented towards helping Asian friends and allies by complementing or supplementing their own efforts.

Let me now turn to a brief discussion of combatant support. The generally used ratio of combat to support personnel, usually derived from aggregate figures, has been erroneously interpreted as a sign that the military, particularly the Army, is losing its teeth and getting a big tail. In combat units, "teeth" can be partially measured by firepower. A comparison of today's Infantry Brigade with its Korean War regimental counterpart using one measure of fire power potential shows that the brigade would use about 40% less manpower than the regiment to develop an equivalent amount of firepower potential. Using the same type of firepower measure as in the infantry example, the Division Artillery with a comparable number of men and weapons has increased its fire-power potential 600% over the past 20 years.

Even with the decrease in the combat to support ratio during the past two decades, the combat capability of our forces has improved markedly. And since weapons are now considerably more potent, it takes, in general, additional people to keep them in service. Sophisticated, accurate and powerful weaponry requires proportionately more support personnel—not necessarily to operate, but to maintain equipment and train the users.

One effect of the changed ratio between combat and support troops is fewer casualties and less deaths resulting from casualties, as the table below shows:

ARMY CASUALTY RATES

	World War II	Korea	Vietnam
Battle casualties[1]	30.6	22.7	19.8
Battle deaths[1]	9.2	6.4	3.6

[1] Rates expressed as cases per 1,000 average Army strength per year.

Let me now turn to a brief discussion of general support, and its components of base and individual support, training, command and logistics.

Currently there are 493 major bases in the United States and 302 overseas. The Department of Defense maintains a base structure to provide facilities for:

Operating forces in wartime (i.e., air bases, ports, etc.);

Keeping forces in peacetime (i.e., training areas, ranges, hangars, troop housing, etc.);

Supporting forces (arsenals, depots, shipyards, training centers, schools, etc.);

Providing services to personnel and dependents (family housing, commissaries, theaters, etc.)

We have undertaken a susbtantial number of activity reduction, realignment, and closure actions worldwide since January 1969. Excluding Southeast Asia, these actions eliminated more than 191,400 military and 137,000 civilian positions, and will reduce annual defense expenditures for the base structure more than $2.9 billion when completed. Most of the actions will be completed by the end of FY 1972, but a few will take longer.

To partially offset these reductions, we have increased certain elements of individual

support since 1969, including actions taken to implement the all-volunteer force. For example, recruiting manpower has risen by 8,000 spaces, to the level of the 21,000 requested for FY 1973.

There are many different types of training, including the major basic categories of recruit, specialized, flight crew and unit, professional, and officer acquisition.

A substantial training base reduction occurred in FY 1972. Our plans in this area for FY 1973 provide for very few changes from last year. We cannot further reduce in this area until we are closer to an end to the draft and have been able to offset two-year inductions with volunteers having longer terms of service.

Command support provides manpower for headquarters and administrative staffs at and above the level of numbered Army, Air Force Air Division, Navy Ship Division, Navy Air Wing, and Fleet Marine Force.

In the past two years, we have reduced Command support by 12%. Eight thousand fewer spaces are proposed in the category in FY 1973 than in FY 1972.

Logistics support for supply and maintenance while essential, does not require large numbers of military personnel, since modern inventory management practices call for much automation, and much of our civilian manpower contributes to this task. In FY 1973 only about 31,000 military men will conduct central supply and maintenance operations for DOD.

In summary, the military manpower requirements we are requesting provide for average active duty strength of 2,396,517 in FY 1973. The requirements and justification will be covered in more detail in other hearings. The almost 2.4 million military personnel we are requesting are:

1,068,000 less than we had in 1969 at the peak of Vietnam buildup;

296,000 less than we had in 1964 before the Vietnam buildup; and

1,028,000 less than we had in 1954 after the Korean War was over.

The last time we had an average active duty strength lower than this was before the Korean War, some 22 years ago.

In FY 1973, we are proposing minor adjustments in the manpower strength of our general purpose forces. As I reported to you last year, we have reached what we consider to be a "base line" force, appropriate to fulfill essential security requirements as we continue to shape the Nixon Doctrine peacetime deterrent force structure.

C. Where we stand

We have already made notable progress toward achievement of our basic manpower goals in a number of areas. This progress is measured by diminishing draft calls, increased incentives for voluntary military service, improvement in the life of the American serviceman, and large reductions in military and civilian manpower which have been cushioned by special efforts to alleviate personal hardship.

Since the beginning of the reductions in the size of the military and civilian force we have been plagued with the problems inherent in such a situation—a constantly changing force structure, the involuntary release of personnel, and turbulence in job assignments—all of which are obstacles to the maintenance of efficiency and combat readiness. Barring externally-directed changes in our planned manpower levels, fiscal year 1973 can be expected to be a year of leveling off a period when these disruptive tendencies will become less pronounced. While some further reductions in both military and civilian personnel will occur, the rate of reduction will progressively slow down as we move toward our programmed base line force.

It would be a mistake to assume that all problems are behind us. No one can guarantee that the new incentives for an all-volunteer force will suffice to satisfy the need for manpower, without resort to the draft. Some obstacles, such as the possibility of difficulties in the completion of Vietnamization or the emergence of major unforeseen threats to our vital interests, are not fully within our power to control. In short, the manpower reality which is discussed earlier in this report will remain with us.

Despite these problems, present and potential, I am confident that, with the support of the Congress and the American public, our goals are attainable and that we will move further toward their full realization in the coming year.

D. The zero draft and the all-volunteer force

The immediate major manpower challenge is to reduce draft calls to zero and to create a force composed entirely of volunteers. President Nixon first presented this goal to the Congress in his message of April 23, 1970. In accordance with the President's desire that this goal be achieved as soon as it can be done without endangering our national security, I set July 1, 1973 as the target date for ending reliance on the draft. Meeting this target date will be no easy task, but the decline in draft calls from the Vietnam peak of 365,000 men in calendar year 1966 to the calendar year 1971 call of 98,000, the lowest since 1962, is an encouraging indicator. The following table shows draft calls for the last four years.

Calendar year	*Draft calls*
1968	299,000
1969	289,900
1970	163,500
1971	98,000

In CY 1972, which begins with no draft calls during the first three months, the figure will be substantially lower than in CY 1971. This prospect, when coupled with some recent improvement in enlistments and retention rates, could foster the belief that the all-volunteer force objective is within easy reach in the future. Such an optimistic judgment would be premature.

It is true that there were several signs of progress toward an All-Volunteer Force in the past year—among them, these facts:

Seven of 10 enlistees were true volunteers, compared with a ratio of six of 10 a year ago, and five of 10 two years ago.

In the last six months of CY 1971, 25,000 more true volunteers enlisted than in the same period of 1970.

The mental skills of enlistees (sometimes called the quality mix), measured by the results of Armed Forces Qualification tests, were better in 1971 than in 1970. Also 12% more high school graduates enlisted than in 1970.

Combat arms enlistments in the Army increased from a monthly average of 250 in the last half of 1970 to approximately 3,000 in the last half of 1971—an increase of 1,200%.

In January 1972, almost 10,000 soldiers separating from active duty enlisted in Army Guard and Reserve units. This enlistment program for prior service personnel was tried in 1971 at two Army posts and expanded to twenty posts this year.

Encouraging as these facts are, these higher enlistment rates still fall short of those required for termination of the draft.

Low draft calls in the current fiscal year result largely from decreased Army manpower strength during FY 1972. With end-year strength goals substantially below beginning-year strength, the requirement for Army accessions has been greatly reduced and draft calls have consequently declined. About 140,000 soldiers must be released early during the period January–June 1972 to permit the Army to remain within the strength authorized by the Congress. For these reasons and others, we have not yet had a valid test of our ability to achieve and sustain zero draft calls. When a relatively stable manpower environment exists, it will then be much easier to judge the adequacy of pay raises and other actions designed to achieve an all-volunteer force.

We currently anticipate that there will be manpower supply problems in the following areas:

Combat arms enlistees, for whom the authorized and funded combat arms enlistment bonus will be used as needed.

Officers with professional qualifications, such as physicians and lawyers, and enlisted members with special skills.

Guardsmen and Reservists, whose past enlistments have been largely draft motivated and whose end-CY 1971 total strength was almost 45,000 below the FY 1972 mandated average strength. While greatly expanded recruiting efforts are being made, it is possible that such incentives as bonuses may be needed to stimulate enlistment and re-enlistment in the Guard and Reserves.

1. Enlisted Accessions

The Services will require 630,000 new enlisted accessions in FY 1973, 515,000 for the active forces and 115,000 for the Reserves. This requirement represents about one-half of the males qualified for military service who will reach age 19 during the year. Two countervailing factors will influence voluntary accessions. First, diminishing draft calls and the prospect of the end of the draft will tend to lower the enlistment of men who volunteer in preference to being drafted. On the other hand, the recently enacted pay increases and Project Volunteer incentives can be expected to raise the number of true volunteers. We cannot predict with any accuracy how these two factors will interact, but can probably expect peaks and valleys in our accessions.

During the past year, major emphasis has been given to strengthening our recruiting capability. Both the number of recruiters and recruiting stations have been increased. Recruiting offices have been refurbished and recruiting advertising has been increased. Special duty assignment pay of $50 per month has been authorized for recruiters. The training of recruiting personnel has been improved. The Congress provided additional assistance when it authorized payment of necessary out-of-pocket expenses which recruiters incur while doing their job.

2. Officer Accessions

Another area of interest associated with transition to an all-volunteer force is the status of officer accessions. Although the ROTC program which is the largest single source of newly-commissioned officers, experienced a drop in enrollment for the fifth straight year, there is a growing optimism over the program. Modest increases in enrollments are expected next year. Enrollment in the Platoon Leaders Class (PLC), the most important source of officer procurement for the Marine Corps, has been below the level needed to meet projected requirements. Recent beginning enrollment experience in both programs is shown in this table:

	ROTC enrollments	PLC enrollments
Academic year:		
1968–69	218,466	2,921
1969–70	161,507	2,255
1970–71	114,950	2,325
1971–72	87,807	2,427

The two primary causes of these shortfalls have been a continuing trend from compulsory to elective ROTC, and lessening pressure from the draft.

Two developments should help to overcome this problem, although they may not provide a final solution. First, recent legislation increased the number of ROTC scholarships, raised the subsistence payments to ROTC students, and authorized subsistence payments to PLC cadets. This legislation should make these programs more attractive to the college student. Second, officer requirements have decreased, particularly in the Army, which has experienced the greatest drop in enrollment. As a result, the Army will be able to assign about 7,000 of its newly commissioned ROTC graduates to fill officer requirements in the Reserves in FY 1973.

A final aspect of officer procurement in a zero-draft environment is the problem of meeting the Services' requirements for lawyers and physicians.

Despite our best efforts, the Department of Defense has been unable to attract and retain the number of well-qualified career military lawyers needed to meet minimum requirements. The Department of Defense has sponsored legislation designed to provide financial incentives needed to attract and retain quality military lawyers. This legislation was enacted by the House of Representatives in July 1971, and is currently pending action in the Senate.

During CY 1971 the Selective Service System was requested to call 1,608 physicians under the doctor draft for entry on active duty during the first seven months of FY 1972. Primarily because of the doctor draft call, CY 1971 Berry Plan participation improved over that of CY 1970. It is anticipated however, that the CY 1972 Berry Plan participation will again decline significantly because of the approaching expiration date of the current draft law and overall reductions in the total strength of the active forces.

To meet the critical need of the military services for medical personnel, I again recommend increasing support of medical school students through medical scholarships. Under this proposal, the Department of Defense would, in effect, exchange subsidy of the individual's education in medical school for a specified period of military service. The House passed our medical scholarship proposal on November 3, 1971, and it is now pending in the Senate. While we hope to retain many physicians and dentists for continued military service beyond their initial obligations, many of these personnel will not remain in military service indefinitely. However, those who do not choose a military career will, after their period of obligated service, help to reduce the nationwide shortage of medical personnel.

Before leaving the subject of the zero draft and the all-volunteer force, I must again bring to your attention the incontrovertible fact that pay and improved management of people alone will not achieve this goal. The support of the public, particularly as reflected in the attitude of the American people toward their Armed Services, is vital to the success of the program. We cannot expect to recruit or maintain a high-quality volunteer force with good morale and discipline if a significant segment of our citizenry looks on the Armed Services with scorn. I ask the members of the Congress to join us in taking the lead in manifesting respect and support for the Armed Services—an essential step toward the all-volunteer force.

E. Manning and training the reserve forces under the total force concept

One of the major challenges in moving to an all-volunteer force and implementing the Total Force Concept is maintaining the strength of the Reserves and Guard. It is especially critical that the strength of these forces be maintained because, under the President's policy, the Reserve and Guard will be the initial and primary sources for augmentation of the active forces in any future emergency.

Our experience during the past year, with the three-month draft interruption in the summer and low draft calls during the final months of 1971, indicates that it will be difficult to meet Guard and Reserve strength requirements as draft calls decline toward zero. The long and long-standing waiting lists of draft vulnerable applicants for Guard and Reserve membership have disappeared in most Reserve Component units, and actual strengths have dropped below statutory minimums.

The solution which we propose for these manning problems is to couple a vigorous and aggressive recruiting effort with a program of visible incentives which will make Guard/Reserve service an attractive avocation. We are not underestimating the incentive value of genuine missions and good equipment, and, indeed, we have evidence that these are effective motivators in some cases. One Army National Guard unit in Kentucky, for example, which had suffered significant losses of its experienced noncommissioned officers found these same people returning, and skilled prior service personnel applying, for membership after the unit received its complement of M–60 tanks and obtained a site where these new tanks could be used to develop combat readiness.

We are also confident that the incentives already enacted as part of the Military Selective Service Act (P.L. 92–129) will provide a measure of motivation for non-prior service people to enlist in the Guard and Reserve. Raising from $19 to $43 a month the supplemental income that a man receives upon his return from initial active duty training is a good selling point for our recruiters, particularly among low-income groups. This should be of special assistance in recruiting among minorities where we need to increase representation in the Guard and Reserve program.

Another provision of this same act permits, for the first time, payment of quarters allowance to young Guardsmen and Reservists with dependents during their initial four to six months active duty training. While this assistance does not compensate for the loss of civilian income or interruption of education involved, it does make it more nearly possible for the young married man to make ends meet during this critical post-enlistment period.

We are also pursuing new initiatives in the recruiting of prior service personnel. The Army has tested and is now implementing fully a program which allows early release from active duty for persons joining units of the Guard and Reserve. The test program was highly successful. As of October 29, 1971, some 31 percent of the separating servicemen interviewed had committed themselves to service with Selected Reserve units and, among these, some 46 percent of the black personnel made Reserve commitments. We have asked the Navy and Air Force to examine the advantages of a similar approach as an aid to meeting Guard and Reserve strength requirements.

Another approach we are stressing is the direct procurement of non-commissioned and petty officers in the Guard and Reserve. This administrative procedure permits the enlistment of individuals, whose civilian acquired skills are compatible with military skill requirements, at a pay grade higher than would normally be allowed.

Although recruiting efforts have been intensified and some favorable results have been obtained by using incentives now available, the results have not been sufficient to meet requirements. We are proceeding with the development of additional incentives which can be used as tools for recruiting and retention.

Moreover, we have included in the FY 1973 Budget funds to strengthen both local and national recruiting efforts by providing recruiting materials, offsetting the out-of-pocket expense of the people involved, and providing training which will enhance the ability of key people to perform their recruiting task.

Many of the incentive proposals we have selected as promising the greatest help for Guard and Reserve manning have been introduced in one form or another by members of the Congress. For the items which require legislative action we are in the process of getting our legislative proposals, as well as reports on legislation which has been submitted to us for comment, to the appropriate committees of the Congress. As one example, we have supported a bill to provide equity for Guardsmen and Reservists in the area of medical, dental and death benefits.

Among the other significant incentives being considered are:

A proposal to establish a variable enlistment and selective re-enlistment bonus, which would assist the Services not only to acquire the total numbers of people needed, but also to meet critical shortages in particular skills or geographic areas. These bonuses should encourage long-term enlistments and re-enlistments, and thereby improve readiness levels and enhance the stability of the Guard/Reserve portion of the Total Force.

A proposal to extend Serviceman's Group Life Insurance (SGLI) coverage to Guardsmen and Reservists on a full-time basis, and those who have completed the required service but not attained the minimum age for retirement, so that their families will have a measure of protection in case they die before drawing retirement pay.

A proposal to allow Guardsmen and Reservists with 25 years of creditable service to retire at age 55 rather than at age 60 (this is comparable to retirement at age 60 with 20 years creditable service, which is now permitted).

A proposal to allow persons who have completed all requirements for retired pay, except reaching the minimum age, to elect at age 50 either a lump sum payment in lieu of further claims or a reduced annuity on an actuarially sound basis.

Our intent is to design a program which can be implemented on a phased basis, so that we can evaluate each incentive or other action before adding the next in order to determine relative effectiveness of each item as an aid to recruiting and retention. The pay raise is now in effect. Recruiting effort is being intensified within existing funds. As soon as sufficient experience has been gained with these ongoing programs, we shall be in a position to determine the required scope of follow-on programs such as the variable re-enlistment bonus. Evaluation of such a next step would provide a basis for proposing an enlistment bonus if this were needed as a supplemental incentive. Other portions of the program would be designed to be applied at appropriate times as implementation of the program proceeds.

We are concerned with the early indications of shortfalls in strength of the Selected Reserves of the Guard and Reserve Components (45,000 below statutory strength minimums at the end of Calendar Year 1971, as shown on the following table).

GUARD/RESERVE STRENGTH TRENDS FISCAL YEAR 1972

	ARNG	USAR	USNR	USMCR	ANG	USAFR
Mandated strength	400,000	260,000	129,000	45,849	88,191	49,634
June	402,175	263,299	130,041	47,006	85,689	50,788
July	389,324	264,332	127,558	46,614	85,750	49,453
August	394,790	261,215	125,372	45,852	85,594	48,587
September	391,178	258,694	122,696	44,880	85,705	48,224
October	387,795	254,934	120,685	43,536	86,277	47,568
November	383,711	251,872	119,645	42,401	87,052	47,354
December	380,742	[1] 249,351	120,976	42,364	87,215	[1] 47,196
Shortfall [2]	−19,258	−10,649	−8,024	−3,485	−976	−2,438
Percent shortfall	−4.8	−4.09	−6.22	−7.6	−1.1	−4.9

[1] Tentative data.

[2] Total DOD shortfall −44,722.

If this trend is not halted by higher pay and accelerated recruiting, then it will become necessary either to request authority for bonuses to stimulate Guard and Reserve enlistments or, as a last resort, to develop legislation which will allow us to draft people into the Selected Reserves.

We are hopeful that the impact of the November and January pay increases, coupled with intensive recruiting and retention efforts in all the Reserve Components, will produce a reversal of the current strength trend. However, if the shortfalls continue, we must initiate action in the April-June period of this year to present legislation to the Congress for authorization to use bonuses. At the same time, we would have to initiate the necessary reprogramming and supplemental funding for FY 1973 to accommodate such a bonus.

The possible use of a draft for the Selected Reserve of the Guard and Reserve may, as noted, become a necessity, but it is not considered such today. I believe that, if the incentives we are developing go forward and are implemented, we can attract adequate men and women volunteers for the National Guard and Reserve. I do not want to press for a draft authorization unless that becomes absolutely essential, and I do not think that it is at this point.

Solving the manning problem is an essential element of our efforts to improve reserve readiness. Equally important, however, are improvements in the training we provide to Reserve and Guard units.

Some units, particularly in the Army National Guard and Army Reserve, are experiencing difficulty in obtaining accessible sites for weekend readiness training. But our mobilization capability is being enhanced by increased participation in realistic mission training and closer association with active force units.

Army National Guard and Army Reserve

During the past year, the Army has initiated a program to provide Reserve Component units access to modern equipment, current doctrine and training facilities through association with Active Army units. The Reserve Component unit will still need its full complement of combat serviceable equipment, but the Reserve/Active association will permit personnel to become familiar with newer and more up-to-date types of equipment that are not yet available to the Reserve Component unit.

The Active Army also benefits by receiving maintenance support and services from Reserve Component units which would not otherwise be available. An example of this advantage is provided by three National Guard Transportation Aircraft Repair Shops (TARS) which perform maintenance on Army aircraft on a full-time basis, using technicians and other National Guard personnel. These shops repair and rebuild aircraft for both the Active Army and the Reserve Components, but receive their workload through Active Army channels. A high proportion of aircraft returning from overseas is rebuilt at these facilities.

Another interesting approach is to integrate the Reserve Component unit with the Active unit. The practical application of this concept was implemented last year when three Army Guard tank and two Army Guard mechanized battalions were associated closely during their annual training with the 1st and 2nd Armored Divisions at Fort Hood, Texas. The experiment appears to have worked satisfactorily.

This past summer the arrangement not only was repeated, but it was also expanded by having the 72nd Mechanized Infantry Brigade (Texas) train concurrently with the experimental 1st Cavalry (TRI-CAP).

In addition to these efforts, we are also pursuing more limited forms of association. Units which have achieved company level readiness in Army training tests may participate in Active Army exercises in order to measure their capabilities against those of active units. Moreover, the Continental Army Command has implemented a program in which company-size Reserve Component units conduct training with Army units at nearby active installations. The Army Materiel Command is pursuing a similar program for Reserve Component combat service support units.

We are looking at other approaches to Reserve training. In May of last year, we directed that a comprehensive review of Reserve Component missions, programs, and manpower levels be made. A joint Service study group completed the review on July 15, 1971. For the Army, thirty-three concepts were identified which showed promise as means of improving Army Reserve Component readiness and Total Force capability. The Army is in the process of developing the program, schedule, and related cost data for the concepts to be tested and evaluated.

Naval Reserve and Marine Corps Reserve

During the year, the Naval Reserve attack air squadrons completed their reorganization into two combat-oriented Reserve Air Wings. This past summer these units deployed as full wings aboard Active Navy aircraft carriers, logging more than 1,700 jet landings without accident and attaining, for the first time, measurable levels of combat readiness attested by operational readiness inspections.

Naval Air Reserve anti-submarine warfare units also were reorganized into two ASW groups and 12 fleet-sized patrol squadrons. The ASW carrier groups, like the attack wings, conducted extensive operations during the summer, logging more than 2,000 carrier landings and receiving a fleet evaluation of "Excellent."

Members of the patrol squadrons received both training and operational experience as a result of participation in Active Navy operations. One squadron deployed to Okinawa for two weeks in support of Western Pacific commitments. Others rotated crews to Rota, Spain, throughout the summer to furnish support for 6th Fleet surveillance efforts while accomplishing their two-week active duty for training.

Also working with naval forces in the Mediterranean was the Naval Reserve destroyer USS Gearing (DD710), manned on a rotating basis by Reserve crews airlifted from the United States for two-week tours to augment its full-time nucleus crew.

As a result of testing of new mission concepts for the Naval Reserve, the Navy activated the first Naval Reserve Coastal/Riverine unit at Little Creek, Virginia.

The Marine Corps continued to integrate the 4th Marine Division and 4th Marine Aircraft Wing into Active Marine Corps training exercises to maintain the force at mobilization readiness training standards. The routine exercising of USMCR units of battalion, regimental and larger size in close coordination with Active Marine Corps units assures the availability of forces which can be deployed in accord with mobilization plans.

Air National Guard and Air Forces Reserve

Tactical fighter, reconnaissance and airlift units of the ANG participated in seven joint exercises with active units of the Armed Forces. Two of these exercises were in Europe, two in Alaska, one in Panama, and the remainder within the contiguous United States. Air Force Reserve tactical airlift and special operations units also took part in numerous exercises supporting Army and Air Force requirements.

The ANG continued its active role as a part of the integrated air defense system, providing some 57% of the total interceptor units within Aerospace Defense Command and intercept force in Hawaii. Where the ANG units are located on the same base with Air Force air defense units, as are those at Bangor, Maine and Spokane, Washington, operations are integrated to insure maximum capability for both USAF and ANG units.

ANG units assigned military airlift missions continued to supplement MAC capability as a by-product of training. The Air Force Reserve has formed its 13th and last C–141 associate unit. Further plans for expansion of this productive and economical program call for four C–5 associate units in Fiscal Year 1974.

In addition to participation in Active Forces exercises and continuing operations, the ANG and USAFR provide aircrew training for themselves and the Active Air Force. The USAFR Combat Crew Training Center at Ellington AFB, Texas, trains C–130 crews, and ANG units at Tucson, Arizona and McConnell AFB, Kansas, provide combat crew training for F–100 and F–105 Air Reserve Force aircrews. In addition, the ANG unit at Ellington AFB provides advanced interceptor training in F–101s and F–102s.

These training initiatives not only produce measurable improvements in readiness, but also enable all elements of the active and reserve forces to test and apply new concepts of training and organization which promise greater progress and more productivity in development of Total Force capability.

Closely related to the training problem is the need to improve the means of supporting and maintaining the modern equipment that the Reserve Components are receiving. Increases in the number and complexity of major equipment items create a critical requirement for full time personnel to make the equipment a readiness asset rather than a storage liability. Congressional action to increase the ceilings on National Guard technicians has alleviated a major problem in this regard. We are also taking steps to insure that the other Reserve Components have sufficient technicians to provide the essential full-time backbone of the mobilization force.

Another requirement related to equipment is the availability of adequate facilities. Not only must we provide secure areas for the storage and maintenance of equipment but we must also help our units to locate sites where this equipment can be put into action in live training through-out the year. We are carefully reviewing all previously approved and proposed construction pro-

grams to assure that available funds are being applied to properties used for Guard and Reserve training and to insure the continued availability of such properties.

Reserve Forces Policy Board

The Reserve Forces Policy Board has prepared a Report to the Congress, as required by Title 10, Section 133.1c of the United States Code. This report has been provided separately to the Committee for inclusion in the Record at whatever point the Committee desires. As I expressed to the Chairman of this Committee in my letter of November 13, 1971, my written report covering the expenditures, work and accomplishment of the Department of Defense, together with the personal reports by me and the senior officers of the Department of Defense are deemed to satisfy requirements established for the Secretary of Defense and the Secretaries of the Military Departments by that same section of the code.

Summary

The progress made in 1971 and planned for 1972 and 1973 by no means brings us to full attainment of the Total Force objective as far as the National Guard and Reserve are concerned. The units of the Selected Reserve will require continuing priority attention in order to improve their readiness and reduce post-mobilization deployment times as they take on additional responsibilities.

A number of studies and analyses have been conducted during the past year. All of them will be used, along with our continuing analysis of readiness and capability, as a basis for determining the future force mix between the Active Services and the Reserve Components and for insuring the availability of the support required for the Guard and Reserve to perform their assigned portion of the total national security mission.

F. Improvement of military life and achieving human goals

To maintain the effectiveness of a force reduced in numbers, life as a member of the Department of Defense team must be made as attractive as possible without sacrificing good order and discipline. Many policies and programs to achieve this goal are also logical steps toward an all-volunteer force. Most of them, however, are simply matters of fairness and equity toward the men and women, both military and civilian, who serve the nation faithfully.

We must continue to view some of our self-perpetuating practices with critical eyes. For example, Kitchen Police (KP) duty and janitorial duties contribute little to the individual's military skills: the time spent on these tasks could better be devoted to training and other primary duties. The Services have started contracting these services to civilian organizations to release military personnel for military duties. We intend to continue efforts in this area to obtain better utilization of personnel in their military skills and to improve morale.

I continue to believe that adequate housing for both married and single personnel is a morale factor of prime importance, and this conviction is reflected in this Administration's budget submissions. While the FY 1969 budget contained a request for the construction of only 2,000 new units of family housing, the numbers requested have increased significantly to 9,684 in FY 1972 and 12,181 in FY 1973.

Good progress is also being made in developing housing for lower income military families under the provisions of the National Housing Act. In cooperation with HUD, community housing subsidized by FHA is being made available to these families on a preferential basis. The FY 1971 program provided 4,300 units in 14 locations, and 5,050 additional units in 38 locations are included in the FY 1972 program. Further housing gains from this source are expected during FY 1973.

We are also moving toward the goal of offering adequate quarters to all of the single military personnel who live in barracks and bachelor officer quarters. From FY 1969 through FY 1972, over 100,000 new and replacement barracks spaces and more than 9,000 bachelor officer quarters spaces will have been provided. The FY 1973 program calls for construction of about 34,600 barracks spaces and approximately 900 bachelor officer quarters spaces. In December, we concluded an agreement with the Federal Republic of Germany under which the barracks our soldiers occupy in Germany will be extensively renovated. We are improving existing barracks with emphasis on semi-privacy and enough furnishings to provide decent accommodations and meet ordinary, but not fancy, living standards.

We are continuing to improve the opportunities for service personnel to develop intellectually and gain civilian qualifications or marketable skills.

We have emphasized strengthening and broadening of existing Service programs to bring a full range of educational opportunities to the serviceman at his job site wherever it may be. We have placed special emphasis on high school completion and career or vocational opportunities. Two recent acts of Congress have been highly beneficial. Public Law 91-219, the Predischarge Education Program, provides additional benefits for servicemen who desire to complete high school or to take special courses to continue their education or training. Public Law 91-584 makes Veteran's Educational benefits available to servicemen after six months, rather than two years, of active duty. An Administration bill introduced in the last session of Congress would allow further expansion of in-Service education by providing higher education benefits.

Support for the DOD Overseas Dependents Schools is especially important to the morale of military families. The Department of Defense is continuing its efforts to provide quality educational programs for approximately 155,000 students enrolled in these schools and other 18,000 enrolled in tuition-free schools. The funding level planned for Fiscal Year 1973 will permit dependents schools to operate at an average pupil-teacher ratio of about 25:1 for kindergarten and elementary schools and 22:1 for secondary schools. These ratios are comparable to those of school systems of similar size in the United States. The North Central Association of Colleges and Secondary Schools (NCA) has indicated that, in general, the quality of education, the level of teaching and the general support of these schools compare favorably with the best schools in the United States.

Last year the Department took action to increase the scope of legal services available to military personnel and their dependents who are unable to pay civilian legal fees. Under a limited pilot test program, military attorneys in cooperation with state and local bar associations and judiciary have provided free professional legal services, including representation in civilian courts, to eligible personnel. Although the test program will not be completed and evaluated until mid-1972, the reaction to the program by both the civilian and military communities has been most encouraging. The final evaluation of the program and the determination whether it can be applied service-wide will in large measure depend upon the availability of sufficient military lawyers and funds. If the program proves to be feasible, it will be another step in the improvement of military life.

Several major programs in support of one of the Department's Human Goals which have been reaching larger numbers of people in and outside the Defense Department each year will continue in fiscal year 1973. Project Transition, furnishing predischarge counseling, educational services, vocational training and job assistance to service personnel, is one. Since 1969 approximately one million personnel have received vocational counseling, and 175,000 have received vocational training under this program.

During fiscal years 1972 and 1973, in compliance with the President's six-point program for veterans announced in June 1971, we are extending Transition services to include Southeast Asia, the Far East and Europe and expanding services in the United States. Other new programs include vocational counseling and training in the drug control program and special skill training for 12,000 servicemen whose experience has been limited to combat-type jobs.

A similar endeavor is the Referral Program, established in August 1970, to assist career personnel who are retiring in locating potential jobs.

The Department has continued to encourage the involvement of local installation commanders with their surrounding communities. The degree of success can be told in these figures describing the numbers of young people who were provided recreational, educational and training activities on military bases throughout the United States.

1969	250,000
1970	775,000
1971	2,700,000

The Department of Defense has taken a leading role among Federal agencies in the employment of the disadvantaged. For example, the Department has exceeded its quota for summer youth employment in each of the past three years, and has also operated special programs for the employment of Indian youths and Neighborhood Youth Corps enrollees.

G. Special problems—Race relations and drug abuse

Two special problem areas were mentioned in my report last year—race relations and drug abuse. In both, progress has been made.

1. Race Relations and Equal Opportunity

As we continue to translate the principle of equal opportunity established by the Department's Human Goals Statement into programs designed to increase the quality of military life, we have relied heavily upon methodologies designed to improve communications while yielding visible, measurable progress.

During the past year, the Military Departments and Defense Agencies initiated important new policies, including the setting of the numerical goals and timetables for minority employment. To invigorate managerial interest and compliance with the Equal Opportunity Program, each military and civilian manager's performance rating now includes an assessment of his effectiveness in this crucial area. We have also undertaken a detailed review of our Equal Opportunity grievance system.

The tangible results of these and earlier policies can be judged by advancements made by minority group members within the Department of Defense. These advancements are especially noteworthy because they occurred during a period when the total manpower strength was declining.

On the civilian side, since November 30, 1969, the numbers of minority group members in senior management positions (GS-13-15) has risen as follows: Blacks by 9.2 percent, from 977 to 1,067; Spanish-surnamed personnel by 15.6 percent, from 262 to 303; and Orientals by 6.2 percent, from 451 to 479. In the military services, the number of individuals of minority groups holding the top enlisted grades has shown a steady increase. Programs have been developed to increase the number in hard-skill job fields. In the officer corps of the Services, six of the officers selected for general or flag rank were from minority groups, and we continue to increase the input of junior officers from minority groups through intensified recruiting. Seven predominantly black

colleges have been added to the Reserve Officer Training Corps program, bringing the number of such schools participating in the program to 26. At the Service Academies, current minority enrollment total is 463; the 185 in the entering classes alone exceed the number of minority graduates during the preceding decade.

Progress in securing the right of all military personnel to available off-base housing has continued. During the past year the program was extended to overseas areas. In the United States, as of December 1971, 98 percent of over 36,000 multi-unit rental facilities surveyed are pledged to a policy of nondiscrimination. During the past two years black military occupancy of these facilities has increased by nearly 50 percent.

Despite our efforts in the Equal Opportunity Program and growing understanding on the part of the most members of the Department of Defense of the gravity of the problem of race relations, we continue to experience a level of disharmony which has the potential for impairing our overall mission. In addition to renewed command emphasis, we are making new efforts to improve communications and understanding among the members of the different races through education.

Education in the dynamics of difference is one of the most important steps the Department of Defense has undertaken. Most people enter military service with insufficient knowledge of, and appreciation for, the culture, history, experience and sensitivities of persons of other races to enable them to function well in a multi-racial environment. In an effort to bridge the communication gap, on June 24, 1971, I established the Defense Race Relations Institute (DRRI). Located at Patrick Air Force Base, Florida, the DRRI graduated its pilot class on December 10, 1971. Students are drawn from the officer and enlisted ranks of the Services; upon completion of the seven-week course they are returned to their units as race relations instructors.

The Services have introduced ethnic literature, music, foods and cosmetics at commissary and exchange facilities. Sales in excess of $4,000,000 since the inception of this new program in 1970 indicate an increased sensitivity on the part of the Services to the minority serviceman's desires and needs.

The Department has continued to enforce equal opportunity requirements among Defense contractors. During 1971 under DOD compliance review total minority employment rose in the nation's five largest textile firms from 21,031 to 31,182, an increase of 48 percent between 1968 and 1971. During the same period minority employment gains were achieved by six major DOD aerospace contractors despite a 29 percent decline in their work forces. These gains include those of the McDonnell Douglas Affirmative Action Program, which has demonstrated good results during the past two years. Our minority employment objectives have also been attained in most DOD construction projects.

2. Drug Abuse and Related Problems

In dealing with the problems of drug abuse, including the improper use of alcohol, in the armed forces, we remain committed to providing to the serviceman a total program, which emphasizes prevention through education, as well as treatment, and rehabilitation of identified drug users.

We now have comprehensive programs in each service to educate their members in the dangers of drug and alcohol abuse. The amnesty program, now called the exemption program, is no longer on a trial basis, but was implemented service-wide in early July 1971.

The hard drug problem is still centered primarily in Southeast Asia. Consequently, we directed on June 17, 1971, that operational plans be placed into effect to increase our control efforts in this area. These included:

Testing of servicemen departing Vietnam to identify those who are using, or dependent upon, drugs.

Detoxification treatment for service members so identified prior to their return to the United States.

Opportunity for a minimum of thirty days of treatment in military facilities in the United States for service members whose terms of service are expiring and who need and desire treatment when Veterans Administration or civilian programs are not available.

Opportunity for treatment and rehabilitation for service members with time remaining in service. When extensive treatment is indicated, they will be phased into Veterans Administration programs as such become available.

Testing for presence of drugs for all returnees from Vietnam was in effect by June 21, 1971. Detoxification centers were established in Vietnam, and rehabilitation facilities were set up there and in the United States. Since the initiation of these renewed efforts, the programs have been expanded to test and identify personnel for drug abuse on a worldwide basis.

As a result of our intensive efforts in Vietnam to control drug abuse, we can state we have succeeded in reversing a heroin epidemic within a year of its beginning to be a major problem. This has been shown dramatically by the reduction in the number of drug abusers detected at time of departure from Vietnam. From a high of 4.0% of returnees in August, this figure has dropped to 2.5% in December 1971. Other usage indicators in Vietnam such as deaths attributed to drug abuse and apprehensions for drug abuse are also down.

We believe these encouraging trends are due to:

Improved educational efforts which have removed the myths and glamour from drug abuse. We have emphasized the presentation of facts to allow for intelligent decisions on the part of those for whom drug abuse may be a temptation.

Identification procedures including random unannounced testing of units and individuals. This has assisted our commanders by giving them knowledge of the true status of drug abuse in their units, highlighting areas where the problem is the greatest, providing treatment for those identified as abusers, and acting as a deterrent for potential experimenters.

The initiation of comprehensive rehabilitation programs in Vietnam for those who turn themselves in under the exemption program and those who desire treatment after being identified as a user through the urinalysis testing.

This combination of education, detection and treatment in Vietnam has reduced significantly the numbers of servicemen returning to the United States with a drug habit and has greatly improved the chances that those involved with drugs will be able to enjoy a useful, drug-free life when they do return.

In connection with our emphasis on drug abuse in the military we have been increasing our emphasis in the area of alcohol control. The Department of Defense recognizes that in some respects alcoholism is even more formidable than narcotics abuse because of its insidious nature, the difficulty in early recognition and evaluation, and the universality of alcohol use. For these reasons, and the fact that consumption of alcohol is legal, the solutions are even more difficult. However, the services have made progress in educating personnel, altering attitudes and gaining treatment and rehabilitation experience through pilot rehabilitation programs and will continue to focus on this very serious problem.

H. Manpower stabilization

The Department of Defense manpower reductions that have occurred under this Administration are of a magnitude topped only by the massive demobilizations following the two world wars. Table 4 displays past and planned manpower strengths for active duty and reserve military personnel and direct-hire civilians.

Reduction in strength of this pace and magnitude have created hardships for many members of the Department of Defense. While the personal hardship and turbulence for many of our military personnel has been real, it has been possible in the aggregate to manage the great bulk of military strength reductions through lower accessions and voluntary early releases of officers and men before their normal separation dates.

However, while it has been possible to hold down accessions of civilian employees, there has not been a widespread desire to leave government service. A "Stability of Employment" program to minimize involuntary separations was therefore established early in the period of drawndown. Under this program employment freezes have been used to retain vacancies for personnel who would otherwise be released. The skills of employees facing release are matched with vacancies throughout the Department of Defense, and the employees are given priority right to vacancies through a computerized placement system. This system has worked well, placing more than 45 percent of the employees who would otherwise have been released. As civilian manning levels stabilize, we hope that normal attrition will cover future civilian reductions.

I have often said that people are our most precious asset. The manpower policies of the Department of Defense will continue to be formulated and carried out with this basic fact always in mind.

RELATIONSHIP BETWEEN DEFENSE AND THE ECONOMY

Mr. YOUNG. Mr. President, as we consider the fiscal year 1973 budget I am certain that all Senators will frequently be concerned with the effect of the budget on the economy. This is why I would call attention to that portion of Secretary Laird's statement in support of the fiscal year 1973 defense budget, presented to the Armed Services Committee today, which deals with the relationship between defense and the economy. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The requirements of defense—in terms of manpower, weapons procurement, and the industrial base—are spelled out in great detail. Defense budget trends are reviewed. Secretary Laird gives a clear explanation of the impact of pay, modernization, and manpower.

I commend him for a lucid presentation of extremely complex material. Also, I invite the attention of Senators to his review of the change in priorities in the defense budget. Because of this change in priorities, an adequate defense effort imposes a smaller economic burden upon the American taxpayer than at any time in more than 20 years.

This defense budget supports the concept of realistic deterrence. Mr. President, in my view it is also a most realistic budget.

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

III. DEFENSE AND THE ECONOMY

Defense programs in real terms—manpower, weapons procurement, the industrial base—continue their sharp decline through FY 1972. These trends are checked, and in some important respects reversed, with the FY 1973 Budget. This budget includes essential increments to modernize our forces and to stem the long-run growth in manpower costs at the expense of investment. Manpower costs do, in fact, increase substantially from FY 1972 to FY 1973. However, for the first time in many years our appropriation requests for investment increase by an even greater amount than for manpower, and there is good reason to hope that the bulk of the manpower cost increase is now behind us. In addition, the President's Economic Program is slowing the rate of purchase inflation—another factor which had eroded investment capabilities. These developments are of key significance in appraising the FY 1973 Budget, which lays the groundwork for a significant advance in modernizing our weapons.

A. Impact of pay and price increases

To understand recent Defense budget trends, it is necessary to have an appreciation of the impact of pay and price increases—especially the former—upon defense spending. These can best be illustrated by using rates of pay for specific grades (bearing in mind that military basic pay and civilian salaries are not comparable) as follows:

Monthly rates of pay	Basic pay			
	E–1 recruit less than 1 year of service [1]	E–5 (sergeant) 4 to 6 years of service	Colonel or Navy captain, over 26 years of service	Salary—Civil servant GS–11 step 4
July 1963 (beginning of fiscal year 1964 last prewar year)	$78.00	$205.00	$985.00	$736.50
January 1972	288.00	429.30	1,933.20	1,220.08
January 1973 (after pay raises assumed in fiscal year 1973 budge.)	332.10	467.40	2,057.40	1,279.86
Percent pay increase July 1963 to January 1973	325.8	128.0	108.9	73.8

[1] July 1973 rate shown is for a recruit with less than 4 months service, a pay step that no longer exists. In July 1963, a recruit with over 4 months service received $83.20 per month. Most recruits have less than 4 months service.

To pay a given number of sergeants, for example, it will cost us 128.0% more in January 1973 than it did in July 1963—without adding or promoting a man. On a weighted overall basis for the fiscal years as a whole—recognizing that the pay raises were in effect for parts of fiscal years, and varied among grades—pay increases may be summarized as follows:

For military personnel, a 124.8% increase in basic pay from FY 1964 to FY 1973.

For civilian salaries in the classified service, a 64.5% increase from FY 1964 to FY 1973; overall, considering wage boards, civilian pay is up nearly 70%.

In addition to this, there have been increases in some military allowances, and military retired pay has quadrupled—from $1.2 billion in FY 1964 to $4.9 billion in FY 1973 due to increases in both the rate paid and the number of retirees.

The results are summarized in Table 5. The top part of that table shows a breakdown of our budget in current dollars—that is, not adjusted for pay and price increases. This is the amount actually spent or planned to be spent. As the table shows, pay and related costs amounted to $22 billion in FY 1964, and rise to $42.8 billion in FY 1973—nearly doubling. All other costs rise by $4.9 billion.

The bottom part of the table shows the picture as it would appear if FY 1973 pay rates and price levels had been in effect throughout. For example, the $22 billion in pay and related costs in FY 1964 would have cost $44.7 billion had FY 1973 levels of pay and allowances been in effect in the earlier year. Purchase costs, to buy the same things as were bought in FY 1964, would have been $38.4 billion (33.5% more) at FY 1973 price levels.

Overall, the program that cost $50.8 billion in FY 1964 would have cost at FY 1973 pay and price levels, $83.1 billion—an increase of $32.3 billion without adding or promoting a man, and without buying a single additional item.

These inflationary factors have been so massive that they completely mask what has been occurring in defense programs. For example:

Payroll and related costs *increase* by $20.8 billion—nearly doubling—from FY 1964 to FY 1973, while military and civil service manpower *drops* by 326,000.

From FY 1968 to FY 1973, military and civil service manpower *drops* by 1,440,000, or 30%; meanwhile, pay and related costs *rise* by $10.2 billion or 31%.

Purchases of goods and services from industry, not adjusted for inflation, dropped from $45.4 billion in FY 1968 to $33.7 billion in FY 1973—a drop of 26%. Allowing for inflation, the drop is 39% from FY 1968 and 12% from prewar FY 1964.

Defense-related employment in industry is 1,316,000 (41%) below the 1968 level and 423,000 (19%) below the prewar 1964 level.

The defense budget as a whole, in constant dollars, is down about 30% from the wartime (FY 1968) peak, and is about 8% below the prewar (FY 1964) level. Defense manpower (military, civil service, and industry) is down nearly 2.8 million (34%) from the FY 1968 level, and is 12% below the prewar (FY 1964) level. In fact, Defense manpower is at lower levels than at any time since before the Korean War.

These facts are certainly not clear if one considers only spending levels measured in current dollars. In these terms, defense spending is about 50% above prewar levels, and indeed has dropped only about 2% from the peak wartime spending levels of FY 1968 and FY 1969. As I have indicated, the major reason for the mismatch between stated defense budget levels on the one hand and real manpower/program trends on the other is manpower cost increases, with purchase inflation playing a smaller role. Before leaving this area, I believe it is important to dwell for a moment upon the reasons for manpower cost increases, and to consider implications for the future. The sharp pay raises of recent years have arisen from four major factors:

The comparability pay (government with industry) principle, embodied in law in 1967, caused unusually large pay raises during this period to achieve a one-time "catch-up."

Meanwhile, pay raises in industry over this period were themselves very high and government raises, geared to these, were thus further accelerated.

FY 1964 pay rates were disproportionately low for the lower military pay grades, the result of a policy followed for many years before 1964, when there were no pay increases at all in those grades. It was not only necessary to abandon this policy during this period under consideration here, but to add large additional amounts ($3.1 billion for FY 1973) to move toward a volunteer force.

The retired population grew from 411,000 in FY 1964 to an estimated 937,000 in FY 1973, related to the surge in the military forces during the 1940's, and costs were affected as well by the requirement that new retirees be retired at a proportion of the much higher pay rates, and the statutory requirement that retired pay rates be adjusted for increases in the CPI.

In short, a great many long-standing bills became due during this period, and our manpower cost trends reflect a huge element of one-time catching up. Looking ahead, it is reasonable to expect much more moderate rates of growth in manpower costs. In summary:

Pay comparability with the private sector has been achieved;

The President's economic program should hold future private sector pay increases to much more reasonable levels than those experienced in the recent past;

The inequities regarding personnel in the lower military pay grades have been removed;

A large part of the cost of moving to a volunteer force is paid in the FY 1973 Budget, and the rate of increase in retired pay costs should moderate.

We should be past the point where pay costs consume a growing proportion of the Defense Budget, and we can move instead to directing more resources into the critical investment area.

B. A greater emphasis on modernization

To this point, we have been discussing the Defense Budget in terms of outlays (spending actual checks issued). In these terms, as Table 5 shows, the mix of the Defense Budget has shifted radically toward manpower costs and away from purchases and modernization. As the table shows, pay and related costs rise from about 43 percent of defense spending in FY 1964 to about 56 percent in FY 1973; over that period manpower costs rise by $20.8 billion, nearly doubling, while all other spending rises by $4.9 billion (17 percent). It is important, though, to remember that this FY 1973 spending mix results to a considerable degree from the budget authority provided for FY 1971 and FY 1972, which is materializing as spending in FY 1973. For ships, aircraft, and other long lead-time items, our FY 1973 spending derives largely from budget authority granted one or two years or more ago. For a look ahead, it is necessary to consider the FY 1973 request for budget authority. Data are presented in Table 6.

This table is arranged somewhat differently than the preceding one. It shows budget authority, rather than outlays, to provide a better look ahead. Incremental war costs are shown separately from baseline costs. Pay and other operating costs are merged, to highlight research and investment trends. I will address my remarks to the lower portion of the table, which shows data in constant (FY 1973 Budget) prices.

In total, defense budget authority rose from $82.8 billion in FY 1964 to $107.3 billion in FY 1968, then falls to approximately the pre-war level in FY 1971–73. The critical point, however, involves the mix within these totals. Note that, in FY 1971, budget authority for research and investment was $27.8 billion in total, compared to $33.3 billion pre-war. Within the FY 1971 total, baseline research and investment funding was $25.4 billion—about one-quarter below

the pre-war level. Note that this situation improves significantly in FY 1972, with baseline investment rising to $27.8 billion. There is an even greater improvement from FY 1972 to FY 1973, but is not shown in the table since war cost estimates cannot be shown separately at this time. It can be noted, also, that total research and investment funding rises by $2.2 billion at constant prices from FY 1972 to FY 1973, and that the baseline increase is greater than that since there is a further drop in war costs.

In recent years, manpower and other operating costs played an increasingly dominant role in the Defense Budget. We are sharply reversing this trend. For example:

[Budget authority, constant dollar billion]

	Fiscal years—	
	1964–71	1971–73
Manpower and other operating costs	+$7.6	−$5.8
Research and investment	−5.5	+4.2
Total budget authority change, constant prices	+2.1	−1.6

Because of the lead times involved, these changes are not reflected in FY 1973 outlays (spending) which are influenced to a significant extent by the budget authority mix of FY 1972, FY 1971, and earlier years. The shift will be clearer in the spending patterns of FY 1974 and later years. The budget authority figures make it clear, however, that the erosion of research and investment funding has been halted, and that the groundwork has been laid to provide a significantly higher level of resources for modernization.

C. Manpower trends

Defense manpower trends have had a sharp whipsaw effect on the labor force in recent years, contributing a great deal to employment and unemployment trends. This is illustrated in the labor force data in Table 7. Note that the total labor force will grow about 14.2 million from pre-war 1964 to 1973. This is a record growth, the consequence of the Post World War II baby boom. About 6.8 million of this growth occurred from June 1964 (pre-war) to June 1968 (approximately the wartime peak) and about 7.4 million will occur from June 1968 to June 1973.

Now observe defense manpower trends (military, civil service, and U.S. industry) over this time period. From 1964 to 1968, defense manpower rose by just over 2 million. This meant that 4.8 million additional people became available for jobs aside from direct defense work. From 1968 to 1973, however, defense manpower is cut by nearly 2.8 million, and about 10.2 million people have to find non-defense jobs—more than twice as many as the 4.8 million in the 1964–1968 period. This combination of record labor force growth and the whipsaw effect of defense manpower trends is obviously a large part of our current unemployment problem.

The public employment figures present another perspective on the same problem. From 1964 to 1968, public employment increased by 3.2 million. From 1968 to 1973, the growth drops to 562,000, with defense cuts largely offsetting the growth in other public employment. The result is that public employment absorbed nearly half of the labor force growth from 1964 to 1968, but less than 10% of the growth from 1968 to 1973.

Putting public employment and Defense-related industry figures together, the picture is as follows:

[Manpower, thousands]

	June 1964 to June 1968	June 1968 to June 1973	June 1964 to June 1973
Change in public employment (see table 7)	+3,249	+562	+3,811
Change in Defense-related employment in industry	+893	−1,316	−423
Subtotal	+4,142	−754	+3,388
Private sector jobs required, aside from defense industry	+2,665	+8,164	+10,829
Total labor force change	+6,807	+7,410	+14,217

The private sector of the economy must create 8.2 million additional jobs in the period 1968–73, more than 3 times the number required in the 1964–68 period.

For the long run, these trends are constructive and definitely in the right direction. As Table 7 shows, there will be over 10 million more people available for non-Defense work in 1973 than were available in 1968. The entire growth in the labor force (7.4 million) plus a defense job cutback of 2.8 million are available for civilian pursuits. This is a reallocation of resources in the most elemental sense. In the short run, however, such a massive shift has obviously contributed heavily to our unemployment problems.

Table 7 shows that defense manpower will drop by 2,756,000 from June 1968 to June 1973. In particular, the rate of decline next fiscal year is expected to be one-sixth of what it was in the period FY 1969 to FY 1971. This drop occurs as follows:

	Thousands	Average annual rate
From June 1968 to June 1971 (fiscal years 1969–71)	2,168	723
From July to December 1971 (1st half of fiscal year 1972)	243	486
From January to June 1972 (2d half of fiscal year 1972)	222	444
From July 1972 to June 1973 (fiscal year 1973)	123	123
For a total of	2,756	1,776

The job cutback (military, civil service, and industry) will continue at a high rate through FY 1972, as the sharp reductions in budget authority for past years continue to have their effect. In the next few months, assuming favorable action on our FY 1973 requests, the cutback rate should sharply diminish.

D. Priorities

Table 7 makes it plain that a massive shift in priorities has already occurred, and that an adequate defense effort imposes a smaller economic burden upon the nation than at any time for more than 20 years.

While defense spending rises by $25.7 billion from FY 1964 to FY 1973 other Federal spending rises by $107.7 billion—more than 4 times as much, and state and local spending rises even more. The *increases* in non-Defense public spending are the equivalent of nearly *three* complete additional Defense Budgets.

In dollars of constant buying power, Defense spending *drops* by $6.6 billion over this period; other Federal spending rises by $64 billion, and state and local spending by about $70 billion. This means that the entire real increase in public spending, and about $6.6 billion more, is available for civilian programs.

The entire real increase in the gross national product for these 9 years, and $6.6 billion more than that, is available for civilian pursuits.

By the same token, manpower available for civilian pursuits grows by 15 million from 1964 to 1973—the entire labor force growth, plus a 749,000-man defense cutback over the period. This *increase* of 15 million is nearly three times the *total* of Defense manpower in 1973, including Defense-related industry employment.

As the lower portion of the table shows, the Defense shares of GNP, of the Federal Budget, and of net public spending are the lowest since FY 1950—before the Korean War.

It is quite clear that the period of Defense dominance of manpower and public spending trends has passed. When one looks at the *increases* in non-Defense public spending and in manpower available for civilian pursuits—increases which are several times the Defense *totals*—it becomes clear that further Defense cutbacks can add relatively little to non-Defense needs. Consider that net public spending will be approaching $400 billion in FY 1973, with GNP at about $1.2 trillion—up some $200 billion in two years.

Public employment will be over 16 million within a labor force of 90 million. Viewed against these magnitudes, the funds and industry manpower associated with recovering some of the lost ground in the Defense research and investment area are, in relative terms, very small indeed.

TABLE 1.—DEPARTMENT OF DEFENSE, FINANCIAL SUMMARY

[Millions of dollars]

	Fiscal year—			
	1968	1971	1972	1973
SUMMARY BY PROGRAM				
Strategic forces	7,270	7,671	7,582	8,846
General purpose forces	30,381	24,444	25,655	25,500
Intelligence and communications	5,534	5,397	5,559	5,802
Airlift and sealift	1,806	1,376	1,145	1,031
Guard and reserve forces	2,206	2,691	3,466	4,111
Research and development	4,309	5,167	6,166	7,179
Central supply and maintenance	8,380	8,354	8,267	8,326
Training, medical, other general personnel activities	12,184	14,523	15,250	17,012
Administration and associate activities	1,235	1,563	1,649	1,808
Support of other nations	2,364	3,914	3,348	3,562
Total, direct program (TOA)	75,670	75,101	78,089	83,176

	Fiscal year—			
	1968	1971	1972	1973
SUMMARY BY COMPONENT				
Department of the Army	24,987	22,596	22,207	22,131
Department of the Navy	20,788	21,886	23,775	25,197
Department of the Air Force	24,967	23,191	23,565	23,549
Defense agencies/OSD	1,502	1,694	1,772	1,867
Defense-wide	2,751	4,174	4,916	5,466
Civil defense	86	73	78	88
Military assistance program	588	1,487	945	1,347
Military and civilian pay increases and military retirement system reform			830	3,530
Total, direct program (TOA)	75,670	75,101	78,089	83,176

TABLE 1.—DEPARTMENT OF DEFENSE, FINANCIAL SUMMARY—Continued

[Millions of dollars]

	Fiscal year—			
	1968	1971	1972	1973
SUMMARY BY FUNCTIONAL CLASSIFICATION				
Military personnel	19,939	22,625	23,385	24,656
Retired pay	2,093	3,389	3,931	4,860
Operation and maintenance	20,907	20,410	20,872	21,218
Procurement	22,614	17,865	18,884	19,313
Research, development, test and evaluation	7,268	7,189	7,791	8,599
Special foreign currency program		8		
Military construction	1,560	1,330	1,316	2,061
Family housing and homeowners assistant program	613	724	875	1,029
Civil defense	86	73	90	92
Military assistance program	588	1,487	945	1,347
Total, direct program (TOA)	75,670	75,101	78,089	83,176
Financing adjustments	732	−2,214	−945	202
Budget authority (NOA)	76,402	72,887	77,144	83,378
Outlays	78,027	75,545	75,800	76,500

TABLE 2.—DEPARTMENT OF DEFENSE, SUMMARY OF SELECTED ACTIVE MILITARY FORCES

	Actual	Estimated	
	June 30, 1971	June 30, 1972	June 30, 1973
Strategic forces:			
Intercontinental ballistic missiles:			
Minuteman	1,000	1,000	1,000
Titan II	54	54	54
Polaris-Poseidon missiles	656	656	656
Strategic bombers (AAI)	575	512	511
Manned fighter interceptor squadrons	11	9	7
Army air defense firing batteries	21	21	21
General purpose forces:			
Land forces:			
Army divisions	13⅓	13	13
Marine Corps divisions	3	3	3
Tactical air forces:			
Air Force Wings	21	21	21
Navy attack wings	12	12	13
Marine Corps wings	3	3	3
Naval forces:			
Attack and antisubmarine carriers	18	17	16
Nuclear attack submarines	51	57	60
Escort ships	224	226	207
Amphibious assault ships	80	77	66
Airlift and sealift forces:			
Aircraft squadrons:			
C–5A	2	4	4
C–133, C–141, C–118, C–124, C–130, C–135	15	13	13
Troopships, cargoships, and tankers	93	68	66

TABLE 3.—SELECTED MAJOR PROCUREMENT (QUANTITY)

	Fiscal years			
	1965	1971	1972	1973
Strategic forces:				
Navy: Poseidon conversions (SSBN)		6	6	6
Land forces:				
Army:				
Aircraft and spares:				
LOH (OH 6/58)	88	600	400	
UH–1	759	120		
AH–1		70		
M60A1 tank (inc. M60A1E2)	246	300	[1] 300	[2] 482
U.S. Marine Corps:				
Helicopters	138	15	14	44
LVT–7 family		298	468	354
Tactical air forces:				
Navy and Marine Corps:				
A–6E (A–6A in 1965)	64	12	12	12
A–7	35	30	24	24
F–4	124			
F–14		26	48	48
E–2C			11	8
EA–6B		8	12	7
A–4M		24		
AV–8A		18	30	30
CVAN				
Air Force:				
A–37		81		
A–7D		88	97	
F–4	222	24	36	
F–111	10	12	12	12
RF–4C	128	12	12	
Int'l fighter			21	57
F–15				30
AWACS				3
Naval forces, Navy—				
Ships:				
SSN	6	4	5	6
DLGN		1	1	
DD–963		6	7	7
DLG conv		4	2	2
LHA		2		
Other amphibious	10			
Support (AS, AFS, ARC, AO, AOR, AD, AE, ATS)	9		6	4
Aircraft:				
P–3	48	12	24	24
S–3A			13	42
RH–53D		12	18	
UH–1N			10	
PF				1
PHM				2
Mobility forces—				
Air Force:				
C–5A				
C–130E			12	
Navy: Ships (T–AGOR, T–AGS)	2	2		

[1] Includes retrofit of 210 on hand M60A2 tanks.

[2] Includes retrofit of 316 on hand M60A2 tanks.

TABLE 4—ACTIVE DUTY MILITARY PERSONNEL, CIVILIAN PERSONNEL AND RESERVE COMPONENT STRENGTH

[End of fiscal years in thousands]

	1964	1968	1971	1972	1973
Direct-hire civilian:					
Army [1]	360	462	388	368	367
Navy	332	419	350	334	329
Air Force	305	331	293	279	279
Defense agencies	38	75	63	60	60
Total [1]	1,035	1,287	1,094	1,041	1,036
Active duty military:					
Army	972	1,570	1,123	861	841
Navy	667	765	623	602	602
Marine Corps	190	307	212	198	198
Air Force	856	905	755	730	717
Total	2,685	3,547	2,713	2,391	2,358
Reserve components (in paid status):					
Army National Guard	382	389	402	398	402
Army Reserve	346	312	313	308	312
Naval Reserve	132	131	133	134	133
Marine Corps Reserve	48	48	48	45	46
Air National Guard	73	75	86	89	89
Air Force Reserve	67	46	52	52	56

[1] These totals include Army and Air National Guard technicians, who were converted from State to Federal employees in fiscal year 1969. The fiscal year 1964 and 1968 totals have been adjusted to include approximately 38,000 and 39,000 technicians respectively.

See table 5 at end of tables.

TABLE 6.—DEFENSE BUDGET AUTHORITY IN CURRENT AND CONSTANT (FISCAL YEAR 1973) PRICES

[In billions of dollars]

	Fiscal year—				
	1964	1968	1971	1972	1973
Current prices:					
Pay and other operating costs:					
Baseline force	26.1	33.0	39.6	43.6	.....
Incremental war costs		10.8	7.3	4.6	.....
Total, pay and other operating costs	26.1	43.8	46.9	48.2	51.3
Research and investment:					
Baseline force	24.5	24.1	23.8	27.0	.....
Incremental war costs		8.5	2.2	1.9	.....
Total, research and investment	24.5	32.6	26.0	28.9	32.0
Total budget authority:					
Baseline force	50.6	57.1	63.3	70.6	.....
Incremental war costs		19.3	9.6	6.5	.....
Total budget authority	50.6	76.4	72.9	77.1	83.4

	Fiscal year—				
	1964	1968	1971	1972	1973
Constant (fiscal year 1973) prices:					
Pay and other operating costs:					
Baseline force	49.5	52.1	48.5	47.9	.....
Incremental war costs		14.9	8.6	5.0	.....
Total, pay and other operating costs	49.5	67.1	57.1	52.9	51.3
Research and investment:					
Baseline force	33.3	29.8	25.4	27.8	.....
Incremental war costs		10.4	2.4	2.0	.....
Total, research and investment	33.3	40.2	27.8	29.8	32.0
Total, budget authority:					
Baseline force	82.8	82.0	73.9	75.8	.....
Incremental war costs		25.3	11.0	6.9	.....
Total, budget authority	82.8	107.3	84.9	82.7	83.4

Note: Detail may not add to totals because of rounding.

TABLE 7.—CHANGING PRIORITIES

	Fiscal year 1964 to 1968	Fiscal year 1968 to 1973	Fiscal year 1964 to 1973
Change (current dollar billions) in:			
Defense spending	+$27.2	−$1.5	+$25.7
Other Federal spending	+34.8	+72.9	+107.7
State and local spending	+33.1	+80.1	+113.2
Change (constant fiscal year 1973 dollar billions) in:			
Defense spending	+26.1	−32.7	−6.6
Other spending	+28.9	+35.1	+64.0
State and local spending	+26.9	+43.4	+70.3
Public employment (thousands):			
Defense (includes military)	+1,114	−1,440	−326
Other Federal	+230	+93	+323
State and local	+1,905	+1,909	+3,814
Total, public employment	+3,249	+562	+3,811

	Fiscal year 1964 to 1968	Fiscal year 1968 to 1973	Fiscal year 1964 to 1973
Total labor force (thousands) (June):			
Defense [1]	+$2,007	−$2,756	−$749
All other	+4,800	+10,166	+14,966
Total labor force change	+6,807	+7,410	+14,217

	GNP	Federal budget	Net public spending (Federal, State, and local)
Defense spending as percent of fiscal year:			
1950 (pre-Korea)	$4.5	$27.7	$18.7
1953 (Korea peak)	13.3	62.1	46.3
1964 (last peacetime year)	8.3	41.8	28.1
1968 (SEA peak)	9.4	42.5	29.1
1970	8.2	38.4	25.1
1971	7.5	34.5	22.3
1972	7.0	31.0	20.5
1973	6.4	30.0	19.4

[1] Includes military and civil service personnel and defense-related employment in U.S. industry.

TABLE 5.—DEFENSE OUTLAYS IN CURRENT AND CONSTANT (FISCAL YEAR 1973) PRICES

[In billions of dollars]

	Fiscal year—			
	1964	1968	1972	1973
Current dollars:				
Payroll	15.7	23.4	29.8	31.8
Other military personnel costs	4.6	6.8	6.1	6.0
Military retired pay	1.2	2.1	3.9	4.9
Family housing, excluding pay	.5	.4	.6	.6
Total, pay and related	22.0	32.6	40.4	42.8
All other costs (procurement, R. & D., construction, supplies, and services)	28.8	45.4	35.4	33.7
Total outlays, current dollars	50.8	78.0	75.8	76.5
Constant (fiscal year 1973) prices:				
Payroll	31.9	38.7	32.8	31.8
Other military personnel costs	7.3	9.9	6.7	6.0
Military retired pay	4.9	4.9	4.9	4.9
Family housing, excluding pay	.7	.5	.6	.6
Total, pay and related	44.7	53.9	44.9	42.8
All other costs (procurement, R. & D., construction, supplies, and services	38.4	55.3	36.4	33.7
Total outlays, constant (fiscal year 1973) prices	83.1	109.2	81.3	76.5

Note: Detail may not add to totals because of rounding.

SENATOR CARL HAYDEN

Mr. McCLELLAN. Mr. President, one cannot help being awed by the accomplishments, and touched by the memory, of a truly great American who graced the Halls of the Congress for more than 56 years—our late, beloved colleague, Senator Carl Hayden.

Carl Hayden's greatness did not derive from the fact that he lived for 94 years or that no man ever served his State and our Nation in the Congress for a longer period of time. His greatness had a much deeper and firmer foundation. It was grounded in his extraordinary ability and capacity, his remarkable personality and the effective accomplishment of all he undertook. These attributes were, in turn, cloaked by simplicity, humility, and gentility; and were coupled with an unequaled patience and devotion to duty.

It was my privilege and pleasure to serve with Carl Hayden in the U.S. Senate for 26 years. During that time, I served with him for 20 years as a member of the Committee on Appropriations; and during 14 years of that period, he was my chairman.

Our association, on a continuing basis, was one of my most rewarding experiences. Carl Hayden had a remarkable way of approaching any problem before him. Whether presiding over the Senate, as President pro tempore, listening to requests for funds from committee chairmen, when he served as chairman of the Committee on Rules and Administration, or patiently listening to justifications from executive branch agency heads in their quest for appropriations with which to run their agencies, Senator Hayden always maintained that wonderful balance, genteel manner, incisive insight, and calm demeanor which were his hallmark throughout his legislative service.

In paying tribute to the memory and accomplishments of Carl Hayden, we pay tribute to the American way of life, for he was the epitome of all things that made this Nation great—continuous devotion to duty, a lifelong dedication to a strong, free America, and tireless efforts on behalf of his country.

Carl Hayden has gone to his eternal rest. But as an unknown poet has said:

The sweetest lives are those to duty wed,
Whose deeds, both great and small,
Are close-knit strands of an unbroken thread,
Where love ennobles all.
The world may sound no trumpet, ring no
bells; but the book of life the shining
record tells.

Carl Hayden spoke little. He sounded no trumpet, he rang no bells. But the magnitude of his accomplishments will live on, as the book of life the shining record tells.

IMPERATIVES OF CONTEMPORARY CHANGE

Mr. MONDALE. Mr. President, recently there came to my attention a speech delivered before the Council Bluffs Junior Chamber of Commerce by our colleague in the House of Representatives, Representative JOHN C. CULVER. This speech, entitled "As We Move Into the Future, Which Way Do We Go?" is, in my judgment, one of the clearest and most provocative statements I have read of the need we have, both in our Government and in our private institutions, to reorient thinking and action toward the imperatives of contemporary change. Representative CULVER points out in several ways how some of our institutions and many of our current attitudes become frozen and ill adapt themselves to the requirements of a society in which the pace of change, the explosion of knowledge, the just expectations of the citizen are constantly gathering force. Though Mr. CULVER recognizes that inertia is often a tenacious deterrent, he is realistic in his evaluations and confident that we have the capacity and resourcefulness to correct the imbalance if there is both candid leadership and active, sustained citizen involvement. Human reason, free choice, and commonsense harnessed to a future-mindedness can be liberating forces, he asserts. And he proposes for the State of Iowa a statewide conference on the 21st century to be run by and with and for Iowans, and involving not just the technical expert and political leader. Rather it would draw in parents, farmers, workers, and the young, housewives, professional people and others, and thereby enlarge public confidence in the efficacy of our institutions while also renewing the quality of our common life. This proposal surely has merit for States across our land.

He also proposes for the area of congressional reform that the committee jurisdiction of the U.S. Congress, both House and Senate, be redefined to reflect the problems confronting America today and not an America of a bygone era.

I warmly commend Representative CULVER and ask unanimous consent that his speech be printed in the RECORD so that it may have the attention of Members as well as the wider public.

In addition, I am including a copy of a questionnaire he sent to his constituents that asks for their opinions on many of the key questions facing the country during the balance of this century.

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

AS WE MOVE INTO THE FUTURE, WHICH WAY DO WE GO?

(Speech by Congressman JOHN CULVER before the Council Bluff's Junior Chamber of Commerce Annual Dinner, Tuesday, Jan. 11, 1972)

Not long ago we were all concerned with the radicalism of some of our young people: the shouting and the demands and the occasional more violent action. Now we tend to be equally puzzled by what looks like apathy: a withdrawal from public events, a cultivation of private retreats.

My own view is that these are both manifestations of the same underlying unease, and that the unease is not peculiar to young people. We have all been brought up to expect certain values in our society, and we look to the political process for correction of imbalances when they appear. But there is an increasing and impressive body of evidence to suggest that many people are beginning to doubt the efficacy of the political process. We are rich in data, this evidence suggests, but poor in coherence; wealthy in our sense of self-worth and importance, but deprived of adequate opportunities to be heard. With each new advance in the science of living, we sense a setback in the grace of life. New technologies abound, but we ask whether they are for us or we for them.

Let me try an example in a field that concerns me a great deal, population resources. It is fascinating to read about the medical breakthroughs of recent years in life-saving techniques, heart transplants, and all the rest. Teams of specialists are at work on cancer cures, and I certainly hope they succeed. But it is increasingly difficult to find general practitioners who are willing to settle in small communities or for that matter, pay a call at your house. Now at the very same time skilled engineers are being put out of work by changes in space and defense programs, and the third or fifth generation farmer is finding it increasingy hard to keep pace with the mechanized efficiencies of competing large farms. I'm not suggesting that every farmer or engineer should be pressed into service as a G.P., far from it; but at the same time we pay a price in political apathy or protest if we resign ourselves to this kind of imbalance as somehow unavoidable.

Of course we don't want war or inefficiency or food gluts as a price of avoiding job changes. But could we perhaps foresee the pace of change and prepare for it? Where should our population be going, in terms of overall growth and location and professional concentration? What incentives should be offered to affect these choices? And when a particularly drastic change is brought about as a result of a change in government programs, should some part of the social and personal cost be ascribed as a charge to that government?

Now these aren't at all easy questions, and I'm not suggesting I have the answers. A great deal of information needs to be gathered, and complex choices made. But I am suggesting that we run a very high political risk when we fail even to ask such questions or to deal with them as part of the political process.

I can illustrate the risks in terms of the alternative we know about for treating complex questions. One is to yield to a yearning for earlier simplicities, by denying that the question exists. The young themselves do this when they return to grass—of either the green or the dried variety. But their elders can be just as ostrich-like. Some of our leading political figures who have made a name by attacking television and the other news media, seem to believe that the bad news will go away if you shoot the messenger. There is no question that we know more things more quickly today than ever before, and that much of what we learn is unsettling. But surely there is no hope of salvation based on ignorance. As economist Kenneth Boulding puts it in his book *The Meaning of the 20th Century*, "the growth of knowledge is one of the most irreversible forces known to mankind." We must learn to accept and deal with the knowledge revolution of our times.

There is a second and quite opposite tendency to retreat from political responsibility in the face of complex questions, and that is by assigning them exclusively to experts. Professor Brzezinski of Columbia has alerted us to what he calls the "technetronic" society, in which power would be vested in a highly specialized meritocracy of people conversant with the language of the computer. Obviously to the extent that we resign responsibility to such experts, we diminish perhaps fatally the essentially element of citizen participation in our public life. Already there may be too many among us who question the impact they can have on decisions based on an array of facts to which they have no access.

Let me give you an example of the tyranny of computers in the hands of experts without political guidance or review. There is a Professor at M.I.T. named Jay Forrester who has recently published a book called *World Dynamics*. It is a product of computerized system simulation, which is a fancy way of playing with statistics. Professor Forrester fed into his computer a series of historical trends on population growth, capital investment, geographical space, natural resources, food production, and various kinds of evironmental pollution. His conclusions are striking: We have only 40 or 50 years left of our current standard of living, after which all countries will decline to the level of the presently under-developed countries. What is more, there is nothing we can do about it, except plan for the inevitable decline. Among academics this has already become known as "Forrester's Law"—which you don't remember voting for and I don't remember passing.

Now as a warning this is timely and appropriate, but as a prediction it is pure nonsense unless we are all willing to abdicate our responsibilities to graph paper. Because the two vital elements missing from this computer study are human reason and free will.

We believe the very nature of our God-given personality allows us to overcome graph paper, to improve on history, and to make the future correspond to what we want it to be.

Another recent example of the so-called inevitability of historical trends was presented in the nomination of the new Secretary of Agriculture Earl Butz, who has repeatedly predicted the continuation of the historical decline of the family farmer.

It is true that in the past 25 years, 20 million people have left rural areas and moved to the cities, so that today we have the incredible conditions where 70 percent of our people are crammed in less than 2 percent of our land. Moreover, it is predicted that in the next 30 years 75 million more will be crushed into cities where 140 million already live in intolerable congestion and social disorder. If we are going to alter these trends and their obvious consequences to both urban and rural life, we must now develop a national growth policy, a policy which will consistently disperse people and opportunities so as to bring about a healthier economic and social environment for the entire nation.

These illustrations are not intended to suggest that computers and historical projection and prediction are not of value, but that we should harness technology to human reason and put it to the service of the democratic process. Professor Forrester's or Secretary Butz's warnings are entirely appropriate as a prediction of what could happen to us if we fail to heed exponential growth curves, if we doom ourselves through ignorance or apathy to the mere re-living of history. What I am suggesting is that this is not inevitable, and that to avoid it we had better get cracking on new and improved ways of organizing ourselves to deal with the future before it deals with us.

I have two specific suggestions to make, one concerned with the Congress in which I serve, and the other addressed to the State of Iowa which I represent. Both are intended to subject the march of events to more meaningful and effective democratic assessment

and control. What we want, I think, is to recognize change and complexity, but to insist on political accountability for the decisions that will affect our future.

First, it has been evident to me for some time that the Committee structure of the United States Congress is not related to the modern world. Ask any concerned citizen's group to name the four or five problem areas of greatest contemporary urgency, and you are unlikely to find a single one that has a standing Committee, established to deal with it. Where is the Committee on Economic Conversion, on National Population Distribution & Growth, on Environment, on Health Services? The answer is they don't exist. Instead you find the Committee on Merchant Marine and Fisheries, the Committee on Interior and Insular Affairs, the Veterans' Affairs Committee on Banking and Currency.

I don't say the work of these existing Committees is unimportant, but they totally fail to reflect the priorities of today. The truth is that they were all created to deal with 19th Century problems and they inevitably retain that bias. It is not good enough, I suggest to deal with the pressing problems of our own times as we now do by periodically grafting on *ad hoc* subcommittees. We will not really be able to address housing problems in human terms, so long as they are handled in a subcommittee of Banking and Currency. And it does seem peculiar to expect modern health services delivery systems to be legislated by the tax lawyers on the Ways and Means Committee.

This is not just a technical observation. Committees compete with each other for dominance, and they also strive to impress their sense of priorities on the Executive Branch. Meaningful executive reform cannot really be carried through without comparable reform of the Congress. If we as citizens are really serious about ensuring that our most pressing problems are given top-level attention by our elected officials, we should insist that the Congressional Committee structure be revised to accord with the modern world.

I am therefore, preparing a resolution, to be submitted in the next few weeks, that will call for a thorough review and reform of the authorizing Committees and Subcommittees of the Congress. Instead of twenty Committees largely reflecting the 19th Century, I would hope to end up with ten or fifteen Committees relevant to the last quarter of the 20th Century. One of these Committees might very well be a Committee on the Future, whose task it would be to search out and analyze new technological and other developments before the social problems they present are upon us. By introducing into the public dialogue the possibilities for various alternative futures as well as their cost, we can make the appropriate public policy decisions now to better shape tomorrow to our own choice.

I would also hope to have these Committees staffed and equipped in contemporary fashion. Referring back to computers once again, I have been dismayed to discover that up until this year Congress has had only three or four computers, utilized almost exclusively for housekeeping purposes such as payroll. The Executive Branch by contrast has and uses 4000. Even with the best of intentions we cannot keep tabs on the Executive, let alone conduct our own analyses, in this fashion. Here too, I have been pressing for modernization and I intend to continue to do so.

Proposals such as these will need citizen understanding and support, and this leads me to my second suggestion for us here in Iowa. I think we need to be aggressively looking towards our own future, deciding on the kinds of priorities we want for ourselves right here at home, and giving hard thought to the steps we will need to take to achieve them. And this sort of broad prophetic venture can only be successfully undertaken, in my judgment, if the people of Iowa are actively engaged in its execution.

We have been given a lead and some models by our two youngest and most distant states. Both Alaska and Hawaii have recently held statewide conferences on their futures, with widespread citizen participation and the cultivation of a great deal of interest. These are of course somewhat isolated states with perhaps unique problems and prospects, but their example remains valid nonetheless. The very fact that no mainland state has, to my knowledge, yet done anything comparable just serves to underline the natural leadership opportunity this presents in Iowa. For whatever we decide about our future should provide a point of departure for the whole upper Midwest region—and, by extension, the United States, When we have a chance to be first, I think we should take it.

Accordingly, I am proposing that the Governor request legislative appropriations for a state-wide Conference on Iowa in the Twenty-First Century—to be run by and with and for Iowans. This would be a Conference not just in Des Moines among legislators and technical experts and opinion leaders, but would involve meetings throughout the state with parents, farmers, workers, businessmen, teachers, housewives and many others—including in particular, I would hope, a generous representation of the young. The experts would help in setting up an agenda and would consult with the citizen's committees to be established, but the control would be with the people. In effect, we would be setting up a series of Grand Juries on the Future, operating in public session.

Among the possible subjects to be considered might be the following: (1) Living Space and Life Styles in Iowa 2000; (2) Our Land, Air, and Water Environment; (3) The Individual Iowan: His Privacy and Peace of Mind; (4) Science and Technology, with particular emphasis on Communications; (5) Iowa's Education and the Lively Arts; (6) Political Decision Making and Planning in the Future. Others could cover transportation, housing, the economy and agriculture.

Many of you will probably be quick to see opportunities to improve or modify this list. The important thing is to get the process started. That is why I am asking the Governor to seek the necessary funds, and I hope you will support the proposal with your state legislators.

To me, nothing could be more fascinating or more worthy of our energies than the effort to wrestle the potentialities of the future and subject them to our grasp.

I believe it was Matthew Arnold, in his essay on *Culture and Anarchy*, who reminded us of our society's mixture of traditions—both Greek and Hebraic. It is in the Hebrew tradition to get things done, to push on with our assignments, to achieve. The Greek traditon, which is equally strong, calls for us to pause in our striving and to reflect on the directions we are taking. Abraham Lincoln said it best when he remarked, "If we could first know . . . whither we are tending, we could better judge what to do, and how to do it." I think it is time for us to respond to those invitations in our character and traditions, and to determine for ourselves where we wish to tend.

The alternatives of apathy, ignorance or resignation are not truly in the American character. We who are concerned about the future of our youth should be concerned to set before them a future that will challenge the best of their energies and ideals. Of course the issues we must deal with are complex and the pace of change is awesome. But all the more reason to enlist human reason and free choice and common sense in grappling with our problems.

I am told that the Talmud preaches that, after the destruction of Jerusalem, prophecy was given to the deaf, fools, and minor children. Surely we can do better than that.

Thank you.

Seventh Annual Questionnaire From Congressman John C. Culver

A "present and future" poll

Dear Friends: As I have done in previous years, I am again requesting your views on some of the critical issues facing our nation today. While, in the final analysis, a Congressman must cast his vote according to his conscience and his own knowledge of an issue, an important part of that knowledge is information as to how his constituents feel about it.

I have organized this year's survey into two parts. The first has questions on which I am likely to be called upon to vote during 1972. The second experimental part asks your views concerning the shaping of public policy for the longer future.

The results of this "present and future" survey will be tabulated, published in the Congressional Record, and provided to you as in past years.

I very much appreciate your continued interest and willingness to take the time to share your opinions with me.

Sincerely,

John C. Culver,
Member of Congress.

1. The economy: Do you think the Administration's economic program has been successful in curbing inflation and reducing unemployment?

2. Vietnam war: Which of the following do you consider the most preferable course of action in Vietnam at the present time?

Continued phased withdrawal of American combat forces, with the possibility of increased bombings of North Vietnam and other countries in Southeast Asia until the South Vietnamese government is sure of its ability to survive.

Setting a specific date for complete withdrawal of all American troops in exchange for guaranteed release of all U.S. prisoners of war.

Resumption of full scale attacks on North Vietnam with any necessary increase in American men or material.

Undecided.

3. Agriculture: Do you favor Congressional action to establish a strategic grain reserve to improve farm income and to provide a guaranteed source of supply in times of natural disaster or emergency?

4. The draft: Which of the following alternatives do you prefer?

Continuation of the present draft lottery system.

Creation of an all-volunteer army.

A national service system which would allow a young man to choose between military service or alternative civilian public service.

Undecided.

5. Rural communities: Do you favor H.R. 7843 (The Culver bill) which would provide federal funds to small towns to assist in fixing up business districts and providing a center for community activities?

6. National priorities: Present inflationary pressures and large budget deficits require both restraint and priority allocation in federal spending. Please indicate those areas of the federal budget which you feel should be decreased, increased, or held at present spending levels.

Control of drug addiction.

Crime prevention.

Public education.

Medical care.

Aid to the elderly.

Improving conditions in small towns.

Increasing farmers income.

Pollution control.
Job training.
Housing.
Welfare reform.
Highways.
Military spending.
Foreign aid.
War in Southeast Asia.
Consumer protection.

7. What do you think is the most important problem facing the country today? What should we do about it?

A POLL OF FUTURE ISSUES

Today the pace of change is so fast and the range of available options so vast, that we cannot afford to let the future happen to us by default. We must look ahead and ask hard questions about both what is possible and what we want. The setting of public values, the ordering of priorities, the assessment of costs and benefits no longer can be ignored.

With that in mind, I have added this section to the poll in order to encourage us to begin thinking together about some of the crucial policy decisions that must be made during the balance of this century. By looking ahead 10, 20, and 30 years, and deciding which direction we should be going, we can hopefully avert social problems that might otherwise arise. The challenge then is whether we accept passively whatever future may evolve or whether we rationally do what we can to shape it toward humane goals.

A. Life in the future: I have listed below some of the many predictions which have been made concerning life in the future. Please check each according to whether you would find it desirable or not.

Increased affluence and leisure.
Elimination of poverty and hunger.
Further replacement of small farms and businesses by large corporations.
Decline in importance of religion.
Disarmament.
Change in the role of the family and marriage in society.
Four day work week.
Less emphasis on technological growth and achievements.
Greater consumer voice in corporation decisions.
Medical advances in genetics and transplants.
Less emphasis on nationalism and increased sense of world community.

B. Leisure time: Which of the following do you think would be helpful to assure that increased free time is enjoyable?

1. Greater spending at all levels of government for readily accessible recreational facilities.

2. Development, with government help, of more retirement communities.

3. Establishment of a minimum income so that everyone will not be economically prohibited from enoying leisure time.

4. Institute changes in educational programs to promote appreciation and fruitful use of leisure, and rely on the mass media to influence and fill our leisure time.

5. Transform many of the state's natural resources into recreation areas.

6. Emphasize participation activities—local softball leagues, drama workshops, painting clubs—instead of spectator activities—major league sports, professional theater, etc.

7. Greater stress on opportunities for artistic and cultural experience.

C. Education: What directions should education take in the next 25 years?

1. Deemphasize college education and improve the opportunities for vocational and craft training.

2. Provide that the federal government guarantee 2–4 years of post high school education—college or vocational—available in parts or as a whole at any time in one's life.

3. Restructure teaching so that students are taught to think more about the possibilities and probabilities of the future.

4. Finance secondary education through a combination of state and federal funds and not through the local property tax.

D. Quality of life in Iowa: If you were to consider the kind of Iowa you would like to see 25 years from now which of the following aspects of our present situation do you consider enduring assets which largely need protection, and which would require improvement and change through citizen and government action?

Environmental quality.
Population increase.
Drug use.
Educational system.
Public safety.
Sense of community, general interest in welfare of neighbors.
Opportunities for meaningful employment.
Transportation and housing.
Personal freedom and privacy.
Health care.
Equal opportunity—racial, sexual, ethnic.
Care of elderly.
Divergence of values between generations.
Cost of living.
The family farm.
Prison system.
Government.

E. Public leadership: In general, which of the following should be more involved in public leadership for the future?

Artists.
Bankers.
Blue-collar workers.
Business leaders.
Doctors.
Economists.
Farmers.
Labor leaders.
Lawyers.
Movie and TV celebrities.
Scientists.
Sports figures.
Teachers and educators.
White-collar workers.
Women.
Young people.

A CONFERENCE ON "IOWA IN THE YEAR 2000"

To help us be pilots as we travel in the future rather than passengers, I have proposed that Iowa hold a statewide future conference. It would be an opportunity to start working on new and improved ways of organizing ourselves to deal with the future before it deals with us.

This would be a conference, not just in Des Moines among legislators and technical experts and opinion makers, but would involve meetings throughout the state with parents, young people, farmers, housewives, businessmen, workers and others. In effect, there would be grass roots assemblies to express the will of the people about the future.

THE PENDING SOCIAL LEGISLATION

Mr. GURNEY. Mr. President, on January 21 I testified before the Committee on Finance on the merits and problems of pending social security legislation. I ask unanimous consent at this time to have this statement included in the RECORD.

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

STATEMENT BY SENATOR EDWARD J. GURNEY BEFORE THE SENATE FINANCE COMMITTEE ON H.R. 1, JANUARY 21, 1972

Mr. Chairman and members of the committee:

Thank you for this opportunity to express my concern that immediate action be taken to improve social security benefits for our older citizens. I am sure you agree with me that the older people of this country should not continue to be denied needed reforms in their social security protection any longer. If we cannot agree on the changes needed in the welfare program, then we owe it to our senior citizens to pass the Social Security and Medicare parts of H.R. 1 now.

When we talk about our older population we are discussing a large and growing proportion of our people. For instance, the 1970 census counted 20,049,592 older Americans out of a total of 203,165,699 residents, or 9.9%. In 1900, the census counted 3.1 million older persons out of 76 million residents, or only 4.1%. Today, the under-65 population is two and a half times as large as it was in 1900 but the 65-and-over groups is six and a half times as large.

Moreover, the older population is essentially a low-income group even though there are considerable numbers of wealthy among them. In 1970, half of the 7.2 million families with 65 and over heads had money incomes of less than $5,953. Almost a quarter of the older families had 1970 incomes of less than $3,000. Of the 5.8 million older persons living alone or with nonrelatievs half had 1970 incomes of less than $1,500. It is clear from these facts that we must take action to improve the economic condition of these individuals who are now retired from the work force but who have done so much to expand our economy in the past.

Only last month, a White House conference on aging meeting here in Washington pointed out in no uncertain terms that income was one of the most important concerns of the millions of older Americans it represented. The income section of this conference pointed out that there is no substitute for money if people are to be free to exercise choices in their style of living. Although it recognized that during the sixties the elderly as a whole enjoyed increased prosperity due to greater employment opportunities, better old age security and other public and private benefits, the income section also pointed out that the last two years may have witnessed the reversal of these trends as inflation eroded the purchasing power of fixed incomes, and rising unemployment reduced job opportunities for older workers. The report submitted by this section at the closing session of the White House conference stated that "direct action to increase the income of the elderly is urgent and imperative."

It was because I share this view that on November 17, 1971, I presented an amendment to the Revenue Act of 1971 which dealt with the social security and medicare improvements contained in the legislation before you today. It was my hope that this action would have prevented unnecessary delays in getting these much-needed and essentially noncontroversial improvements in the Social Security Act passed and the benefits delivered to our older people. The amendment consisted of three basic parts:

First, the provisions relating to old age, survivors and disability insurance.

Second, provisions relating to medicare, medicaid, and maternal and child health.

Third, provisions relating to certain aspects of welfare.

Mr. Chairman, as you pointed out when this proposed amendment was discussed on the floor, its provisions were basically written by this committee and they are good provisions. In fact, the Senate passed them in 1970. However, because the Senate did not want to become involved with numerous other proposed amendments to the Revenue Act, my proposed amendment was tabled.

Therefore, I would like to take this opportunity to highlight the important provisions contained in these amendments which are a part of H.R. 1.

One of the most important provisions in H.R. 1 is the proposed 5 per cent increase in benefits. Effective July 1, 1972. This in-

crease is long overdue and should be acted on at once. Even though 5 per cent is not a large amount it will mean a great deal to those older Americans who are struggling along at or below the poverty level.

Another important provision in the bill before us is the automatic cost-of-living adjustments in benefits. The statement I quoted earlier from the recent White House Conference on Aging underscored the importance of this provision. Older people should not have to wait for congressional action which, as has been true with this bill, is often slowed down because of more controversial proposals tacked on to social security legislation.

H.R. 1 also provides for an increase in widow's benefits from the present amount of 82.5 per cent of her husband's benefit to an amount equal to 100 per cent of the deceased husband's benefit. Instead of suffering a severe drop in income widows who must still pay the same rent, electricity, heat, water, and other bills they did before their husbands' deaths, will see a relative improvement in their economic position.

Another very important provision contained in the amendments I proposed was an increase in the earnings limitation on social security recipients. I realize that the House advocates the $2,000 earnings limit contained in H.R. 1, and that the Senate last year advocated raising that level to $2,400. Personally, I would like to see the earnings limit removed altogether. If that is impossible at this time, I would like to see a $3,000 limit. It is my hope that the committee will incorporate a $3,000 earnings limit provision into this bill. This will encourage the older American to participate in productive work when it is available rather than withdrawing into isolation.

Other proposals contained in H.R. 1 assist those who are disabled. Under present law, a person who must wait 6 months from the time he becomes disabled to the time that he can begin to draw benefits, and the benefits are not retroactive. This, in effect, amounts to a 6 month wait before one can begin being compensated for benefits to which he is entitled. H.R. 1 provides for a waiting period for disability benefits of 5 months, and in effect, adds an additional month of benefits over and above that provided by present law. These are all good provisions and should be adopted.

In addition, due to their urgent need for health insurance protection, medicare coverage should be extended to the disabled.

Another significant provision in this bill provides that should an individual receive an increase in social security benefits, the State could not reduce its assistance to that individual to the point that he receives no benefit from the increase. Now, if a person receives a $10 increase in social security benefits, the State often decreases the amount he was receiving under State public assistance programs. Moreover a rise in social security offen cancels other State benefits to the aged. Hence the social security increase is nullified. This inequity must be eliminated.

These proposals and many others have been considered carefully in the past by this committee and by the members of the Senate. There is no sound reason for delaying action any longer. We should think of the older American who is in dire need of an immediate increase in his social security benefits and take the action required to get that benefit to him.

Mr. Chairman, let me dwell for a moment on the welfare provisions of this bill. Welfare reform, as we all know, is a knotty problem. I find myself in agreement with the ranks of the distinguished chairman of this committee yesterday in the opening meeting of the Finance Committee as to the objectives of any welfare reform program. I would hope that this committee will include in this bill provisions for enforcing the requirement that able-bodied people accept work or be removed from the welfare rolls. I also feel that provisions giving people an incentive to work should be included. Laziness should not be subsidized at the expense of the hard working people who bear the financial burden of any welfare program we consider. With regard to the proposed program of family assistance, I feel it imperative that we pass legislation that promotes family unity rather than discouraging it and that encourages families to work and eventually get off welfare rather than loaf at the taxpayers expense. To do anything else would be inconsistent with the other purposes of this bill, which are to aid those who have worked for a lifetime and deserve security now that they are unable to support themselves.

Mr. Chairman, I thank you for the opportunity to appear before the Finance Committee today.

ATTORNEY GENERAL JOHN MITCHELL

Mr. DOLE. Mr. President, today, President Nixon announced that Attorney General John Mitchell has submitted his resignation, effective March 1. His departure from the Department he has led for the past 37 months will be a great loss, but his contributions to the Department of Justice have enriched and strengthened the administration of justice in America in ways that will be a lasting testament to his wisdom, foresight, and deep understanding of the responsibilities of leadership.

As Attorney General, John Mitchell has formulated and directed one of the most comprehensive approaches ever undertaken to improve the mechanisms and processes of justice throughout the Nation. Recognizing that crime is a problem threatening every level of our society, he launched a broad-scale attack aimed at improving the entire criminal justice system. This effort has been pursued in the legislative field through the advocacy of a broad range of statutes to tighten the criminal laws, to provide greater assistance for law enforcement agencies, to streamline and improve court procedures, and to bring long-overdue reforms to our correctional systems.

These programs have been pursued in the policy field by the formulation and application of departmental programs aimed not only at the Federal enforcement level—such as the top priority campaign against organized crime—but also going to establish a new relationship and framework of cooperation between the Federal Government and the State and local authorities.

By these initiatives, the Nixon administration has laid the foundation for reducing the impact crimes and criminals have on the lives of all our citizens. And in addition, major steps have been taken toward the long-range goal of making the criminal justice system a vehicle to better serve society by being more efficient, more fair, and more effective.

John Mitchell has been a tireless and dedicated worker for the best interests of the American people. He has avoided the headline-grabbing displays of his recent predecessors, and in devoting his full energies to the responsibilities of his office has contributed substantially to making our Nation a better place to live. When he came into office, he cautioned critics to observe what was done, rather than what was said in the Nixon administration, and judging by this standard, John Mitchell and the Department of Justice under his leadership, rate the highest marks for vision, accomplishment, and service.

PRESIDENT NIXON'S MISSION TO CHINA

Mr. ALLOTT. Mr. President, as President Nixon prepares to embark on his great mission to China, I join with all Americans in wishing him Godspeed and every possible success.

As a cosponsor of Senate Concurrent Resolution 57, I urge all Americans, of all faiths, to participate Sunday, February 20, in the National Day of Prayer for the Cause of World Peace.

It should be gratifying to the President and Mrs. Nixon to know that a united nation is prayerfully supporting their mission.

PRISON REFORM

Mr. BROCK. Mr. President, Mr. Ben Bagdikian in the fifth of his series of eight articles on prison reform, gives us a glimpse of some innovative approaches in the rehabilitation of juvenile offenders.

In his article, Mr. Bagdikian deals mainly with the concept of "Behavior Modification." Simply, this is a system where good behavior is rewarded—reinforced, and bad behavior is punished. However, the emphasis is on rewarding to produce desired behavior.

This approach has proven more successful than most and has been used in several California institutions for some time.

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

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

JUVENILE PRISON: SOCIETY'S STIGMA

(By Ben H. Bagdikian)

The price list is posted in big red letters for every kid in the classroom to see. Coffee break? $40. Sit in the teacher's swivel chair for a whole period? $20. Take a trip to the library for a book? Only 50 cents.

Get out of here entirely? $7,875.

You don't have the money? Just sign one of these contracts. "I will remain in my seat during the testing period. I will not talk to other wards . . ." up to $50 payment. "I will not fight with Chuck over the TV program"—$100. "I will write out as closely as I can remember exactly what I said and exactly what Chuck said when we fought and then I will write out what I could have said to avoid a fight and still get my point across"—$300.

The assorted young burglars, car thieves, murderers, rapists and robbers are being "paid" to behave the way the state of California wants them to.

They are not charged or paid United States dollars but "Karl Holton Dollars," the medium of exchange in the place. But in Karl Holton Dollars they really mean it. Coffee can cost $40, a pool game $35, a five-minute phone call $150, an afternoon nap $25.

Each boy carries a small blue book, "Karl

Holton Bank" with his savings listed. His daily expenditures and pay are also posted publicly so that no private deals are possible.

Karl Holton School is a prison for boys in Stockton, Calif. It's surrounded by a 14-foot chain link fence, the top four feet of sheer metal to frustrate agile climbers (it doesn't; the boys turn the tines of forks and grapple their way over the top). There are almost 400 juvenile criminals inside.

A couple of football fields away is another prison for boys, constructed to be almost a mirror image of Karl Holton. It is the O. H. Close School, with about the same population. But it has an entirely different and similarly innovative philosophy of treatment.

Side by side, these $35 million experiments are symbolic of the desperation of a society bewildered by the defection of its young. The most distressing criminals in the United States are its juveniles—as young as 7, mostly in the mid- and upper-teens.

One in every six American citizens is a child between the ages of 10 and 17; three of every six arrests for serious crimes are of someone in that age bracket.

Crime rates among youth are alarming in every segment of the country—both boys and girls; inner city, suburban and rural; rich and poor; white and black (though, as with adults, the poor and the black, after arrest, are sent to court and prison more often than affluent law breakers).

Once juveniles are convicted, they do worse than adults. From 40 to 70 per cent of adult prisoners repeat crimes after their punishment; from 74 to 85 per cent of juveniles do so.

The dismal record of juvenile "corrections" is especially frustrating because it deals with presumably pliable youth still forming their characters.

An alarming number of juvenile criminals apparently want to kill themselves, either directly by drugs or engagement in suicidal violence, or by symbolic death through repeated imprisonment.

What happens to these imprisoned youths raises questions about the society that produced them. All over the country, the men and women who run juvenile institutions say similar things, typified by:

We inherit the failures of all the other institutions of our society, the failure of our homes, of our schools, of our churches, of our economy. We get the products of a culture that worships material things—money, cars, clothes—and of a culture that glorifies violence and sanctifies guns. And what can we do about the father who's an alcoholic or the mother who's a drug addict, or the uncle who's a child-beater, or the 10 to 30 per cent of girl offenders who have been the object of incest with their fathers and step-fathers? And what do you expect when our graduates go right back into that environment?

They are profound questions. But they do not relieve the institutions completely. Once juvenile "homes" receive convicted youths, a large proportion of the institutions do things for which the law would prosecute a parent:

Lock the juveniles in terrifying isolation; beat them; put them into circumstances in which forced homosexuality is predictable; crowd them into inhuman densities; force them to associate with promoters of violence.

One expert in criminal justice said "Juvenile corrections isn't better than adults, it's just more hypocritical."

There are still juvenile jails and prisons—"halls" or "homes" or "camps" or "schools" or "centers"—where the chief instruction for a new guard—"counselor" or "correctional officer" or "dorm leader"—consists of how to rough up a juvenile without leaving marks: always use forearms and whole body, never fists or feet.

Most places are still crime schools. "Let me tell you a little story," an experienced worker in corrections said recently. "We were in a new, nice-looking jail in the northwest and interviewed two 14-year-old girls sitting by each other. We asked the first girl what she missed most and she said 'Speed and men.'"

"Speed" is the street term for methedrine, a chemical stimulant that increases heartbeat and raises blood pressure and in large doses produces hallucinations and sometimes death.

"We asked the second girl what she missed most. She obviously was not initiated yet in speed or men. But she was a very unhappy girl and we all felt that it was almost certain that the moment the second girl got out of jail she would rush to find comfort in speed and men."

OVERCROWDING AND BRUTALITY

In Miami last October, the director of the Dade County Youth Hall admitted that the jail was built for 52 but now held 250 and it was necessary to put juveniles in the same room not by offense or personality but by physical size, so that each child would have a better chance of defending himself physically.

"There's just not enough room to do it any other way," Everett Clime, the director said. "Many of them are runaways, many have drug problems, I wouldn't doubt it if a few were prostitutes. There wouldn't be any way to keep them from teaching these things to one another.

In Detroit last November, lawyers brought suit against the Wayne County Youth Home on behalf of five children who were jailed only because they had been abandoned by their parents or had been taken away from parents who were brutal or alcoholics. Once in the protection of the state, these children, the suit claimed, were placed for as long as three days at a time in a bare cell with only a mattress and a toilet, punished by being forced to stand with arms outstretched and not move for hours, and struck on the head with keys.

They allegedly received these punishments for speaking without permission, not answering questions fast enough or looking out of windows without authorization.

Several weeks ago, a Harvard student posing as a 16-year-old delinquent, entered the John J. Connelly Youth Center in Roslindale, Mass. and wrote in the Boston Globe that the place held 200 boys though built for 88, and that staff members held boys heads under water for punishment.

Two boys found talking without permission were punished by having to run between two lines formed by all the other teen-age inmates. The other inmates were required to punch the offenders with a closed fist between the waist and the shoulders. If any boy in the line failed to hit the two boys, he would then have to run the gantlet himself.

How many juvenile centers are run like this in unknown. It is a world closed to the public and to the press. When there are visits, it is usually during hours when the inmates are in classrooms, thus centering attention on the clean hardware and concealing the extent of overcrowding.

There are many humane and purposeful juvenile institutions but they tend to be the ones most heard about because they are less secretive.

State and local programs are varied and unintegrated. The federal government, which presumably would have the most sophisticated talent and the most money, is fragmented and disorganized in its programs.

CALIFORNIA'S TWO EXPERIMENTS

Though 48 per cent of arrests for serious crimes are of juveniles, the chief agency for juvenile corrections research and support, the Law Enforcement Assistance Administration is spending less than 15 per cent of its budget on juvenile delinquency. Work on juvenile delinquency is scattered among a minimum of nine different federal agencies, ranging from the Department of Housing and Urban Development to the Department of Agriculture.

This is why experiments like the two centers in Stockton stand out by contrast. Theirs is the latest attempt in a long search.

For decades, waves of new approaches have washed over millions of troubled children. It began with moralistic instruction, preaching at bad children to be good, still a popular prescription for making adults feel better. Some places concentrate solely on vocational training, though usually in an obsolete or depressed trade.

Some spend most of their time testing the child and make sophisticated analyses. Or they concentrate on academic achievement.

Others believe that what the bewildered soul of a child needs more than anything else is fresh air and competitive sports.

Psychiatry in its various forms dominates some institutions, including every conceivable permutation of counseling and group therapy.

None of them works. Or at least none works if the measure is that most of their graduates will thereafter avoid arrest.

Richard C. Kolze, superintendent of the Karl Holton School, does not pretend that the "Karl Holton Dollars" will buy guaranteed solution either, but his institution is permeated by a religious devotion to trying it.

The theory back of it is "Behavior Modification," a practice that accepts the fact that either we do not know why human beings do the things they do, or if we do, there isn't much we can do to change people by rearranging their thoughts and emotions. It aims at a seemingly modest goal: whatever the causes, just change actions; reward behavior you consider good, punish what you consider bad. Since it is known that punishment produces minimal learning, the emphasis is on reward for desired behavior.

From the first moment a convicted body enters Holton School he gets a contract, a formal written agreement signed by him and his counselor, providing so many Holton Dollars for certain performances.

The "Get Acquainted Contract" says, "During my first week, I will: 1. Introduce myself to every staff member on my hall team; 2. Carry on a 5-minute conversation with every staff member on my hall team; 3. Following each conversation, get the signature of the staff member; 4. Learn the name of every staff member on my hall team; 5. Name (from memory) each staff member on my hall team to my assigned counselor. For this I will receive: 1. 75 points for each signature obtained. 2. 25 points for each name remembered. Some contracts are for "convenience behavior"—managing time well, relations with other inmates, getting out of bed on time, finishing meals on time. The boy must earn $3,525 this way.

Other contracts are for academic achievement. All instruction is individual, so the boy can move as fast as he wishes, competing only with himself. He gets Holton Dollars for good grades, completing tests properly and other tasks related to schooling. He has to earn $2,250 that way.

Finally, he has Critical Behavior Deficiencies to earn dollars. Each month, three staff members and the boy himself fill out a checklist of 80 items believed to be important in predicting how a person will do on parole. These include the number of contracts filed and satisfied, various measures of "positive behavior" and the ingenuity of the boy in doing his tasks. He must earn $2,100 this way.

LIKE THE REAL WORLD

The school discovered that it had created a replica of the economic world and now need a fulltime economist. The recordkeeping is overwhelming. Dollars earned are computed on the spot and reports sent to a central computing office where debits and credits

are calculated and posted. They plan to get a computer.

"There are some things we have to watch out for," Kolze says. "We limit the number of 'Dead Man Contracts' that the boy earns for simply not doing something bad. Otherwise, of course, he'll do a lot of bad things so he can get credit for stopping them.

"We watch the contracts the staff writes all the time. Everything depends on the quality of the contracts. If a kid gets dollars just for keeping his shirt tucked in or for going to church, then all we have here is a funny game. But if you contract with the kid to analyze why he's angry at his mother or fights with the other boys, then it means something.

"You see, this puts everything out in the open. The staff can't play games with the kids or the kids do it with the staff. You know: 'Let's hit Mr. Jones up for a favor, he's in a good mood today.' The kid knows what's expected of him and exactly where he stands. There's no guessing, no subjectivity.

"We don't let the staff write up bad attitudes. They can't threaten anything. If they have a problem with a kid it's up to them to handle it some other way.

"We keep a constant analysis of dollar flow patterns. For example, if some kid is accumulating too much money and not spending it, we know that he's getting too rich and won't have to work. We look at what's selling in his hall—maybe pool is a favorite pasttime or phone calls, it varies from hall to hall.

"In some halls, private rooms are the big thing, in others sleeping in. Whatever it is, when some kid in a hall is saving up too much, we raise the prices on the popular items in that hall. We cause inflation so he has to work harder."

Just like the outside world?

"Exactly."

How do you know that the kids won't learn how to manipulate the economic system?

"They aren't smart enough to do that."

Boys pay rent for private rooms—there are dormitories and private rooms in each unit—but they get dormitory beds and meals "free."

"We tried to charge for room and board but it wouldn't work because it meant inevitably that some kids wouldn't be able to pay. And obviously we weren't going to keep them from bed and board, so we'd have to have a welfare system. We planned that, too. But it got so complicated it overloaded the system. Besides, we couldn't sell the welfare system to the other kids who wanted to know why they should give up 10 per cent of their bank account."

Just like the outside world?

"Right."

THE CATCH IS PAROLE

When the Holton School inmate has earned $7,875, he is eligible to apply for parole. But there is a catch. Despite all the daily computations, data processing and elaborate manipulation of the economy, when the big prize has been earned, it is simply eligibility for parole. The real pay-off, the parole, is run on a different system.

"We measure everything on performance of the young man," says Kolze. "But we're dealing with a parole board that is time-oriented. We feel that a lot of our boys could move out of here much sooner. But the board disagrees because they consider the original offense and the amount of time spent in the institution."

A brisk walk from the gate of Holton School is the O. H. Close School, the same kind of physical plant with roughly the same number and kind of boys. "We have everything here," Harold Richards, the superintendent says. "You name it, we've got it—burglary and auto theft are the biggest offenses, but we've got child molesters, murderers, armed robbers, rapists . . ."

Close School is devoted entirely to Transactional Analysis, self-examination based on the assumption that each person has within him three major approaches to life: a built-in Parent, who admonishes; a built-in Child, who reacts emotionally; and a built-in Adult, who is a creature of facts and logic. These interact within the individual, causing him confusion. And each person's three ego states interact with other individuals' three ego states, causing a variety of hidden messages and games between people. (A basic book on the technique is Eric Berne's "Games People Play.")

"What we would hope for," Richards says, "would be that a kid by the time he left here would be able to plug into his own mind before he does something to evaluate the situation before he acts, to find out, as we say, what ego state he's in when he is about to do something."

Instead of the price lists of "Holton Dollars" in the institution across the street, Close School has posters poking fun at games inmates play. "Let's Make Counselor Sorry" and "Look What They've Done To Us" and "I'm Just a Typical Teenager." The staff isn't immune: "After All I've Done for You—" and "I Let You Go On a Furlough and Now See What You've Done" and "Kick Me."

Games, in transactional analysis, are a series of secret messages with a gimmick designed to produce some emotional payoff. The best emotional state and the motto of the technique is, "I'm Okay, You're Okay."

A LIFE SCRIPT QUESTIONNAIRE

When each of the 390 boys enters the school, he fills out a Life Script Questionnaire designed to give insight into the boy's conscious and subconscious expectations for himself.

"The number of kids who have as a lifetime script a violent death, or a lifetime spent behind bars of some sort is just incredible . . . Usually a life script is a reflection of what parental expectations were . . . Many parents unconsciously want their kids to fail. They unconsciously want them to take drugs, for example, even as they say, 'Don't take drugs.' The hidden message is, 'Do take drugs.' "

The staff described one boy committed for forcible rape.

"A brutal crime," Paul McCormick, a worker at the school, said. "A gang of kids grabbed a couple who were up in the hills necking and they robbed the guy and raped her.

"This boy was unaware that he had any anger in him. I finally got him to see that he had brutalized another human being, a complete stranger, so it's an evidence of some kind of hate or anger within himself and not related to that particular girl. That it's in him.

"He wasn't aware of it, but he had been programmed by his mother and father from about the age of 12, who kept saying, 'Now don't get in trouble' when they were really telling him all the time, 'You're the kind of kid who's gonna be bad, bad, bad' . . . What's the worst kind of bad? Rape."

"Well, it's kind of ironic because I got busted for rape and I could have been with my girl friend that very night, and we could have been balling the way we always did."

He says that his companions kept urging the rape. He wanted to return home. But in the end he led the group. He said he didn't enjoy it.

Why do it if he didn't enjoy it?

"It didn't strike me in my mind as forcible rape, kidnap and whatever else. No, it didn't strike me as that.

"I was with my friends and I could only explain this through what I've learned here about myself. I needed strokes—my friends said things I liked. I went along with the group.

"I relied more on my friends than I did on Mom and Dad . . . All my Mom and Dad would do would say that everything I did was wrong. There'd always be, 'You're gonna get in trouble.'

"And I never thought much about what I would do in the future. I wanted to be out of the house. I wanted to go to parties. I wanted to ball chicks. I never thought much about it. I never had any insight into myself until I came here.

He spoke softly.

"I don't have to please nobody. I don't have to make anybody love me or hate me. If I reject stealing a car that my friends want to take, it isn't that I reject my friends, but just the idea of stealing. After that, if they want to reject me, then I can say,'——— you.' Now that's a change because before I had to go along with my friends. Same as with my Mom and Dad."

Does it work? Does it work better than Behavior Modification across the street? Nobody knows. Typically of corrections systems nationwide, California spent $13 million to build the two institutions and has spent $22 million operating them but didn't appropriate research money to measure their relative effectiveness. The federal government had to do it in a study still in progress.

Superintendent Richards was asked whether it was possible that he was merely producing more insightful car thieves and rapists.

He shrugged.

"We don't know. But I have trouble believing that we are not doing some good. I think it's justified to use the medical analogy of treatment: you don't measure it by sudden cure but by the number of relapses. I'd be surprised if our kids don't have fewer relapses. But we just don't know. We won't know for a long time."

SEX DISCRIMINATION IN EDUCATION

Mr. BAYH. Mr. President, the Higher Education Act will soon be before the Senate. I commend the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) for their leadership in fighting for this broad, innovative, and necessary legislation. But as we endeavor to guarantee a full education to all citizens regardless of their ability to pay, I urge the Senate to guarantee equal educational opportunity for women as well as for men.

It is clear to me that women today are not receiving equal access to educational funds and facilities, or equal treatment after receiving their educational training. Therefore, I have introduced and I intend to call up during the debate an amendment which would deal in a comprehensive way with sex discrimination in education—in admissions, scholarship programs, faculty hiring, and the pay of professional women—and would provide additional reform in related areas.

I ask unanimous consent that a statement and exhibits on this subject be printed in the RECORD.

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

I. SCOPE ON THE PROBLEM

It is difficult to indicate the full extent of discrimination against women today. The field of education is just one of the many areas where differential treatment has been documented; but because education provides access to jobs and financial security, discrimination here is doubly destructive for women. Therefore, I believe a strong and comprehensive measure is needed to provide women with solid legal protection from the persistent, pernicious discrimination which is serving to perpetuate second-class citizenship for American women.

The rationale for denying women an equal education is vague, but its destructive presence is all too clear. As a study by an independent task force, formed by the Ford Foundation, reported in March of 1971, "discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community." We are all familiar with the stereotype of women as pretty things who go to college to find a husband, go on to graduate school because they want a more interesting husband, and finally marry, have children, and never work again. The desire of many schools not to waste a "man's place" on a woman stems from such stereotyped notions.

But the facts absolutely contradict these myths about the "weaker sex" and it is time to change our operating assumptions. First of all, the percentage of entering undergraduate students who graduate in 4 years is about 15 percent higher for women than for men—and their grade averages are also higher than those of men. Second, 70 percent of female college graduates do secure jobs, thus giving the lie to assumptions that they are not serious students. More than half the mothers of school-age children work. At age 35, women with husbands can expect to work fully twenty-four years.

For those women who go on to receive graduate degrees, their work records demonstrate a clear dedication to their careers. Female PhD's rarely give up their careers; 91% of the women with doctorates are working today, 81% of them full-time. Moreover, in a study of 2,000 women 10 years after they received their doctorates, 79% had not interrupted their career at any time. The diligence of these women is worthy of note: by way of contrast, ten percent more men than women had interrupted their careers within ten years of completing the doctoral program. Furthermore, research shows that married women publish more than men.

[In percent]

Present rank	Men	Women
Professor	24.5	9.4
Associate professor	21.9	15.7
Assistant professor	28.2	28.7
Instructor and below	25.3	46.2

Source: Simon & Grant's Digest of Educational Statistics, 1969.

And yet a vicious and reinforcing pattern of discrimination persists. In the summer of 1970, Representative Edith Green, Chairman of the House Special Subcommittee on Education, held extensive hearings on discrimination in education and related areas (hereafter referred to as the *1970 Hearings*.) Over 1200 pages of testimony document the massive, persistent patterns of discrimination against women in the academic world. Yet despite a situation which approaches national scandal, the problem has gone unnoticed for years. Today, many would deny that it exists.

But discrimination against women in education does exist. Moreover it prospers. Alan Pifer, President of Carnegie Corporation of New York, has pointed out that women actually have lost ground in education over the years:

"If we compare the participation of women in higher education today with the situation of 40 years ago we find, rather surprisingly, that it has considerably worsened. In 1930 47 percent of undergraduates, as opposed to today's 38 percent, were women; 28 percent of the doctorates were won by women as against today's 13 percent, and at many institutions, the proportion of women faculty members was higher than today."

I believe it is important to survey in some detail the scope of the problem in certain fundamental areas—hiring, scholarships, and admissions.

A. DISCRIMINATION IN HIRING AND PROMOTION OF FACULTY AND ADMINISTRATORS

Discrimination against females on faculties and in administration is well documented and widespread abuse is clear.

I have been dismayed to learn of the double standard the academic community has applied to those women who choose to make education their life work. In spite of high academic standards, a woman who has met the rigorous standards for a PhD program may suddenly find that these same schools do not have sufficient confidence in their own standards to hire the graduate to teach. A recent report on Columbia University practices found that although the percentage of doctorates awarded to women rose from 13 to 24 percent between 1957 and 1968, the percent of women in tenured positions at the graduate facilities have remained constant—at slightly over 2 percent. Similar situations exist, according to testimoney during the *1970 Hearings*, at numbers of other schools.

Although women comprised 6.9 percent of those enrolled in law school in 1969, a survey of 36 prominent law schools during 1968–70 showed that out of a total of 1,625 faculty members, only 35 or 2.1 percent were women, and 25 percent of those 36 were classified as Librarians. (See Exhibit D.)

Furthermore, the rule is that once hired, women do not receive advancement as often as men. While almost half of the male teachers are given the status of full professor, only 10 percent of the women make it that far. As a result, the highest faculty ranks are weighted with men; the lowest rank with women:

Finally, those women who are promoted often do not receive equal pay for equal work. In 1965–66, at the instructor's level the median annual salary of women was $410 less than that of male instructors; at the assistant professor's level it was $576 less; at the associate professor's level, $742 less; and at the level of full professor, it was $1,119 less. ("Fact sheet on the Earnings Gap", U.S. Department of Labor, Women's Bureau, 1970.) According to testimony submitted during the *1970 Hearings*, the women at the University of Pittsburgh calculated that the University was saving $2,500,000 by paying women less than they would have paid men with the same qualifications.

Preference for men over women to fill administrative posts is just as clear. For instance, Dr. Peter Muirhead, Associate Commissioner of Education, testified during the *1970 Hearings* that more than two-thirds of the teachers in elementary and secondary schools are women, but they constitute only 22 percent of the elementary school principals and only 4 percent of the high school principals. According to a recent study by the National Education Association, only two women can be found among 13,000 school superintendents.

In higher education, female administrators are virtually non-existent. Dr. Ann Scott, from the University of Buffalo, highlighted the "progressive evaporation of women as we climb the academic ladder" by pointing out that while women are only 5 percent of the full professors at the institution, they are even less—1 percent—of the top administration (*1970 Hearings*). Even at women's colleges there has been a decline in recent years in the number of high administrative posts held by women. And as Dr. Bernice Sandler pointed out in a recent speech, if it were not for female presidents at Catholic colleges, the number of women college presidents would be less than the number of whooping cranes!

B. DISCRIMINATION IN SCHOLARSHIPS

Although documentation of discrimination in scholarship aid is less conclusive than in other areas, a recent study by the Education Testing Service found that although men and women need equal amounts of financial aid in college, the average awards to men are $215 higher than to women. In addition, concern was expressed during the *1970 Hearings* that programs of compensatory education for disadvantaged students are often weighted toward male disadvantaged students. Of the twenty-six students accepted in 1968–69 for a program run by Brandeis University, all were male. Regarding graduate studies, testimony suggests that women fare slightly worse than men in receiving financial assistance. Claims have also been made that rules permitting only full-time students to receive aid discriminate against women who are going to school while running a household.

C. DISCRIMINATION IN ADMISSIONS

Of course the area where discrimination affects the greatest number of women is in admissions—admissions to undergraduate, graduate, professional, and vocational institutions of education.

I am concerned that in 1970 the percentage of the female population enrolled in college was markedly lower than the percentage of the male population. 40.5 percent of males between the ages of 18 and 21 were enrolled whereas only 28.6 percent of the females of the same age were enrolled. For the ages of 22–24 years, 20.6 percent of the males were enrolled whereas only 8.9 percent of the females were going to college. (See Exhibit E)

The reasons for disparity in enrollment are of course complex and by no means entirely due to overt discrimination. Surely some of these differences result from sex-role expectations in our society. However, there are indications that discrimination does exist at many schools. The 35 schools which are considered by one college handbook to be the "most selective" in the country, admitted a freshman class in 1970 which was only 29.3 percent female. (See Exhibit F) This figure compares very poorly with the national admissions rate of 41 percent women. In the 25 leading graduate departments of history, rated by the American Council on Education, women comprised only 30 percent of 1970 first year enrollees; in the 32 leading biochemistry departments, women comprise only 31 percent of 1970 first year enrollees. (See Exhibit G) More generally, a 1970 study of 240 random schools conducted at the University of Wisconsin indicated that at lower levels of ability, applications from men are markedly preferred over identical applications from women. (See Exhibit H) Dr. Peter Muirhead of the Office of Education testified during the 1970 Hearings that consistently higher records of female students at undergraduate and graduate schools "suggest a tendency to require higher standards of women for admissions."

For professional schools, Dr. Francis S. Norris testified during the same hearings that although the number of women applying for admission to U.S. medical schools increased by more than 300 percent between 1929–30 and 1965–66 (while male applications increased by only 29 percent), the percentage of women applicants who were accepted actually declined during the same time period. (See Exhibit I) In 1966–67, only 18 out of 89 medical schools in the country had more than 10 percent women students.

Admissions to vocational programs and institutions is another area where discrimination on the basis of sex can be documented. Unfortunately, the Office of Education does not keep complete statistics on the number of programs or classes which are restricted in terms of sex; however, a survey of city Boards of Education indicated that sex-separation is the rule rather than the exception. In the state of Massachusetts, there are 17 secondary vocational schools for boys and 3 secondary vocational schools for girls. Although the Board of Education in New York City has tried to institute a co-educational policy where practicable, out of 5 vocational high schools, 12 are for boys only and five are limited to girls. And in

Detroit, I am told that all four vocational schools are for boys only. In addition, many new vocational classes which are run as part of an academic high school program are sex-segregated.

The discriminatory effect of sex-segregation in vocational education is that many fields which are designated for females such as cosmetology or food handling are less technical and therefore less lucrative than fields such as T.V. repair and auto mechanics "reserved" for males. And yet it is only tradition which keeps women out of these fields. Enrollment figures show that across the nation, no field of study is limited to only one sex anymore: enrollment in home economics programs was 13.3 percent male in 1969; enrollment in agriculture was 2 percent female in 1969. If women can receive agricultural, electronic or mechanical training in some programs, they should be able to receive that same training in all programs.

II. SUMMIT OF AMENDMENT

The amendment I am proposing is a strong and comprehensive measure which I believe is needed if we are to provide women with solid legal protection as they seek education and training for later careers, and as they seek employment commensurate to their education. The amendment is designed to expand some of our basic civil rights and labor laws to prohibit the discrimination against women which has been so thoroughly documented.

A. PROHIBITION OF SEX DISCRIMINATION IN FEDERALLY FUNDED EDUCATION PROGRAM

Central to my amendment are Sections 1001–1005, which would prohibit discrimination on the basis of sex in Federally-funded education programs. Discrimination against the beneficiaries of federally assisted programs and activities is already prohibited by Title VI of the 1964 Civil Rights Act, but unfortunately the prohibition does not apply to discrimination on the basis of sex. In order to close this loophole, my amendment sets forth prohibition and enforcement provisions which generally parallel the provisions of Title VI.

Under this amendment, each Federal agency which extends Federal financial assistance is empowered to issue implementing rules and regulations effective after approval of the President. These regulations would allow enforcing agencies to permit differential treatment by sex only very unusual cases where such treatment is absolutely necessary to the success of the program—such as in classes for pregnant girl or emotionally disturbed students, in sport facilities or other instances where personal privacy must be preserved. Failure to comply with the regulations may result in the termination of funding. However, termination must be preceded by notice and opportunity for a hearing, as well as by a determination that voluntary compliance cannot be secured. The effect of termination of funds is limited to the particular entity and program in which such noncompliance has been found, and judicial review is provided under either specific legislation or the Administrative Procedure Act.

This portion of the amendment covers discrimination in all areas where abuse has been mentioned—employment practices for faculty and administrators, scholarship aid, admissions, access to programs within the institution such as vocational education classes, etc The provisions have been tested under Title VI of the 1964 Civil Rights Act for the last eight years so that we have evidence of their effectiveness and flexibility.

My amendment allows some exemptions, pending the completion of more extensive investigation of certain specific problems. First, military and Merchant Marine schools, as well as religious institutions where compliance would not be consistent with the religious tenets of the organization, are exempted. In addition, the admissions policies of certain institutions of education are exempted until further study can be made. As a matter of principle, our national policy should prohibit sex-discrimination at *all* levels of education. However, problems are presented by the fact that many schools—particularly private undergraduate schools of higher education—have established over many years an identity and tradition as single-sex institutions. As a result, they argue that a change such as requiring a sex-neutral admissions policy would be disruptive both in terms of the academic program and in terms of psychological and financial alumni support.

I do not have sufficient information to answer either of these claims. But since private institutions of higher education rely on private gifts and endowment income for 17.6 percent of their operating expenses and public monies for only 6.8 percent of expenses (as opposed to public institutions which rely on public monies for 52.5 percent of their operating expenses, and on private gifts and endowment for only 2.7% of expenses), it seems reasonable to allow time for a careful and specific study of the financial repercussions which these schools claim would occur if they were covered by this amendment. For, instance, if private gifts decrease, is the Federal government prepared to make up the difference to these schools?

In view of the problems described, one suggestion has been to exempt admissions policies for substantially single-sex schools. However, an exemption based on the standard of "substantially single sex" has many inequitable applications. For instance, a number of traditionally male schools have begun to admit women in the past few years—often against substantial alumni (hence, fiscal) pressures; others have not yet made the decision to become coeducational but they have been urged to do so. These schools which have made no effort to open their doors to women would be allowed to continue to discriminate under a single-sex exemption, while those schools which have begun to reform voluntarily would be subject to federal controls which they might have avoided by being less progressive.

Thus it appears fairer to require all schools to adopt sex-neutral admissions policies. In any event, I believe specific hearings are needed to answer these questions which had not been raised at the time of the *1970 Hearings*. Since there are also a number of high schools which are single-sex, a similar study is needed on the question of requiring them to admit students of both sexes. I have been amazed to learn that the Office of Education does not even keep statistics on how many elementary and secondary schools—even public schools—are restricted in admissions to one sex. After these questions have been properly addressed, then Congress can make a fully-informed decision on the question of which—if any—schools should be exempted.

In the meantime, the amendment I am proposing covers admissions to institutions of graduate, professional, and vocational educational institutions and public undergraduate institutions. No one can argue that these schools have any justifiable reason to discriminate against one sex or the other. Admissions policies of other schools are temporarily exempted until further study can be made as to the feasibility of requiring that all admissions policies be sex-neutral. For the purposes of such study the amendment requires that the Commissioner of Education conduct a study, with open hearings, on the desired extent of Section 1001's coverage, and that he make recommendations to Congress by the end of next year on this question.

My view is that many of these exemptions will not be supportable after further study and discussion. In fact, I hope and expect that the prospect of this study will serve to remind educational institutions that the discussion of heir admissions policies is not closed. There has been commendable progress by many institutions in the last few years, but we have a long way to go before the many injustices are corrected. In the meantime, there are other areas in education where the path to justice is clear and has not been followed.

B. PROHIBITION OF EDUCATION—RELATED EMPLOYMENT DISCRIMINATION

Title VII of the 1964 Civil Rights Act has been extremely effective in helping to eliminate sex discrimination in employment. Unfortunatly it has been of no use in the educational field, because the Title by its terms exempts from its protection employees of educational institutions who "perform work connected with the educational activities" of the institution. Therefore, the second major portion of this amendment would apply Title VII's widely recognized standards of equality of employment opportunity to educational institutions.

In addition, to make sure that both men and women employees receive equal pay for equal work, my amendment would extend the Equal Pay Act of 1963 to include administrative, executive, and professional workers, including teachers, all of whom are presently excluded. One of the purposes of the Higher Education Act is to encourage as many students as possible to seek a full education so as to be self-sufficient and contributing members of society. It is of little comfort for women to know that they are encouraged to further their schooling but that in spite of a fine education, they will be earning far less than male colleagues for the rest of their lives.

Both of these provisions to expand existing law and protect women were recommended by President Nixon's Task Force on Women's Rights and Responsibilities. The provision amending Title VII was approved previously by the Senate, but since its fate in Conference is uncertain, the provision has been retained in my amendment. I urge the Senate to approve both provisions so that two more pernicious and unfortunate loopholes in existing laws and be eradicated, and both academic and non-academic women who have made the decision to seek higher education and specialized training can expect to receive both nondiscriminatory access to better jobs and equal pay for equal work.

C. STUDIES OF SEX DISCRIMINATION

The third set of provisions in my amendment would require two different types of studies, a specific analysis of the effects of sex discrimination on educational institutions and students, and an ongoing review and analysis of the nationwide effects of the problems.

First, the Commissioner of Education would be required to make an immediate study of sex discrimination in education, just as he did for other forms of discrimination under Title IV of the Civil Rights Act. This proposal was a priority of President Nixon's Task Force on Women's Rights and Responsibilities. This study by the Commissioner of Education would finally give us a clear picture of the exact nature of sex discrimination in education, its pervasiveness and its cost to society. In addition, the Commissioner's study would also provide an open forum for a thoroughgoing discussion of the proper role—if any—for single sex institutions of education. The Commissioner would be charged with submitting to Congress by the end of next year his report, together with recommendations for remedial action. The report shall include an analysis of the extent to which it would be advisable to eliminate the present exemptions under Section 1001 of the amendment.

Second, for purposes of long term study and action, the U.S. Civil Rights Commission will have continuing authority to study and collect information, make investigations, and appraise the laws and policies of the United States concerning the denial of the equal protection of the laws by reason of sex, just as it now studies discrimination on

the basis of race, color, religion, or national origin.

This part of my amendment was suggested by President Nixon's Task Force on Women's Rights and Responsibilities, and the President personally recommended this expansion of the powers of the Civil Rights Commission in his State of the Union address. Not only would study by the Civil Rights Commission assist us in determining where the most egregious discrimination lies, but it would provide an independent analysis of the wisest way to attack interrelated problems of discrimination in education, employment, and counselling or training. This nation's need for a central clearinghouse and authority on all questions relating to sex discrimination has become very clear to me during my work on this particular amendment, the Equal Rights Amendment, the Women's Equality Act, and the proposal to provide universal child care. Congress has already been asked to enact major pieces of legislation relating to women; in the next few years it will have to evaluate the progress made under this legislation and to consider new proposals. To ensure a well-informed perspective, I believe we should expand the Commission's responsibility now to include the area of sex discrimination.

D. SUITS BY THE ATTORNEY GENERAL

There are, of course, other loopholes in the Civil Rights Act where sex was not mentioned. To correct one more, this amendment would permit the Attorney General to initiate litigation concerning the denial on the basis of sex of admission to or continued attendance at a public college, and to intervene in litigation already comenced by others regarding the denial of equal protection of the laws on the basis of sex. The Attorney General already has both these powers in regard to discrimination on the basis of race, color, religion, or national origin; again sex was left out. President Nixon's Task Force on Women's Rights and Responsibilities recommended that these loopholes in the law be closed, so that the Justice Department can help develop case law in such a vitally important area.

CONCLUSION

Many of the provisions of this amendment have been discussed on the Senate floor in the past. Some have been passed by either the House or the Senate.

But the simple, if unpleasant, truth is that we still do not have in law the essential guarantees of equal opportunity in education for men and women. When I proposed an amendment similar to this last August it was ruled "non-germane." Now I am coming back to the Senate with this comprehensive approach which incorporates not only the key provisions of my early amendment, but the strongest points of the anti-discrimination amendments approved by the House.

While the impact of this amendment would be far-reaching, it is not a panacea. It is, however, an important first step in the effort to provide for the women of America something that is rightfully theirs—an equal chance to attend the schools of their choice, to develop the skills they want, and to apply those skills with the knowledge that they will have a fair chance to secure the jobs of their choice with equal pay for equal work. I include exhibits A–I at this point in my remarks.

EXHIBIT A

S. 659

Amendment intended to be proposed by Mr. BAYH to S. 59, a bill to amend and extend the Higher Education Act of 195 and other Acts dealing with higher education, viz: At the appropriate place in the bill, insert the following new title:

TITLE X—PROHIBITION OF SEX DISCRIMINATION

SEC. 1001. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply for one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such change which is approved by the Commissioner of Education;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization; and

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine.

(b) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

SEC. 1002. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 1001 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thrity days have elapsed after the filing of such report.

SEC. 1003. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 1002, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

SEC. 1004. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SEC. 1005. (a) Clause (1) of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)(1)) is amended by inserting at the end thereof the following: "(except that this clause shall not apply with respect to employees of a State, or a political subdivision thereof, employed in an educational institution)".

(b) Section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) is amended by (1) inserting the words "educational institution," after the word "association," wherever it appears in such section, and (2) by inserting a period after "religious activities" and deleting the remainder of the sentence.

SEC. 1006. Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, and 2000h–2) are each amended by inserting after "religion" the following: "sex".

SEC. 1007. The Commissioner of Education shall conduct a survey of educational institutions throughout the country in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. At a date no later than December 21, 1973, the Commissioner shall submit to Congress the results of his survey along with recommendations for action to guarantee equality of opportunity in education between the sexes. Such report shall include a recommendation, made after affording interested parties an opportunity for hearings and investigation, as to the feasibility of extending the requirements of section 1001 of this title to those educational institutions which are presently exempted, in whole or in part.

SEC. 1008. Paragraphs (1), (2), (3), and (4) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a)) are each amended by inserting immediately after "religion" the following: "sex,".

SEC. 1009. Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after the words "the provisions of sections 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

SEC. 1010. (a) Paragraph (1) of subsection 3(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(r)(1) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

(b) Section 3(s)(4) of such Act (29 U.S.C. 203(s)(4) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

EXHIBIT B

SUMMARY OF AMENDMENT NO. 874 TO THE HIGHER EDUCATION BILL, S. 659

SEC. 1001. *Basic Prohibition.* Provides that no person may be discriminated against on the basis of sex in any education program receiving Federal financial assistance, except that:

(1) in regard to admissions to educational

institutions, this section shall apply only to institutions of graduate, professional, and vocational education, and to public institutions of undergraduate education,

(2) admissions to institutions changing from single-sex to coeducational enrollment are exempt from this section for 7 years if operating under a plan approved by the Commissioner of Education,

(3) this section shall not apply to religious institutions where compliance would not be consistent with the religious tenets of such organization, and

(4) this section shall not apply to military and Merchant Marine schools.

SECS. 1002–1004. *Enforcement and Related Provisions.* Each Federal agency which extends Federal financial assistance is empowered to issue implementing rules and regulations effective after approval of the President. Compliance may be effected by funds termination or other means. Termination must be preceded by notice and opportunity for hearing, and a determination that voluntary compliance cannot be secured. The effect of termination of funds is limited to the particular entity and program in which such noncompliance has been found. Judicial review under specific legislation or the Administrative Procedure Act is provided. Contracts of insurance or guaranty programs, such as FHA loans, are not altered. These provisions parallel Title VI of the 1964 Civil Rights Act.

SEC. 1005. *Employment Discrimination.* Amends the Civil Rights Act of 1964 to bring employment in public and private educational institutions within the coverage of the Equal Employment Opportunity provisions of Title VII. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1006. *Suits by Attorney General.* Amends Title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." Also extends to cases of sex discrimination the Attorney General's power to intervene in litigation already commenced by others. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1007. *Study by Commissioner of Education.* Requires the Commissioner of Education to investigate sex discrimination at all levels of education (public and private) and report his findings, together with recommendations for action to guarantee equality of opportunity in education between the sexes. The report shall include a recommendation as to the feasibility of extending the requirement of Section 1001 of this Title to those institutions which are presently exempted, in whole or in part. (The study to those institutions which are presently exempted, in whole or in part. (The study and legislative recommendations were recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1008. *Civil Rights Commission Jurisdiction.* Broadens the jurisdiction of the Civil Rights Commission to include sex-based discrimination. (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities and in the 1972 State of the Union Message)

SEC. 1009. *Equal Pay for Professional Women.* Amends the Fair Labor Standards Act by eliminating the present exemption of individuals employed in executive, administrative, or professional capacity from the equal pay for equal work provisions, (Recommended by President Nixon's Task Force on Women's Rights and Responsibilities)

SEC. 1010. *Preschool Inclusion.* Expands the definition of "enterprise" under the Fair Labor Standards Act to add "preschool" to the existing list of "elementary or secondary schools" as types of activities performed for a business purpose or engaged in commerce.

EXHIBIT C

SEX DISCRIMINATION IN HIGHER EDUCATION

"Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community." (*Report on Higher Education*, an independent task force report to HEW, funded by the Ford Foundation, 1971.)

40% of boys with high school grades of C or lower make it into college; only 20% of the girls with the same grades make it to college.

In the 35 most selective schools in the country (as rated by Cass & Birnbaum, Comparative Guide to American Colleges, 1970–71), *women comprised only 29.3% of entering freshmen in 1970.*

Although men and women need equal amounts of financial aid in college, the average awards to men are higher than to women:

	Men	Women
Average single award: Scholarship, loan, or job in the institution	$760	$518
Average packaged award: Grant with a job or loan	1,465	1,173

Source: Study by Education Testing Service, 1969–70.

Undergraduate grade averages for women are significantly higher than for men—34% of the women average A or A—, as opposed to 27% of the men; 41% of the men average less than B+, as opposed to 30% of the women. However, far more men than women get into graduate school, particularly professional schools:

[In percent]

Degrees conferred in all fields—1968–69	Men	Women
Bachelors	44.5	55.5
Professionals (medical, law, theology, etc.)	96.0	4.0
Masters	63.0	37.0
Ph. D's., Ed. D., etc	87.0	13.0

"The bias against women professors and administrators in colleges and universities has denied both professional women a just opportunity for work and students a chance to observe 'models' of female achievement." (*Report of the Women's Action Program*, Department of Health, Education, and Welfare, January, 1972.)

In 36 prominent law schools, only 35 out of 1,625 faculty members are women, and 25% of these are librarians.

Highest faculty ranks are weighted with men; the lowest ranks with women:

[In percent]

Present rank	Men	Women
Professor	24.5	9.4
Associate professor	21.9	15.7
Assistant professor	28.2	28.7
Instructor and below	25.3	46.2

Source: Simon & Grant's Digest of Educational Statistics, 1969.

Although female teachers hold the same qualifications, they often receive substantially less pay than their male counterparts:

The difference in median salaries for men and women is more than $3,000 in chemistry, physics, mathematics, economics, and the biological sciences.

In 1965–66, at the instructor's level, the median annual salary of women was $410 less than that of male instructors, at the assistant professor's level it was $576 less, at the associate professor's level $742 less and at the level of full professor it was $1,119 less.

The U.S. has far fewer women professionals than other countries:

According to Alan Pifer, president of the Carnegie Corporation of New York, only 3.5% of lawyers, 2% of dentists, 7% of physicians and less than 1% of engineers are women. By contrast, in Sweden women make up 24% of lawyers, and in Denmark 70% of the dentists. In Britain, 16% of the physicians are women; in France, 13%; in Germany 20%; in Israel, 24%; and in the Soviet Union, 75% of physicians are women.

EXHIBIT D

DISTRIBUTION OF WOMEN FACULTY AT LEADING AMERICAN LAW SCHOOLS

School	Number of women	Total number of faculty
Boston University	1	50
Columbia University	1	63
Cornell University	0	23
Duke University	0	19
Fordham University	0	31
Georgetown University	1	70
George Washington University	2	88
Harvard	1	82
Indiana University:		
Bloomington	1	25
Indianapolis	1	21
Loyola University (California)	1	34
Marquette University	1	21
New York University	2	149
Ohio State	1	39
Rutgers (Camden and Newark)	4	43
St. John's University	0	37
Stanford University	0	36
Temple University	1	48
University of California, Berkeley	1	45
University of Chicago	1	39
University of Connecticut	0	41
University of Florida	2	37
University of Iowa	0	34
University of Maine	0	12
University of Maryland	0	30
University of Michigan	1	62
University of Minnesota	0	38
University of Missouri:		
Columbia	1	17
Kansas	2	23
University of North Carolina	0	26
University of Oregon	0	16
University of Pennsylvania	0	38
University of Southern California	3	53
University of Texas	1	52
University of Virginia	1	52
University of Wisconsin	1	40
Wayne State	1	31
Yale	2	60
Total	35	1,625

Note: The following table is a breakdown of the number of women faculty (35) according to professional title:

Assistant or associate professor	8
Instructor or lecturer	6
Librarian or librarian-assistant professor	9
Professor	7
Research assistant professor	1
Visting associate professor	4
Total	35

Source: All of the above statistics have been compiled from the Association of American Law Schools Directory of Law Teachers, 1968–70.

EXHIBIT E

PERCENT OF THE POPULATION 16 TO 34 YEARS OLD ENROLLED IN COLLEGE, BY AGE, RACE, AND SEX: OCTOBER 1970

[Civilian noninstitutional population]

Age and sex	All races	White	Negro
Both sexes:			
16 and 17 years	3.4	3.5	2.1
18 to 21 years	34.0	35.8	20.9
18 and 19 years	37.3	39.3	21.8
20 and 21 years	30.4	31.9	19.9
22 to 24 years	14.3	15.1	7.0
25 to 29 years	7.0	7.2	3.8
30 to 34 years	3.7	3.8	2.6
Male:			
16 and 17 years	3.4	3.5	2.0
18 to 21 years	40.5	43.2	20.6
18 and 19 years	40.2	43.1	17.6
20 and 21 years	40.9	43.4	24.4
22 to 24 years	20.6	22.0	8.0
25 to 29 years	10.6	10.8	4.9
30 to 34 years	4.8	4.8	3.6
Female:			
16 to 17 years	3.4	3.4	2.3
18 to 21 years	28.6	29.5	21.1
18 and 19 years	34.6	35.7	25.4
20 and 21 years	22.3	23.0	16.3
22 to 24 years	8.9	9.2	6.2
25 to 29 years	3.7	3.8	2.8
30 to 34 years	2.6	2.3	1.7

EXHIBIT F

UNDERGRADUATE ADMISSIONS, 1970, TO THE MOST SELECTIVE SCHOOLS [1]

School	Total	Men	Women
Amherst	319	319	
Barnard College	460		460
Brandeis University	453	248	205
Brown University	1,129	800	329
Bryn Mawr College	231		231
California Institute of Technology	220	190	30
Carleton College	463	249	214
Chicago University	632	366	260
Columbia College	1,362	892	470
Cornell University	4,013	2,672	1,341
Dartmouth College	828	828	
Harvard	2,308	1,928	380
Harvey Mudd College	(1)		
Haverford	179	179	
Johns Hopkins	780	505	275
Massachusetts Institute of Technology	948	857	91
Middlebury College	451	270	181
Mount Holyoke College	538		538
New College	224	107	117
Pembroke College (public)	531	305	226
University of Pennsylvania	3,565	1,971	1,604
Pomona College (public)	1,083	647	436
Princeton University	980	803	177
Radcliffe College	(2)		
Reed College	342	194	148
Rice University	577	429	148
Oberlin College	680	363	317
St. John	1,870	1,198	672
Smith College	644		644
Stanford	1,395	885	510
Swarthmore College	303	168	135
Vassar College	518	183	335
Wellesley College	469		469
Wesleyan University	385	276	109
Williams College	342	342	
Yale	1,248	1,019	229

	Percent of places for women	Men	Women
Total:			
Total admissions	29.3	19,193	11,281
Admissions to most selective coeducational institutions	32	18,876	8,939

[1] The standards of selectivity are a measure of the scholastic potential of the student body, an indication of the hurdles a student will face in applying for admission, and the level of intellectual competition he will meet after matriculation. (Ratings were taken from James Cass & Max Birnbaum, Comparative Guide to American Colleges, Harper & Row, 1970-71.)

[2] Not listed.

EXHIBIT G.—SELECTED GRADUATE ADMISSIONS LEADING INSTITUTIONS, BY RATED QUALITY OF GRADUATE FACULTY

GRADUAT E ADMISSIONS—HISTORY

School	Total	Men	Women	Percent of places for women
Harvard [1]	[2] 41	33	8	21
Yale	38	29	9	24
California (Berkeley)	129	80	49	38
Princeton	22	19	3	14
Columbia	59	35	24	41
Stanford	23	19	4	17
Wisconsin	86	53	33	40
Chicago	67	44	23	34
Michigan	132	96	36	27
Cornell	19	12	7	37
Johns Hopkins	20	13	7	35
California (Los Angeles)	193	131	62	32
Indiana	76	46	30	40
Northwestern	8	6	2	25
Pennsylvania	13	11	2	15
North Carolina	66	39	27	41
Brandeis	26	18	8	30
Brown	12	9	3	25
Duke	48	36	12	25
Illinois	50	39	11	22
Washington (Seattle)	73	59	14	19
Minnesota	35	27	8	25
Texas	96	75	21	22
Virginia	90	60	30	33
Rochester	28	18	10	36
Total	1,450	1,007	443	30.4

GRADUATE ADMISSIONS—BIOCHEMISTRY

School	Total	Men	Women	Percent of places for women
Harvard [1]	[2] 27	26	1	4
California (Berkeley)	25	18	7	28
Stanford	6	5	1	17
Rockefeller	4	4		0
Wisconsin	29	21	8	28
Cal Tech	3	3		0
Massachusetts Institute of Technology				
Brandeis	11	8	3	27
Cornell	4	4		0
Johns Hopkins	11	5	6	54
California (Los Angeles)	11	8	3	27
Duke	13	6	7	54
California (San Diego)				
Washington (Seattle)	24	14	10	41.5
Yeshiva	1		1	100
Chicago	7	6	1	14
Illinois	24	16	8	33
Princeton	6	3	3	50
Case Western Reserve	8	4	4	50
New York University	8	4	4	50
Pennsylvania	11	7	4	36
Washington (St. Louis)	7	4	3	48
California (Davis)	20	16	4	20
Michigan	12	9	3	25
Yale				
Columbia (New York)	5	2	3	60
Purdue	44	28	16	36
Michigan State	40	26	14	35
Minnesota	16	12	4	25
Indiana [3]				
Vanderbilt	4	3	1	25
Oregon	4	3	1	25
	385	265	120	31

[1] The ranking of institutions was taken from "A Rating of Graduate Programs" by Kenneth D. Roose and Charles J. Anderson, American Council of Education.

[2] 1st year enrollment figures were taken from "Students Enrolled for Advanced Degrees Fall 1970," by Mary Evans Hooper, Higher Education Surveys Branch, HEW.

[3] No graduate enrollment for 1970.

EXHIBIT H.—THE EFFECT OF RACE, SEX, AND ABILITY LEVEL ON AN APPLICANT'S CHANCES OF ADMISSION TO COLLEGE

Applicant's			Admission level [1]
Sex	Race	Ability level	
Male	Black	Low	2.75
Do	do	Medium	3.40
Do	do	High	3.80
Do	White	Low	3.25
Do	do	Medium	3.55
Do	do	High	3.70
Female	Black	Low	1.85
Do	do	Medium	3.20
Do	do	High	4.05
Do	White	Low	2.00
Do	do	Medium	3.75
Do	do	High	4.05

[1] The higher the number, the greater the enthusiasm with which S was accepted for admission.

Source: Walster, Cleary, and Clifford, "Research Note: The Effect of Race and Sex on College Admission," Sociology of Education, vol. 44, 1970.

EXHIBIT I

ACCEPTANCE DATA ON MEN AND WOMEN APPLICANTS TO U.S. MEDICAL SCHOOLS FOR SELECTED SCHOOL YEARS 1929-30 TO 1965-66

	Women				Men		
School year	Number of applicants	Number accepted	Percent accepted	As percent of total acceptances	Number of applicants	Number accepted	Percent accepted
1965-66	1,676	799	47.7	8.9	17,027	8,213	48.2
1964-65	1,731	824	47.6	9.1	17,437	8,219	47.1
1960-61	1,044	600	57.5	7.0	13,353	7,960	59.6
1955-56	1,002	504	50.3	6.3	13,935	7,465	53.6
1950-51	1,231	385	31.3	5.3	21,049	6,869	32.6
1940-41	585	303	51.8	4.8	11,269	6,025	53.5
1935-36	689	379	55.0	5.5	12,051	6,521	54.1
1929-30	481	315	65.5	4.5	13,174	6,720	51.0

Source: The Journal of Medical Education, vol. 42 No. 1, January 1967, Association of American Medical Colleges, Datagram, vol. 7, No. 8, February 1933.

RESTORING PEACE CORPS FUNDS—A SOUND INVESTMENT

Mr. WILLIAMS. Mr. President, I wish to express my concern at the treatment of the Peace Corps in the proposed appropriations for foreign aid. Here is surely a case of "benign neglect," only the results promise to be anything but benign.

When the Peace Corps was first proposed it was greeted by many with either skepticism or derision. The last thing the United States needed, in the opinion of the critics, was a group of idealistic youngsters, or oldsters, poking around

the villages of half the world. Some saw the Peace Corps as just another boondoggle, but this time with an international twist, promising the glamor of living abroad as the capstone of 4 collegiate years. Some in the foreign aid bureaucracy resented the independent thrust which the Peace Corps represented.

But the Peace Corps silenced and eventually won over most of the critics by its performance. Its volunteers in Africa made possible a vast increase in school enrollments. Its community development programs in Latin America meant not only the building of schools, roads, and bridges, but the formation of community organizations and the encouragement of community leadership so that the people could help shape their own future. In Colombia Peace Corps volunteers helped establish the largest educational television system in any developing country. In India the Corps focused its efforts on food production and then on assisting family planning efforts.

The idealism of the volunteers, the resourcefulness with which they discharged their duties, and the overall success of the program in the early years made a very positive impression on the Congress. The agency's appropriations rose from $30 million for fiscal 1962 to a high of over $114 million in fiscal 1966. Through fiscal 1967 the funds appropriated for the Peace Corps were always sufficient for expansion, even if they did not always equal the amounts authorized. Furthermore, the Corps annually returned unobligated funds to the Treasury, and earned a thoroughly merited reputation for economy with Members of both Houses.

But 1966 was the high-water mark. After that, appropriations declined slowly, and that decline has gathered momentum in the past 2 years. For fiscal 1971 the Congress appropriated $90 million, a drop of almost $8.5 million from the previous year. For the present fiscal year the administration asked only $82.2 million for the Peace Corps, but only $68 million was approved by the House. That is the lowest figure since 1963.

I realize full well that the Peace Corps has come under a new form of attack in many instances. Where its volunteers were once applauded because they became closely involved with the people of the developing countries, they are now criticized as agents of U.S. imperialism. While the Corps was once extolled as an antibureaucratic bureaucracy, it is now attacked on one hand as part of the foreign policy establishment or assailed on another hand because its members are not required to be an integral part of American foreign policy. It has even been decried as a reformist organization which postpones or prevents the revolution which some believe to be the necessary prerequisite for development. Also, in an age of domestic turmoil, many would prefer to see Peace Corps funds spent in this country.

So the Corps is caught with criticism from all sides and many of its critics will not be satisfied until it is phased out entirely. Its identity has already been compromised by its incorporation with other service agencies in an amorphous conglomerate known as ACTION. But the Peace Corps record deserves better than this appropriation. It does not deserve the kind of slash in funding with which it is presently faced.

I have been receiving a large volume of correspondence regarding New Jersey volunteers who are affected by this budget cut. New Jersey has had 1,435 volunteers in this program. I believe these volunteers have benefited from the program, their host countries have benefited, and the United States has benefited.

One of these volunteers is Jerry Kuiper from Wyckoff, N.J., who has been a Peace Corps volunteer in Ecuador for the past 2 years. Jerry has been a teacher, friend, and adviser to the people, and he has been working to build a bridge across a treacherous river. This bridge would give the people of a rural Ecuadorian village a convenient route to a central market area.

In working on this project, Jerry has brought together many people of the area who were strangers and even enemies. With his encouragement the people showed their interest by cutting timber for the bridge, using carpentry skills that they once believed were beyond them as mere subsistence farmers.

I was also interested in Jerry's observations about the United States when he recently returned to visit in New Jersey.

One of the statements he made was that his experiences in Ecuador made him appreciate America much more. Advantages that he once took for granted, and old friends and relationships became dearer to him. The weekend of January 15, Jerry returned to Ecuador to continue his work after having surgery at George Washington University. A tree had fallen on his arm at the bridge he was working on.

Jerry is one example of what the Peace Corps has meant to thousands of people in New Jersey and throughout this Nation. They have learned a great deal about themselves; they have had the opportunity to help people in another land to improve their lives; they will leave a lasting impression of good will toward the United States among the people they have served; and they will return home as keen observers of what is most valuable in the American way of life at a time when this country should be reminded of its virtues as well as its faults.

The Congress, the administration, and the American people are now very concerned about the feasibility of a volunteer army. We appear willing to go to great lengths to create any conditions necessary to attract the desired military volunteers. I cannot believe that this same Congress, this same administration, and these same citizens would ignore the reasonable needs of successful volunteer organizations like the Peace Corps. The Peace Corps has volunteers who leave personal comforts, established social relationships, and often professional recognition for a life of austerity, often facing privations, a lack of sanitary facilities, and many other hardships.

Volunteers, such as the one I mentioned, cost the taxpayers $2,500 to train. While they work, they receive $75 a month, banked for them at home, and a bare subsistence to live abroad. Perhaps we should compare the cost of training a draftee to become a combat rifleman. The cost for this training is about $3,340 and the rifleman's base pay is $280 per month. Our ultimate hope in bearing this expense for training a combat rifleman is that his training will never have to be used. Our certain knowledge in training a Peace Corps volunteer is that his training will be used to better the condition of his fellow man.

A nation that is willing to spend $378 per person for its military establishment, as we did last year, should be willing to continue to spend 45 cents a year per person on its Peace Corps volunteers.

In recent years the United States has been spending in the neighborhood of $70 billion annually for purposes of defense. This huge expenditure has bought us a most tenuous and fragile peace, a peace maintained by the delicate balance of terror. In its entire decade of existence the Peace Corps has cost less than $1 billion, but in terms of its contribution to the chance for a genuine peace over the long term, it brings a far greater return for every dollar invested.

That return may not be so impressive in quantitative terms but it has been impressive in the quality of the results. Alongside more generously funded programs the achievements of the Peace Corps may seem insignificant. But the true contribution of the Peace Corps is not easily quantifiable. Rather it consists of intangibles such as the cumulative impact of thousands of personal contacts between volunteers and the people among whom they worked and the effects it has on the volunteers and those around them after they return home. For the Peace Corps has demonstrated—and continues to demonstrate—that we in the United States really care about the people of the third world, it adds a human dimension to a process that can all too easily become impersonal and bureaucratized; its mode of operation narrows the gulf between the giver and the recipient and makes for a more genuine relationship between the two. Finally, it tends to reaffirm those virtues, about the United States, which the volunteer might have started to take for granted.

For all these reasons, I believe the Peace Corps must be continued, and encouraged by adequate funding, funding that is at least at the level of the original authorization.

In this regard, I am very pleased that the Senate foreign assistance appropriations bill for 1972 contains a recommendation for $77.2 million for the Peace Corps. Although much too little was authorized for the Peace Corps, this is the full amount of funds authorized. Now that this position has prevailed in the Senate, I am hopeful we in the Senate will take every opportunity to express our strong support for this provision and that our conferees will insist upon the retention of this amount of funding for the Peace Corps in whatever foreign aid appropriations bill is finally adopted.

As many will recall, I strongly opposed the incorporation of the Peace Corps into the Action agency. After the Senate voted on the Action proposal, I made

a statement on the Senate floor enumerating what I believed was accomplished by resisting the reorganization plan. I stated at that time:

Most importantly, this opposition to the President's plan has placed the Administration on notice that the Congress intends to maintain a continuing "oversight" with regard to this "Action" agency. If there is any attempt to emasculate or otherwise downgrade the programs which are being included under this umbrella, or any attempt to substitute quantity for quality, in the nature of the volunteers chosen, and the type of work which they do, the Congress will be quick to notice, and to call upon the Agency to fulfill its promises.

I believed then that we and the administration had committed ourselves to an effective, well-funded Peace Corps program. I believe now that Congress should act to honor that commitment.

ADDRESS BY HON. SECOR BROWNE, CHAIRMAN, CIVIL AERONAUTICS BOARD

Mr. PEARSON. Mr. President, the Chairman of the Civil Aeronautics Board, the Honorable Secor Browne, has been both praised and criticized for his independence of mind and his efforts to propose new solutions to problems which continue to plague our aviation community.

The Chairman recently accompanied me to Wichita, Kans., to propose a new type of experiment designed to seek new and better ways of providing air service to the small and medium-sized communities of this Nation. The people of my State, I can say with certainty, were most impressed by the study and thought which the Chairman obviously had devoted to this subject. And though the implications of this proposal may not have been apparent to most of us in Wichita, nor indeed now be to most of the aviation industry, we did understand that he knew what he was talking about. Moreover, we sensed that he was willing to explore new ways of doing things.

The Chairman's independence of thought has also been demonstrated by his analysis of current problems confronting the airline industry. Responding to the notion that mergers are solutions to economic ills, Mr. Browne has been quoted as saying:

I'd rather have good times. Mergers don't necessarily solve problems.

To my mind, Mr. President, it is refreshing to know that the Chairman of the Civil Aeronautics Board has an open mind on this subject of airline mergers and their relationship to the health of our air transport industry.

I might note in passing that our experience with the Penn Central Railroad made it clear to many of us on the Senate Commerce Committee and in the Congress as a whole that transportation mergers do not necessarily improve the health of the merged entity or, indeed, of the industry generally.

For the independence of thought shown by Chairman Browne and the members of the Civil Aeronautics Board on whose behalf he has spoken, I would, therefore, offer my compliments. Furthe.', I ask unanimous consent that the Chairman's remarks in Wichita and in Dallas be printed in the RECORD. I invite them to the attention of the Senate.

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

REMARKS BY SECOR D. BROWNE AT DALLAS, TEX.

Good afternoon, ladies and gentlemen.

First of all I'd like to talk about your airport. This certainly is one of the more responsible projects undertaken in the United States in the decade of the '70's. I congratulate you all for your foresight and your initiative. I also congratulate you on your Director, Mr. Sullivan who is, in my judgment, one of the most competent airport executives, not only in the country, but in the world. You are lucky to have him.

The question you probably want to ask me is when will Dallas/Fort Worth International Airport get international routes? I can't answer that. I can say this—inevitably Dallas/Fort Worth International Airport will be truly international and will be linked to the major world capitals. That is in the future. But now, with the economic condition of our carriers and the state of world aviation in general, additional services are just not a practical reality.

The Board is under the heaviest possible pressure to provide international services to existing airports at major cities including Atlanta, Miami, and Seattle. Several foreign governments are interested in additional services to Chicago, and other parts of the country. As far as I am concerned, there will be no major expansion of services until we get our airline economics straightened out.

I know it sounds simple. Why can't we just grant a route from here to anywhere? But it's not simple. Each route you make is a two-way street. You have to go somewhere, you've got to give something for it. However, until our carriers surface financially solid, I cannot see the Board granting further major route awards. But, I can see the recovery of our airlines, hopefully in the very near future, and I can see Dallas/Fort Worth becoming a major international hub. Again, I congratulate you on your vision and your courage.

I want to talk to you about a serious problem that concerns us all. When you've got a serious problem, you go where the nerve ends are—be they Administration nerve ends or Congressional nerve ends. You make your pitch there and it gets through. I've made essentially these same remarks in Miami, Los Angeles, now here; and before the end of the year, in San Diego, Seattle, Chicago and Detroit. These are all centers where the problem I'm going to talk to you about is well understood. Boiled down, it comes out something like, "After the DC–10, the 747, the L–1011, what?" And the answer is "nothing" unless we do something.

You may wonder why am I making this speech. Well, the Civil Aeronautics Board is unique among regulatory bodies in having the duty to promote the industry which it regulates and that's air commerce. If we don't have any airplanes, we won't have any air commerce. That's my ticket of admission.

In referring to future aircraft needs, I am not overlooking the over-capacity situation which exists today. In the mid-60's our carriers, our government, and our public watched air traffic grow by 15 to 20 per cent each year and decided there would be a need for new airplanes with more capacity about now. The airlines asked for new routes and the Board granted them. They ordered airplanes and the airplanes are now being delivered.

None of us looking into the murky crystal ball could see the recession that hit us and the slump from which we're now recovering. I repeat—this over-capacity problem is temporary. Within the next five years, six years, seven years, we will need more and newer airplanes.

What will we need? Right now we could use an airplane for local service carriers to replace the F27 and the Convair 580 turbo prop. We are going to need an airbus pretty soon in the Northeast and the West Coast corridors. When the ability of the air traffic control system and our congested airports to move people with what we're using now—727, the DC–9, and so on—has been exceeded, we will need a big short haul machine. We need an airbus. At some point we will need a STOL airplane—that's a short takeoff and landing airplane—to take care of moving people even shorter distances between city centers and within high density areas. At some point we are going to have an SST. We need an SST. We also need quiet, clean engines. We are getting quiet, clean engines in the DC–10, the 747, the L–1011. These aircraft are good neighbors. They're quiet. They're clean. But they're only part of the fleet we need now and the one we will need in the future.

Unless we do something, that laundry list I just read you will all be procured abroad. That means *outside* the United States. At this point I must be critical of our own government, which I think is overconcentrating on the wrong problems. All that you hear and read deals with research and development of new aircraft—the short takeoff and landing aircraft. Research and development is *not* the problem. I certainly don't criticize NASA or the DOT and the FAA for looking at the research and development problem. But the real gut problem is how do you get an airplane from research and development through prototype into production? How do you get by the reverse cash flow problem?

Let me give you an example. An airplane, like a 747, costs about $25 million. At the peak—or should I say at the bottom—of this reverse cash flow you're likely to be about 1.5 billion dollars in the hole in expenses for R&D, prototype, tooling and inventory. None of our manufacturers alone, or probably not even all of them together, have resources of this magnitude that they could possibly apply to a new project. From the private sector you simply can't raise this kind of money.

Well, how did we do it before? We did it before because the Department of Defense, frankly, was buying aircraft. They undergirded the development of engines and airplanes that gave us the 707 and the DC–8. The C–5 was the reason you have a 747 and a DC–10.

Government isn't buying airplanes anymore for DoD. Yet our industry is competing with Governments. The French, the British, the Germans, the Italians, the Japanese, are all investing in their aerospace industries with their particular view of capturing our world dominance in aerospace, particularly in the air transport industry.

What's at stake is an industry; here, in the northwest, in California, and in Georgia as well as the thousands and thousands of suppliers all over the United States. At stake is the balance of payments earnings generated by these magnificent airplanes with which we have supplied and at the moment are still supplying the world. Our carriers, as I said as I went through my laundry list, will have to equip abroad. We will have a steady flow of money, cash, and credit going overseas.

We can already see a reverse drain, not only of money but of brains. Responsible management, responsible to stockholders and responsible for keeping engineering and technical expertise together, have no choice but to make deals with government-supported industry abroad.

The only clean, quiet engine I now know under development is by SNECMA. That's the French state engine corporation. And that engine is being developed under agreement with General Electric. I don't blame

General Electric. Boeing has an arrangement with the Italians to develop a STOL vehicle. The Japanese are now negotiating with Lockheed or Boeing or Douglas for a partner in the development of an airbus. Again, I don't blame responsible management. They have no choice. I blame us. We, that's all of us in the form of the Administration and the Congress, must somehow help to undergird our industry.

What do I propose? For a trial balloon, I suggest some sort of aerospace reconstruction finance corporation—a financial body, not a technical body. The SST was, of course, a tragic loss. It was a loss not only for an airplane but of the beginning of an entity which might have provided this kind of financial muscle not only for an SST but for the rest of a new generation of airplanes.

There was, however, a mistake in a program. I say this without criticizing the very capable people who ran the SST program office. The mistake was that it was perhaps more of a technical than a financial body.

The requirements of the air carriers got lost in interpretation between them and a government agency and the manufacturers. That's why I can't overemphasize that anybody that would step forward only to review and consider financial matters should not interject itself more than absolutely necessary in the normal marketplace relationship between buyer and seller.

In other words, what I envision is the carriers, as they have historically done, preparing their requirements for any one of the aircraft that I have suggested. Normal manufacturers' bidding and production agreements between the air carriers and the manufacturers would be followed by the normal cycle of down payments, progress payments, delivery payments and so on. What I want to see done is to get the government to alleviate that enormous obstacle—negative cash flow—to bring it within the realm of possibility for both the carrier and the manufacturer.

I do *not* want to eliminate the element of risk. If the carriers risk their money on specifications or requirements that are wrong, too bad for them. If the manufacturers don't deliver the airplane that was ordered at least within reason, too bad for them. I only think we, as taxpayers, by guaranteed loans, by underwriting the progress payments, by accelerated depreciation policies and by offering money at reasonable interest rates, should make it possible for the system that we have created to survive.

We need this vehicle, or something like it, to replace what is missing. I hope that what I propose can happen. It's not a partisan issue. It's not a regional issue. It's a national issue. It should not be submerged in 1972 by either side.

An Assistant Secretary in another department the other day referred to me as "the outrageously independent Chairman of the Civil Aeronautics Board." I think this is a time to be outrageous. The aerospace industry is an enormous part of the wealth of this nation.

This is not a matter of alternative support of an industrial program with money that otherwise could go to health, welfare, or education. If we don't preserve our basis of wealth, what will we have to tax? If we don't preserve what is probably the chief, if not soon to become our *only* area of international technical superiority, what will we have left to sell abroad? If we don't have products to sell, will we not indeed turn into a nation of service industries, busily taking in each others' laundry?

REMARKS BY SECOR D. BROWNE AT WICHITA, KANS.

Thank you Senator Pearson.

I'd like to speak first about another question which is tied to the local service problem before I reach the principal theme of Service to Small Communities. It's really a question which relates very much to Wichita as it does to Seattle, to Los Angeles, to the States of Texas and Florida, and in fact it relates to almost all of the United States.

There is a general assumption that the aerospace industry is concentrated in the northwest, the west coast, and perhaps Texas. You all know that definitely is not true but you might not know that a map showing distribution of aerospace and aviation industry does include all but eleven of our 50 states.

The question is: "After the 747 and the DC–10, What?" The answer is, if we don't do something, after the 747 and the DC–10 there will be nothing. Those aircraft, plus the L–1011, appear to be the last major transport aircraft to be built. It may sound odd to raise this point at a time when we all know there is a problem of over capacity in the nation's airlines. But this problem is temporary.

Most of the people in this room realize that it takes from five to seven years for an airplane to get born. Right now we need some aircraft types and within five to seven years we will need more. At this moment we need a replacement for the tired Convairs. We need something to replace the F27.

We need clean, quiet engines beyond those powering the DC–10 and the 747. Somewhere down the line, and maybe not too far away, we need an airbus—a two engine, 250 passenger aircraft suited for high density markets such as the Northeast Corridor, the west coast and others. We certainly need a short takeoff and landing aircraft. Someday, we not only will need, but must have, a supersonic transport.

What's at stake in our aerospace industry? You probably know that 80 per cent of the aircraft in the free world's fleet are American made. You probably realize what that means to our balance of payments. You also know that if we don't maintain our markets, we will lose the 80 per cent. We will lose the balance of payment in-flow, and we will have an out-flow as our carriers re-equip with foreign aircraft.

It's interesting to note that airplanes are one of the few outstanding technological achievements left in our export package.

The Italian Government ran an ad recently in the Wall Street Journal and the Washington Post. It was aimed at the ten per cent surcharge and listed what the Italian Government and the Italian people bought, in an attempt to show what good customers they are of the U.S. It was curious that the only major category of advanced technology or equipment was airplanes—some $131 million worth. Most of the items were things like food and raw materials, things that the Italians either consumed or finished and shipped back to us.

Many of the tape recorders here today are made by the Japanese. We use Italian office machines. We use German milling machines and we drive Japanese, French, Swedish, Italian and German automobiles. Clearly airplanes and aircraft exports are among the few outstanding products we have with which to compete in the world's market.

What am I worrying about? What's missing? As many of you in this room know, if you are apt to put a $25 million airplane into production, like the Boeing 747, you are going to be about $1.5 billion dollars in the hole at the maximum negative cash flow. Previously this flow, this kind of muscle, came from the role of the Department of Defense which, with steady production of bombers and tankers and the development of engines and airframes, made possible the 707 and the DC–8 family.

The reason there is a 747 and a DC–10 today, in my judgment, is that there is a C–5. The C–5 paid for the development of the General Electric engines that power the DC–10. A parallel program paid for the development of the Pratt and Whitney engines that now power the 747.

Our industry today simply can't raise the kind of financial resources to go from development through to production. And that's Boeing, Douglas, General Electric, Pratt and Whitney, Lockheed, either singly or in my view, in competition. Today, our industries are competing, not with other industries, but with governments—the French, British, German, Italian and Japanese—either singly or in combination.

We are undergoing a reverse brain drain. Boeing has made a deal with the Italians to develop a short takeoff and landing vehicle. General Electric has entered into a deal with SNECMA—the French State engine factory—to develop a ten ton thrust cleaner, quieter engine which will power many of the future generations of aircraft. If we ever re-engine any part of our present fleet, that will probably be the engine.

I don't blame the managements of any of those companies. They have the responsibility to keep their engineering teams together and they have responsibilities to their stockholders. I think we, as people of this country, as taxpayers, and as the government, also have a responsibility. I'd like to emphasize. I am not talking about research and development. I'm talking about the burden of cash flow to get through tooling, through inventory, through production costs.

Having painted this black picture, what do I suggest we do? Well, I propose something that I call an Aerospace Reconstruction Finance Corp. I use those words because I think this entity should be financial in nature—not technical. It should be either independent or under the wing of the Treasury, and should be small.

Probably the only mistake of the SST program, in my view, was that it did have a project office, following the Defense Department procurement procedures, which meant that there was a 125 man team—a good one—but a 125 man team between the airlines and the manufacturers. There was considerable concern on all our parts that what was being developed and what might come out of it was the government's airplane, not the airlines' airplane.

I don't think we need to re-design anything. I repeat, all we want to do is provide the financial muscle to continue the historic process whereby the air carriers develop their requirements, the manufacturers bid, the carriers make down payments, progress payments and final payments. All I want the government to do is undergird this process, provide that portion of the risk which is simply beyond the ability of the airline industry and the manufacturing industry to handle.

What I propose will also preserve the element of competition and some element of risk. I suggest that this undergirding be achieved first by means of guaranteed loans; second, by an improved depreciation policy to encourage the carriers to replace obsolete equipment and finally, by revised interest policies. Presently we have the curious situation whereby Japan Air Lines or Alitalia or Air France can get money from ExIm Bank for about half of what our carriers have to pay in the private sector.

I'm suggesting a choice between social programs, like education, health or housing. These are all important. What I'm suggesting is a means to provide and preserve one of our major bases of wealth in order to provide something which we can tax in order to have the resources to have these programs. We must have something to sell in the world market. Otherwise I am afraid we will turn into a nation of service industries very busily taking in each other's laundry.

Moving to another topic, the carriers, in my view, have turned the financial corner. From the pre-tax loss of $194 million in 1970, the newspapers now show that the carriers are about to break even as a group for 1971.

In 1972, even without a possible three per cent fare increase, I'd say the carriers, as a group, should net between 200 and 250 million dollars.

There are various indicators. October of 1971 had a $65 million swing from October of 1970. In 1970 the trunks alone lost $40 million. In October, 1971 the trunks alone made $25 million. October, November, and December traffic has been up between seven and nine per cent over a year ago.

Why has this come about? First of all because of some improvement in the economy. But also because of actions of responsible airline management in combination with what I like to call responsive regulation. Airline managements have taken hold of costs. They have reduced capacity. The board has provided an improvement in yield by granting a six per cent fare increase, and by permitting multilateral capacity reductions.

There are a couple of caveats if the carriers are to realize a $200 to $250 million profit this year. The first is labor. Some 50 per cent of the airline dollar is spent for labor. Recent increases, before the wage/price freeze, were in my view, far beyond anything which could be matched by productivity improvement. The wage/price control, I hope, will help. But I feel it is up to the Congress to put some sort of transportation labor control into effect, and pressures to do this, of course, have been increased by the dock strike.

The second caveat is the capacity problem. The history of airline over-capacity simply must not be repeated. Last year the system load factor of the airlines was 48 per cent. This was seven per cent below what the Board has found to be a reasonable standard. This year the airlines are scheduled to put more than 60 wide-bodied jets into operation. These simply cannot be put into service on a one-for-one basis, substituting one wide-bodied for one 707 or DC-8. This is going to be tough on the industry—both the manufacturer and the airline. It's going to mean stretch outs, possibly cancellations, probably groundings. But we cannot put more seats back into the air.

Furthermore the airlines must get over the myth of market share. If you're flying 35 per cent of the seats in a market, as an airline, and you have 25 per cent of the traffic, you are, in my view, clearly out of your mind. You hurt the public; you hurt other carriers and you hurt yourself. This is an area of management responsibility. I've made this part of the speech elsewhere in the nation and I say it again because now is the time when airlines are planning, and when they must face these hard decisions. But if there is no restraint in the matter of capacity, and no control of labor, there will be no $200 to $250 million profit. The Board will continue to be responsive, but I think we must ask the airlines and the manufacturers to be responsible in these areas.

Finally, let's focus on the topic of Service to Small Communities. This is what brought me to Wichita today, and it is a matter of great importance to you and to us.

To the Civil Aeronautics Board, the names London, Paris, Lebanon, Melbourne and Athens, must *also* mean London, Kentucky; Paris, Texas; Lebanon, New Hampshire; Melbourne, Florida, and Athens, Georgia.

Over two years ago the Board initiated a study into the problem of airline service to small communities. The Board was aware that things were far from well.

Changing times require changing ideas. We are honoring our pledge to Congress to re-think the entire question of air service to small communities, and to bring forward new and different ideas.

We considered six alternatives:

1. changing or abandoning the subsidy class rate;
2. seeking a subsidy increase;
3. implementing a non-Federal subsidy program;
4. subsidizing air taxi operators;
5. instituting a contract bid system;
6. doing nothing.

We found that the greatest promise for better service at a reasonable cost to the taxpayer seems to be in a new approach—the contract bid system.

The regional carriers have responded very well to the needs of the system over the years. But the transportation system, particularly air transportation, is dynamic, and changes have taken place which require a new look at the means by which the smaller communities are served. In the years just after World War II, the regional carriers were small, local enterprises operating 21–28 seat DC–3 aircraft purchased at low cost from the government and the trunklines. Their principal purpose was to provide service over fixed, linear routes between small communities and hub cities, for both connecting and local traffic, at relatively low subsidy cost to the Federal Government. The usual pattern of service was, and remains, two round trips a day.

By law, the regional carriers are aided by federal subsidy payments for their non-competitive services to smaller points. Although the subsidy bill has increased in recent years to about $59 million in fiscal year 1971, the nation has received outstanding value for its money.

In recent years, four basic changes have taken place in the nation's small community transportation system.

First, during the 1960's, the nation's highway system was vastly expanded and improved as the result of a multi-billion dollar program.

Second, there has been a shift in population, in Kansas and other plains and mountain states. The population has declined in the rural centers, yet these communities must continue to have air service.

Third, during the 1960's, regional carriers grew through mergers and route expansion. They have sought and received longer and denser routes and access to new, large hub terminals to afford new and improved single-carrier services to many points. The carriers have grown in terms of equipment, and many of them now provide token scheduled service at the smaller communities. Some of them operate aircraft which can no longer use the airports at some of the communities which require airline service.

Fourth, since the mid-1960's, air taxis operating demand services and commuter carriers operating scheduled services under a blanket exemption from virtually all regulatory requirements, except as to safety and aircraft size, aircraft offering up to 19 revenue seats are operated—have expanded nationwide. They provide scheduled service to about 150 points that are not certificated. In addition, such carriers serve numerous certificated points and markets and provide replacement service for certificated carriers at about 60 points. The record of the commuter carrier's substitution service has been mostly good. They have been able to give greater frequencies, better schedule timing, and improved performance.

The emerging and critical problem is the increasing difficulty the regional carriers have in responding to the needs of the communities on their systems. Each year the regional carriers—faced with rapidly mounting costs—are incurring substantially increased subsidy needs to continue to provide small community air service at their smallest system points with their 40-to 55-seat equipment. Simultaneously, they have been seeking to reduce their small community service obligations by means of deletions, consolidations, and suspensions. In many cases, a temporary suspension is sought and granted to the local carrier in conjunction with a third level carrier offering replacement service at some of the small communities. Further, as route systems have expanded, schedules necessarily have been suited to the needs of higher density large and medium points on the systems, and service to smaller points is becoming less responsive to needs.

Coupled with these problems, the smaller communities have been faced with sharply rising airport costs, and in many cases simply do not have airports capable of handling the larger jet equipment used by the regional carriers.

Faced with the need to insure continued responsiveness of the system to needs of all the communities, the Civil Aeronautics Board has decided to seek a special appropriation and special statutory authority to test an experimental contract method of supporting and selecting carriers to provide small community air service. We will propose that with the authority to take bids and grant contracts without certification, we could conduct a limited number of tests in various areas of the country, perhaps Kansas, Alaska and North Dakota, to determine whether the contract method is workable. If this were confirmed, subsidy expenditures would be more directly related to the services provided, rather than as now, to a local service carrier's system as a whole. It should be emphasized that this would be a limited experiment. The present system would, of course, remain in effect during the experiment.

The main features of the proposal would be to allow all carriers, including air taxi and commuter carriers, to submit bids for the provision of a pattern and quality of service specified by the Board after taking into account the needs of the small community concerned in the experiment. Additional service could be provided independently of the contract. Contract awards, based on bids submitted by reliable and responsible carriers, and subject to performance safeguards, would be for a two or three-year term. Contractors would be advised that they would have no vested grandfather type rights for follow-on contracts which might be awarded.

The Board would ask qualified operators to bid to provide such services as the Board determined necessary.

The matter of safety of course would remain with the FAA. The matter of economics is the Board's business. To insure that a successful contractor would complete the service in the period which he had undertaken, the Board would require surety and bonding of some form.

We would have to seek appropriations to be able to let contracts for let's say these three areas or three systems. Our guess is that this will cost about $2 million per year for the three systems which we would propose. This might not increase the present subsidy, because we might be able to relieve local service carriers of enough of their burden to keep the subsidy cost at the same, or lower, level.

Renegotiation rights during the life of the contract would be expressly precluded. Uneconomic bids would be unlikely if contractors are on notice that higher payments cannot be obtained through renegotiation. As a definitive check, the Board would develop detailed procedures to enable the staff to carefully screen out unrealistic bids, and each contractor would be subject to performance bonding or similar financial guarantees which would have the effect of assuring completion of the contract and, in the event of failure, would provide funds for the immediate institution of service by a substitute carrier.

Such procedures would also spell out minimum standards for filing bids and would include such matters as corporate financial condition, insurance, experience of officers and employees, and adequacy of compliance with all applicable FAA safety standards. The Board would also issue the detailed

specifications against which bids would be tendered. It is contemplated that the Board's staff and the community would participate in the development of specifications covering the service that would fulfill that community's needs.

In the past, academic critics of the existing subsidy system have suggested the possibility of a bidding system as an alternative. However, the pros and cons of such a system have never received a practical test, and there is no empirical basis for altering the present system. The Board believes that the problems of continued adequate service to smaller communities are sufficiently serious, and the possible benefits of a bid system are sufficiently promising, to warrant a limited experiment at the earliest possible time.

What we need is the authority to conduct the experiment. What we need is the experience, and that's why we're going to be coming to Senator Pearson and his colleagues for their help.

Thank you.

LITHUANIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, February 16 marks the anniversary of the declaration of the independence of Lithuania.

Fifty-four years ago, the brave patriots of Lithuania renounced the control of Germany over their nation and proclaimed their freedom.

Prior to German dominance, Lithuania had faced years of suppression by Russian dictatorship. Great attempts by the czarist government were made to replace Lithuanian language and culture with Russian. Fortunately, however, the attempts were never successful, and the policy of forcing Russification was finally abandoned in 1905.

In 1915, Russian control over Lithuania was replaced by that of the German forces, who overran this tiny nation with its powerful army. Again the Lithuanian people were forced to accept the dominance of a foreign and unfriendly government.

By 1917, however, as the powerful Germany army began to lose its supremacy, and as Russia became more involved in its own internal turmoil, the people of Lithuania seized the opportunity to organize and strengthen their own government. After the establishment of a 20-member governing council, these courageous and determined people proclaimed on February 16, 1918, a free and independent Lithuania.

Although it was not until July 1920, that Russia accepted Lithuanian independence, this nation took immediate steps toward establishing a free government. By 1922, a permanent constitution was adopted, according freedom of speech, assembly, and religion. The power of legislation was vested in a parliament, and the executive authority was given to the President and his Cabinet.

However, the years of Lithuanian independent growth and improvement were short lived. By 1939, both German and Soviet aggression was again forced on Lithuania. On August 3, 1940, Lithuania was declared a constitutent republic of the Soviet Union by the Supreme Soviet in Moscow, and by 1944 all Lithuania was occupied by Russian forces.

Mr. President, in the very short years of their independence, the people of Lithuania proved to the world their strong and determined desire to be free. That desire is still alive today. I wish, therefore, to join with all Americans in paying tribute to Lithuanian Independence Day.

EXECUTIVE INTERCHANGE PROGRAM

Mr. PERCY. Mr. President, a highly productive program is underway which brings business executives into government jobs for 12 to 18 months at a time and also puts government employees in private business for a similar length of time. The program is designed to give business executives a feeling for what government service is like and to give Government employees experience in private enterprise.

The January 1972 issue of Nation's Business has an article on this program and with it long broadening opportunities for potential participants as well as Government offices. I ask unanimous consent that it be printed in the RECORD at this point.

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

FROM BUSINESSMAN TO CIVIL SERVANT—AND VICE VERSA

Sometimes, in his rather austere quarters at the Department of Commerce, Timothy O'Shea must think back to London.

His office there was at No. 1 Regent St., a posh location in the generally fashionable West End.

It was a short train ride from his home in Sunningdale to Waterloo Station. From there, a 15-minute walk brought him to his office, across the Thames, a little before 9 a.m.

"The British," he explains, "get off to a more leisurely start."

Now he rises earlier, hops in the car, heads for Highway 70-S and battles traffic in a 20-mile drive from his Gaithersburg, Md., home to downtown Washington. His responsibilities are comparable, he feels, but not the office accommodations.

He arrives in his office about 8:05 a.m. and will be there, except for lunch, until close to 7 p.m.

In London, he was European marketing director for a group of Westinghouse Electric Co. products. He agonized over problems like how to sell more U.S. picture tubes to West German makers of TV sets.

In Washington, he works in the Commerce Department's Office of Program Analysis. His chief concern, at the moment, is how to get more mileage out of the Department's 42 field offices.

Mr. O'Shea is one of 43 businessmen who have left their jobs for 12 to 18 months to work in the federal bureaucracy.

They're taking part in the Executive Interchange Program. Its goal is to bring two worlds that are often poles apart—business and government—closer together.

The program, which got under way less than two years ago, is a two-way street.

THE OTHER GUY'S TROUBLES

It gives promising young business executives a taste of what life's like in the world of civil service. And it permits up-and-coming federal employees to sample the tribulations and triumphs of life in the corporate executive suite. So far, 16 government executives have made the switch to the payrolls of private enterprise.

Most of those in the program are in middle management—grades 14 to 16 for the government employees, and the $25,000 to $35,000 pay bracket for the business executives.

Both groups have found the 12-to-18-month stint an eye-opener.

Ronald Stegall, a coordinator in the Model Cities Administration, Department of Housing and Urban Development, now is in the Manhattan GHQ of Norton Simon, Inc.

"I've gained a fuller understanding," he says, "of the kind of constraints business has to face. And an awareness of the fact that it is not a monolith.

"There's a great diversity of attitudes in business, as in any other community."

Thomas O'Brien, a program manager at the Federal Aviation Administration, recently spent a year as a new products manager with Mobil Oil Corp.

"It gave me a better insight," he says, "into how business thinks and how limited it can be in responding to certain demands.

"For example, like an edict to stop pollution. This might take two years, cost hundreds of millions of dollars and pose some tough problems on where to get the money."

Similarly, bright young men from the corporate aeries of Manhattan learned lots in the federal labyrinths.

ONE MAN'S MEAT . . .

"It's quite difficult to get a big department or agency to move or make a decision," says John F. Flanagan, director of corporate plans, American Airlines, who spent a year with the Department of Transportation.

"It takes a lot of discussion, consultation and concurrences.

"From a business viewpoint, that's bad. We like to move faster.

"But from the government's point of view, that's good. Deliberation keeps it from possibly making a lot of bad decisions. And a government decision has a lot bigger impact on a lot more people than any decision we make in business."

As with Mr. O'Shea, Mr. Flanagan's tour of duty in Washington meant a lot of adjustments in his personal life and work habits.

"Before I came to the Department of Transportation," he says, "I was manager, operations planning, at American Airlines' headquarters in New York City.

"We were planning how to introduce the new 747's into service. That meant we had to look at everything. Passenger terminal facilities, ground equipment, food service, caterers, stewardesses, training pilots—the whole package.

"About 10 of us worked full-time on the project. We got help, of course, from others in the company whom we called on when their expert knowledge was needed.

"We had just wrapped this up when I went to the Department of Transportation for a year, under the Executive Interchange Program.

"Actually, I was sort of conditioned to the importance of mass transit by working in New York City.

"I lived in an old colonial home in Mt. Vernon in Westchester County. Every day I rode a commuter train to Grand Central Station, two blocks from our offices.

"When I was assigned to DOT, I was interested in seeing how the government approached the problem."

A VARIETY OF COMPANIES

More than 30 American business firms, big and small, are already taking part in the Interchange Program—lending some of their own promising executives to federal agencies and making room for federal managers in company executive slots.

The firms include, in addition to those already mentioned:

American Standard, Inc.; American Telephone & Telegraph Co.; Atchison, Topeka & Santa Fe Railway Co.; Atlantic Richfield Co.;

Avco Corp.; Bank of America; Bendix Corp.; Computer Congenerics; Consolidated Edison Co. of New York, Inc.; Cummins Engine Co., Inc.; General Electric Co.; General Telephone & Electronics Corp.; International Business Machines Corp.; Lockheed Aircraft Corp.; Ling-Temco-Vought, Inc.; McDonnell Douglas Corp.; McKinsey & Co.; Mead Corp.; Motorola, Inc.; North American Rockwell Corp.; Owens-Illinois, Inc.; Standard Oil Co. of California; Standard Oil Co. (New Jersey); State Street Bank & Trust Co.; Syntex Corp.; Teledyne, Inc.; and TRW, Inc.

"The goal of the program was summed up well by President Nixon," says Joseph T. McCullen Jr., recently named executive director, President's Commission on Personnel Interchange.

"He said that constructive cooperation between government and business can result in more imaginative and effective measures to achieve our goals. That's what it's all about."

Here are some of the solid achievements the program can boast of already:

The Federal Aviation Administration spends some $13 million a year to inspect air navigation aids. It now has a practical plan to cut costs by replacing the old DC–3's and T–29's it uses with half as many smaller, executive jets.

Annual savings are estimated at $7.7 million a year. The plan was prepared under the direction of an airline executive whom FAA acquired through the Interchange Program.

More than 6,000 U.S. business firms have asked how they could help improve our balance of payments by joining the ranks of exporters. "Tell us more," they said in effect, "about how we can sell abroad."

The queries resulted from an aggressive domestic information program launched by the Commerce Department's Bureau of International Commerce. It was the brainchild of a marketing executive who came to the Department under the Interchange Program.

Four of the nation's largest airports are so swamped with traffic that Washington has had to clamp a ceiling on landings and takeoffs. By 1980, unless the crisis is solved, all 30 of the airports that handle 80 per cent of our air traffic will be in the same boat.

But a study, prepared for the Department of Transportation and the National Aeronautics and Space Administration, has a solution. It took a task force of DOT and NASA staffers, plus outside experts, nearly five months to prepare the blueprint for expansion and changes in techniques.

If it is implemented, by legislation and executive action, the nightmare of 1980 will be averted.

Once more, a business executive brought into government through the Interchange Program played the key role in the rescue operation. Says David A. Lehman, then on loan to DOT from IBM:

"I was brought in to look at the problem of civil aviation to the year 2000 A.D. It involved a lot of factors. Like what kind of research and development might have to be done to bring us out of the transportation crisis. What kind of legislation do we need? What can industry do? What benefits would accrue to the nation?

"The result was the CARD study. CARD standing for Civil Aviation Research and Development. It has been approved by DOT and NASA and looks like it is on the tracks."

Mr. Lehman, who is executive assistant to one of IBM's top managers, has decided that the over-all long-range value of the Interchange Program may far exceed that of the help it has given in solving specific problems.

The most lasting benefit, he feels, may come from improving the relations between those two sometime antagonists—business and government. Other Interchange Program executives share that view.

They agree that the two chief differences between the world of government and the world of business involve the pace at which things happen and the way performance is measured.

FASTER FOOTWORK

Business has faster footwork, says the FAA's Mr. O'Brien. "Industry seems to be leaner in staff," he adds, "and less encumbered with paper work. It also tends to be a little more flexible in funding. Business can move money more quickly to areas or activities that promise a better return."

As for gauging success or the lack of it, Mr. O'Brien says:

"One of the main fallouts to government is that we will have to develop standards to measure performance or efficiency, and techniques to improve performance."

Business, executives point out, has one handy yardstick that is not available to government—the profit and loss statement.

"However," says HUD's Mr. Stegall, "I don't think business has as clear and simple a goal as the bottom line on the profit and loss statement.

"For example, the company has long-range goals that a year's profit and loss statement won't reflect. Also, the P/L statement doesn't reflect profit that could have been made—but wasn't. Management may have made a lot of mistakes that don't show up in the profit and loss figures.

"So they're not a true measure of performance.

"If the figures are good over a long span, say 50 years, then they would truly reflect performance. But in the short run, they may or may not be an accurate index."

Business executives tend to take a somewhat different tack than the government executives do on performance measurement.

UNKNOWN QUANTITIES

Says Westinghouse's Mr. O'Shea: "It's not so much that a company looks just at dollar signs. The main difference is that most companies can quantify their performance. The plant can count how many widgets it produced, or how many cars it made.

"The government as a lot of trouble quantifying what it does, except for some agencies like Internal Revenue, which can count the amount of money it took in, or the number of income tax returns it handled.

"But I don't think the big problem is that government and business are entirely different. Government is a service industry and a growing segment of private business is, too.

"However, government can do user analyses, or user studies, to find out if it's making people happier or more productive—or whatever the bureau's goal is.

"There has to be a measurement. There should be accountability in government—as well as in industry. And in many instances, there is, from what I can see.

"Congress certainly makes itself—and its wishes—known.

"So government faces some of the disciplines that we do in industry, though not all. Certainly, there are two yardsticks that should be applied to a government bureau:

"One, is it doing something that's necessary?

"Two, is it doing it effectively?"

What, interchange executives were asked, did they miss most when they went from business to government?

Mostly, they replied, the lack of easy access to higher authority, and the inability to act quickly on their own.

What was most attractive about stepping into the shoes of a government manager?

"Being part of Washington, being where it's at," says American Airlines' Mr. Flanagan. "Make no mistake, there's where the action is."

FRIDAY IS DEADLINE FOR REQUESTING TIME AT FPC CONFERENCE ON NATIONAL GAS SURVEY

Mr. METCALF. Mr. President, important conferences in which the public should participate are often conducted with insufficient advance notice of procedures for participation. A case in point is the conference to be held at 2 p.m. Tuesday, February 22, in the seventh floor auditorium of the Federal Power Commission at 441 G Street NW.

This "public conference" is scheduled to "receive comments by all interested members of the public on—the FPC—National Gas Survey." Notice of this meeting did not appear in the Federal Register. The FPC Notice of Public Conference was not distributed to some parties of interest when it was issued last week. This week a short press release was distributed at the FPC.

Persons who wish to participate in the conference are supposed to notify the Commission Secretary, in writing, by Friday, February 18.

So that the public may be advised, and participate to the fullest extent practicable, I ask unanimous consent to insert at this point in the RECORD the February 10 Notice of Public Conference, the February 14 press release and, for background purposes, a letter to FPC Chairman Nassikas from Ralph Nader and David W. Calfee.

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

UNITED STATES OF AMERICA, FEDERAL POWER COMMISSION, NATURAL GAS SURVEY

NOTICE OF PUBLIC CONFERENCE

(FEBRUARY 10, 1972)

Please take notice that on February 22, 1972, at 2:00 p.m., a Public Conference will be held in the auditorium of the General Accounting Office Building, 441 G. Street, N.W., Washington, D.C., for the purpose of receiving comments by interested members of the public regarding the National Gas Survey.

Any person desiring to participate in such Conference should file with the Commission's Secretary, on or before February 18, 1972, a notice of his intention to do so, in order that a schedule of presentations can be made. Such notice should include the full name of such individual, his address and the organization or group he represents, if any. Each organization or group should have one speaking representative at the Conference.

KENNETH F. PLUMB,
Secretary.

PUBLIC CONFERENCE SCHEDULED ON FPC'S NATIONAL GAS SURVEY

The Federal Power Commission has scheduled a public conference for February 22 in Washington, D.C. to receive comments by interested members of the public on its National Gas Survey.

The conference will be held at 2 p.m., in the 7th floor auditorium of the General Accounting Office Building, 441 G Street, N.W.

Those wishing to participate in the conference should notify the Commission's Secretary in writing by February 18, including the full name of the individual, address, and organization represented, if any. Each organization should have one speaking representative at the conference.

For further information call 386–6102 (Area Code 202).

WASHINGTON, D.C.

Hon. JOHN N. NASSIKAS,
Chairman, Federal Power Commission,
General Accounting Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: The Commission's orders of December 21, 1971, represent a denial of its obligation under the Natural Gas Act to "protect consumers against exploitation by natural gas companies."[1] The two orders of that date, the "Order Establishing Technical Advisory and Coordination Committee Task Forces and Designating Membership" and the "Order Directing Study and Analysis of Natural Gas Reserves and Prescribing Procedures for the National Gas Survey," both reveal the Commission's rejection of the public interest.

The order establishing and appointing task forces demonstrates an alarming pro-industry bias among the appointees. Notions of fair representation for all the interested parties—consumers as well as industry—have been ignored. Since consumers will ultimately bear the burden of inadequate information through higher costs, irrational regulation and unenforced anti-trust laws, their interest in the National Gas Survey is clear. Despite this interest, however, there are no identifiable consumer representatives among the one-hundred and sixty Task Force appointees. This official encouragement of a form of preferential communications by opening channels for special interest groups to reach the Commission while denying consumers equal access to those same channels is a flagrant disregard of the public interest. On the Task Forces this practice is particularly disturbing since much of the Survey's work will probably be done at this level.

The order directing the study of gas reserves fails to protect the public interest in several respects. First, the scope of the study is unnecessarily narrow. Second, the cloak of confidentiality was wrapped around information which should be made publicly available. Third, the secrecy surrounding the whole procedure raises doubts about the validity of the result. In sum, the procedures adopted in the order promise a reserve study which will constitute little more than a republication of presently available industry data.

The Commission has decided to collect only a portion of the information that is currently available to the American Gas Association (AGA) Committees which develop reserve estimates.

The problems of narrowness and confidentiality are most sharply raised by looking at what the study fails to cover. The first omission is data on reserves by field. These data are presently developed by the AGA and in fact will be temporarily made available to the Survey's accounting agent, though not to the Commission or the public. The Commission's decision to collect these reserve figures only after they have been aggregated by state serves merely to protect the figures from any effective challenge by either the public or the Commission.

The second major omission is information on who owns and controls those gas reserves. The development of a national energy policy which can deal, among other things, with inter-fuel competition and conglomerate energy companies requires such data. The Federal Trade Commission staff concluded last spring, "it is clear that the public interest would be served if energy antitrust planning could be based—at least in part—on viewing the industry in terms of reserve ownership and control."[2] In light of the emerging debate on national energy policy and the need for this information, it seems irresponsible for the Commission to undertake a major study of the national gas industry which promises to provide no information on the ownership of reserves.

The justification for failing to collect reserve information by field and by company has been the asserted confidentiality of such information. The only legitimate basis for a confidentiality claim is to preserve the information of one company from its competitors. In this case, not only is there an overriding public interest in disclosure even if the information could provide some competitive advantage, but evidence in the record before the Commission in previous cases indicates that at least some of this information is already available to competitors who sit together on AGA Subcommittees. Thus, to the extent that this information is already available to competitors, such knowledge utterly destroys the trade secret claim which is being manipulated against the public and its government in the furtherance of unjustified special economic advantage.

The procedure for the reserve study is seriously flawed by the cloak of secrecy which surrounds it. The heart of the proposed study upon which every claim of validity depends is the sampling of specific fields by the Commission's reserve teams. The choice of fields to be sampled, however, is left to an independent accounting agent who will no doubt be recommended by and acceptable to the industry dominated Advisory Committees. The Commission's order fails to specify either the procedures for identifying these fields, safeguards to assure randomness, or means for public scrutiny of the process. In all these respects, the order raises legitimate doubts about the validity of the sampling procedure.

Furthermore, even if an acceptable means is developed to choose fields for sampling, there is no guarantee that the companies will provide any more information to the Commission's reserve team than they provided to the AGA Committee. The order provides only that information "may be requested" from the companies by the reserve teams. There is no requirement that companies furnish all the relevant information. Thus, at best, the study will be a limited exercise attempting only to validate reserve figures which have already been voluntarily submitted to the AGA.

The Commission's decision to base its study upon figures which are submitted to the AGA in a wholly voluntary proceeding is an unjustified concession to the gas industry's special interest in secrecy. Instead, the study should take as a starting point either the Form 15 reserve figures or some other data which are required by law to be fully and accurately reported. The present order provides only that reserve teams "may compare" Form 15 data. This total reliance upon voluntary submissions without a systematic effort to reconcile them to available data which is legally required fails to protect the public interest.

The potential abuses inherent in a system of extensive advisory committees have been long recognized. The Commission paid lip service to legal restrictions upon those Committees, asserting that they would be limited to advising the Commission on the planning and conduct of the Survey. In fact, however, the order provides that a "Task Force Advisory Section . . . will assign each sample field to a company and will schedule reserve team visits to the various companies." Thus the Commission has explicitly delegated to an all-industry group the decision of which company to rely upon for checking reserve figures for a particular field. Such delegation is not only grossly inappropriate and contrary to the provisions in the Commission's own order limiting the role of advisory committees, but it is also an illegal delegation of government power under Executive Order 11007 which provides that "no committee shall be utilized for functions not solely advisory."[3] This function is clearly more than merely advisory.

In order to meet its statutory obligation of protecting the public interest under the Natural Gas Act, the Commission must at a minimum undertake the following four actions to modify the Natural Gas Survey.

The first relates to public participation and comment shaping the Survey. The orders developing the Survey have to date all been promulgated without an opportunity for participation by parties who are interested in the Survey but not represented on the relevant Advisory Committees. Protection of the public interest requires at a minimum that all interested persons be allowed at least one hearing to comment on the developments of the Survey to date and to propose directions for its further development. Thus the first step is to hold a series of open hearings at which the public interest in the National Gas Survey can be explored. The questions of purpose, scope and confidentiality must all be examined. It is critical that the Commission open up some channels for consumer and other non-industry viewpoints to be considered in shaping both the reserve study and the remainder of the Survey. This action would stand in sharp contrast to the present approach in which the Commission reaches its decisions behind closed doors relying almost exclusively upon the counsel and advice of the gas industry.

The second action is to order the appointment of additional representatives on all of the Advisory Committees and Task Forces to provide consumers with representation at least equal to that of the gas industry.

The third action is to solicit systematically for a public record the comments of other federal and state agencies concerning the information which would be most useful from the proposed National Gas Survey. Specific requests should be directed to the Federal Trade Commission, the Department of Justice, and to agencies which use substantial amounts of natural gas.

The fourth action is to substantially revise the procedures for studying gas reserves so that there can be greater faith in the accuracy of the data submitted and so that critical decisions upon which the reliability of the Survey depends are made in a fashion which opens them to the light of public scrutiny.

We are hopeful that your response to these comments will reflect the spirit of constructive criticism with which they are offered and will lead to an expeditious and useful dialogue on this important matter.

Yours truly,

RALPH NADER
DAVID W. CALFEE.

[1] *Hope Natural Gas Co. v. FPC*, 320 US 591, 610 (1964).

[2] FTC memorandum from Office of Planning and Evaluation, "Possible Dimensions of a Commission Energy Study," April 22, 1971, pp. 63–64.

[3] Executive Order No. 11007, 27 F.R. 1875 (1962).

SAD COMMENTARY ON AMERICAN DREAM

Mr. BROCK. Mr. President, the fact that too often today men, women, and children are afraid to leave their homes for fear of attacks, stabbings, and muggings, is a sad commentary on the great "American dream" of freedom for all.

Today millions of Americans face this plight in suburbs and slums all over our country. What causes a once crime-free, open, friendly neighborhood to close-up and exude fright from every pore?

Mr. President, I ask unanimous consent that a letter to the editor from a black Puerto Rican New Yorker be printed in the RECORD. Here, from Mr.

Campbell's own words, we can sense the fright of a man for himself and his family on the streets of America today.

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

"I AM A FRIGHTENED MAN"

To the EDITOR:

One of these nights I will not be coming home to my wife and four-year-old son. I will have been the victim of one of the numerous packs of muggers that have turned the streets of Bedford-Stuyvesant-Williamsburg into an asphalt jungle filled with terror and violence for my fellow black and Puerto Rican neighbors and myself and my family.

I am of black and Puerto Rican parentage. I grew up in Harlem and East Harlem in the midst of fighting gangs. As a young man I would come home late at night from evening college after working during the day. During all my previous 39 years I never really felt afraid for my own safety. I have been afraid for my mother, my son, my wife and other loved relatives, but never for myself. Now I'm afraid, really afraid, because I can see my number coming up, and feel absolutely helpless.

I want to see my son grow up into a happy, successful and honorable person. What is most terrifying is the knowledge that the odds are now definitely against that happening.

So many of my friends, neighbors and relatives are getting mugged, stabbed, assaulted and robbed that I know it is just a matter of days or merely hours before my turn will come.

What makes it even more horrifying is that now for the first time I know how a helpless old man, a woman or a child feels while walking down the street in the early evening darkness. Scared and absolutely helpless, with no policemen around, and knowing that no one wants to get involved.

I am no longer a cocky combat-ready ex-Marine infantry sergeant. I am a frightened man returning home from work at night, looking behind me, to the side of me, to the front of me, wondering if tonight is the night I will get it.

Will I get it in the subway exit where the bulbs are broken nearly every night, in the street while passing one of the numerous empty lots or empty houses, or on my doorstep while putting my key in the lock?

I know it is too late to save my life, but I pray that the people and our leaders wake up, organize and stamp out illicit drugs, permissiveness and loss of respect for authority, which I know are the causes of this tremendous increase in violent crime.

Then we will be able to save the lives of our children and of countless other people that deserve a life free from fear of a violent death or even of a violent mugging. Then people will be able to concentrate on living life to its fullest, on being happy, bright-eyed and filled with a love for humanity that is reciprocated by their fellow human beings.

LOUIS S. CAMPBELL.

SICKLE CELL ANEMIA

Mr. PERCY. Mr. President, the fight against sickle cell anemia is picking up momentum. In his recent state of the Union message, the President reaffirmed his commitment to our black citizens by requesting an increase in funding for sickle cell anemia research efforts. The enactment of the National Sickle Cell Anemia Control Act, which was passed by the Senate in December, would also go a long way to ending the era of neglect surrounding this hereditary blood disease which afflicts 10 percent of America's blacks and is fatal in one of every 500 cases.

I feel that Senators will be interested to hear of Illinois' fine efforts to combat this dreaded disease. Last fall, the Illinois legislature passed two sickle cell anemia measures, one requiring a sickle-cell anemia screening test for black schoolchildren and another requiring the inclusion of such a test in blood tests for marriage. And just recently, I learned that the Chicago Board of Health will begin next month the largest sickle cell screening project ever undertaken. I am extremely proud of Illinois leadership in this field, and I ask unanimous consent that an article describing Chicago's new program be printed in the RECORD.

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

[From the Chicago Tribune, Feb. 6, 1972]

CITY MOUNTING MASSIVE ATTACK ON SICKLE CELL DISEASE

(By Ronald Kotulak)

The nation's most intensive search for hidden cases of sickle cell disease, the most prevalent genetic disorder of blacks, is scheduled to be launched by the Chicago Board of Health next month.

With the addition of new equipment, the board will be able to more than double its current screening program, bringing it up to 250,000 tests a year and making it the biggest sickle cell screening project in the world, said Dr. Edward Murray, director of the board's children and youth care projects.

Until recently, the medical profession has tended to ignore this disorder and most of its potential victims didn't even know it existed.

A MILLION TESTS PROPOSED

"We have a target population of 1,102,620 black residents in Chicago, and we hope to test every one of them within the next three years," Dr. Murray said.

There are two types of the disease. The most common is sickle cell trait, regarded as harmless until recently but now recognized as potentially dangerous under certain stressful conditions.

The second form is sickle cell anemia, a severe, painful, usually fatal disease that kills half of its victims by their 20th birthday.

Dr. Hyman Orbach, director of the board's division of laboratories, said tests of 80,000 blacks last year showed that 1 in 10 had the trait and 1 in 500 suffered from anemia.

This is the same proportion found in other screening programs, and it means that in Chicago there are potentially more than 2,200 blacks with sickle cell anemia and more than 110,000 with the trait.

PROVES MALARIA RESISTANT

The genetic disease is almost exclusively limited to blacks. Some experts believe that the defective gene may have been beneficial in Africa because persons with sickle cell disease are more resistant to malaria.

The chief goals of the board's screening program are to identify persons with the trait and provide them with genetic counseling and to detect those with sickle cell anemia so that they can be referred to medical clinics for comprehensive treatment.

While there is no cure for anemia, continuous treatment often can double the life expectancy of these patients, Dr. George Hornig, a pediatrician at the University of Illinois Medical School, said.

BLINDNESS A SIDE EFFECT

Blindness, one of the little recognized side effects of sickle cell disease, also can be prevented in most cases with new therapy, reported Dr. Maurice F. Rabb, of the University of Illinois' Eye and Ear Infirmary.

With the growing awareness of the magnitude of the sickle cell problem, more researchers are beginning to look for possible cures and new therapeutic measures. Some have recently reported promising results.

President Nixon earlier called for greatly expanded research in sickle cell disease and increased the National Heart and Lung Institute's budget for this research fivefold, to $6 million.

PERFORM 400 TESTS A DAY

When the Board of Health program is in full operation, it will be able to perform 400 tests a day and have results ready in 24 hours. Blood samples will be taken at the board's 11 urban progress centers thruout the city and at other locations.

The laboratory test involves a process known as electrophoresis in which red blood cells flow thru an electrical field.

The disease affects the hemoglobin, the oxygen-carrying part of the blood.

Since the genetic deficit causes a slight alteration in the molecular makeup of the hemoglobin, the sickle cell blood cell has different weight and electrical properties. As the blood passes thru the electrical field, the cells with the refective hemoglobin travel at different rates and are thereby detected.

OFFER GENETIC COUNSELING

The board's program includes training workers from the urban progress centers to contact persons with the trait and offer them counseling and to check on those with anemia to insure they are receiving treatment, Dr. Murray said.

"Since there is no cure, one of our most important objectives is to counsel parents who have the trait about the risk of their children having anemia," Dr. Murray said. "Then it is up to them to decide if they want to have more children or follow some other course of action."

Dr. Hornig said that many parents elect not to have more children when they are informed of the hereditary nature of the disease.

CHANCES TOLD

If only one parent has the trait, the chances are that of four children, two will carry the trait and two will have normal hemoglobin.

However, if both parents carry the trait, the chances are 1 in 4 that each of their children will be born with sickle anemia.

In sickle cell anemia, the red blood cells change from their normal doughnut shape into a crescent or sickle shape. This change occurs because the defective hemoglobin, under certain biochemical conditions, changes its configuration. It becomes elongated, thereby forcing the normally round cell into a sickle shape.

CLOG THE ARTERIES

The rounded red blood cells have no trouble gliding thru the small blood vessels of the body. But when they become crescent shaped, they hook onto each other and have trouble traveling thru the tiny arteries.

As a result, the misshapen cells pile up, forming a barrier that prevents any cells from getting thru. No oxygen can get to the affected areas. Pain and death of some tissue result.

The hardest hit areas are the spleen, liver, intestines, and joints. When the small arteries feeding the brain are clogged with sickle cells, a condition exactly like a stroke is produced.

A newborn infant with sickle cell anemia may not show any signs of the disease until a few weeks after birth, when his feet and hands swell up because blood flow is blocked.

HOW CRISIS IS TRIGGERED

Most of the time, the red blood cells in the anemia patients are normal. But they may be triggered into a crisis by infections,

heavy exertion, extremes of heat and cold, emotional stress, dehydration, and other factors.

As the cells change shape, they produce joint pains, ulceration of the lower extremities, abdominal pains, fever, jaundice, and heart and neurological disturbances.

The crisis times are unpredictable. Some patients may have them two or three times a year. Others may go seven or eight years without one.

ALTITUDE CAN HURT

Continuous therapy can help reduce the crises and allow the patient to lead a relatively normal life, said Dr. Hornig. Such therapy often consists of the use of intravenous fluids to offset dehydration, antibiotic to prevent infections, and periodic blood transfusions.

"With good care, a patient with sickle cell anemia can expect to do normally well for 30 to 40 years," Dr. Hornig said.

But there also is potential danger for persons with the trait who don't have the full-fledged disease. They may trigger a crisis when their oxygen supply is drastically reduced by exercise, flights at high altitudes, drunkenness, or underwater swimming.

The potential hazard to the trait carriers was not fully recognized until the Viet Nam conflict, when some black servicemen ran into trouble during high altitude flights.

A previously unrecognized side effect of the disease is blindness, Dr. Raab said. Studies at the University of Illinois indicate that in some groups with anemia, 60 to 70 per cent of the victims may eventually have some permanent loss of vision in one or both eyes.

HOW EYES ARE AFFECTED

"As more attention is focused upon these crippling effects of the disease, it is astonishing that the majority of the public as well as the medical profession are unaware of the potential danger than exists to the eyes," he said.

The danger arises when the sickle cells plug up small vessels feeding the retina, the sensitive layer of cells at the back of the eye upon which light rays are focused. The vessels grow new branches in an attempt to bring oxygen to the retina.

But these new vessels are fragile and often break. When they rupture, blood flows around the retina; causing it to become detached. This condition frequently leads to the permanent loss of vision.

PREVENTION POSSIBLE

If these new vessels can be detected in time, they can be sealed off with a new argon laser beam, thereby preventing them from rupturing, Dr. Raab said. Studies are needed to determine if the threat to vision also is a problem for those with the trait, he added.

Two groups are cautiously hopeful about recent research finding. Dr. Anthony Cerami, Dr. James M. Manning, and Dr. Peter N. Gillette at the Rockefeller University in New York City have found that sodium cyanate can permanently prevent sickling of red blood cells in the test tube. They are now testing the compound on 25 patients.

The other group, headed by Dr. Robert M. Nalbandian of the Blodgett Memorial Hospital in Grand Rapids, Mich., has treated more than 70 sickle cell patients with encouraging results.

COMMUNITY EFFORT MADE

In addition to the Board of Health program, a community effort was started late last year to screen school children for sickle cell disease. That effort is led by the Harry Smotherman Sickle Cell Anemia Foundation.

Ernest Jackson, first vice president of the foundation said the group was formed because of the growing awareness among blacks of the sickle cell disease. The group, headquartered in the Harris YWCA at 62d Street and Drexel Avenue, was named after a Loyola University student who died last year from sickle cell anemia.

DIANNE HOLUM AND ANNE HENNING—ILLINOIS GOLD MEDAL WINNERS IN WINTER OLYMPICS

Mr. STEVENSON. Mr. President, I shared with millions of Americans the excitement of watching the televised coverage of the 1972 Winter Olympics in Sapporo, Japan. All Americans are proud of the young men and women who represented the United States in the competition in Sapporo. The people of Illinois are especially proud of Dianne Holum and Anne Henning, both of Northbrook, who each won gold medals in speed skating events, and Janet Lynn of Rockford, who won a bronze medal in figure skating. Together, these three young women from Illinois won five of the eight medals brought home by the American team.

Miss Holum and Miss Henning, together with three other Olympic skaters from Northbrook and their coach, were welcomed home from Japan yesterday. The pride that gripped their hometown was vividly portrayed in an article published in today's New York Times. I ask unanimous consent that it be printed in the RECORD.

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

DIANNE HOLUM AND ANNE HENNING—ILLINOIS GOLD MEDAL WINNERS IN WINTER OLYMPICS

(By Andrew H. Malcolm)

NORTHBROOK, ILL., February 14.—It was a bright, beautiful day here today, but the sunshine didn't go up over too well with some.

Bad ice and bad skating are bad news most any time in this northern Chicago suburb, but it was singularly inappropriate today as the town laid out a heroine's welcome for the two hometown skaters, Dianne Holum and Anne Henning, who together won half of the United States' eight Winter Olympics medals.

The two medal winners shared honors with three other Northbrook skaters who also were on the 17-member Olympic skating team coached by Ed Rudolph, the energetic Northbrook resident who is generally credited with developing ice sports here to the point that the town can now call itself "Speed Skating Capital of the World."

"The sun," groused one of the village's 27,000 residents, "is killing the ice. It'll be rotten skating."

The melting ice didn't dampen spirits. The two Olympic gold medal winners and their teammates arrived from Japan late this afternoon to a noisy welcome by 300 fans and Mayor Richard J. Daley of Chicago at nearby O'Hare International Airport.

Miss Henning, 16 years old, and Miss Holum, 20, appeared tired and a bit overwhelmed as they left the airplane. But within moments Miss Henning, the 500-meter sprint-skating winner, and Miss Holum, the 1,500-meter skating winner, gave away to laughter and excitement among their young friends.

They then rode in a horn-tooting motorcade to Northbrook, where they were greeted by fireworks and a crowd estimated by the police at about 8,000. And at the outdoor Meadow Hill Ice Rink, the scene of local triumphs, the young skaters were showered with flowers and praise while the ice melted around the chilly feet of their admirers.

OTHER PASSIONS

In downtown Northbrook, every store flashed a congratulatory sign. All 14 schools were shut tight and some businesses hooded their registers and closed their doors. But one thing that didn't shut down on this poor day for skating at Northbbrook's two outdoor rinks was the Sports Complex, the village's $940,000 indoor ice rink.

"The people here just wouldn't stand for it," said Frances Plummer, the head skating teacher.

In fact, the skating rink, which was approved in a bond referendum, is rarely closed at all. Weekdays it runs at least 20 hours a day. On weekends the ice is busy around the clock.

There are beginners' skating lessons (over 1,400 enroll in each 10-week session), figure skating (the rink opens at 5 a.m. for practice), ice hockey (eight leagues, beginning at age 5), and the annual ice show—with of course, a cast of a thousand.

But though Northbrook provides the coach and five of the United States team's 17 members, skating is not the town's only passion.

"This is just a nutty sports town," said Mrs. Genny Adsit. On that sad day in May when the indoor ice goes away, the tennis courts fill up, traffic grows heavy on the Olympic bike track and the 1,100 boys in Little League scamper to floodlit diamonds.

Northbrook is, in short, an affluent sports-minded suburb where almost everyone believes that the family that plays together stays together. The Book Bin, the local bookstore, sells more sports books than any other kind.

It is a far cry from the wee village of Shermerville that a band of industrious German farmers founded in the mid-1880's. In fact, it's a far cry from the village of Northbrook that many residents knew only 12 years ago.

Since then it has doubled in population, and like dozens of other Chicago suburbs such as Wheeling, Buffalo Grove and Lombard, has found its 1970 census already woefully outdated.

Housing developers are quickly buying up the remaining farmlands and golf courses. Property that once sold for $1.50 an acre now goes for upwards of $40,000.

And the local welcoming hostess, Mrs. Carol Bergey, makes at least a dozen calls a week now at the brightly colored, two-story, two-garage homes springing up in Northbrook's 11.5 square miles.

One survey put the median home value here at $50,000 and median income over $16,000, ranking Northbrook among Chicago's 10 wealthiest suburbs.

There is some friction here between a minority of long-time residents who want the village (Northbrookians do not use the word city or town) to stay the same and the overwhelming majority of later arrivals, who are bringing change.

"Change is inevitable," says John C. Williams, the village president, "even if you don't like it."

But there is no friction over skating.

"We come out as often as possible," said Jack Lofstrom as he stood in a long line at the indoor rink. His daughter, Becky, 3, and son Jeff, 4, tugged at his sleeves to get on the ice. Another son, Mark, 8, was at home with a banged knee suffered in hockey practice.

GREAT FAMILY SPORT

"Like all our friends," Mr. Lofstrom said, "we carry our skating stuff to church on Sunday. We're out of there at 10:30 and on the ice by 11. It's a great family sport."

Suddenly 9-year-old James Dickman smashed into the ice, breaking his left arm. "You mean we have to go home?" he asked his father.

One resident said, "Northbrook is still very friendly and very child-oriented. You don't see parents dropping their children off to skate; they come, too. We may have grown into a big suburb, but we've kept a lot of the friendly qualities and pride in youth that you don't see in the big city."

Many such families were attracted to Northbrook by its reputation for good schools and athletic facilities. The athletics are over-

seen by the Park District, an elected board that can levy its own taxes. One recent study found that 75 per cent of Northbrook's population was involved with one Park District activity or another.

For many years Ed Rudolph, the skating team coach, has been a Park District commissioner and is generally credited here with pushing development of the ice rink, bike track and other facilities.

"Rudolph was the driving force behind the skating growth," said Chip Maze, a Park District official, "but he was operating in mighty fertile sports ground. These parents really believe in sports for their children. Sports teach them discipline, self-confidence and teamwork. And if you're out ice skating, you're not getting into any other trouble."

EVERYONE KNOWS THEM

These days it seems everyone in town knows the two skating stars. "I used to see them at 7 in the morning out running," said Steve Meyer. Another youth added, "They're always training. I don't think they know what a boy looks like."

Their Olympic success has already boosted the rink's waiting list for skating lessons to over 500. "When I was little, I wanted to be like Sonja Henie," said Mrs. Gisella Pulf as she picked up skating application forms. "Now my daughter has to be like Anne and Dianne."

Tomorrow everything should be back to normal in Northbrook. That is, the stores will reopen, the schools will be back in session, and the ice rink will still be crowded. And, oh yes, the skating team leaves for Europe for another round of tournaments.

AMERICAN FOREIGN POLICY—PAPER PRESENTED BY SENATOR McGEE

Mr. TOWER. Mr. President, on February 5 and 6, I attended my fifth annual International Wehrkunde Conference in Munich. Wehrkunde is a European defense study conference involving unofficial representatives from the NATO nations. The meeting provides a forum for frank expression by the participants free of diplomatic commitments.

There is usually a paper presented by a representative of each participating country, basically outlining that country's perspective of defense posture and foreign policy. This year, our colleague from Wyoming (Mr. McGEE) presented the American paper. I commend Senator McGEE for his thoughtful approach to this complex subject and ask unanimous consent that his very fine paper be printed in the RECORD. I know that all Senators will want to avail themselves of the opportunity to become more familiar with this most important subject. Senator McGEE's paper will help in the meaningful debate in which we will engage here in the Senate.

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

AMERICAN FOREIGN POLICY—ITS AIMS AND LIMITATIONS

(Presented by Senator GALE McGEE, U.S. Senator from Wyoming)

It may seem curious for an American to be addressing himself to balance of power as an ingredient of foreign policy. Mine is a country that prospered for a hundred and fifty years by either avoiding a European system founded on power equilibrium or by exploiting the strife of the Continent. Geography, it is true, had much to do with this. Perhaps luck played a role. Indeed, it was Otto von Bismarck's reputed lament, as he viewed around him the rapid rise of the United States in the realm of world politics, that "There seems to be a divine Providence which watches over little children, drunks, and the United States of America."

In those closing years of the 19th Century, however, America was only a minor participant on the stage of European affairs. Ours was a tradition not only of isolation from the political struggles that dominated Europe in the 19th Century, but also of a deep distrust of the generally monarchist regimes that seemed to base their political alliances more on considerations of power than on those fundamental purposes that propelled my nation to its independence: the pursuit of life, liberty, and general tranquility. Throughout the 19th Century and into the 20th we remained removed from any need to examine whether power might not be the price for these pursuits.

Living apart from the realities of power, we enjoyed the illusion that reason alone could guide the relationships between nations. Being ourselves a nation based largely on the rule of law, we preached that the norms of municipal law could pertain as well to international relations. And, as a result, as we moved into the 20th Century, American foreign policy enjoyed a super-abundance of idealism. This translated into our fascination with international arbitration and a conviction that ideals could be legislated within the international community by treaty. We were misguided in several respects. First, ideals or morality probably cannot be legislated within a national community, let alone an international one. Second, the foundation of consensus indispensable to any community did not exist in relations between states. Therefore, there simply was no international community but rather a group of rather garrulous nations characterized as much by their differences as by their similarities.

Contrasting with this strange mixture of idealism and legalism in America's approach to foreign policy, there was a solidly pragmatic approach to things domestic. If miracles occur, one occurred in Philadelphia during the summer of 1787 when a remarkable group of Americans gathered together to design our Federal Constitution. John Dickinson of Delaware summed up the atmosphere of that body when he said, "Experience must be our only guide. Reason may mislead us."

World War II is the obvious turning point in the direction of American foreign policy. As a consequence of its outcome, the United States found itself strangely on the front lines of the world, no longer able to hide behind the protective balance of Europe or the facade of isolationism. Throughout our history we had at the very most enjoyed the luxury of choosing one of the two sides whenever conflict was threatened in Europe. But even that option had disappeared by 1945. For the first time in our national life we emerged as one of the two sides.

That the balance of power would have to be re-established as soon as possible in the wake of World War II was a foregone conclusion. What was far less certain, however, was whether the United States as the new leader of the Western world would be able to rise to those requirements. Not the least of the complications derive from the war itself. Not only did it destroy three great powers, each of which in turn left a vast political vacuum in its wake; but two of the victorious nations (England and France) were left so weakened by the conflict that they could no longer continue their historic role as significant factors in the balance of power. Perhaps never in history has so much violence been done to the old infrastructure of world stability. In the East as well as the West very few vestiges of the past were left intact.

It was into this chaotic setting that history thrust the United States of America. Never in modern times has one nation emerged from a world war with such great power and such frightening responsibility for the wise use of that power as did the United States. And as history long since should have taught, unless and until the world is brought back into balance following a war, few—if any—meaningful strides could be taken toward an improved world community.

I suppose that 1945, 1946, and 1947 marked our coming of age as a player on the world stage. By 1945 we found that our isolation could no longer endure. The traditional sea power of the British had seriously declined. The land armies of the French were shattered beyond repair. The kind of world it was and the kind it might become represented the opposite poles between which the United States sought to plot a new course into the future.

Two extremes seemed to be at war with each other. These extremes contradicted principles and obscured laudable objectives. Whether the people of the United States would be able to rise to the demands of the times and blend the realities of power politics with the dreams of idealism constituted the great test of the postwar period. It was again the tension John Dickinson recognized between experience and reason. The experience of two world wars taught us that we could no longer avoid the effect of a major European conflict.

I do not apologize for our late discovery of this truth. The concept of the balance of power simply did not apply to the United States until the second decade of this century. That it would take America another two decades to accept the responsibilities of its entry into the European equilibrium is not surprising. Indeed, the European nations—versed for over two centuries in the art of balancing contending powers—permitted the mechanism of balance to atrophy during the first half of this century. Two world wars showed that atrophy would lead rapidly to an impotent system where equilibrium played no part; and one major power, so disposed, could effectively dominate the continent.

What Friedrich von Gentz wrote in 1806 is still applicable today: "If the states system of Europe is to exist and be maintained by common exertions, no one of its members must ever become so powerful as to be able to coerce all the rest put together."

While some might say that states possessing great power are dangerous simply because of their preponderance of power, I believe most of us would agree that the pertinent question is not "How much power do they have?" but "What are they likely to do with it?" The United States welcomed the fact of pax Britannica throughout most of the last century. Pax Sovietica, on the other hand, would be as unacceptable to America as it would be to Western Europe.

In a period when Soviet military capabilities remained comparatively modest, its stridently aggressive rhetoric created little fear. But when the Soviet Union emerged from World War II with the largest armed force in Europe, its aggressive pronouncements seemed ominous indeed. The experience of Russia's historic pressures toward expansion and the recent history of the spread of the Soviet Union into territories of Finland, Estonia, Latvia, Lithuania, Prussia, Poland, Czechoslovakia, and Romania did not suggest that expansion would be limited to words alone.

The Berlin Blockade offered the first threat to the postwar stability of Europe. In an effort to restore equilibrium to a Western Europe confronted by a powerful Soviet Union, the United States broke with its historic isolation from Europe's balance of power in peacetime to join in a common defense alliance.

The Berlin Blockade is often referred to by historians of the period as the ultimate test

of American intentions—the test that was made with great success. Some have attributed to Winston Churchill one of the most succinct evaluations of the meaning of Berlin when he is supposed to have said, "If you Americans had responded to this threat as you responded to the threat of war in 1918, Russia would be on the Atlantic Coast of Europe today."

The key to two decades of peace in Europe since the first Berlin Crisis has been NATO. The very fact that fifteen nations came together to serve the common defense demonstrates a degree of determination that would, and did, cause a potential aggressor to take heed. The Alliance's determination, coupled with the military capabilities to back up that determination, is the formula for successful deterrence. Weaken either, and the balance of power will shift away from today's equilibrium. And were that balance to shift to our disfavor, our common security would be undermined.

Already just such a concern is being expressed in many quarters. What happens if Washington and Moscow reach agreement on nuclear capability? At this moment the two nations appear to be on the threshold of an agreement that, in effect, confirms the deterrent parity of Soviet nuclear armament. The expected SALT agreement will center upon defensive nuclear weapons. But it signifies our acknowledgement of a Soviet capability comparable to our own to deter the other from the first use of nuclear weapons.

This situation has far-reaching political and military implications. Above all, it means that conventional arms regain much of their pre-nuclear importance. If neither we nor the Soviets are likely to make first use of nuclear weapons, the game may well be decided by conventional forces.

It is for this reason that a reduction of our forces in Europe without adequate preparation would be so disastrous for our interests.

I am not suggesting that Soviet troops will roll in as American troops roll out. I am suggesting that the political weight of Soviet conventional preponderance in Europe will work increasingly to our grave disadvantage.

In plain terms, Western Europe will be unable in the short term to resist Soviet political and economic pressure if the arithmetic of the conventional force balance gives the Russians a preponderant position.

And that would mean the loss of the assets of a political, economic, and military nature that our entire postwar European policy has protected and enlarged. It would be throwing the game.

We must continue, therefore, a prudent preparedness at the same time we must use today's power equilibrium as a springboard to relaxing the tensions that have beset postwar Europe. We must be prepared to explore a mutual and balanced reduction in the opposing forces but without endangering our security. We must pursue the detente forecast in NATO's study of its future tasks. But we must recall that success in these efforts will best flow from the Alliance's posture of continued strength. As we explore opportunities for reconciliation with the Soviet Union, it would be foolish to allow a favorable balance of forces to slip away from us.

But a shift in that balance even now is underway. This is noticeable in at least two significant areas of the globe. The first of these areas is Eastern Europe.

The current diplomatic maneuvering on both sides in regard to the status of Berlin in particular and the two Germanys in general contains in it a possibility of grave importance affecting the balance of Europe and NATO. Most of us have long understood that only the Soviet Union could reunite Germany. And few fault that laudable goal.

But there has been all too little thinking and planning for a new structuring of the balance to permit taking this possible development into account. In fact, looking at the question from as far away as Washington, one has the feeling that precious little is being done to adjust to or compensate for such a shift.

Elsewhere in Europe it may not be very far down the road ahead that the status of Yugoslavia, whose role is epitomized in the regime of President Tito, will be tested; and "Titoism" is about to be tested again. Upon the disappearance of Mr. Tito, there will surely be a tense struggle for his succession. When Tito goes, the pro-Soviet group will be intensely active. It will expect Soviet support. And while the Soviet Union has pulled back on the Brezhnev Doctrine, the temptation to recover Yugoslavia may be irresistible.

If that situation arises in a period of nuclear parity, and the more so if the United States has reduced its conventional presence in Western Europe, it may seem a tolerable risk to the Soviet leadership. And how will we react if the Soviet Union does intervene? Can we afford not to react? Can we afford to let Yugoslavia be recaptured with all the implications that it will have for the rest of Europe and the Far East?

The second area of impending change in NATO's concern is posed by the new Soviet presence in the Eastern Mediterranean. In effect, this change in itself achieves in meaningful ways a flanking movement around NATO. Both the Soviet land position in Egypt as well as her naval presence in Mediterranean waters have achieved for the Soviet Union a breakthrough that had been—at best—an historic dream of the czars of old as well as the commissars of this century. It is now a fact of life. With that fact of life NATO must be prepared to deal.

When we add to this immediate dimension of the new Soviet presence the contemplative opening of the Suez Canal and the new Soviet presence in the Indian Ocean, it is at once obvious how very much in the way of the flow of power is traceable all the way back to NATO. The implications for NATO of the changing power centers around the globe at the very least require that we update NATO both in its mechanism as well as in its strategic directions. It is easier to say that we should do this than to spell out precisely how we should go about it.

But with one aspect of the new problem I can speak to you with a greater degree of certainty, and that is the resurgent isolationism now on the rise in my country. This mounting demand for a considerable retrenchment of American commitments overseas comes after a quarter of a century of unparalleled American contribution and sacrifice to the costs of world peace.

It is partly a sense of frustration and partly a sense of fatigue. But added to those two factors must be the national concern over the sttae of our country's economy, what with a federal debt that now exceeds $400 billion and a budget deficit for the upcoming year of $40 billion. Together these account for a formidable body of American opinion demanding a cutback of American forces in Europe.

Many of us in the United States oppose that kind of cutback, particularly the more so if it is undertaken unilaterally *vis a vis* the Soviet Union. But it is not certain how much longer we can hold enough votes in the Congress to prevail. That is where you can help.

The time has come for my government to take the lead in a reform of NATO that will shift to our West European allies a far greater responsibility for the Alliance. We should propose a reform to be accomplished over a number of years to put the defense of Western Europe primarily into Western European hands and under Western European Command. We should maintain our full commitment to our allies. We should maintain a significant military presence in Western Europe. But we should encourage our allies to forge a Western European defense force within NATO and in which France would play a renewed role of leadership.

In restructuring the new NATO, moreover, careful thought might be given to the establishment of a permanent NATO fleet in the Mediterranean to meet the current Soviet thrust. With the growing Soviet presence in that area, a permanent NATO fleet would exert a powerful political pressure and would serve as a major deterrent to the growing Russian threat from bases in Egypt. A permanent NATO fleet in the Mediterranean would blunt Soviet efforts to outflank Southern Europe from the North African coast.

The enlargement of the Common Market and the undeniable impetus that British membership gives to European unity has set the stage for a new defense system.

We must help bring about this unity as the best bulwark for our own defense and as our best hope of creating a stable long-term balance of power that will assure our security and that of our European and Asian allies.

The process will be difficult. The obstacles here and abroad will be awesome. But the need to put our relations with Western Europe and the Soviet Union on a more secure and more stable base has never been greater.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION—SEABED ARMS CONTROL TREATY

The ACTING PRESIDENT pro tempore. The hour of 11:30 having arrived, and in accordance with the previous order, the Senate will now go into executive session for the purpose of considering the treaty, Executive H, 92d Congress, first session.

The Senate, as in Committee of the Whole, proceeded to consider the treaty (Ex. H, 92d Cong., first sess.), the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, opened for signature at Washington, London, and Moscow on February 11, 1971, which was read the second time as follows:

TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and with-

out infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a seabed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The undertakings of paragraph 1 of this article shall also apply to the seabed zone referred to in the same paragraph, except that within such seabed zone, they shall not apply either to the coastal State or to the seabed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

ARTICLE II

For the purpose of this Treaty, the outer limit of the seabed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on April 29, 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

ARTICLE III

1. In order to promote the objectives of and insure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observations the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfillment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall cooperate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and cooperation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and cooperate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to cooperate.

4. If consultation and cooperation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfillment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

ARTICLE IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, relating to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the seabed and the ocean floor, including continental shelves.

ARTICLE V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the seabed, the ocean floor and the subsoil thereof.

ARTICLE VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

ARTICLE VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

ARTICLE VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

ARTICLE X

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in triplicate, at the cities of Washington, London and Moscow, this eleventh day of February, one thousand nine hundred seventy-one.

For the United States of America: William P. Rogers, James F. Leonard.

For the United Kingdom of Great Britain and Northern Ireland: Cromer.

For the Union of Soviet Socialist Republics: A. Dobrynin.

For Finland: Olavi Munkki.

For Jordan: A. Sharaf.

For Sweden: Hubert de Besche.

For Cyprus: Zenon Rossides.

For Bulgaria: D. L. Guerassimov.

For Burma: San Maung.

For Hungary: Nagy János.

For Iceland: Hördur Helgason.

For Canada: Marcel Cadieux.

For Ethiopia: Minasse Haile.

For the Republic of Korea: Dong Jo Kim [Romanization].

For Laos: Lane Pathammavong.

For Guatemala: J. Asensio Wunderlich.

For Denmark: Torben Ronne.

For Honduras: Roberto Galvez.

For the Republic of China: Chow Shukai.

For Ireland: W. Warnock.

For the Niger: A. Joseph [Joseph Amina].

For Costa Rica: R A Zuñiga.

For Liberia: S. Edward Peal.

For New Zealand: R L Jermyn.

For Nepal: Kul Shekhar Sharma.

For the Khmer Republic: Sonn.

For Luxembourg: Jean Wagner.

For Mali: S Traoré.

For Czechoslovakia: D Rohal-Ilkiv.

For Tanzania: Shilam [G M. Rutabanzibwa].

For Poland: Jerzy Michalowski.

For Japan: Nobuhiko Ushiba.

For Afganistan: A. Malikyar.

For Morocco: Abdeslam Tadlaoui.

For Nicaragua: Guillermo Sevilla-Sacasa.

For Malta: Arvid Pardo.
For Lebanon: N. Kabbani.
For Republic of Viet-Nam: Bui-Diem.
For Iran: Dr. A. Asian Afshar.
For Austria: Gruber.
For Ghana: E. Moses Debrah.
For Tunisia: S El Goulli.
For Norway: Arne Gunneng.
For Australia: John Ryan.
For The Netherlands: R B Van Lynden
For Romania: Corneliu Bogdan.
For The Central African Republic: R. Guerillot.
For The Dominican Republic: S. Ortiz.
For Switzerland: Felix Schnyder.
For Belgium: Walter Loridan.
For Burundi: Nsanze Terence.
For Swaziland: S. T. M. Sukati.
For Rwanda: Fidéle Nkundabagenzi.
For Italy: Egidio Ortona.
For Uruguay: H. Luisi.
For Bolivia: A. S. de Lozada.
For Botswana: Lhinchwe II.
For Colombia: D. Botero B.
For Guinea: F. Keita.
Four Mauritius: Pierre Guy Girald Balancy.
For South Africa: H. L. T. Taswell.
For Panama: J. A. de la Ossa.
For Greece: B. Vitsaxis, 12 of February 1971.
For Paraguay: Roque J. Avila, 23 February 1971.
For Sierra Leone: John J. Akar, 24th February 1971.
For Turkey: Melih Esenbel, Feb. 25, 1971.
For Yugoslavia: B. Crnobrnja, 2 of March 1971.
For Senegal: Cheikh Fall, 17th of March 1971.
For Dahomey: Wilfrid de Souza, le 18 Mars 1971.

Mr. PELL. Mr. President, the treaty which we shall now take up represents the kind of cooperation we ought to have between the legislative and the executive branches in the area of foreign policy. In recent years there has been an increasingly vocal concern, particularly in the Senate, over the role of Congress in foreign policy and over restoring the balance contemplated by our Constitution.

That role is in many respects a negative force—the Senate may reject treaties and may refuse to confirm Ambassadors. The Congress may refuse to approve, or it may limit, appropriations for particular purposes impinging on our foreign relations.

The Seabed Arms Control Treaty shows that the role of the Senate can also be positive. The principal impetus for U.S. action on this matter before us derived from activity here in the Senate and the Foreign Relations Committee in 1967. On September 29, 1967, I introduced Senate Resolution 172, dealing with the need for reasonable rules to govern the activities of nations in the marine environment. Shortly thereafter, I introduced a draft treaty covering these issues in the form of Senate Resolution 186. The Foreign Relations Committee held hearings on those resolutions, but encountered resistance from the executive branch on the grounds that an agreement, such as the one we are considering today, was premature and unrealistic.

The issue was not buried, however. At the United Nations, and here I pay great tribute to Ambassador Arvid Pardo of Malta, a decision was taken in 1967 to examine thoroughly the problems involved in preserving use of the seabed for peaceful purposes. The question of preventing an arms race on the seabed was placed on the agenda at Geneva in August 1968. Intensive discussions followed, both at Geneva and at the U.N., and on December 7, 1970, the U.N., 25th General Assembly, to which I was a U.S. delegate, voted 104 to 2—with two abstentions—to commend this treaty. The United States signed it on February 11, 1971, referred it to the Senate on July 21, 1971, and the Foreign Relations Committee, after a hearing, reported the treaty favorably last Wednesday. Thus, shortly more than 4 years after our original initiative with a proposed seabed treaty, we take up approval of a final seabed treaty, signed by 85 nations.

The treaty is not as broad as many would like. But the history of arms control negotiations is a history of compromise. The Nuclear Test Ban Treaty in 1963 did not cover underground tests. The Conference of Committee on Disarmament at Geneva has been unable to secure agreement on a treaty covering both chemical and biological weapons; instead, a compromise convention dealing only with biological warfare has been approved. The fact that the Seabed Treaty is also a product of compromise should not undermine its acceptability or detract from its significance.

This treaty is important because it will forestall a potential arms race on the ocean floor. It is true that the United States and the Soviet Union have not deployed any weapons system which the treaty would prohibit, and no such weapons have yet been actively produced. But such weapons systems were on the drawing boards. While an actual arms race in this environment has not yet started, this does not mean that one could never start. Indeed, the developments of technology have already brought into focus some possible applications of nuclear weaponry on the seabed. Consideration apparently has been given to the feasibility of placing remote-controlled missiles off the coast of target States, and even to the possibility of underwater ABM systems. Furthermore, a futuristic seagoing tank—appropriately called a "creepy crawlie"—has received widespread attention. While these weapons systems are now prohibited under the treaty, there is no guarantee that man's ingenuity could not contrive new, equally clever means of wreaking destruction from the ocean floor. Indeed, our experience with military technology and the arms race suggest the contrary—if they are not banned, some such contraptions will ultimately be invented, and sold. This treaty will substantially eliminate the incentive to pursue research programs in this direction.

The Seabed Treaty is also a useful supplement to the Nonproliferation Treaty. Like the treaties dealing with Antarctica, Outer Space, and the Nuclear Free Zone in Latin America, the Seabed Treaty adds another area immune to the proliferation of nuclear weapons. Seventy percent of the earth's surface is now being precluded from having weapons of mass destruction implanted thereon.

This treaty also has political implications in the international community which could be significant. It is another step to enhance the mutual confidence of the Soviet Union and the United States, thereby facilitating further dialog and additional measures. It represents another announcement to the world that arms control and disarmament is a high priority of the superpowers. It shows that progress in this area is not stalled.

Finally, I would like to call attention to article V of the treaty which obligates the parties to continue negotiations for prevention of an arms race on the seabed. I trust the administration will not treat this obligation lightly. Despite the apparent reluctance of the Joint Chiefs of Staff to proceed further—as the treaty requires—I hope that the United States will table concrete proposals in this area at Geneva as soon as possible.

The undertaking in article V of the Seabed Treaty is similar to the more general provision in the Nonproliferation Treaty requiring the nuclear powers to conduct negotiations for further measures of arms control and disarmament. The Seabed Treaty is one of the first products of the negotiations contemplated by the NPT. In this connection, it is important that arms control measures involving the oceans—not just the seabed—go forward expeditiously.

The Seabed Treaty is an integral part of the fabric of agreements which the United States and the Soviet Union have reached in an attempt to contain the arms race. I hope it is also a step toward a more comprehensive, stable regime for assuring the permanent, peaceful use of the earth's oceans.

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

Mr. PELL. I yield.

Mr. MANSFIELD. Mr. President, I want to commend the distinguished Senator from Rhode Island, who, as usual, has done an outstanding job in explaining the details of this most meritorious treaty.

I think it ought to be brought out, as it is in the report, that the genesis of this treaty lies in the initiative shown by the distinguished Senator from Rhode Island (Mr. PELL) in this instance; but, I might add, in many other instances as well he has been an inspiration in the consideration of matters of this kind, and his experience as a Foreign Service officer has helped greatly the rest of us on the committee to understand the intricacies of the treaty under consideration.

I just could not let this occasion go by without expressing by personal thanks to the distinguished Senator for the thorough and ongoing work which is his hallmark and for the many contributions he has made in his discussions in the Foreign Relations Committee, for the great influence he exercises in the Senate, and the high regard in which we all hold him. Modest though he is, I think it is about time that credit should be given where credit is due.

Mr. PELL. I thank my colleague very much indeed for those words. I do not deserve them, but I thank him.

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

Mr. PELL. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I came to the Senate floor to do precisely what our very distinguished majority leader has

done. As a member of the Committee on Foreign Relations, I am intimately and personally acquainted with the spendid attention and work which the seas, the laws governing the seas, and disarmament with respect to the seas have received from the Senator from Rhode Island (Mr. PELL).

It is significant, I believe, that the very first page of our report on this treaty says:

Senator Pell proposed for consideration a draft treaty to carry out that objective.

That resolution was introduced on November 17, 1967—almost 4½ years ago.

Notwithstanding the many other popular standards, I think that a Senator should be judged, not by his lineage in the newspapers, and really not even by his votes, though they count quite significantly, but by his initiatives. The Senate is a creative place, in which many new things for the benefit of our country, and through our country, of all mankind, can be done. This is an extremely creative initiative, for which the Senator from Rhode Island has been chiefly responsible in this body.

Senator PELL has focused our attention on the basic fact that the earth's surface is mainly the seas which cover most of it, and the resources of the seas as well as the dangers to the seas are just beginning to be appreciated after all of these centuries. I think this is a salutary line of interest and inquiry. It has borne fruit in this treaty as in other matters, and may indeed be the answer to the riddle of how to maintain a population of 6 billion instead of the 3.7 billion we now have on earth.

As an admiring friend and one who has watched the almost unique custodianship of this issue by the Senator from Rhode Island, I wish to pay my tribute to him, and thank him in the name of the people of my State, for his initiative in this particular field.

Mr. PELL. I thank the Senator from New York very much. He and I served together as delegates to the 25th General Assembly of the United Nations, which is when this draft treaty, which received its initiative partly from this body, was commended to the whole United Nations. I know that the Senator from New York, with me, has the same aspirations and hopes, not only for our Nation, but for the world.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, the treaty (Ex. H. 92d Cong., first sess.) will be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, which the clerk will now read.

The legislative clerk read the resolution of ratification, as follows:

Resolved (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, open for signature at Washington, London, and Moscow on February 11, 1971 (Ex. H, 92–1).

Mr. MANSFIELD. Mr. President, has the Senator from Rhode Island requested to have printed in the RECORD an excerpt from the report of the Committee on Foreign Relations and the message from the President of the United States?

Mr. PELL. I have not.

Mr. MANSFIELD. With the Senator's permission, I ask unanimous consent that the message from the President and the appropriate excerpt from the committee report be printed in the RECORD.

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

SEABED ARMS CONTROL TREATY

LETTER OF TRANSMITTAL

THE WHITE HOUSE,
July 21, 1971.

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, opened for signature at Washington, London and Moscow on February 11, 1971.

This Treaty is the product of intensive negotiations during the past two years at the Conference of the Committee on Disarmament at Geneva and at the United Nations. On December 7, 1970, 104 members of the United Nations voted to commend the Treaty and urged that it be opened for signature and ratification at the earliest possible date.

In broadest outline this Treaty prohibits the emplacement of nuclear weapons and other weapons of mass destruction on the seabed beyond the outer limits of a 12-mile coastal "seabed zone" defined in the Treaty. The provisions of the Treaty are described in detail in the accompanying report of the Secretary of State.

The seabed is man's last frontier on earth, and that frontier should be a source of promise. This Treaty represents a practical and timely step toward helping protect this new environment. It is a significant addition to the structure of multilateral arms control agreements such as the Limited Test Ban Treaty, the Antarctic Treaty, the Outer Space Treaty, and the Non-Proliferation Treaty, contributing to international security.

I consider this Treaty to be in the interest of the United States and the entire world community and recommend that the Senate give its advice and consent to ratification.

RICHARD NIXON.

(Enclosures: (1) Report of the Secretary of State. (2) Certified copy of the Treaty.)

DEPARTMENT OF STATE,
Washington, D.C., June 29, 1971.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for its advice and consent to ratification, a certified copy of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.

The Treaty was opened for signature at Washington, London and Moscow on February 11, 1971. Sixty-two States, including the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, signed the Treaty in Washington on that date. A number of other States have also signed the Treaty in one or more of the three capitals.

This Treaty is the product of several years of discussion and negotiations at the Conference of the Committee on Disarmament at Geneva (CCD) and at the United Nations. It represents an outstanding example of how an important multilateral instrument can be developed with the participation and significant help of many countries.

In 1967 the United Nations decided to engage in a thorough examination of the question of reserving the seabed underlying the high seas for peaceful purposes.

The question of preventing an arms race on the seabed was included in the agenda adopted by the Eighteen Nation Committee on Disarmament at Geneva (now the CCD) in August 1968. Concrete negotiations on this issue got under way at Geneva the following year. Initial discussion focused on the scope of a possible prohibition, the seabed area to which the prohibition should apply, and procedures for verifying compliance with the prohibition.

After extensive discussion, the United States and the Soviet Union reached agreement on the text of a draft treaty, tabled at the CCD on October 7, 1969, to prohibit the emplacement of nuclear weapons and other weapons of mass destruction on the Seabed.

CCD members proposed various amendments to this text, some of which were incorporated in a revised US-Soviet draft dated October 30, 1969.

This draft was reviewed by the twenty-fourth United Nations General Assembly in the autumn of 1969. A number of additional amendments were proposed at that time and the General Assembly called on the CCD to continue its work on the draft treaty.

During the 1970 CCD session, the United States and the Soviet Union twice revised their joint draft treaty to incorporate amendments that had been developed in New York and also amendments reflecting further suggestions by CCD members. Many countries had expressed the view that a way should be found to give all parties to the Treaty (and in particular coastal states), regardless of their technological capabilities, a greater opportunity to take part in verifying the Treaty prohibitions. Through detailed consultations and negotiations, the United States and Soviet sponsors of the Treaty developed procedures that would assist all parties in assuring themselves that the prohibitions of the Treaty are being observed.

The progress achieved at Geneva was reflected in the third version of the Joint United States-Soviet draft treaty tabled on April 23, 1970, and in the final draft tabled on September 1, 1970.

On December 7, 1970, by a vote of 104 to 2 (with 2 abstentions) the General Assembly voted to commend this Treaty and request that it be opened for signature and ratification at an early date. This resolution reflected the conviction of the international community "that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reducing international tensions and strengthening friendly relations among States."

The Treaty consists of a Preamble and 11 Articles.

The Preamble has five paragraphs expressing the consensus of the parties. The first recognizes the common interest of mankind in the use of the seabed for peaceful purposes; the second stresses the positive value of preventing a nuclear arms race on the seabed; the third states that the Treaty is a step toward the exclusion of the seabed from the arms race; the fourth expresses the conviction that the Treaty is a step toward general and complete disarmament; and the final preambular paragraph affirms that the Treaty will further the purposes and principles of the United Nations Charter without infringing the freedom of the high seas.

The principal obligation of the Treaty is set forth in the first paragraph of Article I. It provides that the parties undertake not to emplant or emplace nuclear weapons or other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a "seabed zone" as defined in Article II.

The prohibition also extends to structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons. The Treaty would therefore prohibit, *inter alia,* nuclear mines that were anchored to or emplaced on the seabed. The prohibition would not, however, apply to facilities for research or for commercial exploitation not specifically designed for storing, testing or using weapons of mass destruction. On the other hand, facilities specifically designed for using such weapons would not, because they could also use conventional weapons, be exempted from the prohibition.

The prohibitions of the Treaty are not intended in any way to affect the conduct of peaceful nuclear explosions or to affect applications of nuclear reactors, scientific research, or other non-weapon applications of nuclear energy, consistent with other treaty obligations.

For the purpose of this Treaty, submarines and other vehicles that can navigate in the water above the seabed are to be viewed in the same way as any other ships; submarines would therefore not be violating the Treaty if they were either anchored to, or resting on, the seabed.

The second paragraph of Article I provides that the prohibition shall also apply within the coastal "seabed zone" with two exceptions: first, it does not apply to the seabed beneath the territorial waters of the coastal State, thus leaving unaffected the sovereign authority and control of the coastal State over its territorial waters within the seabed zone; second, it does not apply to activities of the coastal State anywhere within the twelve-mile zone.

The third paragraph of Article I provides that the parties will not assist, encourage or induce any State to carry out activities referred to in paragraph one.

Article II defines the "seabed zone" mentioned above. It states that the outer limit of this zone shall be coterminous with the 12-mile outer limit of the zone described in Part II of the Convention on the Territorial Sea and the Contiguous Zone signed in Geneva on 29 April 1958, and shall be measured in accordance with the provisions of Part I, Section II of that Convention and in accordance with international law. The words "and in accordance with international law" were added to establish that where the provisions of Section II of the 1958 Convention are expressly inapplicable, as in the case of so-called "historic" bays, the rules of customary international law will govern the location of the baseline from which the outer limit of the "seabed zone" is to be measured for the purposes of this Treaty.

The Treaty's verification procedures are set forth in Article III. Paragraph one provides that each Party shall have the right to verify through observation the activities of other parties on the seabed so long as observation does not interfere with such activities. This provision does not imply the right to enter a facility or to open up a piece of equipment on the seabed; it does however permit close observation of a facility or an object on the seabed.

Paragraphs two and three of Article III set forth procedures for consultation and cooperation among the parties to remove any doubts concerning fulfillment of the obligations of the Treaty.

Paragraph four provides for recourse to the United Nations Security Council should there remain a serious question about a possible breach of the Treaty's obligations.

As specified in paragraph five, parties may undertake verification pursuant to the Treaty with the full or partial assistance of any other party or through appropriate international procedures.

Paragraph six makes clear that verification activities must not interfere with the activities of other parties and are to be conducted with due regard for rights recognized under international law, including the freedom of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

It should be noted that the verification provisions of this Treaty apply only to the area beyond the outer limit of the "seabed zone".

To avoid any possible implication of prejudice to any party's position on law-of-the-sea questions, the Treaty contains a broad disclaimer provision in its Article IV. This Article states that nothing in the Treaty shall be interpreted as supporting or prejudicing the position of any party with respect to existing international conventions or with respect to rights or claims regarding coastal waters or the seabed including continental shelves.

In Article V of the Treaty, the parties undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the seabed.

Article VI sets forth the procedure for amending the Treaty. An amendment would enter into force for each party accepting it upon acceptance by a majority of the parties, and for any other party on the date it accepts the amendment. This Article is similar to one contained in the Outer Space Treaty.

Article VII of the Treaty provides for a review conference to be held five years after its entry into force. The provision for a review conference was included to assure that the purposes of the preamble and the provisions of the Treaty were being realized, taking into account any relevant technological developments. This provision is similar to one contained in the Non-Proliferation Treaty.

Article VIII provides that a party may withdraw from the Treaty upon three months notice if it finds that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. This provision is similar to one found in the Non-Proliferation Treaty.

Article IX states that the Treaty will not affect the obligations of parties under international instruments establishing zones free from nuclear weapons.

Article X designates the United States, the United Kingdom and the Soviet Union as Depositary Governments, and provides that the Treaty shall enter into force upon the deposit of instruments of ratification by twenty-two signatory States including the Depositary Governments. It specifies how other States may become parties and contains provisions of a formal nature relating to ratification, accession, and registration with the United Nations.

The provisions for signature and accession have been designed to permit the widest possible application of the Treaty. At the same time adherence to the Treaty will in no way imply recognition or change in status of regimes the United States does not now recognize. Nor will it in any way result in according recognition or change in status to any regime not now recognized by any other party.

I believe that this Treaty represents a practical and timely step in the field of preventive arms limitation. I hope the United States, whose ratification is required to bring the Treaty into force, will become a party in the near future.

Respectfully submitted.

WILLIAM P. ROGERS.

(Enclosure: Copy of the Seabed Arms Control Treaty.)

SEABED ARMS CONTROL TREATY

BACKGROUND

This treaty derives in part from an initiative of Senator Pell of the Foreign Relations Committee. On September 29, 1967, Senator Pell introduced Senate Resolution 172 which, among other things, called for the initiation of arms control measures to prevent the stationing of nuclear weapons and other weapons of mass destruction on the ocean floor. Senate Resolution 186, introduced on November 17, 1967, by Senator Pell, proposed for consideration a draft treaty to carry out that objective. The Foreign Relations Committee held hearings on those resolutions on November 29, 1967.

Although the executive branch was opposed to adoption of those resolutions, work was concurrently proceeding in the United Nations, and in 1967 the United Nations engaged in a thorough examination of the question of reserving the seabed underlying the high seas for peaceful purposes.

This question was included in the agenda adopted by the Eighteen Nation Committee on Disarmament at Geneva in August 1968.

After extensive discussion the United States and the Soviet Union reached an agreement on the text of a draft treaty which was tabled at the Conference of the Committee on Disarmament (CCD) at Geneva on October 7, 1969.

After four revisions, the General Assembly voted on December 7, 1970, by a vote of 104 to 2 (with 2 abstentions) to commend this treaty and requested that it be opened for signature and ratification.

On February 11, 1971, the treaty was opened for signature at Washington, London, and Moscow. On that date, 62 countries, including the United States, signed the treaty.

This treaty was submitted to the Senate on July 21, 1971

PROVISIONS OF TREATY

The following summary of the treaty was provided by the Secretary of State:

"The Treaty consists of a Preamble and 11 Articles.

"The Preamble has five paragraphs expressing the consensus of the parties. The first recognizes the common interest of mankind in the use of the seabed for peaceful purposes; the second stresses the positive value of preventing a nuclear arms race on the seabed; the third states that the Treaty is a step toward the exclusion of the seabed from the arms race; the fourth expresses the conviction that the Treaty is a step toward general and complete disarmament; and the final preambular paragraph affirms that the Treaty will further the purposes and principles of the United Nations Charter without infringing the freedom of the high seas.

"The principal obligation of the Treaty is set forth in the first paragraph of Article I. It provides that the parties undertake not to emplant or emplace nuclear weapons or other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a "seabed zone" as defined in Article II.

"The prohibition also extends to structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons. The Treaty would therefore prohibit, *inter alia,* nuclear mines that were anchored to or emplaced on the seabed. The prohibition would not, however, apply to facilities for research or for commercial exploitation not specifically designed for storing, testing or using weapons of mass destruction. On the other hand, facilities specifically designed for using such weapons would not, because they could also use conventional weapons, be exempted from the prohibition.

"The prohibitions of the Treaty are not intended in any way to affect the conduct

of peaceful nuclear explosions or to affect applications of nuclear reactors, scientific research, or other non-weapon applications of nuclear energy, consistent with other treaty obligations.

"For the purpose of this Treaty, submarines and other vehicles that can navigate in the water above the seabed are to be viewed in the same way as any other ships; submarines would therefore not be violating the Treaty if they were either anchored to, or resting on, the seabed.

"The second paragraph of Article I provides that the prohibition shall also apply within the coastal "seabed zone" with two exceptions: first, it does not apply to the seabed beneath the territorial waters of the coastal State, thus leaving unaffected the sovereign authority and control of the coastal State over its territorial waters within the seabed zone; second, it does not apply to activities of the coastal State anywhere within the twelve-mile zone.

"The third paragraph of Article I provides that the parties will not assist, encourage or induce any State to carry out activities referred to in paragraph one.

"Article II defines the "seabed zone" mentioned above. It states that the outer limit of this zone shall be coterminous with the 12-mile outer limit of the zone described in Part II of the Convention on the Territorial Sea and the Contiguous Zone signed in Geneva on 29 April 1958, and shall be measured in accordance with the provisions of Part 1, Section II of that Convention and in accordance with international law. The words "and in accordance with international law" were added to establish that where the provisions of Section II of the 1958 Convention are expressly inapplicable, as in the case of so-called "historic" bays, the rules of customary international law will govern the location of the baseline from which the outer limit of the "seabed zone" is to be measured for the purposes of this Treaty.

"The Treaty's verification procedures are set forth in Article II. Paragraph one provides that each Party shall have the right to verify through observation the activities of other parties on the seabed so long as observation does not interfere with such activities. This provision does not imply the right to enter a facility or to open up a piece of equipment on the seabed; it does however permit close observation of a facility or an object on the seabed.

"Paragraphs two and three of Article III set forth procedures for consultation and cooperation among the parties to remove any doubts concerning fulfillment of the obligations of the Treaty.

"Paragraph four provides for recourse to the United Nations Security Council should there remain a serious question about a possible breach of the Treaty's obligations.

"As specified in paragraph five, parties may undertake certification pursuant to the Treaty with the full or partial assistance of any other party or through appropriate international procedures.

"Paragraph six makes clear that verification activities must not interfere with the activities of other parties and are to be conducted with due regard for rights recognized under international law, including the freedom of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

"It should be noted that the verification provisions of this Treaty apply only to the area beyond the outer limit of the 'seabed one.'

"To avoid any possible implication of prejudice to any party's position on law-of-the-sea questions, the Treaty contains a broad disclaimer provision in its Article IV. This Article states that nothing in the Treaty shall be interpreted as supporting or prejudicing the position of any party with respect to existing international conventions or with respect to rights or claims regarding coastal waters or the seabed including continental shelves.

"In Article V of the Treaty, the parties undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the seabed.

"Article VI sets forth the procedure for amending the Treaty. An amendment would enter into force for each party accepting it upon acceptance by a majority of the parties, and for any other party on the date it accepts the amendment. This Article is similar to one contained in the Outer Space Treaty.

"Article VII of the Treaty provides for a review conference to be held five years after its entry into force. The provision for a review conference was included to assure that the purposes of the preamble and the provisions of the Treaty were being realized, taking into account any relevant technological developments. This provision is similar to one contained in the Non-Proliferation Treaty.

"Article VIII provides that a party may withdraw from the Treaty upon three months notice if it finds that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. This provision is similar to one found in the Non-Proliferation Treaty.

"Article IX states that the Treaty will not affect the obligations of parties under international instruments establishing zones free from nuclear weapons.

"Article X designates the United States, the United Kingdom and the Soviet Union as Depositary Governments, and provides that the Treaty shall enter into force upon the deposit of instruments of ratification by twenty-two signatory States including the Depositary Governments. It specifies how other States may become parties and contains provisions of a formal nature relating to ratification, accession, and registration with the United Nations.

"The provisions for signature and accession have been designed to permit the widest possible application of the Treaty. At the same time adherence to the Treaty will in no way imply recognition or change in status of regimes the United States does not now recognize. Nor will it in any way result in according recognition or change in status to any regime not now recognized by any other party."

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing, chaired by Senator Claiborne Pell, on the Seabed Arms Control Treaty on January 27, 1972. At that time, the following witnesses testified: John N. Irwin II, Under Secretary of State; James F. Leonard, Assistant Director for International Affairs, Arms Control and Disarmament Agency; Lawrence F. Eagleburger, Deputy Assistant Secretary for Policy Plans and National Security, Department of Defense, who was accompanied by: Rear Adm. H. H. Anderson, Director for Policy Plans and National Security Affairs, Department of Defense; Herbert Scoville (appearing on behalf of the Arms Control Association); and Jeremy Stone, executive director, Federation of American Scientists.

On February 9, 1972, the committee met in executive session and unanimously ordered the Seabed Arms Control Treaty reported favorably to the Senate for advice and consent to ratification.

RECOMMENDATION

The committee recommends that the Senate give its advice and consent to ratification of this treaty. Although this treaty is a limited step, it is one which should be taken. At this time there are no weapons systems in existence or programed which would be prohibited. Nevertheless, in the absence of this treaty there would be every incentive for continued research to perfect viable seabed weapons systems, and no prediction can be made as to whether those efforts would succeed. Thus, this treaty will diminish the incentive to conduct research on these new types of weapons and may accordingly forestall an arms race in this environment generated by the unpredictable vagaries of future technology.

As Under Secretary Irwin stated before the committee, "the seabed is the last frontier of man on this planet," covering 70 percent of the earth's surface. It is important that this vast area has been eliminated as an arena for the United States-Soviet arms competition prohibited by the treaty.

The treaty is also a supplement to the nonproliferation treaty. It represents a step in carrying out the obligations set forth in article VI of the nonproliferation treaty, pledging the signatories to negotiate effective measures relating to cessation of the nuclear arms race at an early date.

However, it is one step toward halting the arms race—and it must not be the last—and the committee concludes that the United States should ratify the treaty. Accordingly, it recommends that the Senate give its advice and consent to that ratification.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield momentarily again?

Mr. PELL. I yield.

Mr. JAVITS. I think I failed, while recognizing the fine initiative and position taken by the Senator from Rhode Island in this matter, to state that we must not, of course, overlook what the majority leader has just noted so very carefully, that is the role of the executive department and of the President in negotiating this treaty and now submitting it for our approval. It is an important element of the administration's policy to come to agreements respecting limitations on nuclear weaponry, and when one is obtained, naturally, it comes as a very satisfying development to those of us who are very hopeful that SALT may mark the end of the burgeoning arms race in the nuclear field.

As we express our appreciation of the Senator's very fine role with respect to this matter, we must also at the same time call attention to the achievement of the President and his administration in bringing about the negotiation of this treaty. It can be a milestone along the road which we also fervently wish to travel, and help begin to reverse the tide of pyramiding nuclear armament. Our defense budget, of which nuclear arms form a big element is now well over $80 billion as estimated by the President. These expenditures inhibits so much which is constructive on land and sea, for the future of mankind.

I am sure Senator PELL feels as we do about the role of the President in this matter. We served together as delegates at the U.N., and he made his special care in that representation this special activity in the development of this treaty, to very fine effect. I think, in all propriety, we must note and praise the role of the President in the negotiation and submittal of this treaty.

Mr. PELL. Great tribute is owed also, I think, to the Ambassador who negotiated it, Jim Leonard, and the director members of the Arms Control and Disarmament Agency, William Foster and Gerard Smith.

Mr. JAVITS. Good.

Mr. PELL. I think the job that was done Ambassador Leonard did in pushing this treaty through was very noteworthy. When we started out 4 years ago, the admirals in the Pentagon and, I am sure, their counterparts in the Kremlin, opposed this treaty, and it took a great deal of persuasion on the part of ACDA and those who believed in this concept to persuade the Defense Department that there was no adverse effect in moving ahead on this treaty. I remember bringing up the subject of the seabed in conversations with Premier Kosygin who, I believe, has had similar problems with his military.

So I think great credit is due both this administration and the previous administration, which started the ball, and in particular to Ambassador Leonard, William Foster and Gerard Smith.

Mr. JAVITS. I thank my colleague.

Mr. ROTH. Mr. President, I support the Senate's giving its advice and consent to the ratification of the Seabed Arms Control Treaty. Although this treaty may seem insignificant in terms of current weapons development and deployment plans, it could become important if technological developments make the seabed emplacement of nuclear weapons feasible. Moreover, this treaty diminishes the incentives for the continuation of expensive weapons research in this area, continues the momentum toward broader arms limitation agreements and helps to foster the proper psychological atmosphere in which further accords may be achieved.

If we can view the conclusion of this treaty with considerable hope, we cannot be complacent about progress in this very critical and sensitive field of arms control. The present treaty, which covers an area of only potential interest to defense strategists, required about 3 years to negotiate. It bans nuclear mines actually emplaced in or moored to the seabed, but it does not ban submarines positioned on the seabed, even if they remain fixed for weeks. This treaty is only a very small step which does not affect the national security posture of the United States. The significant question is not then whether or not we should give our advice and consent to this treaty, for clearly we should, but where do we go from here.

I am sure that the vast majority of the people of this Nation support the administration in its efforts to conclude a substantive agreement on the limitation of both offensive and defensive missile systems. But while continuing endeavors are underway to limit nuclear weapons, less attention has been paid to the control of conventional arms, except in the area of biological and chemical weapons. Yet, in many ways, it is the conventional arms field that is the most immediately relevant, for the tragic wars of recent years in Southeast Asia, the Middle East, and South Asia have all been fought with conventional arms, many of which have been supplied from outside these regions by the great powers. It is most tragic when these weapons have been supplied to opposing sides of the free world countries of the United States, Great Britain, and France, whose global interests are otherwise quite compatible.

As I recently expressed in a statement on the situation in South Asia, it is my hope that the President's visits to China and to the Soviet Union will help to encourage an atmosphere conducive to great power agreements on the limitation of conventional weapons to lesser developed countries. While I am aware of the many nuisances and difficulties of such agreements, I believe that the initial exploratory moves should be begun as soon as possible, at least with our friends and allies, if not with those we hope will become more friendly.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from South Carolina (Mr. HOLLINGS) relative to the Seabed Treaty now under consideration.

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

STATEMENT BY SENATOR HOLLINGS

The treaty now being considered by the Senate is a significant step forward in the long and difficult effort to place some limits on an uncontrolled worldwide arms race.

Essentially the treaty is an agreement among the nations of the world that they will not extend the nuclear arms race to the seabeds of the world oceans. The importance of that agreement becomes clear when we consider that the ocean seabeds constitute an area equal to 70 percent of the surface of the globe. Placing such an area off limits in the arms race is a noteworthy achievement.

I think the treaty is important also from another viewpoint. During the past decade we have seen extraordinary advances in marine technology—in man's ability to explore, work, and even live in the marine environment. It would be nothing less than tragic if the first and foremost application of this technology were to be the design, construction, and emplacement of weapons of mass destruction on the seabed.

I hope that this agreement, barring nuclear weapons from the seabeds, may also turn our attention to the potential peaceful uses of the lands underlying the oceans. All evidence indicates that the world seabeds constitute an immense reserve of mineral wealth. The rapid development of marine technology promises to make possible the use of these resources to improve the material well-being of man. If we can turn our energies, and our dollars, from military uses of the seabeds to productive and peaceful uses, we will be contributing much to the future welfare of mankind.

Mr. President, the basic thought that lies behind this treaty is that the oceans of the world, and most particularly the seabeds, should not be the spawning ground for a new era of international conflict and hostility, or a new arena for the nuclear arms race. The oceans and the seabeds are the heritage of all mankind, and the exploration and use of the seabeds should proceed on the basis of international cooperation. This treaty is one step toward that goal.

Mr. President, the junior Senator from Rhode Island (Mr. PELL) has played a major role in the development and successful conclusion of this international agreement. He came forward with the proposal when the executive branch was not interested. He cajoled, prodded, and persuaded until his proposal was accepted as the policy of the United States. There are few instances in our history in which an international agreement has arisen from the initiative of the legislative branch of our Government. This treaty, I believe, is just such an instance, and I congratulate my colleague from Rhode Island.

Mr. COOPER. Mr. President, I join Senators in commending Senator PELL for his leadership and for his persistent work for 4 years which has brought about far-reaching prohibitions upon the deployment of nuclear weapons upon the seabed.

Senator PELL's initiative and diligence was a major factor in bringing the treaty to the favorable conclusion we witness today.

The treaty recognizes that man's ingenuity can be used for good or for ill, and that it is both wise and necessary to take steps now to prevent the use of the ocean seabeds for the purpose of deploying weapons of mass destruction.

I hope the ratification of this treaty will be followed shortly by an initial treaty on the limitation of strategic nuclear weapons systems at SALT. Once again, we thank Senator PELL for his efforts to lessen the danger of nuclear annihilation. He has made a great contribution and deserves praise.

Mr. MATHIAS. Mr. President, I wish to express my strong support for President Nixon's recommendation that the Senate give its consent to the Seabed Treaty now before us.

Not since the turbulent conflicts of the 17th century have the rules of the seas commanded such intense attention or been so important to the affairs of nations as they are today. Sadly, we witness today an increasing catalog of disputes over the extent of territorial waters and the delineation of fishing rights. In seeking to sustain an exploding population of a shrinking planet, man is turning increasingly to the sea as a source of nourishment. Man is not only fishing with large factory ships, he has begun to develop the technique of fish farming. And he has long been engaged in mining and drilling along the ocean floor—the seabeds.

It seems to me that, if we do not now establish the international ground rules for conduct on the seas, we may soon be faced with an outbreak of open hostilities and armed conflict eclipsing anything we have witnessed thus far.

The Seabed Treaty represents a significant step in the right direction. It prohibits, through arms control agreements, the deployment of nuclear weapons and other devices of mass destruction on the ocean floor beyond a 12-mile coastal zone. It thus will prevent the spread of nuclear weapons to some 70 percent of the earth's surface covered by the seas. This area, the seabed, is, as Under Secretary of State John Irwin has pointed out—"the last frontier of man on this planet."

I believe that the Seabed Treaty will be a further important step in the effort to control the spread of nuclear arms on this planet. It will be a fitting follow-on to earlier nuclear arms control treaties including the Antarctic Treaty, the Outer Space Treaty and the Nonproliferation Treaty. Hopefully it will also serve as a stepping stone to a Strategic Arms Limitation Treaty which this country has been seeking over the past years in negotiations with the Soviet Union. Each of these milestones

gives us hope for what may prove to be the "Disarmament Decade of the 1970's." This would be eloquent tribute to the President's compelling objective of changing from an era of confrontation to one of negotiation.

Certainly it would be foolish and irresponsible in the interest of seeking an adequate Seabed Treaty to jeopardize the military security of this country. It bears noting, therefore, that "the Joint Chiefs of Staff have been consulted throughout the negotiations on this treaty" as Mr. Eagleburger, of the Department of Defense, testified last month. He stated further:

> The Department of Defense believes this treaty is in the security interests of the United States, and supports the President's recommendation that the Senate give its advice and consent to its ratification.

Mr. President, we often remain unaware of the extent of persistent and painstaking effort that is necessary to produce a treaty of this nature. Let me, therefore, remind this body of the vast amount of exertion and real work that has gone into this treaty. It is the distillation of several years of detailed discussion and negotiation both in the United Nations and in the Geneva Disarmament Conference. From 1967 when the United Nations first examined the prospects of such an agreement until September 1970 when a final draft was presented at the Geneva Disarmament Conference, the draft treaty underwent innumerable changes and revisions. I had the honor in May 1969, to serve as a senatorial observer with the American delegation to the Geneva Disarmament Conference along with the distinguished junior Senator from Rhode Island (Mr. PELL). At this session, Special Ambassador Adrian Fisher, now dean of the Georgetown University Law Center, presented our first draft of the treaty to that conference.

In the fall of 1970, the United Nations General Assembly voted in favor of the present draft by a vote of 104 to 2. It was then opened for signature in February 1971. Thus far, 86 nations have signed the treaty and 23 have ratified it. It will come into force once it is ratified by the three depository Governments—the United States, the United Kingdom, and the Soviet Union.

Mr. President, I know of no more important effort to the future of humanity than the systematic limitation of nuclear weapons. But this task cannot be accomplished simply by good will or by good rhetoric. Neither can it be gained by recklessly abandoning our defenses in the hope that others will do the same. Nuclear disarmament can only be attained by methodical, persistent, and painstaking steps such as the Seabed Treaty. This treaty is not a dramatic stride, but a limited and practical step.

In the hard world of international relations, however, I am sure I shall be forgiven if I favor the practical to the dramatic. For, it is such "limited steps" which will serve as realistic platforms for further steps along the road to international control of nuclear arms, and eventually to the rule of law among nations.

I shall close my remarks by quoting from a fine letter received today from Dean Adrian Fisher, who can be regarded as one of the principal architects of the treaty. He writes:

> I am aware that some have said that the treaty is not really important. One can argue how vast a step it is, but it is a step and a step toward peace. That is important. Without such a treaty, I am morally certain that one or more of the parties to the present nuclear confrontation might have embarked on a program to place these weapons on a seabed primarily because of a concern that another party might do so and that it had to get there first. This treaty prevents such a dangerous escalation.

I ask unanimous consent that the letter be printed in the RECORD.

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

GEORGETOWN UNIVERSITY
LAW CENTER,
Washington, D.C., February 15, 1972.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: I am advised that the Senate is voting today on the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and the Subsoil Thereof. I remember very well that you and I were together at Geneva in May of 1969 when I presented the first draft of that treaty to the then Eighteen Nation Committee on Disarmament. You were sitting at the Conference table and acting as a member of the Delegation, a matter which did our delegation a great deal of honor. Since that time there have, of course, been refinements on the initial document. In particular, the Article on Verification has been filled out and the Article on the outer limits of the seabed zone has been drafted in a way to avoid possible embarrassment to the position of the U.S. on other aspects of the law and the sea. All in all, a rather commendable ship has been drafted on the keel that you helped lay in May of 1969 and you should be proud of the development that you helped begin.

I am aware that some have said that the treaty is not really important. One can argue how vast a step it is, but it is a step and a step toward peace. That is important. Without such a treaty, I am morally certain that one or more of the parties to the present nuclear confrontation might have embarked on a program to place these weapons on a seabed primarily because of a concern that another party might do so and that it had to get there first. This treaty prevents such a dangerous escalation and you should be proud of your participation in it.

Sincerely,

ADRIAN S. FISHER.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the pending question will be put. 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 please call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. LONG), and the Senator from Wyoming (Mr. McGEE), are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Georgia (Mr. TALMADGE), are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from Oklahoma (Mr. HARRIS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The yeas and nays resulted—yeas 83, nays 0, as follows:

[No. 43 Ex.]

YEAS—83

Aiken	Eastland	Packwood
Allen	Ellender	Pastore
Allott	Ervin	Pearson
Baker	Fannin	Pell
Bayh	Fulbright	Percy
Beall	Gambrell	Proxmire
Bellmon	Goldwater	Randolph
Bennett	Griffin	Ribicoff
Bentsen	Gurney	Roth
Bible	Hart	Saxbe
Boggs	Hollings	Schweiker
Brock	Hruska	Scott
Brooke	Hughes	Smith
Burdick	Inouye	Sparkman
Byrd, Va.	Javits	Spong
Byrd, W. Va.	Jordan, N.C.	Stafford
Cannon	Jordan, Idaho	Stennis
Case	Mansfield	Stevens
Chiles	Mathias	Stevenson
Church	McClellan	Symington
Cook	McGovern	Taft
Cooper	McIntyre	Thurmond
Cotton	Metcalf	Tower
Cranston	Miller	Tunney
Curtis	Mondale	Weicker
Dole	Montoya	Williams
Dominick	Moss	Young
Eagleton	Nelson	

NAYS—0

NOT VOTING—17

Anderson	Hartke	Magnuson
Buckley	Hatfield	McGee
Fong	Humphrey	Mundt
Gravel	Jackson	Muskie
Hansen	Kennedy	Talmadge
Harris	Long	

The PRESIDING OFFICER (Mr. BENTSEN). On this vote the yeas are 83, and the nays 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. At this time, without objection, the Senate will resume the consideration of legislative business.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order, the Senate will turn to the consideration of the unfinished business which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 412, S. 2515, a bill to further promote equal employment opportunities for American workers.

QUORUM CALL

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS UNTIL 1 P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1 p.m. today.

Mr. JAVITS. Mr. President, will the Senator withhold his request momentarily so we may understand what we are going to be doing?

Mr. BYRD of West Virginia. Mr. President, I withhold my motion. May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Is it correct that at 1 p.m. we will take up the matter of reconsideration of the Hruska amendment which failed by a tie vote?

Mr. BYRD of West Virginia. The Senator is correct. Under the previous order, there is a 1-hour limit beginning at 1 p.m. on the debate on the motion to reconsider the vote by which the Hruska amendment (No. 877) was previously rejected.

There being no Senator present at the moment who wishes to discuss that matter, I now renew my motion that the Senate stand in recess until 1 p.m. today.

The motion was agreed to; and at 12:21 p.m. the Senate took a recess until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GAMBRELL).

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HRUSKA. Mr. President, will the Senator from Georgia yield me 10 minutes?

Mr. GAMBRELL. Mr. President, if the Senator would wait, I first should like to make an introductory statement and I will then yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I would be pleased if the Senator from Georgia would do that.

Mr. GAMBRELL. Mr. President, under the previous order, the Senate now has turned to the consideration of the motion to reconsider the vote by which the amendment submitted by the Senator from Nebraska (Mr. HRUSKA), amendment No. 877, was not agreed to on last Wednesday.

Mr. President, I believe the Senate will recall that the vote on that amendment was 33 to 33, and by virtue of there being a tie vote, the amendment failed. Under the circumstances that developed at the time, I had agreed to accommodate one of the Senators by giving a live pair. And by virtue of my not having voted, the result might have been changed. I felt it incumbent upon me to make a motion to reconsider the vote by which the amendment was rejected.

I do not intend to debate this matter at length and so stated to the leadership at the time the time limitation was agreed to. I think that most Senators know what their position will be.

Mr. President, I favor the amendment of the Senator from Nebraska for the reasons I stated at the time the amendment was offered on February 8, as set forth in the RECORD of that date.

I think the Senate should have an opportunity to express itself by a majority vote on this issue and not have the issue decided by a tie vote.

The proposal of the Senator from Nebraska, as I understand it, would limit the means by which action might be taken to protect minority rights under the job discrimination provisions of the EEOC bill.

I myself see no reason for having six or seven different remedies for the protection of these rights, particularly when an employer would be thereby subjected to a great deal of harassment.

In my own judgment, by far the greater number of employers in this country would be happy to abide by this law and are simply seeking to find out what the requirements of the law would be and are not undertaking to frustrate equal opportunities for our citizens in connection with employment, whether by race, sex, religion, or national origin.

Mr. President, assuming that good faith, as I do, on the part of most employers, I do not think they should be held in suspense as to how many different modes of attack might be made upon them when any one or certainly the several that remain under the amendment of the Senator from Nebraska would be sufficient for the purpose.

Therefore, Mr. President, I at this time yield 10 minutes to the Senator from Nebraska for his statement in support of the amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

EXCLUSIVE REMEDY AMENDMENT

Mr. HRUSKA. Mr. President, I thank the Senator from Georgia.

Mr. President, I rise in support of the motion to reconsider the vote by which my amendment was rejected last week.

The proposed amendment provides that apart from those actions specifically sanctioned by S. 2515 or pursuant to the provisions of the Equal Pay Act of 1963, the only remedy available to individuals aggrieved by employment discrimination is a charge filed with the Equal Employment Opportunity Commission.

Under the amendment there are exceptions. Under this amendment, actions filed by aggrieved individuals with State fair employment practices agencies; actions filed by the Attorney General in pattern or practice of discrimination cases; private actions filed by aggrieved individuals in the Federal district courts following the failure of the Commission to act upon a charge within the time proscribed in the bill; actions brought by the Secretary of Labor for noncompliance with the regulations of the OFCC; and actions brought in the courts for alleged violations of the provisions of the Equal Pay Act of 1963, are all preserved. The amendment would therefore, continue the availability of a wide range of avenues of redress from employment discrimination.

It might be noted parenthetically that the other body approved a provision similar to my amendment. But it was much more broad. It was much more broad, for example, in that the Equal Pay Act of 1963 was not included as an exception. That deficiency was noted in the debate in the other body. For some reason—very likely the fact that there was a closed rule prohibiting amendments—it was not incorporated in the text of the amendment as adopted, according to my recollection.

The merit of that proposal on the other side of the Capitol was recognized and there was inserted the additional

exception for the Equal Pay Act of 1963 which, very simplistically, said that there must be equal pay for similar or equal work for men and women.

This amendment reflects a recognition, however, of the fact that we are now curing the defects of the existing law by recognizing the expertise of the Commission in the field of employment discrimination and granting the Commission the necessary enforcement tools with which they can satisfactorily fulfill their role to end such discrimination. Adoption of this amendment would result in funneling into the Commission the matters within its expertise and the consequent avoidance of an unnecessary multiplicity of independent and overlapping suits brought before other administrative agencies or under other laws.

Under existing laws, individuals who allege that they are the victims of discriminatory employment practices have access to a multiplicity of forums before which they can bring actions seeking to redress a single alleged employment discrimination. Although Congress, in title VII of the Civil Rights Act of 1964, created the Equal Employment Opportunity Commission and invested it with the primary responsibility for investigating and conciliating alleged violations of title VII, the legislative history of that act as well as subsequent court decisions established that the Commission was not the exclusive authority for enforcement of equal employment rights.

Thus, under the present law, an individual can subject an employer or labor organization to the necessity to defend simultaneously against a number of separate actions, brought before a number of separate and distinct forums for the same alleged offense.

As the Commission has noted in an ex parte statement submitted to the Interstate Commerce Commission concerning Equal Opportunity in Surface Transportation, ex parte No. 278:

> . . . Title VII of the Civil Rights Act of 1964 did not grant exclusive jurisdiction to the Equal Employment Opportunity Commission (EEOC) in all matters of employment discrimination over which it has jurisdiction. On the contrary, its very design provides for the uses of *all available means* to achieve the end of employment discrimination. (Ex Parte No. 278, Page 56) (emphasis added).

Thus, for example, notwithstanding the enactment of title VII, it was held that the National Labor Relations Board still retained jurisdiction in the area of civil rights in employment. In *United Packinghouse Workers Union* v. *NLRB* (Farmers Cooperative Compress), 416 F. 2d 1126, 1133, n11 (C.A.D.C., 1969), the court found, as a matter of law, that racial discrimination by an employer is an unfair labor practice and stated that:

> The act itself says nothing to indicate that the National Labor Relations Board is ousted from jurisdiction in these matters, and an examination of the legislative history demonstrates that the Board was not meant to be. CONGRESSIONAL RECORD, volume 110, part 7, page 207.

Similarly, court decisions issued subsequent to the passage of title VII have held that title VII has not preempted the field of civil rights in employment and thus an individual has an independent cause of action in cases of employment discrimination pursuant to the provisions of the Civil Rights Acts of 1866 (42 U.S.C. section 1981) and 1871 (42 U.S.C. section 1983) and that actions may be brought under all three laws simultaneously.

However, according to the EEOC, the list of available forums in which actions concerning employment discrimination can be maintained continues. In its statement to the ICC, the Commission stated that:

> . . . the provisions of title VII only applied to the activities of the EEOC—and to the Department of Justice as applicable—and were not intended to preclude *other Federal agencies* from *independent* action in this area (emphasis added).

It is, therefore, the Commission's position that in addition to nonregulatory administrative agencies such as the National Labor Relations Board, Federal regulatory agencies such as the FCC and ICC similarly have the authority to regulate the employment practices of those who are subject to their jurisdiction.

Moreover, the Commission apparently is not satisfied merely with asserting that such regulatory agencies have jurisdiction over the employment practices of their regulatees—a tenuous assertion at best—but it has also felt compelled to interject itself into the affairs of these agencies and attempt to direct those affairs.

For example, apparently without any charge having been filed, the Commission conducted an independent investigation of the employment practices of the trucking industry and solely on the basis of a statistical disparity in employment between minority and nonminority employees concluded that a prima facie case of discrimination at law had been established. This was not enough for the Commission, however. After reaching this gratuitous conclusion, the Commission then tried to impose on the jurisdiction of the ICC by attempting to have the ICC adopt rules forbidding discrimination in the surface transportation industries, violations of which would hopefully, according to the EEOC, result in loss of a carrier's license to operate.

Similarly, the EEOC has applied the same consideration to the FCC and has interjected itself into the affairs of that independent agency. For example, again apparently without any charges having been filed, the EEOC conducted a study of the equal employment opportunities in the Bell System. In a voluminous report entitled "A Unique Competence," the EEOC concluded that from top to bottom, the Bell System discriminated against its employees on the basis of sex, race and national origin. However, the Commission's 290 page report is replete with conclusions unsupported by evidence and reads like a star chamber indictment. Nevertheless, the Commission on the basis of this obviously prejudiced report would have the FCC impose sanctions on the Bell System.

Thus, in addition to all the other actions a respondent can be subjected to, the Commission would also include Federal regulatory agencies in that already bulging list. It is apparently of no consequence to the Commission that such agencies have neither the requisite experience in the area of civil rights in employment, nor the knowledge, training, resources or investigative know-how to involve themselves in that area. On the contrary, the lack of resources and experience of these agencies in the field of employment discrimination serves the Commission's purposes all too well. The Commission can then invest itself with the authority to act as the investigatory arm of these agencies, draw unilateral conclusions as to the regulated industry's employment practices and utilize these agencies as mere rubber stamps for the application of sanctions as a result of their conclusions.

Under the present provisions of title VII, the EEOC was not granted prosecutory or enforcement authority which it could call upon in order to fulfill its role to eliminate employment discrimination. Rather, the Commission was forced to rely solely on its efforts to persuade and conciliate in order to fulfill its function. Therefore, since the Commission had been given no enforcement authority, an arguable rationale existed for the availability of multiple forums, each with jurisdiction to hear, decide and remedy complaints of employment discrimination. The lack of authority granted the EEOC in 1965 rendered it inadequate for the task imposed upon it by Congress. It was, therefore, intended by Congress that victims of employment discrimination should be able to avail themselves to the fullest extent of the resources of other agencies and other applicable statutes.

However, this rationale no longer is applicable. We are now granting the EEOC the necessary authority to effectively administer and enforce the Nation's equal opportunity employment laws. Yet, the bill now before the Senate contains no provision restricting the availability of alternative avenues of redress for persons aggrieved as a result of employment discrimination. Nothing contained in S. 2515 prevents an individual from subjecting a respondent to the onerous prospect of being subjected to the vexations, time-consuming and financially burdensome necessity of having to defend against a number of separate actions, before a number of separate forums, all for the same alleged offense. Further, even if a respondent successfully defends against one action, he is still vulnerable to liability before any of the other available forums.

This procedure is contrary to this Nation's well established principle that one accused of a violation of the law should not be harassed and vexed by multiple actions for a single offense. This principle is constitutionally recognized in the criminal law by the prohibition against "double jeopardy" and in the civil law by the correlative concepts of "res adjudicata" and "collateral estoppel." It is also recognized in administrative law. For example, the National Labor Relations Act, upon which the instant bill is largely patterned, provides that the Board exercises exclusive jurisdiction in the area of its authority and other

forums are preempted from consideration of cases properly before the Board.

I believe that the failure of the bill to protect respondents from the burdens incident to being forced to defend against a multiplicity of actions represents a serious deficiency. Our aim here is only to provide effective authority to the Commission to enable it to provide protections to the minorities and women of this Nation from employment discrimination. It is neither to harass respondents nor to deny them the fundamental rights of due process.

The amendment which I have offered merely represents a recognition of that conclusion. It does not, as the rhetoric in the House suggested, eliminate actions under the Equal Pay Act and my amendment specifically retains the availability of actions under that act. My amendment is not intended to eliminate the jurisdiction of the Attorney General in pattern or practice cases. We all recognize the fine and valuable work done by the Justice Department in this area and my amendment insures that the Attorney General's efforts and jurisdiction will be continued.

This amendment is only intended to eliminate actions brought before agencies or forums such as the NLRB, ICC, and FCC, which Congress did not intend to have jurisdiction over employment discrimination. Moreover, while the need to preserve the right of private actions is recognized and retained in this amendment, the expertise of the Commission to sift and investigate the evidence and attempt conciliation of the dispute before such private actions can be brought is nevertheless preserved.

Therefore, the intent of this amendment is not to impede the effectiveness of the Commission. On the contrary it is my opinion that it would advance its effectiveness. We are all aware that one gage of the Commission's ultimate effectiveness will be its ability to obtain voluntary compliance. Failure in this regard could result in the Commission's being drowned in its own caseload. This danger is even greater now that approximately 12 million additional individuals are being included within the Commission's jurisdiction. S. 2515, in its present form, militates against such voluntary compliance on the part of respondents. Apart from the inherent unfairness of imposing this liability upon a respondent, the fact that under S. 2515 an individual will still be able to bring a multiplicity of contemporaneous suits will inhibit respondents from entering into voluntary settlements, because any settlement effected before one forum will not eliminate its potential liability before the other available forums.

Mr. President, it is not the intent of this amendment to abridge or to contract the rights and the benefits the law confers upon those who allege discrimination in employment practices. They are fully protected and they are given every consideration in this amendment in connection with that matter with reference to their charges of discrimination, but they are denied that multiplicity of actions that now exists in their favor which can be used for harassment, for the accumulation and imposition upon the labor unions and the employers who are made respondents, the necessity to expend much money, time, and litigation, all involving a single alleged offense.

Some point has been made that the Department of Justice witness who appeared before the committee was opposed to an amendment of this kind. Reference has been made to his testimony and a subsequent letter which appears at page 162 of the hearings of the committee on the bill, S. 2515. The fact is that there was not an outright opposition. There was opposition to the extent that the language of the amendment could be interpreted as eliminating the use of provisions of Federal law other than title VII in the attack on employment discrimination.

The witness, Assistant Attorney General David Norman, went on to say:

> We will be happy to work with the committee staff in clarifying the language.

The language to which he addressed himself did not have the exceptions provided in the effective language of this amendment.

Reference has been made to the idea that all available resources and remedies should be retained in the field of civil rights to assure employees their rights.

Among other things, Mr. Norman said:

> In the field of civil rights, the Congress has regularly insured that there be a variety of enforcement devices to insure that all available resources are brought to bear on problems of discrimination.

It is submitted that is precisely what this amendment does. It spells out the language and clarifies the language, it states what can be and what cannot be used as the basis for a suit, and that is proved by the example cited by Mr. Norman in his testimony on page 163. He said:

> For example, housing discrimination may be the subject of suit by the Attorney General, a private suit by the party affected, or a conciliation effort by the Department of Housing and Urban Development.

This amendment meets that exact situation. There is retained expressly the suit by the Attorney General; there is expressly saved to the employee a private suit by him or her; there is expressly provided the conciliation effort by the Commission and other agencies.

In addition to those three, however, there is in the case of the pending amendment the saving grace of allowing the Pay Act to be fully effective, and also any pending determination in State court.

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

Mr. GAMBRELL. I yield the Senator 3 additional minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 additional minutes.

Mr. HRUSKA. Mr. President, another example given by the Assistant Attorney General was in the field of education. He stated "remedies for discrimination are available to private persons," which is the case in our amendment, "the Attorney General," which is the case in our amendment, and the "Department of Health, Education, and Welfare," which is our situation again, except instead of HEW there is the Equal Employment Opportunity Commission.

He went on to state:

> At this juncture, when we are all agreed that some improvement in the enforcement of Title VII is needed, it would be, in our judgment, unwise to diminish in any way the variety of enforcement means available to deal with discrimination in employment. The problem is widespread and we suggest that all available resources should be used in the effort to correct it.

With that statement this Senator completely concurs, but he will not go so far as to say there should be such a surplusage of means available that instead of being a tool, an instrument to achieve redress for a single offense in this area, that there is open the situation, the very detrimental, harmful, and expensive situation of a multiplicity of suits involving a single alleged offense.

It is on that basis that the motion to reconsider should be approved so that we may have a vote anew with these facts before the entire body.

Mr. President, if there is any time remaining, I reserve it for future use. For the time being I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield to me for 10 minutes?

Mr. WILLIAMS. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, we oppose this amendment most strenuously. I wish to emphasize that to the entire Senate. If this amendment were to be accepted, I really fear for the fate of this whole measure into which we have poured so much time and effort.

The key to the vote is whether we want this amendment; not whether it should be reconsidered. The motion to reconsider was simply a technique by which the tie vote could be resubmitted, as it were, when there were more Members present. That is perfectly proper and legitimate, but I believe that the consideration which we can give to the measure in this debate is adequate for the purpose of voting substantially on the motion to reconsider; that the vote should very decidedly be "no," that there should not be reconsideration, and that the amendment should fail.

The key to the reason it should fail is in the statement of the Senator who proposed it, who said, "They are fully protected," meaning those against whom there is discrimination in employment. Our answer is decidedly "no," they are not fully protected unless the amendment is defeated. The reasons for that are as follows:

There are other remedies, but those other remedies are not surplusage. Those other remedies are needed to implement the promise we make under the Constitution to prevent discrimination in employment. The laws of 1866, 1871, as well as the law of 1964 are to implement that promise.

Let me point out specifically what we have in mind. It will be noted that the key to the amendment is the word "remedy." That appears on the first page of the amendment, at line 6. It does not

say anything about a suit or type proceeding to be instituted; it states "remedy" and nothing else. That means, if we are to construe that word, every remedy, whether that remedy is litigation, or decertifying a trade union, or denying somebody the right to a Government contract. The proposer of the amendment has, for all practical purposes admitted that himself.

These are not remedies encompassed in title VII, which has its own methodology, whether that results in a pattern or practice suit or a cease and desist order. The methodology in title VII is a unitary thing; it pits the individual or class of individuals against the employer; it does not affect third parties. There have been cases in which third parties have been guilty of bringing about the discrimination. The way those third parties have been reached has been through the statutes of 1866, the generalized civil rights statute, the injunction against denying the opportunity for contract without discrimination to all Americans. Also, title VII does not have the facility to reach the bargaining process as the NLRA can where the issue heavily involves trade unions, and a whole union could be decertified.

Now, Mr. President, these are absolutely critical rights. Then, to detail some more, there is very grave doubt under this amendment whether any effective effort can be made by individual complaint to bar Government contracts, as we are retaining in the Department of Labor the Office of Federal Contract Compliance. This is a very important right and should not be permitted to rest alone on the initiative of the U.S. Government.

Another area in which there has been an enormous amount of activity which might be curtailed by this amendment is in regard to discrimination by recipients of Government grants. There, for example, a great deal has been done in regard to sex discrimination in colleges. Again, the exclusivity of remedy—that is the word that is used—would, it seems to me, bar a remedy for this kind of discrimination.

The Senator himself has made it clear that intercession, for example, in ratemaking procedures, as, for example, the fact that this Commission itself has sought to intercede with the Federal Communications Commission concerning possible discrimination by the American Telephone & Telegraph Co. against its employees, and using that as a disqualifying fact in regard to the rate increase that may be sought by the A.T. & T., might be curtailed.

In addition, private individuals can themselves sue State and local governments, without waiting for the Attorney General. We have a case very recently in which a judge in Alabama ordered the Department of Public Safety to start adding black troopers immediately to the extent of one-fourth of the force. That was a suit brought under the Civil Rights Act and the Constitution.

I ask unanimous consent that the newsstory and description of just what was at stake, from the New York Times of Sunday, February 13, 1972, be made a part of my remarks.

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

STATE POLICE: THE FORCE THAT IS ALWAYS WHITER THAN WHITE

ATLANTA.—When most Southern states bowed to external pressure in recent years and integrated their state police for the first time, only Alabama and Mississippi refused to break the color line.

This intransigence, as had happened in the anguish over school desegregation, propelled both states onto a collision course with the Federal courts. Last week, in two separate rulings, the crash finally occurred.

In the first and most significant ruling, District Judge Frank M. Johnson, Jr. ordered the Alabama Department of Public Safety to start adding black troopers immediately until one-fourth of the 644-man force—soon to be increased to 744—is composed of blacks, the racial balance of the state's population. He instructed the department to hire one black trooper for every new white one until the balance has been reached. This was the first time a Federal judge had specified population ratios in the desegregation of a governmental unit.

Two days later, Mississippi was ordered to guarantee that blacks would receive equal opportunity to apply for 22 new openings in the Highway Patrol, but the court stopped short of prescribing a quota, leaving some doubt about the legal consequences if no blacks are actually recruited. But even so, in Mississippi, where the shootings two years ago of black students at Jackson State University by the state police further entrenched the agency's reputation among blacks as the bloody instrument of a racist society, the action sent tremors through members of both races.

It remains to be seen, therefore, how successful these states can be in recruiting blacks when all across the country state police agencies have had a lack-luster record of attracting applicants from minority groups, particularly blacks. Some of the reasons:

There is growing hostility in the black community to the police apparatus everywhere.

Blacks with the qualifications to become state troopers can easily find better-paying opportunities in an improving job market.

Most state police, whether they are restricted to traffic control or play a broad role as an investigatory agency, assign troopers to posts far removed from metropolitan areas. In the South the countryside is usually the stronghold of white racists, bringing down harassment on the black trooper above and beyond the call of duty. In the rest of the country the assignment to remote areas means black troopers are forced to live and work outside of the black communities concentrated in the cities.

In New York State, which has a long tradition of hiring blacks as troopers, there are now only 10 blacks on a force of 3,463, a ratio approximately of one black trooper for every 350 whites, or the equivalent of the ratio that exists now in Florida and Georgia, and below the corresponding level in the Carolinas and Louisiana.

"We'd like to appoint 200 blacks today, but they just don't apply," Stephen Smith, director of personnel for the New York State Police, said. "We go to every source we can find and they tell us they're not interested in law enforcement. They don't want to be associated with the fuzz. We just recruited a Peruvian Indian as a trooper, and it was easier than getting a black. If Alabama is successful in digging up new black prospects I'm going down there and find out how it's done."

In Florida, Gov. Reubin Askew, whose credentials on race relations are perhaps the best among Southern Governors, ordered the state's Highway Patrol to give full priority to the hiring of blacks when he took office last year, when there were three black troopers on the force. Today, despite the campaign, the number of blacks is down to two.

"We've gotten so desperate that the last black we recruited we had to waive the weight restriction by 30 pounds just to get him in," says Col. Eldridge Beach, the new director of the patrol.

Blacks have argued, as they did in the Alabama suit, that state examinations for troopers are inherently discriminatory and can disqualify blacks who would otherwise make fine law officers. Florida, among other states, recently had educational experts review its standard state police applicant test. It was found to be fair and "color-blind"—that is, it contained no material so oriented that it worked to exclude blacks, Colonel Beach said.

Judge Johnson refused to interfere with the existing Alabama test. He told state police officials, "I am as interested as you all in maintaining the high quality of state troopers. I am unwilling to order demeaning tests just to get blacks on the force." But, he said, "the burden is on you to find qualified blacks."

By week's end, amid widespread grumbling, a formula for compliance with the order had yet to be announced by Public Safety Headquarters in Montgomery.

Mr. JAVITS. So, Mr. President, the key to the proposition which we laid before the Senate—incidentally, this has now been the law for the last 8 years—is that what this amendment would seek to do is cancel away much of that law. It seems to me that should not be the attitude of the Senate, in face of the fact, as I say, that employees are not fully protected by the exclusive remedy which is sought to be compelled by this amendment.

It seems to me, therefore, that if we are to give this assurance that we are really and genuinely open about this and that we are trying to deal with the problem of discrimination in employment, which we consider to be basic, then we should allow the remedies presently available to continue to be available.

One last thought which is critically important; it is well known—and I speak from personal experience, since I was a party to the debate and the controversy which ensured—that the price of the Civil Rights Act of 1964 was a very weak job discrimination title. That was the price exacted, and that was the price paid. That is why we are here—to button that up—because time and the enormous backlog of cases in the Equal Employment Opportunity Commission indicate that this is a serious deficiency in the structure of our antidiscrimination law.

Under those circumstances, before we ever have had an opportunity to make these laws more effective, now by such an amendment, if it becomes law, we will dismantle what is already the law and thereby make a grave mistake.

It seems to me that is the absolute, clinching argument in respect of what we are trying to accomplish. We are going to take perhaps two steps forward and then take one step backward if we adopt the amendment. I think this is most unfair to the proposition which the Senate would be espousing if we passed the bill.

I would like to emphasize the importance of this amendment. Those who suffer from job discrimination, those who

endeavor to right job discrimination, are deep and firm in their conviction that one of the most critical issues on the bill is what is incorporated in the amendment. Should the amendment be adopted, a very critical aspect of the enforcement of antidiscrimination in respect of employment or jobs will have been affected, with a very critical weakening of the whole structure—so much so that many of these people feel the bill is not worthwhile, no matter what is left in it, if it has in it destruction of what is in the law today.

For all these reasons, I cannot emphasize enough to the Senate the importance of defeating the motion to reconsider. That is the reason why we were deeply alarmed when the tie vote occurred, because there was a very slim attendance in the Senate. We are extremely fortunate that it was a tie. The same kind of absence could have resulted in the amendment's prevailing. We have a chance to go ahead, with the Senate now having an attendance, as shown by the last vote, of 83 Members, to defeat the motion to reconsider and lay the matter at rest and have the Senate decide the policy, at a time when everybody, including the Senator from Colorado (Mr. DOMINICK), who is arguing on the cease-and-desist order issue, agrees that we are at least trying to do more than we have. At a time when we are trying to increase the enforcement power in regard to discrimination in employment, it is certainly not the time in which to dismantle a very important series of remedies—and again I use that word—which would be dismantled were this amendment to be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. GAMBRELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 9 minutes remaining. The Senator from New Jersey has 15 minutes remaining.

Mr. GAMBRELL. Mr. President, I should like to address myself briefly to a little broader question than what is presented by this amendment itself. I have read in the press where there is a filibuster in progress in reference to this bill, and I heard a rather heated discussion, chiefly between the Senator from Montana and other Senators last Wednesday, in reference to the inability of the Senate to get on with its business and what might be done under certain alternative situations that might arise here today. I even read in the New York Times where I was conducting a filibuster on this bill; and, interestingly, on the same day I got a letter from the chairman of the committee, the Senator from New Jersey, congratulating me on my efforts to improve the bill, which I appreciated his writing me. So I have no concern about my own role in dealing with this bill.

The reason why the bill is still here and has remained here for several weeks are twofold: One is that the bill was imperfect as brought to the floor, as indicated by the number of amendments, including one I offered, which were approved while the bill was on the floor. I certainly assume the editors of the New York Times and others who pointed the finger at some of us do not want us, just like toy soldiers, to march and approve any old bill that was reported here by the committee without going over that bill with a fine-tooth comb.

The other reason why the bill has not been adopted is the intolerant insistence by the sponsors of the bill in having their way.

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

Mr. GAMBRELL. I yield.

Mr. WILLIAMS. Did I hear the words "intolerant insistence"?

Mr. GAMBRELL. Yes; I said "intolerant insistence."

Mr. WILLIAMS. I wonder if the Senator would reconsider the use of that word. As a matter of fact, if there has been any criticism against those who are leading the bill, it is that perhaps they have been too ready to consider changes and compromises. Citing the New York Times as perhaps misunderstanding the Senator from Georgia, that same newspaper suggested—did not suggest; they said—that the Senator from New York and the Senator from New Jersey had thrown in the towel and all we were trying to do is try to bring to bear the forces of reason and compromise. I would hope the Senator would reflect and retract his "intolerant" business.

Mr. GAMBRELL. Mr. President, I would ask the Senator from New Jersey if he would agree to make his comments on his time, rather than out of mine. Would that be agreeable with the Senator? If not, would he yield back to me?

Mr. WILLIAMS. Was my last statement timed, so that I might——

Mr. GAMBRELL. May I answer the Senator's question on the Senator's time?

Mr. WILLIAMS. That is all right with me.

The PRESIDING OFFICER. The Senator from New Jersey is recognized, and yields on his time to the Senator from Georgia.

Mr. GAMBRELL. I would like to say to the Senator that I think the New York Times used him rather badly in its comments. I do not consider that the Senator from New Jersey or the Senator from New York——

Mr. WILLIAMS. I was not complaining, by the way, about the newspapers.

Mr. GAMBRELL. I do not think they offered anything, or compromised their position hardly an inch. They cast a smoke screen over the basic position, and I will have to say fooled the editors of the New York Times as to what they were trying to do. The compromise they offered was no compromise whatsoever.

But I go back to my statement that a bill giving broad powers to the EEOC would have been passed on this floor a long time ago if they had offered any compromise to go along with the Dominick amendment, which gives broad and effective enforcement powers under this bill. I think the reason the bill is still here is because there was no yielding on the proponents' side. They could have overcome a cloture vote any time they wanted to, but they insisted on having it their own way.

For those reasons, I hope some resolution of this problem can be arrived at this afternoon, so that the bill can receive a final vote and be sent on to conference; because certainly the vote here this afternoon is not the last word on the bill.

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

Mr. GAMBRELL. I yield to the Senator from Nebraska.

Mr. HRUSKA. How much time remains on the respective sides, Mr. President?

The PRESIDING OFFICER. There are 5 minutes remaining to the proponents and 13 minutes remaining to the opponents.

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

I believe that the Senator from New York made all of the necessary or essential points in opposition to reconsideration of this amendment. His arguments went, of course, to reasons for opposing the amendment itself. We have decided, on a tie vote, in opposition to the amendment, and here we are faced with a motion to reconsider under the rules. I do not wish to be redundant, in view of the presentation of the Senator from New York. I simply wish to make one or two points.

The Assistant Attorney General was quoted by this Senator last Friday, when this amendment came up, in support of a position in opposition to the amendment of the Senator from Nebraska. The Senator from Nebraska somehow sees in that quotation from Assistant Attorney General Norman something to support his position. I do not see it that way at all. Speaking for the administration, I think it should be reiterated, Mr. Norman said:

> At this juncture, when we are all agreed that some improvement in the enforcement of title VII is needed, it would be in our judgment—

This is the judgment of the administration—

> unwise to diminish in any way the variety of enforcement methods available to deal with discrimination in employment. The problem is widespread, and we suggest that all available resources should be used in the effort to correct it.

That was in response to this question of the exclusivity of remedy. The administration's position is the position that we take in the Senate in opposition to this amendment.

Two of the basic statutes that have guided this country for a century would be wiped out, in substantial part, by this amendment. In 1866, it was enacted that:

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

For 100 years, there has been built a body of law dealing with the rights of individuals that would be wiped out, in terms of precedent when a cause is advanced.

The statute I have quoted was followed up, in 1871, by another provision. These are basic laws from which, as the Attorney General stated, developed a body of law that should be preserved and not wiped out, and that all available resources should be used in the effort to correct discrimination in employment.

On another point, I find an inconsistency presented by the Senator from Nebraska. He speaks of exclusive remedy through the Equal Employment Opportunity Commission, and yet he advances the idea of retaining with the Attorney General the pattern and practice suits.

This is, I think, directly in conflict with his approach here of eliminating other remedies and retaining only the mission remedies.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WILLIAMS. I yield myself 1 additional minute.

There is another inconsistency also. In the Senator's vote to retain within the Department of Labor the Office of Contract Compliance, here again, the purpose of the bill is to bring together in the Equal Employment Opportunity Commission this particular aspect of discrimination in employment, and that was resisted by the Senator from Nebraska. So on basic matters he wants exclusivity; on other matters, he wants a proliferation.

I think that the way this bill presents the whole proposal, the Equal Employment Opportunity Commission should have the power of enforcement, but there should not be a single unitary method of defining the rights of men and women in this country, and that the statutes that are on the books from a long time back should not be repealed by this amendment.

Mr. JAVITS. Mr. President, will the Senator yield for just 1 minute?

Mr. WILLIAMS. I yield.

Mr. JAVITS. I, too, would like to revert to the remarks made by the Senator from Georgia (Mr. GAMBRELL) about intolerance, giving in to superiority, and being stubborn.

Mr. President, how has the majority voted in this body? The majority has voted with us. We would be untrue to our mandate if——

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

Mr. WILLIAMS. I yield the Senator 1 additional minute.

Mr. JAVITS. We would be untrue to our duty as far as the Senate is concerned if we abandoned a proposition which the Senate has sustained. It seems to me that this is certainly not stubbornness; it is the very contrary. It is our duty to seek to sustain a position which the majority in the Senate have sustained.

I think that is the most critical single factor. As the Senator from New Jersey (Mr. WILLIAMS) has said, on the other hand we are being accused of being too soft about this matter. So I must say that I take seriously everything the Senator from Georgia says, and I do not feel we have been at all intolerant. I feel, on the contrary, we have simply done our duty.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Each side has 5 minutes remaining.

Mr. HRUSKA. Mr. President, I shall not take all the time that remains. It is my understanding that the Senator from New Jersey has completed his argument; and with that idea in mind, I should like to close the argument on this motion for reconsideration.

Mr. President, the key word in this amendment is not "remedy" at all, as is contended. The key word is "person," rather than "remedy," because the amendment says that this proceeding under the Civil Rights Act of 1964, under the EEOC, shall be the exclusive remedy of any person. I am confident that the word "person" will not include any Government agency as being a person.

Therefore, when it is argued that the rights of the Office of Federal Contract Compliance, for example, under that law are being forfeited and will be ineffective, that is not true; because whatever rights and whatever prerogative the Office of Federal Contract Compliance will have will not be within the purview of this amendment. It is the idea of limiting the remedy of the person who brings a proceeding under the procedures set out in section 706.

The object of the amendment is to prevent the person from taking advantage of a multiplicity of actions so as to increase the harassment and the expense, and to impose burdens upon the employer for a single alleged offense. That is the thrust of the amendment, and that is how it is met.

Mr. JAVITS. Mr. President, will the Senator yield, on my time, to answer a question?

Mr. HRUSKA. Mr. President, I thought——

Mr. JAVITS. I yield myself 1 minute.

Mr. HRUSKA. I yield.

Mr. JAVITS. Mr. President, I am puzzled by what the Senator says about the OFCC. The Senator is an excellent lawyer, and he has used the word "actions"; but the operative provision in his amendment is the word "remedy," not "actions."

Therefore, it seems to me that he would cut off the right of the individual to complain to the Federal Contract Compliance, which an individual now has a right to do and to generate that kind of remedy. That is what we claim. We do not claim that the Office of Federal Contract Compliance will be cut off, but we claim that the individual will be cut off from traveling that route and seeking that remedy.

By using the word "actions," I would not wish it to seem that the argument changes the amendment.

Mr. HRUSKA. Mr. President, this brings us to the language in the testimony of Mr. Norman, Assistant Attorney General:

> Things of this kind have arisen. We will be happy to work with the committee staff in clarifying the language.

This Senator certainly has interpreted the language of this amendment and understands it to mean that there will be nothing to impair the statutory capabilities of any of the Government agencies from proceeding as they wish.

However, when it comes to the individual person involved, he may not maintain—if this amendment is adopted—a number of actions involving the same alleged offense in a number of forums; that is the purpose, that is the idea, that is the thrust of the amendment.

I find it very much in consonance with fair play and with the effectiveness of the enforcement powers and the available resources which are spelled out in the law.

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

Mr. HRUSKA. Mr. President, will the Senator yield back his time?

Mr. WILLIAMS. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time has been yielded back.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

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

The question is on agreeing to the motion entered on February 9, 1972, to reconsider the vote by which the Hruska amendment No. 877 was rejected on that day.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

On this vote, the Senator from New Hampshire (Mr. COTTON) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

On this vote, the Senator from New Hampshire (Mr. COTTON) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Washington would vote "nay."

On this vote, the Senator from Wyoming (Mr. HANSEN) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 37, nays 50, as follows:

[No. 44 Leg.]

YEAS—37

Allen	Eastland	McClellan
Baker	Ellender	Miller
Bennett	Ervin	Randolph
Bentsen	Fannin	Roth
Bible	Gambrell	Smith
Brock	Goldwater	Sparkman
Buckley	Griffin	Spong
Byrd, Va.	Gurney	Stennis
Byrd, W. Va.	Hollings	Thurmond
Chiles	Hruska	Tower
Curtis	Jordan, N.C.	Young
Dole	Jordan, Idaho	
Dominick	Long	

NAYS—50

Aiken	Harris	Pearson
Allott	Hart	Pell
Bayh	Hughes	Percy
Beall	Inouye	Proxmire
Bellmon	Javits	Ribicoff
Boggs	Mansfield	Saxbe
Brooke	Mathias	Schweiker
Burdick	McGee	Scott
Cannon	McGovern	Stafford
Case	McIntyre	Stevens
Church	Metcalf	Stevenson
Cook	Mondale	Symington
Cooper	Montoya	Taft
Cranston	Moss	Tunney
Eagleton	Nelson	Weicker
Fulbright	Packwood	Williams
Gravel	Pastore	

NOT VOTING—13

Anderson	Hatfield	Mundt
Cotton	Humphrey	Muskie
Fong	Jackson	Talmadge
Hansen	Kennedy	
Hartke	Magnuson	

So the motion to reconsider was rejected.

The PRESIDING OFFICER. The question recurs on amendment No. 884 of the Senator from Colorado. Time until 5 p.m. is equally divided between the Senator from Colorado and the Senator from New Jersey. Who yields time?

Mr. DOMINICK. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, if I may have the attention of Senators, I want to say that what we are going to vote on at 5 p.m. may be the key to determination of whether we are going to get a bill at all. Certainly, if we get a bill it seems to me we want to have a bill in which either side in an employment discrimination case will have the benefit of the court system to determine whether or not the case is just and whether or not the defense to it is just.

Mr. President, while we have so many Members present I would like to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, the amendment which I have proposed by way of a substitute to the amendment proposed by the Senator from New Jersey and the Senator from New York has the basic principles in it that I talked about when we had those very close votes 2 weeks ago. I think the Senate is pretty evenly divided on this particular subject. I am certain that many Senators feel they are somewhat committed to one side or the other at this point. For those who still have some doubt, however, I would like to give them a couple of reasons for voting for my amendment, which I think are different than those reasons before enumerated.

The main objection, as I understood it, to my particular amendment was the fact that the court system is, by and large, bogged down and, therefore, it would not be possible to get a fast bearing and review of an employment discrimination charge. There was a feeling among the proponents of the Williams-Javits amendment that an administrative procedure by way of a cease-and-desist order would be quicker and more efficient.

I sincerely believe that it would not be either quicker or more efficient. Certainly, the present amendment, for which I am offering a substitute, would not be quicker or more efficient. It would create considerable delay beyond the original amendment that I had put in the time before a case could be decided because it would require an additional order of the district court by way of appellate procedure to determine whether the recommendations and findings of the Commission were, in fact, valid.

Under the Williams-Javits amendment, as I read it, and I do not think it has been denied, there would be, first of all, the initial determination of reasonable cause; after conciliation efforts failed the case would be heard by the Commission and "recommendations" entered; it would then be sent to the court.

Anyone who felt aggrieved could ask for review. The district court would review the procedure, and after they made their determination the case could go to the appellate court and then to the Supreme Court.

So obviously, Mr. President, you have another level of review in there and, therefore, further delays in the final determination of the case.

Mr. JAVITS. Mr. President, will the Senator yield on a point of fact?

Mr. DOMINICK. I yield.

Mr. JAVITS. I understood the Senator to say that if there was no conciliation agreement under the amendment of the Senator from New Jersey and me, the case is sent to the court. That is not the way our amendment is drawn. If there is no conciliation agreement the case is sent to a hearing before a hearing examiner or to the commission.

Mr. DOMINICK. I think the Senator should reread it because as I understand it he is giving jurisdiction to a district court, but there is then held a hearing by the hearing examiner of the commission and the commission has a right to issue a ruling on it.

Mr. JAVITS. If the Senator will yield. There are two matters confused. The district court does have the right to consider substantial questions of law which may arise in the course of hearings, but no transit through district court is required; it goes direct to hearing.

Our plan, as we understand it, is that it goes to hearing.

Mr. DOMINICK. Mr. President, I think, for the benefit of the RECORD, I might read from amendment No. 878, which is the Williams-Javits amendment, just to clarify this particular point. What it says is that once it is decided that a conciliation agreement acceptable to the commission is not possible, the commission notifies the general counsel. The general counsel then initiates a formal hearing before the commission by issuing and serving upon the respondent a complaint. If he issues this complaint, he files the complaint with the United States District Court for the district in which the unlawful employment practice in question is alleged to have occurred.

So perhaps we are both right. Perhaps what I am saying is that the court retains the jurisdiction for the legal question, but the hearing is held by the commission.

Mr. JAVITS. We are not both right, because filing a proceeding with a court does not initiate a proceeding. Nobody is heard. It is true that the court is informed that such a proceeding is pending, so that, if an issue of law is involved, and the parties go before the court, it does not come from the moon. I agree with the Senator that perhaps it is sui generis. It is not the pattern of normal proceedings.

Mr. DOMINICK. I shall be happy to accept the modifications the Senator has made of my explanation, but I think the proceedings are subject to a really large amount of delay under this type of proceeding.

In other words, there is practically no precedent for this type of procedure that I can think of. What it amounts to is a cease and desist proceeding in which the district court does have some jurisdiction on interlocutory orders concerning major matters of law, but not much. Further, the commission issues recommendations instead of cease and desist orders, but those recommendations become final unless an appeal from the respondent, is made, in which case the court is restricted to looking at the record taken by the commission, and if it finds the recommendations supported by any kind of substantial evdience, then those recommendations become conclusive.

As I pointed out yesterday, Mr. Norman, the Assistant Attorney General for

the Civil Rights Division, says in his letter to me that:

Although the words "cease and desist orders" in the original bill have been deleted and the term "recommendation" substituted therefor, this change does not appear to be a substantial one, since under either version the EEOC position becomes an enforceable order unless modified by the court upon review.

Under the original bill language, the cease and desist order would have been modified by the court of appeals; in this case it is modified in the district court if it is modified at all.

The letter, a copy of which I put in the RECORD yesterday continues on page 2 to say:

Although the Williams-Javits amendment provides for filing of the administrative complaint with the district court, we do not perceive any substantial change resulting from that novel procedure. Also, the Williams-Javits amendment provides for an interlocutory appeal to the district court on any "controlling question of law" if it finds that such review "would materially advance the ultimate termination of the litigation."

That determination again is made by the Commission, of course.

The Assistant Attorney General continues—

It is a doubtful that this addition is a significant one, since controlling issues of law were judicially reviewable under S. 2515, and this Department's experience under the analogous provisions for interlocutory appeal from district court decisions indicates that such appeals are only useful in rare occasions.

The one material change which the Williams-Javits Amendment would make in S. 2515 is to transfer judicial review from the courts of appeals to the district court. This change adds another layer of review to the already lengthy process of charge, investigation, cause finding, administrative complaint, hearing before hearing examiner, review before the Commission and review in the Court of Appeals.

Then Mr. Norman goes on to say that my amendment would be the better system. This conforms with the testimony which he gave before our own committee when he appeared there during the hearings.

I am happy to show this letter to any Senator who is interested in reading it.

Among other significant changes which I have made since we last voted on my court enforcement amendment is that I have provided that in cases of general public interest, so certified by the general counsel, that instead of going before a district court for enforcement procedures, the case will be referred to a three-judge court in the same manner as is true now in voting rights cases, in the same manner as is true in housing cases, and in the same manner as is true in public accommodations cases. In this way, there is a three-judge court, and the losing party can have its order appealed directly to the U.S. Supreme Court, thereby expediting the remedy procedures.

In like manner, where the case is not so certified, it will be expedited within the Federal district court.

I realize that such expedition is not a very easy thing to accomplish in the district courts. I want to be perfectly frank about that. But the language does indicate to all that we are making the effort where we have job discrimination cases of importance. I am talking about an even-handed hiring practice which might have been in effect for a number of years, which has been handled, for example, by big companies employing thousands of people.

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

Mr. DOMINICK. I yield myself another 10 minutes.

Take for example the case involving A.T. & T.

What happened there was that A.T. & T. put out a recruiting pamphlet for office service and for telephone service and illustrated it with a picture of a girl and in the body of the pamphlet referred to her. The company also sent out at the same time a hiring practice pamphlet with a picture of a lineman up a pole and referred to him. The company is being sued for blatant discrimination by women, on the ground that women can get only office jobs and men can get jobs only on pole work. Such allegation may be true. There may be some women who would like to be a pole woman instead of a pole man. There may be some men who would rather be a secretary than be out on the field service. That is perfectly true. But to say the company would be subject to a charge of deliberate and intentional discrimination seems, to me, pretty hard to swallow. It had apparently been following an even-handed approach. I would presume that this case, which has not been decided in any way whatsoever yet, will be of some significance, because it deals with an even-handed method of trying to hire people. The fact that there is a picture of a woman on one pamphlet and a picture of a man on another I do not think is too bad.

Perhaps we are going to have to put a picture of a zebra on both of them and get away from depicting a man or woman at all in order to avoid a charge of sex discrimination.

In any event, it seems to me that this is the type of case that might easily be referred to a three-judge court. After hearing, if somebody wanted to appeal the finding, it could appeal that directly to the Supreme Court, and thereby expedite the whole proceeding.

If, on the other hand, a party had to go ahead under a procedure like that under the Williams-Javits amendment, the aggrieved would have a complex series of problems. First he or she would have to go before the Commission. On any controlling issue of law he or she would have to go to a court for an interloculatory order. Then the Commission would issue recommendations and findings. These recommendations and findings would undoubtedly be appealed to the district court. The district court, in turn, would have to go through the record of the case. Then, after the district court had finally issued its order and made its enforcement procedure available, the case would be appealed to the circuit court of appeals, and it would be only after that that the party could get a final decision.

So, the procedures I have outlined in my amendment would generally make the procedures and determination of what is fair and equitable available as soon as possible. That is what we are all aiming for.

I saw an article just the other day by Edward Bennett Williams, in which he was deploring the problem in criminal cases of a lack of speedy trial and appellate procedures. Well, in like manner, the civil cases throughout these discrimination procedures are terribly bogged down, and they are bogged down in the Commision right now—when one considers, as I have said repeatedly, that the Commission is 32,000 cases or more behind already, that they take 20 months in even conciliating a case before a person can file a complaint, let alone hear a case and issue recommendations. On top of that, the increased jurisdiction the Commission is going to get under this bill just exacerbates the problems posed by the procedures proposed by the Williams-Javits amendment.

So I would hope that the Senate would support this substitute. I have said from the very beginning that I would like to see us get a bill.

But I must confess in all fairness that unless we separate these administrative agencies so they do not have executive, legislative, and judicial powers all within one agency, this country is going to become more and more centralized. We are going to have more and more problems with the Federal Government injecting itself into every area and everyone's business, and we are going to have difficulty in maintaining the separation of powers which has been such an inherent part of the structure of the United States ever since this country was created.

At this particular point, I believe it would be relevant to have printed in the RECORD an article entitled "Separation of Powers: Old Issues Still Alive," written by James J. Kilpatrick and published in today's Washington Star. 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:

SEPARATION OF POWERS: OLD ISSUES STILL ALIVE

(By James J. Kilpatrick)

The United States Senate has been locked in debate for almost a month on an issue as old as the Republic itself. The pending bill, having to do with the Equal Employment Opportunities Commission, may be disposed of this week. The issue itself will remain. It merits your thought.

The debate centers upon an effort led by Sen. Williams of New Jersey and Javits of New York to endow the EEOC with power to enforce its findings by the issuance of cease-and-desist orders. A conservative coalition, led by Sen. Dominick of Colorado, is opposing the move.

Here we touch the bedrock of our philosophy. If the Founding Fathers were motivated by one impetus more than any other, it was by their hostility to the oppressions of a remote and central government The King had refused his assent "to laws for establishing judiciary power." Instead, he had "erected a multitude of new offices and sent hither swarms of officers to harass our people." With the Revolution won, a new

Constitution sought forever to prevent a recurrence of the evils.

Two principles emerged. One was the principle of federalism, by which political powers would be dispersed among the central government on the hand, and the separate states on the other. The second principle was separation of powers—the concept that by separating the judicial powers of the central government, the old abuses might be avoided.

Both principles have eroded with time. The Senate's current debate goes directly to this question: Shall the doctrine of separation of powers be further eroded? Senate liberals are cheerfully agreeable: The Williams-Javits bill would make of the EEOC a combined executive and judicial agency. Senate conservatives are stoutly resisting: They want judges alone to do the judging.

Liberals make this case: More than a dozen executive agencies, notably the National Labor Relations Board, already have the power to issue binding cease-and-desist orders. Such orders result from the findings of professional hearing examiners. The 25-year-old Administrative Procedures Act provides abundant safeguards of due process of law. In any event, final orders are subject to judicial review. At a time when federal courts are sorely burdened, with heavy backlogs and long delays, judges should not be further burdened by the trial of cases charging discrimination in employment.

Conservatives make this response: The EEOC, with a backlog of 32,000 cases, is more burdened than the courts. Even if an independent general counsel were provided, the agency still would be functioning as prosecutor, judge and jury. The very nature of the EEOC makes impartial determinations impossible, for the commission and its staff have a built-in bias in favor of minorities. Judicial review is severely limited by the practice of routinely affirming cease-and-desist orders if "substantial evidence" supports them.

At the heart of this disagreement is the difference that eternally divides liberal and conservative. The liberal tends to trust government and to urge that its powers be expanded; the conservative looks upon government with a wary eye and asks that its powers be restrained.

This is what the fight is all about. If the liberals prevail, the EEOC will become one of the most powerful agencies in government—far more powerful than the NLRB, which is confined to areas of organized labor. Its coercive authority would reach to charges of discrimination (by reason of race, sex or religion) in both public and private employment. In small business as well as large. Proponents agree that a vast new bureaucracy would have to be created.

Fortunately, the House already has voted, though narrowly, against this expansion of power. Nixon opposes the Williams-Javits bill, but he opposes it only in part. Politically, the issue is exceedingly close; philosophically, the two sides are at least 200 years apart.

Mr. DOMINICK. Mr. President, let me just go over the language of my amendment, so Senators will know, what the procedural steps would be if my amendment should be adopted, as I certainly hope it will be.

A charge is filed with the Commission; and if, within 30 days after that charge is filed, the Commission is unable to secure a conciliation agreement, then the Commission notifies the general counsel, and the counsel may then bring a civil action against any respondent other than a governmental agency.

Such action, as I say, can be brought either before the district court, if it is determined to not be of general public importance, otherwise it can be brought before a three-judge court, thereby expediting the case. If it does involve a governmental agency or an employee of a governmental agency, be it local or State, then it is sent over to the Attorney General, the Attorney General decides whether to bring it into court. A Federal employee, under the amendment, would still have a right to go through the agency and determine whether or not he wants to go to the Civil Service Commission for final determination or whether he wants to go into court himself in order to get a solution to his problem. This was worked out in committee; I worked on it with the Senator from California (Mr. CRANSTON), and we think that we have achieved more remedies for those who are discriminated against in Federal employment than have ever been available to them before.

The point is, however, that every governmental agency and every employee of a governmental agency, State, local, or Federal, has his rights in the Federal courts. Under the bill as reported and under the Williams-Javits amendment, you do not have that right if you are a private employee or a private employer. I, for the life of me, cannot see why we should discriminate against that one group. It seems to me that where we are dealing with job discrimination, it makes no difference what type of job you have, you should be entitled to the same remedies anyone else in that situation has, and this is a right to have the Federal court determine whether or not you have been discriminated against.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). Who yields time?

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

I have heard with great interest the arguments of the Senator from Colorado, but I really think that to engage in a discussion as to which will be more time consuming, though I think it is very important in terms of choosing between remedies, is really not relevant to the choice between the two methods of approach to the court system which are contained in the amendment of Senator WILLIAMS and myself and that of Senator DOMINICK. Once you are over on the court system, the question is, how do you minimize an extended burden, rather than what we propose in the bill fundamentally, which is that the proceedings leading to a cease-and-desist order take place in the Commission.

The issuance of a cease-and-desist order by the Commission is an important authority, and is a remedy of a really different order of magnitude, because it enables the Commission to make a finding, which is incorporated in an order, which is then made public, and which brands a particular respondent as a discriminator. That is, its real importance, and it is substantially extremely important, because we are dealing here with business concerns, practically all of which are dependent upon public patronage for their future.

Therefore, the power to issue a cease-and-desist order is a very substantive power and a very thorough power in bringing respondents to book, and hence an agency which has that power has much more chance of cutting down its workload than an agency which has not, because there is a certain finality in what it deals with, and we feel very strongly that the reason for the backlog in the Equal Employment Opportunity Commission is precisely this lack of any finality, that the best we can do is say, "Okay, we cannot conciliate this; we may complain to other Government departments with whom you have contracts, but essentially you are on your own; go ahead and sue."

But now we come to a situation in which we have been unable, notwithstanding the will of the majority of this body, to prevail in that view; everyone knows that, including the Senator from Colorado. So we have to consider what else we may do under the circumstances, because the will of the Senate is going to be determined, not by a majority, as the Constitution requires, but by two-thirds. So the Senator from New Jersey and I have decided that we simply have to seek an accommodation with the minority, which is what it is, in order to go the court route, and we feel that in doing that, now we are going to a totally different type of enforcement, and we ought at least to try to deal with the question of congested court calendars.

That is what it really comes out to. And the only way we see we can deal with the question of congested court calendars is, for all practical purposes, to make the commission an official referee. So that, as is the practice in bankruptcy or where a special master is appointed in a given case, the case is heard, the findings of fact and conclusions of law are offered to the court, and the record is closed, except if a court desires it added to. So we felt that that was a way, especially in the big industrial centers, to cut down the time delay, and that is all our amendment is about.

For all practical purposes, we have gone over to the court method, but we have gone over to it in an effort and with a technique which can cut the timelag very materially.

Frankly, I will not—because I think it is footless—be drawn into an argument with the Senator from Colorado about the niceties of the practice in both of these approaches. Though he said that we file a copy of a complaint in court, I point out that that does not represent a proceeding. It represents notice to the court, and no time delay whatever is involved in that.

As to the other niceties of procedure, I do see a major difference in a dependence upon congested court calendars, whether it is a three-judge court or a one-judge court; and that is the step which we are trying to abbreviate, without in any way jeopardizing the rights of the parties who are protected before the hearing examiner by the Administrative Procedures Act and the review of the court which is bound to ensue in our case. There is no other way, because the court can issue the decree.

Again I point out that you are dealing with such long delays in the courts that justice deferred is justice denied. It is interesting to compare the time relationships to the statute itself.

Let us understand that we are dealing with a round period of approximately 150 days, that that is the allowable time for the Commission to move into a given situation. The first 30 days represents an effort to conciliate, making a total of 6 months. So that is the Commission operation. At the end of 6 months, it becomes plenary. Looking down the list of these delays in all the court cases, we find that the average is 17 months. As you go down the circuits in the individual district courts—and that is where the overwhelming majority of these cases will lodge—it is simply appalling; because in the courts where you are going to have the major cases and the congestion in the great industrial States, the delays are in excess of 18 months. In my own State of New York, for example—I say this with tears—there is a delay in the second circuit, in the southern district. which is the primary business district, of 35 months in civil cases.

As you go down the list, what do you find? Massachusetts, an industrial State. 19 months. New Hampshire, which is not an industrial State, 14 months. Rhode Island, another industrial State, 18 months. Connecticut, another industrial State, 27 months. The State of New York, practically all industrialized, no less than 18 months; and that is in the western district, around Buffalo; and 35 months in the southern district, which is the major district. New Jersey, an industrial State, 29 months. In Pennsylvania, a major industrial State, the least delay is in the middle district, 23 months; the most delay is in the eastern district, around Philadelphia, 41 months—probably the longest in the country. And so on as you go down the line.

As you tackle the industrial States, you find that that is where the congestion is the most severe, and that is where your problem is. It is even interesting that in Alabama, a Southern State, generally a rural State, the minute you get into an industrial area—to wit, the southern district of Alabama, which undoubtedly includes Birmingham—you have a 20-month delay. When you get into other industrial States—as, for example, Illinois—the least delay is in the eastern district, 16 months; but in the northern district, which is Chicago, 20 months.

That is what the amendment of Senator WILLIAMS and myself seeks to cut down, and nothing more than that. As a matter of fact, you could write our amendment very unelaborately by simply including a proviso that in all such cases there shall be a referee or special master and it shall be the Commission, unless there is some good reason to the contrary, and you can eliminate the rest of it and get down to the nub of what we are trying to accomplish.

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

Mr. JAVITS. I yield myself an additional 5 minutes.

Mr. President, I understand the feeling of the Department of Justice and the administration, and I do not agree with them. They came into this situation with a recommendation for court enforcement. They are not ready to go to the extent of cease and desist, and they have made that recommendation, and they are stuck with it; and apparently they cannot move off the dime. There is no real argument here as to why you should try to abbreviate the time taken in district and circuit court proceedings through having a special master or referee technique which is provided by Senator Williams and myself.

Let us listen to the reasons of the Justice Department. This is what the Assistant Attorney General says:

> In my testimony before the Senate Labor Committee I set forth four grounds for our view that the judicial enforcement is preferable to administrative proceedings.

That is not the argument now, by the way. One of those was applicable only to governmental employees and was accepted by the committee, so that is out. That leaves three:

> (1) Federal district judges hold court throughout the country and enjoy a confidence and respect in their communities which cannot be matched by administrative officers; and their authority to issue enforceable orders enables them to resolve cases speedily.

Mr. President, I do not see how anybody could write that without his tongue in his cheek. Look at the record which the Department of Justice is always inveighing against, with an enormous machinery and administrative conferences as to how you can hold down court delays. I do not understand how anybody could have the unmitigated gall—that is all it is—to make as an argument the fact that "their authority to issue enforceable orders enables them to resolve cases speedily."

It reminds me of Gilbert and Sullivan and that line of policemen who were going to catch the pirates. They said, "We go! We go!" And the general said, "But you don't go." And that is all these fellows say. They say it enables them. Certainly, it does. They all can be making orders speedily, but they do not, and they cannot, because under this amendment they have to try the case and they have many other cases, and they are being bedeviled about criminal cases they are not trying, and their dockets are bogged down. To make this kind of statement and expect adult people who have some knowledge of the situation in the country to accept the fact that we should turn this over to the Federal courts in nisi prius proceedings because they are able to resolve cases speedily is a far cry from resolving them speedily.

The second argument:

> Because of the sensitive nature of the issues to be resolved and the fact that the larger cases involve the rights and expectations of substantial numbers of people, it is inappropriate to leave the critical factual determinations and formulations of relief to hearing examiners and commissioners sitting in Washington.

Where do these fellows sit? What is the arrogance about sitting in Washington? They sit in Washington. Are they looking down their noses at those who sit in Washington? Are they running down the other fellows who sit in Washington?

In the multiplicity of decisions which will come from district court judges, as we have seen in all the civil rights cases since 1964, we have the grist of an enormous amount of courtwork, the courts of appeal and to the Supreme Court; whereas, in the decisions of these administrative agencies, you have at least the possibility for a coordinated body of law moving right from a circuit court of appeals to the Supreme Court, with "stare decisis" being easier to obtain. If this argument be valid, then we should immediately move to repeal every single mandate which gives cease and desist power to any agency, including the National Labor Realtions Board. I think that is really the thrust of the position that the Senator from Colorado would have us assume. This is a generic proposition. It is not generally directed to EEOC. It happens to be one which catches the fancy of businessmen who have been proved to be involved. I gave this example in practically all the States today with cease and desist powers—34 States.

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

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

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

Mr. JAVITS. Mr. President, the third point:

> The fact that Federal courts resolve the factual legal issues in equal opportunity cases in the areas of voting, housing, and education make them a particularly appropriate forum for resolving the same kinds of issues in employment discrimination cases.

The only trouble there is this: In voting, we vote every year. In housing we do not get houses every Wednesday. In the education cases, we arranged for a child's schooling at the beginning of the year and he goes through the year.

All these cases involve, generally speaking, respondents—units of State and local governments—with the possible exception of housing. Certainly voting and education do. But do not represent the immediacy of the discrimination which hurts in respect of a job because the job is here today and it does not wait—someone else is hired in place of the man discriminated against, separating the man from the likelihood of welfare against the fact that he has a job out of which he can earn a living. So that is the immediacy, the personal quality, the wide diversity of the respondent—all the business concerns, for all practical purposes, in the United States, employing each of them more than 15 people, that makes it necessary that some new techniques be established. The very argument used in favor of the Dominick amendment is the biggest argument against it, and that is the backlog of the agencies, because it seeks to profit from the fact that the agency has been crippled and curtailed through having no remedies, being denied the only remedies that will be effective.

In the case of the Williams-Javits amendment, at least we get to an established position in respect of applying action and a court remedy which will reduce the tremendous delays in the law in this country, with which it is being plagued and which we will pyramid, with further problems placed on the courts whose backs are well-nigh broken already by the problems posed by delayed calendars.

Let us look at the amendment of the Senator from Colorado (Mr. DOMINICK). What does he promise? There is a lot of talk about expedition, but let us see what we actually say in dealing with expedition. I should like to read that to the Senate because I think it is extremely important:

Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice,

Those districts constitute the biggest glut and backlog in terms of the courts because there are districts in which either the establishment is located, in which the man would have worked, where the office records are maintained, or where they denied him the job. These are the industrial centers of the country. Sure, there would be cases everywhere, but we are talking about the great majority of cases. These are the basic and fundamental places where there is a glut of industrial business. Those are the ones that have bogged down the court calendars.

One other thing as to this matter of expedition. I refer to page 3 of the amendment at the bottom of the page. It states:

Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date . . .

I repeat that, "at the earliest practicable date." "At the earliest practicable date." Mark that well, Mr. President; "at the earliest practicable date."

Is that an expedited case?

What is the earliest practicable date? Twenty months, 35 months, 43 months?

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

Mr. JAVITS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Then we go on. Suppose they do not say this is a major case and we do not need a three-judge court, then a district judge is enough. This is the instruction. So, in the event that the general counsel or the Attorney General does not file a request, the chief judge of the district is immediately to designate a judge to hear and determine the case. If no judge in the district is available, the chief judge or the acting chief judge shall certify that fact to the chief judge, who then designates a district or circuit judge to hear and determine the case. In other words, these judges will be going wild trying to get someone to hear existing cases let alone other cases.

It shall be the duty of the judge designed pursuant to this subsection to assign the case for hearing at the earliest practicable date . . .

There we go again, "at the earliest practicable date."

Nineteen months, 20 months, 35 months, 43 months?

Now, Mr. President, the great wrong which the Senator from New Jersey (Mr. WILLIAMS) and I have done is that we have tried to expedite this practice by having the Commission hold the hearing. This is the first time, and it is claimed this will involve us in all kinds of awful complications.

Well, the only awful complication that it will involve us in is to cut down the time it takes to try the cases by something like 12 months or 14 months.

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

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. That is all. That is the big deficiency in the amendment, that we will cut the time, cut the delay by somewhere around 14 months, given the average of all the district courts which is in the area of 17 months—the average, aside from the big industrial places where it is very much greater.

We have been frustrated. We cannot get cease and desist. We should get it, but we cannot, even though the majority says they want it. So we have got to go to court proceedings. At least, let us not break the backs of the courts. That is all we ask. Therefore, we believe that the Dominick amendment should be rejected and ours should be approved.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COOPER. Would it not be possible if the amendment offered by the Senator from Colorado (Mr. DOMINICK) is adopted for the court to appoint a commissioner, or a master, or examiner, to hear this type of case?

Mr. JAVITS. Yes, it would. I might tell the Senator that if the Dominick amendment should be agreed to—and I hope and pray that it will not be because I think it is ill advised in terms of this whole matter—that is one point to which I will address myself or, perhaps, happily, the Senator from Kentucky (Mr. COOPER) will, because that would be an important point, to try to find some other way to cut down the time element involved in actually dealing with these congested cases.

Mr. COOPER. Let me ask the Senator this question. If one agrees that the judicial process rather than the cease-and-desist process is the best procedure, why would not the appointment of a master, commissioner, examiner, or whatever, by the district court expedite these cases as quickly as the commission?

Mr. JAVITS. Mr. President, I would say to the Senator that it probably will not expedite it as much because of the fact that in most cases we do not even have the background of a referee in bankruptcy who deals with the subject all the time, as a commissioner would, with the opportunity to establish guidelines and the ground rules in a given place, in a given court, namely, the U.S. District Court for the District of Columbia. I do not believe it would be as expeditious. However, it would certainly be an improvement on the DOMINICK scheme.

Mr. COOPER. Mr. President, will the Senator from Colorado yield me 3 minutes?

Mr. DOMINICK. I would be happy to yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I do not need the 10 minutes. The Senator from New York (Mr. JAVITS), the Senator from Colorado (Mr. DOMINICK) and the Senator from New Jersey (Mr. WILLIAMS) have worked very hard on this bill and have contributed much to the debate in the weeks it has been before the Senate. Not being a member of the committee, I cannot claim their expertise.

Mr. President, I do address myself to what I believe is a fundamental point. The Senator from New York is absolutely correct when he says that the dockets of the courts are clogged. In my State of Kentucky there is a delay in the trial of cases. I have seen the table showing the backlog of cases from which the Senator from New York quoted. The delay is applicable to all types of cases.

The Senator is correct in his statement that if justice is delayed, there is no justice. However, I go beyond the question of the backlog of cases in my thinking. That is bad. The reason I suggested, if the Dominick amendment is agreed to, the use of commissioners or masters or examiners or whatever we term it, to hear these cases, would remove in great degree the problem of delay.

I will vote for the Dominick amendment, believing that the expedition of the hearing of such cases can be accomplished, but, chiefly, I support the amendment because, fundamentally, I believe that the district courts, with the competence to hear the evidence at first hand is much fairer than the cease-and-desist procedure, providing a hearing by the Commission, judgment by the Commission, and if there is an appeal to the courts, the record upon which the court may finally pass, is only the record of the Commission. I do not consider this fair and truly due process.

The Senator from Colorado is correct in stating that the greatest progress in the field of civil rights against discrimi-

nation has been through the decisions of the courts.

I have confidence in the fairness of the courts. I want, of course—as all of us do, I believe—that full justice be accorded those against whom discrimination in employment is practiced. But it is necessary to be fair not only to the complainant, but to the respondent.

I cannot escape the conviction that if a commission is established with one objective in mind and dealing in a very delicate field, that Commission would not be as objective or as unbiased as a court. The aspect of fear and coercion arises, whether or not correct. All must believe that justice is done. No, it is not upon the question of delay—which, of course, that I support the Dominick amendment is important—but it is upon my belief that the courts are the best, due process, the best way to cope with discrimination in employment. We also have to protect our fundamental system of justice.

Mr. President, I recognize and have great respect for the arguments of my friend, the Senator from New York, but on these fundamental grounds. I intend to vote for the Dominick amendment.

Mr. TAFT. Mr. President, the arguments favoring the Dominick amendment because the EEOC would be investigator, prosecutor, and judge, are simply in error. On January 20, I offered an amendment to this bill which removed the prosecutory function from the EEOC and placed it with a totally separate agency under the direction of the President. This amendment was adopted. Consequently, as this legislation now stands the EEOC will not be able to issue any cease-and-desist orders or take any action against any party without the concurrence of this independent office of general counsel.

The real issue is whether the small businessmen will have to defend charges before an agency or go to the expense of hiring big city lawyers to defend them in U.S. district courts. In my judgment, the small businessmen of this country are going to find themselves in very costly, lengthy and difficult situations if they are hauled into U.S. district courts to answer every charge. It is far easier, cheaper and more convenient to have these matters handled administratively, as they now are with the Federal Trade Commission.

Cease-and-desist orders are nothing new for the businessmen of Ohio and many other States. The Ohio Civil Rights Commission, and its parallel organizations in the majority of our States, have been vested with cease-and-desist authority for many years. It is, therefore, regrettable that certain national organizations are taking a position that, if successful, will only have the effect of throwing the small businessmen of this country into U.S. district courts with the great expense that is associated with those actions.

This is one reason why I oppose this amendment.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I think that the Senator from Kentucky has said more in a few short sentences and has gotten to the heart of the whole matter better than we did with a lot of words.

I appreciate the support of the Senator from Kentucky. I value it highly. I think it is important to our cause that he once again pointed out the fact that this is by no means an anticivil rights amendment.

Briefly, in reply to the Senator from New York, for whom I have great respect, and refer to the statement of Mr. ERLENBORN before the Labor Subcommittee. In that statement he says:

> An examination of the Fifth Annual Report of the Equal Employment Opportunity Commission, submitted April 1, 1971, shows that the top ten States in terms of the number of charges of employment discrimnation recommended for investigation are: Alabama (897), California (665), Florida (633), Georgia (633), Illinois (433), Louisiana (1,102) New Jersey (373), Pennsylvania (611), Tennessee (617), and Texas (1,522).

He then lists for those 10 States the median time interval for non-jury trials. The longest is in the northern and eastern districts of California which are 23 months and 21 months respectively. One district in Pennsylvania, the middle district of Pennsylvania, has a delay of 21 months.

The rest of the districts range from 1 to 13 months, with a median time of 10 months, which certainly is better than the situation with respect to the present backlog in the EEOC.

I bring that up because I, too, like the Senator from New York, feel that if we can get enforcement power of some kind, the backlog is bound to decrease because there will be muscle power by which settlements will come about more readily than was the case before.

Our position in supporting enforcement was also supported before our committee not only by Mr. David L. Norman, but also originally by Mr. Brown, Chairman of the EEOC. This convinces me that we are not operating on something which will either harm or destroy the attitude and integrity of the EEOC. We are doing something that will establish fundamental justice for both parties, trying to separate the powers of the administrative agencies.

The Senator from New York said that if this measure passes, we should immediately launch into the same procedure and the same type of thing in the other agencies. I think it should be considered but not done immediately.

There is nothing new about my machinery. Justice Jackson recommended this a long time ago and Mr. Landis recommended it when he reviewed the administrative agencies.

There is nothing new in this. It was not done because they though the administrative agencies would be more efficient. We have said over and over again that probably the most efficient form of government is probably anything other than the republican form of government we have in this country. I think that our republican form of government is still best.

I hope we can keep it that way by keeping the separation of powers as advocated in my amendment.

Mr. President, I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I yield to no one, as is well known, in my respect for the Senator from Kentucky. However, even by his own definition there is not contained within the Dominick amendment—whatever we may do thereafter, and that is always up to the Senate—even the elementary precaution which has been suggested, the appointment or the mandatory appointment within a given time of such a master.

Now, as to the median figure cited by the Senator from Colorado, I would like to point out that that word "medium" is a killer. I have here the annual report of the Director of the Administrative Office of U.S. Courts. I do not think there is anything more authoritative. As a matter of fact, that is more authoritative than Representative ERLENBORN who is a distinguished colleague of ours in the other body, who has extrapolated on this matter.

This report refers to the district court backlog for fiscal 1970, the last year for which we have information, and it shows 17 months. Then, it goes into key industrial areas, as I have described them.

Mr. President, I ask unanimous consent that the table to which I have referred may be printed in the RECORD.

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

U.S. DISTRICT COURT BACKLOG

(Prepared by the Subcommittee on Labor of the Committee on Labor and Public Welfare, Harrison A. Williams, Jr., Chairman. Based on Annual Report of the Director of the Administrative Office of the United States Courts, 1970. Reprinted at pp. 508–513 Hearings on S. 2515.)

Time interval from filing to disposition of tried civil cases (fiscal year 1970).

Circuit and district:	*Time interval in months—median*
Total all district	17
District of Columbia	21
First circuit	17
Maine	--
Massachusetts	19
New Hampshire	14
Rhode Island	18
Puerto Rico	21
Second circuit	26
Connecticut	27
New York:	
Northern	20
Eastern	20
Southern	35
Western	19
Vermont	13
Third circuit	35
Delaware	--
New Jersey	29
Pennsylvania:	
Eastern	41
Middle	23
Western	36
Virgin Islands	10
Fourth circuit	14
Maryland	20

Circuit and district:	Time interval in months—median
North Carolina:	
Eastern	20
Middle	--
Western	13
South Carolina	12
Virginia:	
Eastern	12
Western	9
West Virginia:	
Northern	--
Southern	31
Fifth circuit	13
Alabama:	
Northern	9
Middle	6
Southern	20
Florida:	
Northern	10
Middle	18
Southern	14
Georgia:	
Northern	17
Middle	5
Southern	17
Louisiana:	
Eastern	27
Western	22
Mississippi:	
Northern	13
Southern	9
Texas:	
Northern	12
Eastern	13
Southern	17
Western	8
Canal Zone	9
Sixth Circuit	16
Kentucky:	
Eastern	23
Western	15
Michigan:	
Eastern	28
Western	18
Ohio:	
Northern	24
Southern	23
Tennessee:	
Eastern	7
Middle	—
Western	15
Seventh circuit	19
Illinois:	
Northern	20
Eastern	16
Southern	18
Indiana:	
Northern	19
Southern	12
Wisconsin:	
Eastern	22
Western	—
Eighth Circuit	13
Arkansas:	
Eastern	12
Western	11
Iowa:	
Northern	—
Southern	15
Minnesota	11
Missouri:	
Eastern	10
Western	17
Nebraska	24
North Dakota	—
South Dakota	12
Ninth Circuit	16
Alaska	—
Arizona	21
California:	
Northern	28
Eastern	—
Central	14
Southern	—
Hawaii	—
Idaho	—
Montana	14
Nevada	31
Oregon	13
Washington:	
Eastern	12
Western	14
Guam	—
Tenth Circuit	12
Colorado	13
Kansas	24
New Mexico	11
Oklahoma:	
Northern	10
Eastern	10
Western	10
Utah	13
Wyoming	—

Mr. JAVITS. Mr. President, I wish to refer to one other matter that is important: Why the role of the Commission? I deeply believe the cease-and-desist power in these particular cases with this kind of case, and considering the condition of our courts, is absolutely essential to the best functioning of the guarantee against discrimination respecting employment.

I point out that there are many very popular agencies, with the backing of the very people who are against this kind of power for the EEOC, which have cease-and-desist powers. The Federal Trade Commission is a striking example. In addition, a number of Government departments have it. We have analyzed all of those.

If this were so iniquitous—what the Senator from Colorado calls vesting the investigative, prosecutorial, and judicial powers in the same agency—look at the situation. Thirty-four States have authority analogous to this authority in their State establishments in which they seek to correct discrimination in employment. I think that is the weight of the evidence.

As to the generic case for administrative agencies and administrative law, I think the courts themselves would be the most violent opponents of any effort to dismantle that machinery. They know it would crush and destroy them. They could not survive with the inundation that would result unless we changed the court system and tripled or quadrupled the number of judges. Unless that were done we would be lost. I do not need to argue that case here and now, but that is the situation we are inviting.

The last point I wish to make is that the three-judge court idea is not new and it is not something that the Senator from Colorado is giving us in this amendment. It is in the law now. A three-judge court may be convened at the request of the Attorney General, and that is contained at page 64 of the committee report, setting forth section 707(b) of the statute.

In short, Mr. President, we would be departing from the classic way in which to enforce these rights.

Now that we have filed our amendment the question is: Which of the two methodologies is prefered? We hope there is a way to deal with this crushing burden on the court process. The plan of the Senator from Colorado does not deal with that at all. Perhaps the idea of the Senator from Kentucky would be the right one, but I have no feeling about it. However, the Dominick amendment just throws the cases into the courts, and there are bound to be many cases. The backlog amendment works against the Dominick amendment rather than for it. It would throw the cases into the courts, to sink or swim, with tremendous congestion on the court calendars. If our amendment is imperfect we can change it, but we tried to provide a time relation through time intervals in the law of 1 or 6 months.

The time interval defined in the Dominick amendment refers to the earliest practical date. Based on the tremendous congestion in the courts, that would be 10 months, even by his amendment, against 6 months, which is the maximum bracket of the commission.

Mr. President, for all those reasons I adhere to my original view. I am sorry my beloved friend does not agree with me but we agree so often there would be something wrong with one of us if we did not disagree sometime. However, I feel the Dominick amendment should be rejected and that the Williams-Javits amendment should be agreed to.

I reserve the remainder of our time.

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

First, it impresses me that the debate supporting the Dominick amendment rather fundamentally puts into question the viability, the workability of so much of our accepted government procedures within the last 35 years. Of necessity, a growing country, with this tremendous new activity, had to deal with its problems of growth and congestion, and confusion by administrative agencies.

It is suggested here that there is a question about the procedures of government working the will of the people through administrative agencies and their procedures.

In most of our economic areas we have created agencies of government with responsibilities defined by law, with questions to be decided, and they are decided by administrative agencies. In order to protect that system and to insure fairness of procedure, in 1946 there was enacted into law the Administrative Procedures Act which defines the rights of individuals, in a sense, "on trial" before these agencies of government. The Securities and Exchange Commission, created back in 1934, was one of the first to be given powers to decide. We have the Interstate Commerce Commission and it goes back farther. We have the National Labor Relations Board and we have the Federal Trade Commission. All of these agencies of government, to be effective, had to have a machinery for decision. That is exactly what seems to be questioned here in the debate that supports the Dominick amendment.

This is another area of the application of now proven methods, and it is resisted. I would say this has been the central point of the debate on this bill and we are now down to the opportunity to decide it for the third time during this debate.

This issue was before the Senate 2 years ago when we had the bill before us. The vote then was in opposition by a rather substantial margin, I believe, to the proposal of the Senator from Colorado. I think the vote was 41 to 27. We will shortly vote on this proposal. While I personally regret that there is a question over administrative procedure be-

cause we know it is part of American Government today.

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

Mr. WILLIAMS. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WILLIAMS. That is a regret, but I do not want to linger too long on that, because, with the amount of debate on the method of enforcement, perhaps some of the major advances are being overlooked. This is what I would like to focus on for a moment.

I suggest that we have made a tremendous advance toward the goal of bringing the effective opportunity of eliminating discrimination in employment, because the question is not whether there should be enforcement power added to the mandate of the Equal Employment Opportunity Commission, but how it should be done. It is a matter not of quality but, in a sense, it is a question of degree. So it is a tremendous advance that the Senate has come to that point where we are really in dispute only over method, not over the substance of the issue of enforcement, although I am sure there will be those—they will be a small minority—who will object altogether to new enforcement authority in this area.

Beyond that, this bill, if enacted, will be a landmark of new opportunity for millions and millions of people, because the legislation will bring the force of law to support the constitutional promises to the millions of people who are employed in State and local government. While they are constitutionally protected now in the 14th amendment, they require statutory and legal enforcement of a constitutional right. This bill does that.

Of course, the bill broadens its coverage to reach the employers of 15 or more and unions with 15 or more members. I will say that is a great advance. Ideally, I think it should apply to all, but we have made that decision, and for only practical reasons have we made it employers of 15 or more and unions with 15 or more members. A man or woman who has been discriminated against has been wronged just as much whether he or she is an employee in a little shop with three or four or one with 15 or more. However, for practical reasons, it is still a great advance in bringing legal protection to so many millions of people who are not now covered by the law.

In the area of Federal employees, the employees long questioned whether they had the right to sue in court to protect their right against discrimination. We have established that right in this bill and made very clear that the Civil Service Commission has clear authority. I shall not dwell on that, because I was not the author of the provision that strengthened the opportunity of Federal employees. The Senator from Colorado was the author of that significant advance in the bill.

So at this point, when we are locked in debate on the method of enforcement, let it not be overlooked that the bill is a major advancement.

While the Senator from New York and I are in opposition to the amendment offered by the Senator from Colorado, his hand on all of these major advances in the broadening and strengthening of equal opportunity I think should be noted at this time.

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

Mr. WILLIAMS. Mr. President, I yield myself 2 minutes just to say where I stand on the amendment.

I think the Senator from New York, again, has crystallized and made so clear the compelling reasons for bringing to the Equal Employment Opportunity Commission in its new enforcement powers the proven administrative machinery that we see in other agencies of government. There will reside that expertness which is needed in this very sensitive and indeed complex area.

We know the Federal judges are burdened, and we burden them again and again. The subject matter before us is as broad as life, and they have a backlog of cases. We fear, and fear for good reason, that this additional burden of initial jurisdiction would be a crushing burden indeed and would defeat the true effectiveness of the law that here will be enacted.

For those reasons of a mechanism that truly goes to effectively reach the goal, I oppose the amendment offered by the Senator from Colorado, and I do it expressing the greatest respect for the Senator and the greatest appreciation for all that he has done in what I feel to be a most constructive way on this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I intend to yield to my distinguished colleague from Alabama, but I think it would be worthwhile at this point to put some of the following quotations into the RECORD.

The Chairman of the EEOC, Mr. Brown, in testimony in 1971 before the House General Subcommittee on Labor said as follows:

> In the area of relief I believe that the District Court approach is clearly and demonstrably preferable to the cease-and-desist method. The pertinent yardstick is the amount of time an aggrieved person must wait before he is afforded relief, either temporary or permanent. . . . Under the district court approach, if one prevails before the court, he is entitled to an immediate injunction and other relief to bring about a rapid end to the discriminatory practices proved at the trial. . . . As a matter of practice, this would not be the case under the cease-and-desist approach.

In connection with the amount of time and the cases as they now stand before the Commission, it is interesting that the Senator from New York has been emphasizing the so-called industrial States, whereas the fifth annual report of the Equal Employment Opportunity Commission which was submitted on April 1, 1971, shows that the top 10 States in terms of the number of charges in employment discrimination recommended for investigation are: Alabama, with 897; California, with 665; Florida, with 633; Georgia, with 633; Illinois, 453; Louisiana, 1,102; New Jersey, 373; Pennsylvania, 611; Tennessee, 617; and Texas, 1,522.

Then I might add that it goes on and shows that in those States I have pointed out, the median time interval in nonjury trials ranges from 1 month in the southern district of Georgia, in Savannah, to 21 months or at the maximum 23 months in the northern district of California. I do not think, therefore, that the relevant district court backlogs are unconscionable.

Certainly, as the Senator from Kentucky has previously stated, if the judge finds in any one of these districts that he is totally overwhelmed with the caseload, and he cannot get these matters heard in a reasonable time, he is entitled in any case to appoint a hearing examiner and have the hearing examiner go ahead and hear the case under his jurisdiction. That is perfectly allowable under the Federal Rules of Civil Procedure, and he can do it any time he feels that it would expedite the decision of the case.

So it would seem to me that, with the original testimony of the Chairman of the EEOC in favor of my approach, with the support of the Assistant Attorney General for the Civil Rights Division of the Justice Department in favor of my approach and with the support of the administration as a whole, there is substantial authority for court enforcement. Additionally, what we are doing is trying to provide a remedy which will clear up this backlog and will cut down, I hope, on some of the questionable investigatory procedures of the commission which many people have complained about and said they thought were not really investigation on the complaint that had been filed, but some form of harassment.

This, I think, is too bad, because I do not like to see the Commission find itself faced with that problem. Yet it can do very little about that, as long as it has no type of enforcement procedures. It just has to bring down all the weight of the Federal Government in order to be able to handle such volume.

Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Colorado has 45 minutes remaining.

Mr. DOMINICK. I yield 20 minutes, or as much thereof as he may need, to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from Colorado for yielding to me at this time.

Mr. President, I commend the distinguished Senator from Colorado (Mr. DOMINICK) for the introduction of this amendment and for the dedication that he has given to the task of seeing that some measure of due process of law is provided for the determination of complaints and charges of discriminatory employment practices.

Mr. President, every Member of the Senate, I am sure, would like to see every person in this country go just as far in life as his ability, his ambition, and his efforts will take him. Every Member of the Senate, I feel sure, wants to see every person in this country have an opportunity to seek and obtain employment where employment is available, without any discrimination against him, and without any unfair employment practice being used against him. As the distinguished Senator from New Jersey said

just a moment ago, about all that is left in this issue is the matter of the enforcement machinery.

The distinguished Senator from New Jersey and the distinguished Senator from New York want to lodge all power in the hands of the Equal Employment Opportunity Commission to receive complaints, to investigate complaints, to make charges based on those complaints, to try and adjudicate those charges, and then to issue cease-and-desist orders.

The distinguished Senator from Colorado, in his amendment, which I support, would continue all of those powers in the EEOC except that the charges would have to be filed with the various Federal district courts throughout the country where the alleged unfair employment practices took place.

Mr. President, much has been said about the congestion of the Federal court dockets. There are 398 Federal district judges in the country, and only one Equal Employment Opportunity Commission. Where is there more likely to be a bottleneck? In one Commission, lodged here in Washington. The Senator from New York (Mr. JAVITS) made light of the Assistant Attorney General speaking of this Commission being lodged here in Washington. There is great significance to that statement, because if all of these matters are to be tried in Washington, is that fair to witnesses? Is that fair to the parties, that they should have to appear before the Commission in Washington?

Is it not more reasonable that these charges should be tried in the Federal district courts, where the occurrences took place, where the Federal judges have some knowledge of community conditions, and where they have some knowledge of the parties involved? I say it is not unreasonable to expect that these complaints be tried in the Federal district courts. Already the EEOC has a backlog of some 18 to 24 months of work, and it is contemplated that it will have an additional 32,000 complaints before it during this fiscal year and an additional 45,000 in the next fiscal year.

The proponents say, "If they had cease-and-desist powers, they could clear that docket in a hurry." Well if they can clear the docket in a hurry with cease-and-desist powers, it would certainly indicate that they are going to throw efforts to conciliate these disputes out the window.

That is the main reason why the EEOC was created, and that is the power that it has now, to conciliate suits. But if they are going to clear a docket of some 32,000 to 45,000 cases, and take on every State, city, and county employee, every employee of every educational unit in the country, and every employee of an employer who employs as many as 15 people, how are they going to perform their function of conciliation, if this one Commission is to try all of those cases? Think how many cases they would have to turn out, literally every hour of the day. And how much due process can you get where one commission is judge, jury, and prosecutor all rolled into one?

Mr. President, I have been interested in the so-called compromise that has been suggested. It was interesting to me that the compromise amendment, which was introduced, I believe, on February 8, was offered by the distinguished Senator from New Jersey (Mr. WILLIAMS) and the distinguished Senator from New York (Mr. JAVITS). That caused the junior Senator from Alabama to inquire, "compromise as between whom?" They certainly did not compromise with the distinguished Senator from Colorado (Mr. DOMINICK). They did not compromise with the distinguished Senator from North Carolina (Mr. ERVIN). So whom did they compromise with?

The New York Times on February 8, before the amendment was even offered, said:

Senate liberals yield in dispute over job rights.

There has not been any yielding. No one in the Senate feels there has been any yielding. Obviously there has not been any.

The distinguished Senator from Colorado (Mr. DOMINICK) has indicated that if this amendment is approved by the Senate, he would support the bill. When the Dominick amendment was defeated by the narrow margin of 48 to 46 votes, the junior Senator from Alabama made the statement on the floor of the Senate that in his opinion that would be one of the most expensive victories that had been won by the proponents of the measure, because he felt that a sufficient number of Senators would be willing to debate this measure until cut off by cloture if a measure of due process is not provided by the bill—due process such as is provided by the Dominick amendment.

I again commend the distinguished Senator from Colorado for his determination to see that due process is provided by this bill.

Mr. President, I believe that this issue is rapidly coming to a head. Just as the junior Senator from Alabama predicted that the defeat of the Dominick amendment might make it difficult for the bill to be passed. he believes now that if this amendment is adopted, the bill, while it will continue to be discussed, will be passed in that form; because he believes that a sufficient number of Senators will be induced to vote for cloture if this amendment is adopted.

So it does not seem to the junior Senator from Alabama that there is any logic in the position of the proponents of this measure to point to the so-called clogged condition of calendars in the Federal courts when there are 398 Federal district courts throughout the country that would divide this work—assuming, of course, that suits would be filed before all 398 Federal district court judges.

Mr. President, the so-called compromise that is pending before the Senate, to which the Dominick amendment has been offered, is not a compromise. For all that appears here, for all that appears from the Senators who have debated the issue, not one Senator has come over to the position of this so-called compromise amendment.

So there has been no compromise, even though the liberal press has indicated that there was.

I was interested in the headline of the article in the New York Times, "Senate Liberals Yield in Dispute Over Job Rights." Mr. President, I ask unanimous consent to have the article from the New York Times printed at this point in the RECORD.

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

SENATE LIBERALS YIELD IN DISPUTE OVER JOB RIGHTS—OFFER COMPROMISE IN HOPE OF ENDING A FILIBUSTER ON FEDERAL PANEL'S POWER

(By David E. Rosenbaum)

WASHINGTON, February 8.—Unable to break a Southern filibuster, liberal Senators gave up today on their fight to give the Equal Employment Opportunity Commission the power to order employers and unions to stop discrimination in jobs.

Senators Jacob K. Javits, Republican of New York, and Harrison A. Williams, Jr., Democrat of New Jersey, offered a compromise proposal today, along the lines favored by President Nixon, in an effort to obtain action on legislation that has been before the Senate since it convened January 18.

Rather than authorize the commission to issue "cease and desist" orders against companies and unions that it found to be discriminating, the Javits-Williams proposal would merely allow the commission to go into Federal court to prove discrimination and ask the court to prohibit it.

COULD CERTIFY DISCRIMINATION

The Nixon Administration has recommended all along that the commission be given the authority to institute court suits, and the House approved a measure to this effect last year.

The Javits-Williams plan would give the commission's findings additional weight in court proceedings, however, by empowering the commission to hold hearings on cases of alleged job discrimination and to present certification of discrimination to the court, much as a bankruptcy referee presents his findings to a court.

According to Senator Javits, the courts could be expected to uphold the commission's findings most of the time under this procedure, since most of the evidence would already have been heard by the time cases reached a judge.

DOMINICK IS OPPOSED

Senator Peter H. Dominick, Republican of Colorado, who has been the principal spokesman for the Administration in the battle over giving enforcement power to the commission, said that he would oppose the Javits-Williams plan.

Senator Dominick, whose amendment to allow the commission to go into Federal court instead of issuing cease-and-desist orders was rejected two weeks ago by 2 votes, plans to offer his amendment again as a substitute for the Javits-Williams proposal.

A vote on these measures is unlikely to come before next week.

The commission was created by the Civil Rights Act of 1964. It was empowered to hold hearings and to try to obtain voluntary conciliation from employers who discriminate but was given no means to enforce its findings.

Senator Javits acknowledged that he was "giving away a lot" by his compromise but said that there was no other way to get any bill past the Southern filibuster.

He said he believed that with his proposal he could obtain the necessary two-thirds majority vote needed to cut off the debate. Two attempts to halt the filibuster have failed.

In another concession to the Southerners, the Senate agreed, 56 to 26, today to a compromise on the size of companies and unions that fall under the commission's jurisdiction.

At present, a company must have at least 25 employes and a union of at least 25 members before the commission has jurisdiction. The pending legislation would have lowered the ceilings to eight. The Senate agreed to lower it to 15 next year.

Mr. ALLEN. This article refers to the so-called yielding prior to the time the amendment even was introduced into the proceedings of the Senate. So there has been no yielding.

The issue is still the same: Will these alleged unfair employment practices be tried before a Federal district court judge, or will they be tried by the very same agency that receives complaints and prosecutes the complaints and hears the complaints?

Mr. President, I do not believe that the national media have given proper coverage to the arguments made against this bill by the opponents of the bill. I do not believe that the national news media have been telling the American public the full and true facts about this bill to expand the power and authority of the Equal Employment Opportunity Commission.

This debate has been rather extended, but no good bill has lost in the Senate by reason of this debate. Just the other day, I noted that on the Senate calendar were only 20 measures pending before the Senate. After the 92d Congress has been in session for more than 13 months, all it has on the calendar are some 20 measures. So this debate will not hold up—and has not held up—anything. It has not held up foreign aid. That bill was passed. It has not held up the dock strike legislation. It did not hold up the seabed treaty that the Senate approved this morning. It is not holding up a single piece of meaningful legislation. So the debate should continue until due process of law is provided for this bill.

Mr. President, one would think, from hearing the argument of the proponents of the measure, that this bill seeks to outlaw discrimination in employment. It does not do any such thing. That is already the law. It does not take this bill to provide a rule or a law against discrimination in employment. We hear the proponents of the measure actually refer to themselves as "the good guys." That reference has been made by proponents of the measure on the Senate floor. They are the good guys. I suppose that if they are the good guys, the opponents of the measure must be the bad guys. I do not see it that way.

I want to see due process of law provided in the settling of these disputes regarding unfair employment practices, and we are not going to get fair treatment where we have a commission that does the whole job.

Are you going to get biased treatment in favor of employers by going into the Federal court? The record indicates otherwise. Who has been enforcing the civil rights matters throughout the country? The Federal courts. Who has provided for the desegregation of the public schools? Who has provided for the enforcement of antidiscrimination in housing? The Federal courts. They have had compassion in the matter of civil rights, and there is no indication that they would not have the same degree of compassion regarding charges or complaints of unfair or discriminatory employment practices.

Mr. President, the purpose of this extended debate is to alert the American public to the dangers and evils of the bill. I submit that the national news media have failed in their responsibility to report the full facts underlying the opposition to this bill. The proposed legislation has been before the Senate for possibly a month, and those of us who oppose it have revealed time and again the threats the bill poses to individual rights and freedoms. Yet, you turn on the radio or television or read the newspaper, all you hear or see is that a few Senators—usually they are the Southern Senators—are filibustering the bill to make employment opportunities fair and equal. You hear little about the contends of the bill itself.

Why does not the national news media tell the public that the bill would give a Federal agency the power to control the employment practices of all schools, including private and parochial?

Why does not the national news media tell the public that the bill would give a Federal agency power to control the employment practices of all State, county, and city governments?

Why does not the national news media tell the public that aside from the swarm of Federal agents which would be required to carry out its repressive provisions, the bill does not create one single new job?

The news accounts always refer to the measure as a civil rights bill. "Yet, in the opinion of the junior Senator from Alabama, the bill denies the most precious of all civil rights—the right of trial by jury.

Why does not the national news media tell this to the people? Why does it not tell the people that the bill would make the Equal Employment Opportunity Commission investigator, prosecutor, judge and jury all in one?

The PRESIDING OFFICER (Mr. TAFT). The time of the Senator from Alabama has expired.

Mr. DOMINICK. Mr. President, I yield 5 additional minutes to the Senator from Alabama.

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

Mr. ALLEN. Mr. President, news accounts last week, reported that a "compromise" amendment was being offered by the bill's sponsors. Subsequent debate on the Senate floor revealed that no compromise had ever been reached and that proponents of the bill admitted this fact. But not one word of this startling admission ever appeared in print or was said on radio or television.

This is not a civil rights bill. It is a force bill. If fair employment opportunity is the only issue, not five Senators would vote against the measure.

I do not believe there would be a single vote against the measure if that were the only issue; namely, fair employment opportunity. On the other hand, if the American public knew what the bill contains, the outcry of protest would be so strong that a majority of Senators would not dare vote for the legislation.

Mr. President, I call upon the national news media to give the American public a full explanation of the threats which the bill poses to individual rights, liberties, and freedoms.

I am confident that fully informed Americans will not support legislation which endorses the surrender of principles and concepts which are so inseparable from our cherished system of democracy.

Mr. President, the proponents of this bill have extended the operation of the act to every educational institution in the country. They have extended it to every State, county, and city employee. They have extended it to the employer or the employees of every employer who employs as many as 15 people.

The only thing left is whether the Commission can issue its own orders based on its investigation and its prosecution of any complaint before itself. It would be judge, prosecutor, and jury and, I guess, Federal marshal as well. That would not provide due process for any employer caught within the toils of the EEOC.

Mr. President, I feel that there would be an excellent chance for this bill to become law if this amendment is adopted. Every single provision of the Dominick amendment adds to the power and authority of the EEOC. There is not one single line in the bill—not one single line in the Dominick amendment—that takes one bit of power, one bit of authority, or one bit of jurisdiction away from the EEOC. Every single line adds authority. It adds power. It adds jurisdiction.

So, Mr. President, far from indicating any lack of sympathy for those who say they are being discriminated against in employment, this amendment adds power, just as the bill itself does, to the EEOC.

Mr. President, I support the Dominick amendment. I hope that it will be agreed to by the Senate when the vote occurs at 5 p.m. today.

Mr. President, I ask unanimous consent to have printed in the RECORD three editorials, two of which indicate my point with regard to the treatment by the national news media. The third is an editorial published in the Birmingham News of last week.

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

[From the Washington Post, Feb. 10, 1972]

THE CIVIL RIGHTS FILIBUSTER

The month of February has slipped into town with the shoddy spectacle of the Senate of the United States droning on in a quiet anti-civil rights filibuster that threatens to eat up most of the legislative month. This one has already claimed the cease and desist powers that a bill reported out by the Labor and Public Welfare Committee would have given the Equal Employment Opportunity Commission. Although proponents of the committee bill have abandoned the fight for cease and desist and have retreated to the softer ground of giving the commission the authority to go into court to enforce its will, opponents of the bill still vow to continue the filibuster.

All of this dredges up ghosts of an earlier day. Fair employment legislation was one of the earliest legislative goals of the civil rights movement even before the move-

ment's heyday in the '60s and more than once the country watched such proposals rolled under by filibusters in the Senate Chamber. Finally EEOC was established by the Civil Rights Act of 1964.

But, as we have noted before, discrimination in employment against women and minorities persists, massively. This is true partly because of bias, partly because of tradition, partly because of the complexity of the problem and partly because this commission was not created equal. The commission was given authority to receive complaints, investigate them, find reasonable cause and then conciliate. There the EEOC's powers stopped. It was given no enforcement power and the burden of further action was placed on the individual complainant to take his case to court—providing he had sufficient resources and will. For the commission, conciliation without a bite at the end was something like a kiss without a squeeze—not much.

It is clear that if the Congress seriously intends for the EEOC to make a serious contribution to the still mountainous problem of employment discrimination, it must give the agency some credible enforcement powers. Now that the cease and desist powers are ruled out, for this session at least, the next best alternative is to give the commission expeditious procedural recourse to the courts. At this stage of the debate, we are witnessing a filibuster without a point. And this time, it is not just the racial or ethnic minorities who are being hurt, but also women. The Senate should stop this silly business, vote on the bill and get on with its work.

[From the New York Times, Feb. 10, 1972]

THE SAME OLD STORY IN THE NATION

(By Tom Wicker)

From its beginnings, the Nixon Administration has insisted that the way to judge its civil rights activities was to "watch what we do, not what we say." The implication was that, while talking one way to mollify a conservative constituency, the Nixon men would accomplish a great deal in the other direction.

Southern Senators, on the other hand, having long been the most determined opponents of any kind of social or economic or political advance for blacks, have lately taken to insisting that they and their constituents have gone further than the rest of the nation in providing equal opportunity for all. Particularly in the area of school desegregation, there is some substance in this Southern claim—and even in the Nixon Administration's "watch what we do" boast.

In the crucial area of employment opportunity, however, both the Southern Senators and the Administration can now plainly be seen wearing the same old Confederate uniforms. It is, in fact, rather like old times in the Senate now that the Southerners, with Administration support, have filibustered to death the proposal to equip the Equal Employment Opportunity Commission with cease-and-desist powers against employers found guilty of discriminating.

The net loss, of course, is not just for blacks; since the E.E.O.C. has jurisdiction over sex as well as race discrimination, the Senate's action also is a grievous blow to women's rights. And one of those most responsible is also a man who has had a big hand in defeating or watering down the women's rights amendment, Sam J. Ervin Jr. of North Carolina.

There is no question, however, that the Senate's action was mainly another refusal to do anything much about the problem of job discrimination against blacks. Studies of black unemployment—which runs consistently at about twice that of whites, and far worse in the cases of black teenagers and black women—show it is not entirely even largely due to their lack of job skills and education, much less to an unwillingness to work; rather the problem is to a great extent one of discrimination.

Nevertheless, as it now stands, the E.E.O.C. has no enforcement powers at all although in thirty states there are commissions that have cease-and-desist authority. But as the price for getting any kind of bill past the Southern filibuster, Senator Javits and others have had to agree to a compromise. It would, first, give the E.E.O.C. only the right to go to Federal court to try to get compliance with any finding of discrimination; second, it would raise from eight to only fifteen the number of employes that would have to be in a company, or members of a union, to bring that company or union under E.E.O.C. jurisdiction. The filibustered bill would have made it 25 employes or members, vastly expanding the commission's reach.

The compromise adopts, in effect, the Administration's position, which is already embodied in a bill that passed the House. That it is intended to be a soft position, rather than a tough stand against job discrimination, became apparent when Senator Peter Dominick, the Administration spokesman on the issue, said he would oppose a part of the proposed compromise that would have permitted Federal courts to accept the E.E.O.C.'s findings as evidence, without further trial on the facts of discrimination cases.

Since the Federal courts are already clogged, and the average delay in disposition of cases is about ten months, it is apparent that adding a whole new area of litigation to their burdens is not an expeditious way to handle job discrimination; it is more nearly another way to bog down judges and prosecutors already unable to manage their workloads. Moreover, lengthy trials, plus the long appeals process, are bound to be more costly to complainants than the administrative remedy that had been proposed for the E.E.O.C.; the result will be to leave much discrimination essentially unchallenged.

Just this week, Federal Judge Frank M. Johnson Jr. complained that although he had ordered the state of Alabama, about two years ago, to cease employment discrimination in all state agencies, "It looks like my order wasn't very effective." He was in the process of issuing another order, this one to the all-white Alabama state police, to recruit enough blacks to fill a quarter of its positions. Two years from now, will anything have been done about this second order, which is sure to be appealed?

Since the E.E.O.C. is being given jurisdiction over state and local workers, if it were also to have cease-and-desist powers—as does the National Labor Relations Board, the Securities and Exchange Commission, and the Federal Communications Commission, to name only a few—it might well be able to get a better and quicker response by administrative sanctions than Judge Johnson could with court orders.

But action is not what the Nixon Administration and the Southern Senators want; delay and talk and promises are all they care to offer in the way of equal employment opportunity.

A DANGEROUS GRAB FOR POWER

Another move to deliver statutory enforcement into the hands of a federal administrative agency at the expense of the country's employers is presently before Congress.

What this would amount to, if granted, would be to place a federal agency in the position of being prosecutor, judge and jury in cases where adjudication has rested effectively, until the present, in the federal courts.

The basic effort is known as the Williams Bill (S. 2515), the provisions of which would hand over to the Equal Employment Opportunity Commission cease and desist powers in the area of employment complaints, similar to that power now held by the National Labor Relations Board, a lever that has proved to be more of an abuse of employers than a protective arm for complainants.

There is no argument heard today that protection against unfair employment practices is unneeded or that still more stringent enforcement powers should not be given the EEOC. To place that agency in a position where it may investigate and file complaints, and then, in turn, hear arguments and defense and then rule on the issue is too much like a "hanging jury" to fit the concept of the democratic process.

The Dominick amendment to the Williams measure provides for initial adjudication of employment complaints in federal district courts, an area which, contrary to arguments by proponents of the Williams Bill, is equipped to render decisions within a reasonable length of time.

Supporters of the Dominick amendment do not base their arguments on a desire to thwart the presentations of fair employment opportunities to all qualified persons regardless of race, sex or creed. The day when job bias will be tolerated is past. And it is the duty of Congress, as we see it, to fashion legislation which will give apropriate federal agencies the power to bring fair employment opportunities to all people who are qualified and willing to hold a job.

We do not believe, however, that another step in the encroachment of federal bureaucracy, which possesses no greater expertise in this field than do the courts, is the answer to employment abuses.

The Williams Bill suggests handling government another cudgel to wave at the private sector of the nation's economy. The Dominick amendment suggests a far more conciliatory method and one that will have a more satisfactory effect for all parties involved.

Progress in the area of job opportunities will not be accomplished at the expense of equitable treatment for all.

Mr. DOMINICK. Mr. President, I yield myself 30 seconds to express my deep appreciation to the distinguished junior Senator from Alabama (Mr. ALLEN) for the comments he has just made on behalf of my amendment. I sincerely hope that we will be successful this time. If so, I agree with him that there is a good chance we will get a bill.

Mr. TAFT. Mr. President, I take the floor at this time to discuss the situation we find ourselves in on the upcoming vote which will occur shortly. I still disagree with the concept of the Dominick amendment. I still expect initially to cast my vote against it.

I feel, however, as has been pointed out here today, that there are many provisions in the bill at the present time, in my opinion, which are most desirable and which we should attempt to enact into law and so improve the present statutes on the books with regard to equal opportunity and the operation of the commission, especially regarding the 15 employee coverage matter, which has been discussed early today. Especially I refer to the general counsel provisions. In respect to the general counsel provisions, it is important from the point of view of legislative history that we not confuse what I believe has been erroneous statements with regard to the current status of the bill, in view of the passage of amendment No. 797 which was proposed by the distinguished Senator from

Pennsylvania (Mr. SCHWEIKER), on my behalf, and on behalf of the distinguished Senator from New York (Mr. JAVITS) as well.

I read from amendment No. 797, in part, as follows:

. . . The General Counsel shall have responsibility for the issuance of complaints, the prosecution of such complaints before the Commission, and the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law. The General Counsel shall appoint regional attorneys with the concurrence of the Chairman, and shall appoint such other employees in the Office of the General Counsel as may be necessary to assist in carrying out the General Counsel's responsibilities and functions under this title.

Mr. President, quite a number of times this afternoon, and since passage of amendment No. 797, it has been alleged that the commission continues—under the legislation as passed without the Dominick amendment—to exercise the prosecution and the judicial as well as the administrative functions under the law.

I would demur from that, with regard to the question of prosecution, because I believe, under the terms of the amendment as adopted, it is abundantly clear that a case must begin by a complaint starting with the general counsel, and then being filed by the general counsel, if we are to keep this legislation in the bill.

This, to me, eliminates some of the difficulties that I might otherwise have had with maintaining the position that the commission should directly or indirectly have the authority to issue cease-and-desist orders.

Indeed, if this amendment had not passed, I would have long since supported the original amendment. I believe that with this change it is an improvement and is worthy to try to get into the law.

It seems to me that along with the other improvements, the time has about come for the Senate to realize that it must go ahead, because apparently cloture is not going to be obtained.

For that reason, I will later—although I do not think I will change my views on the bill—I will give a pair to a Senator who will not be here to vote.

We will have to go to conference on the bill with the House, because the House does not include the provisions of the Javits' compromise of the Dominick amendment as now proposed.

It is obvious to me that we are not going to get the original provisions in the language of the bill on cease-and-desist orders or perhaps even the language of the Javits' compromise proposal. So, with all of these items in balance, I wanted to explain to the Senate my intention to give a pair. It is my hope that the bill will proceed through the Senate expeditiously and proceed to conference and will be greatly improved in the language as proposed.

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TAFT) 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 Senate proceedings.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. WILLIAMS. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not later than 4:40 p.m., with the time for the recesses to be equally divided.

The PRESIDING OFFICER. The time for the recess will be equally divided.

Mr. DOMINICK. Mr. President, we have only 18 minutes remaining. It was my thought that the time until 5 o'clock would be equally divided.

The PRESIDING OFFICER. At this time 18 minutes remain to each side.

Mr. WILLIAMS. I renew my request that the Senate stand in recess until not later than 4:40 p.m., subject to the call of the Chair.

The motion was agreed to; and at 4:24 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 4:40 p.m. when called to order by the Presiding Officer (Mr. TAFT).

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515), a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 4 minutes.

It is my feeling that we are rapidly approaching D-day on this particular bill. It is my sincere feeling that unless we can pass this substitute amendment of mine, we are not going to have a bill at all. As I pointed out a little earlier, the number of complaints filed before the EEOC is rapidly growing. The number of complaints which they are able to settle by conciliation agreements satisfactory to the Commission has not substantially improved; in fact, they have gone downhill.

The major reason for that, in my opinion, is that there is no enforcement procedure at the present time which gives the EEOC the necessary muscle to reach an agreement which is satisfactory both to the respondent and to the aggrieved.

My approach, which is the court approach, is a method of enforcement. just as is the so-called cease-and-desist approach originally reported in S. 2515, and just as is the method which has been offered by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS). For the life of me, I can see nothing wrong in proceeding with an enforcement procedure which would give us the muscle by which we could then settle more employment discrimination cases probably much more rapidly and probably with many fewer cases going to the courts.

It is a procedure relying on an institution inherent to our system. It is a procedure which I think conforms to the basic separation of powers which we desperately need to reemphasize in this country. It is the reason why, in many cases, many of us have been urging that we get the power out of Washington, so as to be able to decentralize such power to the various areas the resources with which to handle their own problems.

In this particular type of situation, we would be distributing the power to enforce this law to 93 district courts with 398 district judges. Mr. Brown, the Chairman of the EEOC, has said very frankly that it would take quite awhile to get the necessary attorneys, the hearing examiners, the rules and regulations, and everything else set up in the event that the EEOC received the cease-and-desist powers. He has indicated that the enforcement system would be far more flexible and far more efficient if we adopted the district court procedure. Mr. Brown so testified before the House committee. It was his feeling that with a complaint filed before the Commission, you had immediate enforcement through the injunctive process, but if you had a cease-and-desist order before the Commission, you had to go before the district court and receive an enforceable order before you could get anything done. And therefore, you had anything but an efficient system to obtain injunctive relief, which in many cases seems to be what is needed.

With the emotional involvement in our country over matters involving discrimination, I have no illusion that this will be an easy job either for the Commission or for the courts. But I do feel deeply it will be far more fair to the respondent and the complainant alike to put it in traditional hands, rather than to put still another power into the hands of an administrative commission responsible to no one except the person who originally appointed them. It does not seem right to me, as I have said repeatedly to put into the hands of any administrative agency the powers to make the rules, investigate whether the rules are being abided by, receive the complaint, and then issue the orders. This is the very thing we have tried to get away from in our country.

If this can be done, we shall have taken, to paraphrase a famous remark,

at least one small step in the right direction.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I know I join my colleague from Colorado in expressing the wish that there were Senators here to listen to these closing arguments in a matter as important as this, something for which we and they have fought literally for years. Ever since the Civil Rights Act of 1964 was passed, we have known that it had this essential weakness of a lack of enforcement power. There has always been this deep dispute about what the power should be, and here we are at the voting point.

I think, Mr. President, that now, this afternoon at 5 o'clock, this matter ought to be definitively settled, and I feel, speaking for myself, notwithstanding the number of votes we have had on it, and I think the Senator from New Jersey (Mr. WILLIAMS) probably feels the same way, that whatever the verdict of the Senate may be, this is it.

We have worked on this question and fought it up and down the pike for as long as I think anyone has any right to.

To summarize our argument, Mr. President, we say that cease and desist is right, and that it is the way to cut down the backlog and the way to develop the expertise which the agency requires, and the way in which to give this act teeth. Even though it does not have plenary authority, the cease-and-desist order itself is allegedly feared by the business community. On the contrary, nothing happens until you get a court decree. But that is water over the dam, Mr. President. Even though the majority of the Senate wants cease and desist, it cannot have it, the way the Senate is organized today and the way rule XXII operates.

So the question, then, is what kind of court proceeding should there be? The Senator from New Jersey and I have realistically understood that, and done our best to present to the Senate a practice which differs from that of the Dominick amendment in the essential point that we have the commission which is holding the hearing through its hearing examiner certify the record to the court and make recommendations respecting findings of fact and remedies, that is, a decree. Then the court, and only the court, has the power to enter a decree.

We believe that by vesting in the commission this authority to hear, we are in effect automatically providing a special master or referee in each case, and that thereby we would be able to cut down the tremendous court delay. We submitted our chart of the official record of the U.S. district court backlog, which showed that we ought to be able to cut that backlog time by more than half by the techniques we have suggested.

I analyzed the objections of the Department of Justice, and showed that they were based upon illusion and not upon fact, because the Department of Justice tells us that the courts can resolve cases speedily.

They can, but they will not, because they have these tremendous backlogs. They say the courts can deal with critical and sensitive cases. Again, that is precisely why we have commissions, to build up a body of expertise to deal with critical and sensitive cases. They tell us the courts are resolving critical and sensitive cases in other civil rights areas such as housing and education, and we point out that there is time to move around and have a proceeding, which differs from employment.

Second, we point out that in these particular areas you are dealing mainly with governmental entity.

For all those reasons, we believe that the difference respecting the procedure which is involved in terms of cutting down the time lag attributable to the court delays because of the tremendously congested calendars can very much better be handled by the amendment of Senator WILLIAMS and myself. Beyond anything else, I emphasize the narrowness of the difference. The fact is that this is going to court. The fact is that it is the court which will make a decree, under our amendment or his amendment. The fact is, as Senator COOPER properly pointed out, that the technique of special masters or referees is not unusual. It can be used, and we require it to be used. In addition, we get the benefit of the administration which has great expertise in a central procedure fully protected by the Administrative Procedure Act.

Finally, I think this absolutely dispenses with the argument that you are putting the powers of investigation and of punishment in the hands of one body. In the first place, we do it with many other bodies, but that is ended, because both amendments vest the power to issue the decree ab initio, in the first instance, in the court.

For all those reasons, I believe that our amendment is a distinct improvement; that it gives a great benefit, considering the nature of the discrimination—to wit, in jobs—over that of the Senator from Colorado, and that his amendment should be rejected and ours should be supported by the Senate.

The PRESIDING OFFICER. Who yields time?

If no Senator yields time, it will be charged equally to both sides.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a quorum call, with the time charged equally to both sides.

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

Mr. JAVITS. 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. DOMINICK. 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. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMINICK. I yield myself those 3 minutes.

Mr. President, during the process of this debate, reference has been made to the comparable cease and desist powers that are in the NLRB. The other executive agencies are largely, I would say, regulatory agencies, as opposed to the EEOC or the NLRB.

I think it is a matter of interest that before the Special Subcommittee on Labor in the other body hearings were held on proposals to expedite the NLRB processes. Those hearings, it should be noted, brought out the point that it could take 2½ years from the time a worker walks into a regional NLRB office with a charge until the time a court of appeals finally issues an order that he be reinstated with or without back pay. So it seems perfectly apparent that even in an agency that has been established that long, which has hearing examiners, an independent general counsel, special expertise and all its precedents, it still takes 2½ years.

I do not think that this would be true under job discrimination with the adoption of my amendment, because once the trial is over, the court at that point is free to issue injunctive relief and to issue such other remedies as it may deem appropriate, or even, to dismiss the case, if it determines that the evidence has not supported the complainant.

In summary what we are doing, is asking for enforcement for the EEOC through the court system, through an expedited three-judge court where the case is of general public interest, so that there can be expedited proceedings, with appeal directly to the Supreme Court. Where the case is not of general public interest will be brought into district court for expedited hearings, and once the decision has been made, the judge who has jurisdiction can issue whatever remedy seems suitable in view of the facts before him.

It avoids the conglomeration of powers in one executive agency of the prosecution, the investigation, the judicial hearing, and the enforcement proceeding—all of which put into one body are wrong, be it the EEOC or the NLRB.

So I urge the adoption of my amendment.

CIVIL RIGHTS AND THE NEED FOR ENFORCEMENT OF FAIR EMPLOYMENT PRACTICES

Mr. MOSS. Mr. President, the struggle to expand equality in America has had a long journey. The path is marked by periodic accomplishments that have advanced rights that should have been given to all our citizens at the establishment of our Nation. The Senate is now considering another in the recent series of such landmarks, and the action we take will have an important effect upon the future course of the civil rights movement.

Will we move ahead steadily, or will we fall back and pause, perhaps beginning a decade of backsliding in our commitments to the minority groups in our Nation? The present question before us is set in terms of the right of Americans to hold jobs on an equal basis. It is rather

ironic that we face the crucial question of employment after we have faced most of the other questions of civil rights. Employment is the most basic and fundamental avenue to attaining the ability to pursue life, liberty and happiness. Work is an end in itself, but it also provides the means for a person to exercise many of his other rights. With a job, a man can begin to emerge from the ghetto or the rural slums, seek better housing and education, and drop his constant dependence on public agencies to provide his support. Without a fair chance at job placement and advancement, none of these rights have full meaning for him.

The past two decades have seen momentum build in the effort to deliver human rights to all Americans on an equal basis. The landmark in that struggle was the enactment of the 1964 Civil Rights Act. Throughout these two decades, a coalition has emerged at each stage attempting to thwart the sharing of these fundamental rights. We decide again today whether that coalition will prevail, or the cause of equality will advance another step. Because of the crucial role employment plays in providing status and substance, the activities of the Equal Employment Opportunity Commission are an extremely important measure of our commitment to equal rights. If we are serious, we must give it the power to enforce the part of the 1964 act that promises equal employment opportunities.

"Unfinished business" still dominates the field of civil rights activity. We have discovered that the promises in the 1964 Civil Rights Act were just a beginning, for they are empty without enforcement and implementation. We have learned since that date that job discrimination is more pervasive and subtle than we supposed; an examination of the discussion in 1964 reveals that we were naive about such discrimination, thinking that voluntary compliance and conciliation would be enough to stop the prejudicial activities of most, and that those who blatantly and defiantly excluded others from the opportunity to work would be stopped by court action. We now know that the problem is much deeper. We have found that discrimination is pervasive, and that those discriminating often do not do so overtly. Many do not even recognize that they have constructed hiring and promotion systems that are discriminatory.

In many real ways, the 1964 act has been the basis for discovery rather than cure. We now discuss the employment problems of women, Spanish-speaking Americans, Indians, and other groups. The activities of the EEOC and the Civil Rights Commission have allowed protests to be registered from all those who have grievances, and we have discovered that basic civil rights must be extended to all groups that suffer from the denial of fair employment practices. This has been a worthwhile awakening for the country.

Considerable room for progress remains. Blacks constitute 10 percent of the labor force, but hold only 3 percent of the professional, technical and management positions. Their average family income in 1970 was only 60 percent the level of income for whites, and Spanish-speaking families received even less. The figures are $10,236 for a white family, $6,279 for blacks, and $5,641 for Spanish-speaking. Women scientists receive only three-fourths the salary of men in the same field, and do even worse at lower levels of training.

Will we fulfill the promises we have made? Unless we give expanded enforcement powers to the agency responsible for ending employment discrimination under the statutes we have passed, we will not. If I felt that there were a reasonable chance that the more gentle techniques presently in the law would work, I would not be as concerned as I am. But the history over the past years shows an increase in the number of discrimination compaints and all too little satisfaction in resolving the grievances. The employer presently can refuse to listen; he knows that most workers do not understand courts and cannot afford to take their problems there.

We have been presented a reasonable bill by the Committee on Labor and Public Welfare. Procedural due process is guaranteed in the bill when cease-and-desist orders are issued, and disputants will always have recourse to the courts in the end.

This bill says, in effect, that we plan to carry out the promises that we have made in the past. We are not going to allow State and local governments to discriminate in employment, nor will we exempt small-scale employers from the obligation to treat other humans in a fair fashion in the employment market. Both of these sectors of our economy will actually benefit from such guidance; community relations are bound to improve when policemen, firemen, educators, and other public employees reflect balanced proportions of their communities.

The movement toward equality in our time will not go forward automatically. Citizens and their elected officials must continue to press for advancements. The momentum began anew during our generation, and we should see to it that this trend continues. We must not begin to backslide. The task before us is that of shaping a foundation for the creation of a better society. I believe that the Williams-Javits amendment to S. 2515 is a reasonable compromise that still retains appropriate powers for the Equal Employment Opportunity Commission, and I, therefore, intend to support it rather than any substitute measure.

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

The Senator from New Jersey has 1 minute remaining.

Mr. JAVITS. I yield myself 1 minute.

Mr. President, I think the arguments have been summarized, and in this minute I should like to state the following:

First, I hope that this will be the final decision on this question. Second, I hope that Senators will understand that if the Dominick amendment is rejected—which we urge upon the Senate—the amendment of Senator WILLIAMS and myself will follow immediately and can be voted on, which will also give us a court procedure, but with the safeguard of cutting down the time required in order to try a case, through having the hearing agency the Commission itself; and in our judgment that will serve to cut that time by at least a half and probably two-thirds.

The VICE PRESIDENT. All time on the amendment has expired.

Under the previous order, the question is on agreeing to the amendment of the Senator from Colorado to the amendment of the Senator from New York and the Senator from New Jersey. On this question the yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The 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 VICE PRESIDENT. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK) (No. 884) to the amendment of the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT (when his name was called). On this vote I have a pair with the distinguished Senator from Wyoming (Mr. HANSEN). If he were present and voting, he would vote "yea;" if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. FULBRIGHT (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "nay;" if I were at liberty to vote, I would vote ""yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Georgia (Mr. TALMADGE). If he were present and voting, he would vote "yea;" if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE) and the Senator from Massachusetts (Mr. KENNEDY) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN),

and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Hawaii (Mr. FONG) and the Senator from Oregon (Mr. HATFIELD) would each vote "nay."

The pair of the Senator from Wyoming (Mr. HANSEN) has been previously announced.

The result was announced—yeas 45, nays 39, as follows:

[No. 45 Leg.]

YEAS—45

Aiken	Cooper	Jordan, N.C.
Allen	Cotton	Jordan, Idaho
Allott	Curtis	Long
Baker	Dole	McClellan
Bellmon	Dominick	Miller
Bennett	Eastland	Roth
Bentsen	Ellender	Saxbe
Bible	Ervin	Smith
Brock	Fannin	Sparkman
Buckley	Gambrell	Spong
Byrd, Va.	Goldwater	Stennis
Byrd, W. Va.	Griffin	Thurmond
Cannon	Gurney	Tower
Chiles	Hollings	Weicker
Cook	Hruska	Young

NAYS—39

Bayh	Inouye	Pell
Beall	Javits	Percy
Boggs	Mathias	Proxmire
Brooke	McGee	Randolph
Burdick	McGovern	Ribicoff
Case	McIntyre	Schweiker
Church	Metcalf	Scott
Cranston	Mondale	Stafford
Eagleton	Montoya	Stevens
Gravel	Moss	Stevenson
Harris	Nelson	Symington
Hart	Pastore	Tunney
Hughes	Pearson	Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Fulbright, for.
Mansfield, against.
Taft, against.

NOT VOTING—13

Anderson	Humphrey	Muskie
Fong	Jackson	Packwood
Hansen	Kennedy	Talmadge
Hartke	Magnuson	
Hatfield	Mundt	

So Mr. DOMINICK's amendment (No. 884) to the amendment of the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS) was agreed to.

Mr. MILLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, at this time I would like to ask the distinguished Senator from Louisiana a question. Would it be possible to take up the debt ceiling measure which I understand needs consideration immediately, even if it meant delaying the reporting of H.R. 1 by 1, 2, or 3 days?

Mr. LONG. The committee has scheduled hearings on H.R. 1. We have scheduled hearings for the day after tomorrow, which is Thursday. It was my intention that we remain on that bill until it is reported, and I insist on doing that, unless the President and the majority leader feel it necessary to move with the debt limit bill during that time. If the leaders would like us to do that we will turn to the debt limit bill and move with that bill as expeditiously as we can. I am sure it is understood that the time we put on that bill is time we cannot put on H.R. 1. We cannot do both things simultaneously.

Mr. MANSFIELD. I understand that, but there is a dire need for the consideration of this legislation as soon as possible. The distinguished chairman of the committee informed the Senator from Montana several weeks ago that he thought all of the hearings and the preliminary work would be done by about March 1, and then the report would be prepared, which would take a week, 10 days, or 2 weeks. It is a highly complex and complicated measure.

However, in view of the economic situation confronting this country it would appear that a delay of 2 or 3 days on H.R. 1 would not be of that much significance, as long as the day is far ahead.

If the chairman of the committee could see his way clear to give consideration to taking up the debt ceiling bill, it might be in the best interests of the Nation at this time.

Mr. LONG. If that is what the leadership on both sides of the aisle want, we will do our best.

Mr. SCOTT. That is a matter of very considerable urgency, and while the amount approved in the House bill is not as much as the amount requested by the President, it is desirable that we act on the debt limit first. I would hope there would be a minimum of time taken on reporting it to the floor. Perhaps we can get a time limitation.

Mr. LONG. I would hope that action on the debt limit bill would not require a lot of extraneous issues, and that we can limit ourselves to that measure and act expeditiously on the floor. If so, we can get back to H.R. 1 in short order.

Mr. SCOTT. I agree. It is hardly a bill that needs many riders; it rides pretty heavily in the saddle itself. I hope Senators will save their accouterments.

On another matter, I am informed that a cloture petition will be filed today on the pending legislation, to be voted on, I suppose, on Thursday. Is that correct?

Mr. MANSFIELD. Mr. President, if the Senator will yield, if a cloture petition is filed today I would hope that the vote could occur around 11 o'clock Thursday morning next. I make that statement, because on that day there does begin the annual Canadian-United States interparliamentary meeting. If a cloture petition is filed and voted around 11 o'clock it would give many senatorial delegates time to arrive there at a reasonable hour, not as reasonable as originally intended, but if something could be done it would be most appreciated, because we have sort of let the Canadians down on occasion because of the press of business in the Senate. I would ask the distinguished Senator from Vermont and also the distinguished Senator from Idaho if they would consider that as being possible.

Mr. CHURCH. Under the arrangements that have been worked out the delegation was supposed to leave here at 5 o'clock in the afternoon tomorrow. The first session is to commence during the evening.

Mr. AIKEN. We have nothing special tomorrow evening, as far as I know, except to get settled in Ottawa.

Mr. PASTORE. Mr. President, we cannot hear a thing. May we have order?

The PRESIDING OFFICER (Mr. TUNNEY). The Senate will be in order.

Mr. CHURCH. The sooner we can have the vote the better it would accommodate the delegation.

Mr. AIKEN. It will take only an hour and a quarter to get there. We can take care of appointments in the afternoon, that is, if we have to have a cloture vote. I hope we can wind up the bill without it.

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

Mr. MANSFIELD. I direct these remarks especially to the distinguished Senator from North Carolina (Mr. ERVIN), the distinguished Senator from Alabama (Mr. ALLEN), and the distinguished Senator from Georgia (Mr. GAMBRELL). I wonder if it would not be possible at this time, in view of the vote on the Dominick amendment, to perhaps arrive at a time limitation covering amendments and amendments thereto to the rest of the bill. In that way it would be possible to avoid a vote on cloture and maybe we could bring this matter to a close. Could I have the reaction of the distinguished Senators mentioned?

Mr. ERVIN. Mr. President, in reply to the suggestion made by the distinguished majority leader, I consider this bill so bad I think I would be derelict in my duty if I agreed to a time limitation.

Mr. PASTORE. The answer is "No." [Laughter.]

Mr. ERVIN. This bill would destroy the federal system of government. It would make Federal judges employment agencies for States.

This bill, for the first time in American history, undertakes to confer upon the Federal Government, acting through Federal judges, the power to determine who will be the officers, as well as the employees of States and political subdivisions of the States. I feel that would have such a destructive effect on the federal system of government that I could not agree to a time limitation.

Mr. MANSFIELD. I was trying to avoid a vote on cloture, if possible, but I wonder, in view of the situation which has developed which leads me to the conclusion that if we are ever going to dispose of this legislation it will be either the cloture or laying it aside.

What would the Senate think of the possibility of a vote on cloture tomorrow afternoon at a reasonable hour?

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

Mr. MANSFIELD. Yes, indeed.

Mr. DOMINICK. At a moment I believe we have before us the Javits-Williams amendment, as amended. I thought we could dispose of that prior to the time we get to this matter for fear that we will get caught in a parliamentary quandary.

Mr. MANSFIELD. The Senator has a good point. I thought I would raise the question to see the prospects, as long as we have so many Senators in the Chamber at this time.

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

Mr. MANSFIELD. I yield.

Mr. ERVIN. If the majority leader makes a unanimous-consent request that we vote on cloture at some stated time tomorrow afternoon, and in the event cloture fails to be agreed to, that this bill would be laid aside, we certainly would have no objection.

[Laughter.]

Mr. MANSFIELD. Well, under ordinary circumstances I would give that idea some consideration—not much, but some—but under present circumstances I could not give it any consideration, because we have gone this far. We ought to try at least once more. Then after that it will be up to the joint leadership to decide what should or should not be done about the pending legislation. But I hope this time cloture will prevail, and I hope to be one of the signers of the cloture motion.

Mr. RANDOLPH. Mr. President, if the Senator will yield, as long as we are talking about future dates, can the majority leader tell us if there is to be any business from the standpoint of possible votes in the Senate on the observance of Washington's birthday next Monday?

Mr. MANSFIELD. The answer is "Yes."

Mr. President, the Senator from Colorado has the floor.

Mr. COTTON. Mr. President, if the Senator will yield, I am thoroughly aware of the fact that we cannot please every Senator, but would 10 o'clock be as good for Wednesday?

Mr. MANSFIELD. Ten o'clock would be agreeable, if a motion is laid before the Senate.

Now I think I ought to yield to the Senator from New York, who has an amendment.

The PRESIDING OFFICER. The question recurs on Amendment No. 878, as amended.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is the Williams-Javits amendment now any further amendable?

The PRESIDING OFFICER. No.

Mr. JAVITS. And the text of it now is what was the Dominick amendment?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Not yet.

Mr. JAVITS. I see no necessity for them. I hope we will have a voice vote.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Williams-Javits amendment, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Georgia (Mr. TALMADGE) and the Senator from Massachusetts (Mr. KENNEDY) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Wyoming (Mr. HANSEN) would vote "yea."

The result was announced—yeas 82, nays 3, as follows:

[No. 46 Leg.]

YEAS—82

Aiken	Eagleton	Pastore
Allen	Eastland	Pearson
Allott	Ellender	Pell
Baker	Ervin	Percy
Bayh	Fannin	Proxmire
Beall	Fulbright	Randolph
Bellmon	Gambrell	Ribicoff
Bennett	Goldwater	Roth
Bentsen	Gravel	Saxbe
Bible	Griffin	Schweiker
Boggs	Gurney	Scott
Brock	Hollings	Smith
Brooke	Hruska	Sparkman
Buckley	Hughes	Spong
Burdick	Javits	Stafford
Byrd, Va.	Jordan, N.C.	Stennis
Byrd, W. Va.	Jordan, Idaho	Stevens
Cannon	Long	Stevenson
Case	Mansfield	Symington
Chiles	Mathias	Taft
Church	McClellan	Thurmond
Cook	McGee	Tower
Cooper	McIntyre	Tunney
Cotton	Miller	Weicker
Cranston	Mondale	Williams
Curtis	Montoya	Young
Dole	Moss	
Dominick	Nelson	

NAYS—3

Hart	Inouye	Metcalf

NOT VOTING—15

Anderson	Hatfield	McGovern
Fong	Humphrey	Mundt
Hansen	Jackson	Muskie
Harris	Kennedy	Packwood
Hartke	Magnuson	Talmadge

So the Williams-Javits amendment (No. 878), as amended, was agreed to.

Mr. WILLIAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HRUSKA. Mr. President, I call up my amendment No. 834——

Mr. DOMINICK. Mr. President, will the Senator from Nebraska yield? I have some technical amendments which really do nothing except redesignate section numbers and delete duplicated material. They are of no substantive value whatsoever, and I thought if the Senator from Nebraska would withhold, we could probably get the amendments through without any discussion.

Mr. HRUSKA. Mr. President, I yield for that limited purpose, on the stipulation that I do not lose my right to the floor.

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

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 47, beginning with line 19, strike out through line 19 on page 50.

On page 65, line 21, strike out "(q)".

On page 65, line 23, strike out "section 706 (q) through (w)" and insert in lieu thereof: "section 706(f) through (k)".

Mr. DOMINICK. Mr. President, I can assure my colleagues that there is nothing of substance in this amendment. It amounts to putting the preceding amendment in line with the remainder of the bill by changing the section numbers, and deleting duplicated language. I am willing to have a vote on it right now.

The PRESIDING OFFICER (Mr. TUNNEY). The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

The amendment was agreed to.

Mr. DOMINICK. I thank the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

AMENDMENT NO. 834

Mr. HRUSKA. Mr. President, I call up my amendment No. 834, and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Delete section 5, beginning on line 20, page 50, and continuing through line 3, page 52, and renumber the succeeding sections as appropriate.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. 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.

NOTICE ON CLOTURE MOTION

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Nebraska (Mr. HRUSKA) will have at least one major amendment, possibly two; that there may be other amendments as well; but so far, the

remainder of the week on the pending measure does not appear too interesting.

It had been thought that perhaps a cloture motion would be laid before the Senate tonight and that a vote on cloture would occur on Thursday next. However, in the interest of comity, a different arrangement was arrived at, and it is now the understanding of the joint leadership that the cloture motion will be laid before the Senate on Friday and the vote will occur on Tuesday next.

May I say that so far as I am concerned—and I will sign the cloture motion this time—there will be no more cloture motions. In other words, the peak of the pending measure will be arrived at on the next cloture motion to be filed on Friday next and to go into operation 1 hour after the Senate convenes on Tuesday next.

PROGRAM

Mr. MANSFIELD. Mr. President, I wish at this time to have the attention of the distinguished Senator from North Carolina, who last year was promised at least 3 days' notice before the joint leadership would take up Calendar No. 576, S. 659, an act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes. I hope that this notice will be sufficient, so that when we have disposed of the pending business, the next order will be S. 659, the so-called Higher Education Act of 1965, as amended.

Mr. ERVIN. I want to thank the distinguished majority leader and assure him that the notice is abundantly sufficient.

Mr. MANSFIELD. I thank the Senator from North Carolina.

Mr. ALLEN. Does the distinguished majority leader not plan, then, to have a two-track system, in view of the fact that the pending business will be disposed of, in all likelihood, one way or the other, on Tuesday next?

Mr. MANSFIELD. If possible, to keep the calendar as clear as possible, we will try, in the late afternoon, to bring up other legislation which will be controversial but only to an extent, and certainly nothing in comparison with the pending legislation.

Mr. ALLEN. But it will not be the higher education bill?

Mr. MANSFIELD. No, no. That will follow the present bill.

Mr. ALLEN. I thank the distinguished majority leader.

Mr. SCOTT. But, as I understand it, we will go on the two-track system, in the sense that we will be considering other legislation so as not to lose any further time of this session of Congress.

Mr. MANSFIELD. Yes, as it becomes available, and as we get the OK of Senators who are interested in the particular proposals under consideration.

For example, there is the bill to amend the Federal Aviation Act, S. 1821, which the leadership will discuss with the Senator from Nevada (Mr. CANNON).

Then there is a bill S. 582, to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and esturarine zones, and for other purposes, which we will discuss with the Senator from South Carolina (Mr. HOLLINGS). There is a possibility of bringing that up.

Then there is H.R. 9096, an act to amend chapter 19 of title XXXVIII of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces, in which the Senator from Indiana (Mr. HARTKE) and others are interested.

There is also H.R. 7117, an act to amend the Fishermen's Protective Act of 1967, in which the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), is interested. He reported out this bill for the Senator from Washington (Mr. MAGNUSON).

There is another one, in which the Senator from Nevada (Mr. CANNON) is interested, S. 1821, already mentioned, having to do with the Federal Aviation Act of 1958, as amended.

Those may be considered, if we can work out an arrangement.

Mr. SCOTT. My understanding, then, is that the two-track system will start tomorrow when some of these bills will be taken up tomorrow; is that not correct?

Mr. MANSFIELD. If the Senators who are primarily interested in these bills will indicate their concurrence, because we do not want to embarrass them in any way.

Mr. SCOTT. I intend to notify all the Senators on this side of the aisle who are absent today of the importance of the coming cloture motion vote on Tuesday and what it means. I would hope that we would not have any repetition of the situation where one or more Senators who are absent for a likely time will say they felt or they thought they were assured that nothing very important would happen in their absence.

I should like to point out that every bit of legislation which we are called upon to consider and to pass on is important. We are paid to be here. We are paid to vote on measures and to express our opinions on them. They are all important. But the particular cloture motion vote on next Tuesday is certainly a matter of the highest priority and I believe it would be hard to explain back home if, after this ample notice, Senators elected to absent themselves no matter how important their other business may be.

We do have paragraph 40(a), section 229, subtitled "Deductions for Delinquent Indebtedness," of the general and permanent rules relating to the Senate on page 195 of the Senate Manual for 1971.

The PRESIDING OFFICER (Mr. GAMBRELL). The chair thanks the Senator for that clarification. [Laughter].

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. MANSFIELD. May I say that I will send out telegrams, along with the distinguished Republican leader, to all Senators. I would express the hope that, come Tuesday next, 99 Senators will be on hand in this Chamber. I would also express the hope that there will be rollcall votes tomorrow.

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. MANSFIELD. May I ask the distinguished Senator from Nebraska (Mr. HRUSKA): Does he have an amendment pending?

Mr. HRUSKA. Yes, I have.

Mr. MANSFIELD. Would the Senator consider a yea and nay vote on that amendment?

Mr. HRUSKA. That would be agreeable.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, in other words, so far as the joint leadership is concerned, we will do our best to see that there are rollcall votes every day this week—tomorrow, Thursday, and Friday.

Senators should not be surprised if, cloture lacking, there are live quorum calls instead.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

Mr. MANSFIELD. Mr. President, I do this because I see no need for coming in early, the purpose of which was to try to speed up the legislative process to the end that we could get on to other business.

Mr. President, inasmuch as I have the floor at this moment, I should like to take this occasion to thank the distinguished Presiding Officer now in the chair, the Senator from Georgia (Mr. GAMBRELL), for his thoughtfulness and his courtesy and his understanding during the course of the debate on this most important piece of legislation.

I want the record to show that he did not, in any way, delay the consideration of this legislation. I commend him for his thoughtfulness, as I have indicated, for his deep concern, and for his cooperation with the leadership at all times.

The PRESIDING OFFICER (Mr. GAMBRELL). The Chair thanks the distinguished majority leader.

EXCERPTS FROM STATEMENTS MADE BY SENATOR HARTKE DURING HIS 13 YEARS IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished senior Senator from Indiana (Mr. HARTKE), I ask unanimous consent to

have printed in the RECORD excerpts from some of his statements, made during his 13 years of service in this body, concerning major issues facing the United States.

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

AGRICULTURE

The American farmer is in trouble. For two long decades he has been caught in the grips of an increasingly devastating cost-price squeeze. This squeeze has taken a terrible toll. Every year seventy thousand farm families have been forced off their land and into our already congested cities. The departure of these families from rural America has now swollen into the greatest mass migration in history. Most of these losses have not been marginal, inefficient farms, but sound, productive units that have produced efficiently down through the years and that could have continued to do so had they been given a reasonable chance. Thus, while the productive capacity of America's farm plant has increased dramatically over the past two decades, that increase has been an unrewarding one for the nation's small and medium-sized commercial farmer.

The steady and seemingly inexorable demise of the family farmer has in large measure been caused by the rise of highly organized big businesses which seek to consolidate their economic power and eventually control this nation's food supply system. With the independent farmer standing by helplessly, the gigantic corporate interests continue to absorb our productive farmland and turn it into big, depersonalized business units.

These revolutionary changes, which threaten to alter for all time the face of American agriculture, could not occur without the acquiescence and encouragement of our government. Our Department of Agriculture, with its vast and far-flung resources, has the capability to reverse this trend and to sustain the independent farmer in his fight for survival. Among these resources, of which I speak, are the half-billion dollars a year of public research funds that too often in the past have been devoted disproportionately to the immediate interests of agri-business and agri-bigness; the large procurement powers of the Department of Agriculture that could be directed toward the small and medium-sized farm operation; and, above all, the entire subsidization and taxation system that too often has encouraged the corporatization of agriculture at the expense of the smaller operators.

To a large extent, the revolutionary changes occurring in our Nation's food supply system are rooted in a theory of economic determinism which holds that the consolidation of American farms and the elimination of the independent farmer is both progressive and inevitable. I do not agree. Such a theory represents the abandonmen[t] of an historic national commitment to opportunity for people on the land. Since the founding of our country, the family farmer has remained the bedrock of both our society and our economy. If we continue to allow the economic ruin of our family farmers, along with the forced migration from farms and small communities to our larger cities, we will have destroyed a vital population balance and thereby jeopardized our economic and social well-being.

In a very real sense, American agriculture stands at a crossroads. We must decide upon the kind of agriculture and rural America we want. Do we wish to allow the continuation of present trends which will ultimately transform rural America into a vast depopulated wasteland where only a few are left to serve the economic giants engaged in the land-to-market production of food, or do we wish to commit ourselves and our resources to the task of rural development and revitalization—of bringing back economic prosperity to those millions of Americans who have faithfully dedicated their time, their energy, their resources, and their very lives to provide this country and its people with an unparalleled abundance of economical food and fiber? Our answer to this question is crucial—for at stake is nothing less than the survival of nearly 3 million American farm families.

BUSING

One of the most emotional issues confronting the American public today is the use of bussing to achieve racial balance in our schools. For many citizens bussing is a recent problem; for others, it has been an accepted part of life for many years.

Bussing has both good and bad connotations. In many rural areas bussing is needed because schools are not within walking distance of homes. In urban areas bussing has been used because of the threat to children's safety posed by congested traffic. Unfortunately there is also a sad aspect of our bussing legacy.

Just as I do not favor the bussing of children to maintain segregation in our schools, I do not favor the bussing of children solely for the purpose of achieving the proper racial balance. Bussing is a temporary answer to a serious and complicated issue.

Bussing is not and has never been the real issue. The real issue has always been the achievement of quality education for all children. In *Brown v. Board of Education*, the Supreme Court of the United States, found that black schools were inherently unequal, and that black students did not receive the quality education given to white children. Therefore the theory was developed that if the schools are integrated, the quality of education will be enhanced. We must never forget that the primary goal is to achieve a quality education for every child. To continue to remonstrate over bussing only obfuscates the real issue. To lose sight of the real goal of quality education would make the achievement of integration a hollow victory.

In the years following the 1954 Court decision little has been done to break down the barriers which gave rise to segregated schools. Instead, bussing has been used as the most convenient means of achieving integration. Rather than bemoan the lack of action to achieve quality education, we must direct our efforts to action that will obviate the need for court-ordered bussing of school children.

This action should include such elements as: equal employment opportunities, community control of schools, consolidation of school districts, remedial teaching, effective integration of neighborhoods, and a commitment by all to an open and integrated society. As the Courts have stated, "It is only when school authorities fail in their affirmative obligations that judicial authority is invoked." In other words, the fact that we have defaulted has left the courts with the responsibility of achieving quality education. That the courts are ill-equipped for this task has been exhibited time and time again.

CONSUMER PROTECTION

We are becoming a consumer-conscious society—a society in which the unorganized majority of consumers are demanding to know more about the products they buy and the food they eat. In response to this demand, the Congress has been considering a variety of proposals which are designed to provide the consumer with the information he or she needs to have in order to make intelligent purchasing decisions.

Last year I introduced the Truth-in-Savings Act, which is designed to provide the consumer-depositer with information about interest rates and the method of interest computation. If we assume that you want to open a savings account and receive a 5 percent interest rate, there are more than 100 different methods of calculating that interest. Even for the small account, those 100 different methods can mean as much as a 200 percent difference in the amount of each credited to your account each year.

I have also introduced legislation which requires that all household detergents which contain dangerous substances—such as caustic sodas—bear a warning label. During the past year, there was much confusion about the desirability of using some of the detergent substitutes for those containing enzymes. A few Government officials claimed that many of these substitutes contained substances which could be harmful if swallowed by children. To meet this particular problem, my proposal also contains an appropriation of $100,000 to develop a child-proof detergent container which cannot be opened by a child.

No substance is more vital to man's existence than food, but we know so little about what we eat. During the past several months, there have been a series of "scares" about fish, canned soup and other items. The housewife who goes to the supermarket has come to know that food labels are of little help in her pursuit of wholesome food at the best possible price.

To meet this need, I have introduced the Truth-in-Food Labeling Act. This proposal requires that all consumer food products bear a label which contains the following information: The contents of the package including the ingredient contents listed in the order of their predominance; the nutritional content of the food product (how much vitamin A, vitamin C, etc.); the grade of that product (grade A, B, C, etc.) so that the consumer can compare the quality of competing brands of the same product; a "pull date" for all perishable and semi-perishable food products indicating the date beyond which that item can no lnoger be sold as fresh; and the name and place of manufacture. Armed with this information, the consumer can make a rational decision about which product to buy.

While I do not support legislative proposals which serve merely to harass honest businessmen, I will continue to give my support to proposals which remove the aura of mystery from the products we buy.

THE DRAFT

As an increasing number of American lives are being distorted by the current liabilities in our nation's selective service procedure, Americans have been forced to examine this system more closely. Just as many others have done, I have become convinced that the present method of conscription has failed and must be changed.

A case against the draft can be constructed with relative ease. As well as its unwarranted intervention into the lives of our youths, it is inefficient. uneconomic, and increasingly unpopular. The Gates commission, initiated by President Nixon to determine the feasibility of an all-volunteer army, repudiated the assertions made by its opponents. A volunteer force does not lead to military takeovers, nor does it lead to a "poor man's" army. In fact, it does the opposite. Those that would enlist would do so because they truly desired to, and as a result would form an organization that is more capable of looking after our national interests.

But of greater importance than these benefits, is the fact that an all-volunteer army is more compatible with American tradition. In a truly constitutional democracy, the rights of the individual must be protected, and this freedom of voluntary action must carry over into our armed forces.

It is time we bring the method of staffing American armed forces into line with our professed ideals of individual freedom and personal choice. I have consistently supported the creation of an all-volunteer force because I believe it would be in the best interests of

freedom. We must act now to put an end to the peacetime military draft.

THE ECONOMY

For the past three years, our economy has been hovering at the edge of depression. Unemployment remains at or near the 6 percent level; inflation continues with only slight relief; and real economic growth within the past year alone has fallen far short of even the most optimistic official predictions. And, in 1971, our country faced an international trade deficit for the first time in 83 years.

During most of those three years, we relied on an economic policy of tight money and high interest rates. But the result was that we were fighting the economy, not inflation. Traditional monetary and fiscal policies have been a failure in meeting the needs of our 1970's economy.

The recently enacted seven percent investment tax credit is a prime example of the shortsightedness of our economic thinking in recent years. In 1969, I opposed the repeal of that tax because I believed that the tax spurred business investment which would in turn expand the economy. Nevertheless, the tax was repealed. Now, two years later, after experiencing a sagging economy, the Congress reinstated the investment tax credit.

We cannot tolerate an unemployment rate of six percent, nor can we rely on the discredited cure of undirected government spending. Rapid changes in our economy has left millions with outmoded skills and with little prospect for employment. The only answer to the need for both jobs and a stable economy is for the Federal Government to create 2½ million well-planned, permanent new jobs in the public sector. At the same time, tax laws and trade policies which encourage the export of jobs must be changed.

To meet the challenge to our economy, I have reported that the following steps be taken:

(1) Enactment of the foreign trade and investment act which I introduced last year. This proposal will help to protect American jobs while promoting equitable foreign trade.

(2) Enactment of a full employment proposal which will assure that anyone who does not possess the skills needed by the private sector will be given a public sector job.

(3) Enactment of a 10% increase in social security benefits to bolster the purchasing power of the elderly.

(4) Abandonment of the present oil import quota system which forces consumers to pay outrageously high prices.

(5) Adoption of a balanced federal budget to reduce the severe strain on credit markets which is crippling the housing industry, small business, and state and local governments.

(6) A full study of our tax laws to assure that all inequities are eliminated, and an increase in the personal exemption to $1,000 to assist those in the bottom half of the income spectrum.

(7) Enactment of federal legislation which will encourage a new basis for the financing of education and thus relieve the property owner of a major portion of the burden of real estate taxes.

What I seek is a firm national commitment to jobs, growth, and the development and use of new technology. Only with this profound commitment does our economy have a chance.

One of the most crucial problems that we are facing today is that of providing adequate education for the people. In too many communities throughout the nation, public education is being confronted with overcrowded classrooms, underpaid teachers, and inadequate facilities. To solve these problems, drastic reforms are needed.

At least two reforms are required. First, the burden of financing education must be shifted from property tax revenue to taxes that are based on the ability to pay. By doing this, the States would assume a greater share of the financing of education. Second, the Federal Government should allocate additional revenues to both State and local governments for support of education. This can be accomplished by utilizing a method such as I have proposed in the Senate of revenue-sharing between the States and the Federal Government.

New and innovative methods for financing higher education are needed. It is senseless to make it more difficult for the child from a low or middle-income family to attend college. Any rise in the cost of higher education would be a step in the opposite direction. The over-simplified rationalization that it is the student alone who benefits from higher education and therefore he alone should pay the cost is a myth. It is not only he but all of society who benefits from his education. Without well-educated, well-trained people, our society will make little progress. Education is not an expenditure, it is an investment.

In addition to committing ourselves to a long-term means of providing revenue for all levels of education, we will have to provide emergency financial assistance to those school systems which are now on the brink of financial disaster. Whether it be in the form of government loans or outright grants, we must act now to keep our schools open and to raise the quality of education.

Since I have been in the Congress, I have introduced a number of proposals in the field of education. The following have been accepted and are now part of the law.

(1) The work-study program, which allows students to supplement their learning with practical experience;

(2) The guaranteed student loan program, affording the student himself an opportunity to borrow and providing government support for his interest payments;

(3) The "opportunity grants," which form the third part of the student assistance program;

(4) The improvement of the overseas teacher salary schedule, solving a problem which had caused great friction in the Defense Department schools for nearly ten years;

(5) The Adult Education Act of 1966, which was the first law to provide Federal assistance to adult education programs;

(6) A teacher's tax reduction for continuing education expense; and

(7) The new G.I. educational opportunities.

I am fully committed to the support of programs such as the Higher Education Facilities Construction Act, the Library Services Act, the National Defense Education Program (including its student loans), the Teacher Corps and a broad scope of assistance in the vital work of upgrading the educational level of people of all ages and backgrounds.

The Nixon administration has consistently tried to tell the American people that a modest increase in our investment in education is somehow more inflationary than a sharp increase in the spending for military gadgetry and for bailing out financially unstable corporations. It is time to establish our priorities. The Federal Government must assume a larger share of the responsibility for educating the people.

I will continue to support programs which offer assistance to education at all levels, for all the people. We must move with courage and imagination to solve the present educational crisis.

PROBLEMS OF THE ELDERLY

As a member of the special committee on aging of the United States Senate, I have been in a position to witness the misery and suffering that confront the elderly American. What I have witnessed leads me to one conclusion—we must make a national commitment to end the social and economic injustice that presently afflicts 20 million senior citizens, and will affect millions more in years to come.

The elderly of this country are entitled to a life of dignity and economic security. They have the right to expect that the country they served through their most productive years will not forsake them in their time of need. I believe that every older person should have enough income to buy nutritious food, decent housing, adequate clothing and proper medical care.

To that end, I have introduced legislation to provide the elderly Americans with money they need—and will spend—for food, clothing, and other basic necessities. This will provide an entirely new floor of economic protection for the elderly. The main thrust of the legislation is to provide for a 10% increase in social security cash benefits, an increase in the amount of money an older American can earn without suffering any loss in social security benefits, coverage under medicare of prescription drugs needed to treat chronic illnesses, and reduction in the waiting period for disability benefits from six months to three months. This legislation will provide the economic independence for older Americans that is so essential if we are to break down the last segregation in America—segregation of the aged.

In addition to economic obstacles, major obstacles, major barriers for the elderly exist in the areas of health, housing, transportation and other social services. If we are ever to have a better world for the elderly, we must provide the resources and meet the service as well as the economic needs of the elderly. There has been some experimentation in providing services for the elderly, but the existing programs are inadequate. Therefore, I have introduced in the Senate "the Comprehensive Older Americans Services Bill"—a broadly based and comprehensive effort to meet the needs of the elderly. It will establish programs to provide a full scale of health, education and social services for the elderly. This legislation is aimed at the coordination of the presently existing but fragmented services and the creation of new programs to deal with those needs that have been neglected in the past.

Among the key features of the Comprehensive Older Americans Services Bill are: 1) strengthening the role of the Administration on Aging. 2) expansion of services under the Older Americans Act. 3) low-cost transportation for the aged. 4) Expansion of work service opportunities, including strengthening the retired senior volunteer program and the foster grandparents programs. 5) Effective coordination of Federal aging programs. 6) A pre-retirement training program. 7) Health, nutrition, education and other social services. 8) An improved system of delivering services to older citizens, and meaningful employment opportunities. 9) Gerontological centers to study the aging process, and 10) senior citizen community centers.

I have also introduced legislation to eliminate the maze of Governmental bureaucracy encountered by the elderly American in his retirement years. Unfortunately, the elderly citizen has limited expertise in coping with the intricacies of programs designed for their well being. This situation is serious because these programs are essential to the quality of life of the older American. Furthermore, it is clear to all who investigate the matter that the elderly need assistance to secure benefits under Government programs. Yet they rarely find assistance available. This lack of aid often results in the loss of benefits.

To remedy this crisis, I have introduced a legislative proposal which spans a broad spectrum, including courtroom and administrative advocacy, simplification of the technicalities of Federal and State programs, and research and implementation of remedies to problems emanating from Governmental programs which do not allow the elderly to

live in dignity. In essence, I have called upon the Federal Government to develop a national effort of forceful advocacy on behalf of senior citizens.

The "Older Americans' Rights Act", "the Comprehensive Older Americans Services Bill" and the "Legal Services for the Elderly" are examples of the type of action that is imperative to resolve the crisis faced by the elderly American.

The needs of the elderly have been neglected for too long. We must make economic and social justice for the elderly a reality. We need only the will and the commitment to concentrated, purposeful action.

ON THE ENVIRONMENT

Today we are confronted by an environmental crisis—a crisis so grave that it threatens the health and life of every human being. For generations now, we have been waging a relentless assault upon nature. In the mistaken belief that they will always be renewable, we have spoiled our land and the air above it as well as the waters below that quench our thirst. As our technology and standard of living have continued to grow, we have dispersed ever larger quantities of diverse and novel materials, from city and farm alike, into our life support system.

These pollutants remain in our environment, impairing both our economy and the quality of our life. They can be carried long distances by air or water or on articles of commerce, threatening the health, livelihood, recreation, and happiness of citizens who have no direct stake in their production, but who cannot escape their influence. This grim set of circumstances could have been avoided had we remembered that a war against nature cannot be won by any aggressor—not even man. Our actions have violated the most fundamental environmental premise—namely, that man is an interlocking part of the total environment, answerable for the quality and livability of the Earth's mantle of air, water, and land.

If we are to finally control the pervasive nature of pollution and secure our return to the environmental heritage we somehow lost along the way, we must learn to harmonize with those natural forces which control, modify and balance the environment. It is not easy for so successful a people to accept the need for limitations—yet restraint, care and partnership must come if we wish to insure the quantity and quality of our resources. The foundation stones of a rational, national environmental policy revolve around five strategic problems.

First, we must establish a national land use policy. This should take the form of national land zoning because the use of any land parcel in one place has an impact for good or ill elsewhere. Such a policy would serve to protect our Nation's flood plains and prevent the unwise development of these resources, which in the past, has caused such problems as flooding, erosion, and water pollution.

Second, our nation must commit itself to the principle of optimum development. In the past most of our planning has been designed to achieve maximum levels of development. The hard reality is that we have now reached that level of material development and consumption whereby each new increment diminishes the quality of life. Therefore, progress must now be measured in terms of quality, rather than quantity.

Third, we must seriously consider the need for some form of population limitation. Nearly all serious human ecologists agree that not only many foreign lands, but the United States as well, are severely overpopulated. These men plainly state that in the absence of population control, additional food productivity will not gain more than a decade before consumption will once again overtake the gains.

Fourth, it is imperative that we establish a national energy policy. Our power problems stem not only from the misuse of our non-renewable resources, but from their over-use as well. Today these irreplaceable resources are limited and they are diminishing at a rapid rate. Each year we expend nearly 1.500 trillion kilowatts of power. It should be evident that this diet cannot be sustained in the United States and that the problem will be disasterous if and when other nations reach our level of consumption—as they seem determined to do.

Finally, we must actively search for alternative energy sources. While atomic energy may for a time fill part of the growing fossil fuel vacuum in large scale power production, we must realize that even this source of fuel is limited and diminishing. Therefore, research is needed to develop renewable energy sources. Concurrent with the development of any new energy source, however, must be a commitment to place consumption at levels which permit the disposal and reuse of all by-products including waste energy.

These, then, are the building blocks with which we can construct a rational, national environment policy. To be sure, there are other tactical needs: We should greatly accelerate recreation area acquisition and development near urban centers; we need a major revision in water development policy; we must provide more Federal support for State and local outdoor recreation programs; and, finally, it is imperative that we develop a far more comprehensive Federal program of environmental pollution abatement.

The benefits of effective and lasting pollution control are indispensable to the health and life of every human being. Cost can no longer be used as an excuse for inaction. We must provide a decent world for our children to live in. Above all, we must act today, for tomorrow will be too late.

FOREIGN AFFAIRS

United States foreign policy has been conducted in a manner dangerous to democracy in the United States, to the freedom of its people, and to their welfare. The President has acted almost unilaterally in the field of foreign affairs. While the exact extent of Congress' role in the formation of foreign policy is not clear, it is clear that Congress does have a constitutionally vested role and that in two important areas of foreign affairs, that of the war powers and of approving treaties, Congress' role is exclusive.

Time and time again Congress has discovered that U.S. foreign policy is determined or conditioned by actions that it neither directly authorized nor implicitly knew. Low level military and civilian officials have frequently undertaken a course of action, attributed in only the most theoretical sense to Presidential decision, which in incremental steps has determined the shape and direction of U.S. foreign policy.

Southeast Asia is not the only place the activities of minor U.S. officials, unknown to the President or Congress, are determining action which will shape our foreign policy. Although everyone now says that we cannot be the world's policeman, we have in the past, and I expect are presently, maintaining a constabulary for small South American countries. Not only does the U.S. support South American armies and police, but U.S. soldiers have on occasion engaged in actual combat against native rebels.

The control of local affairs be the exclusive province of local authorities. U.S. intervention in a situation whose eventual outcome and underlying justice is far from clear, is extremely unwise.

There are those who maintain that this philosophy "smacks of neoisolationism." Instead of neo-isolationism I believe that we have gone from isolationism to interventionism without even having arrived at internationalism. Our past isolationism and our present interventionism results from the same sense of moral and national superiority. It is my firm belief that we should not seek to end U.S. involvement in world affairs, but to seek an involvement that does not abuse our power abroad nor impair our free institutions at home One does not have to be a pacificist to find something amiss in the charge of the light brigade.

I believe in a strong President—and a strong nation, for that matter. However, I seriously question the wisdom of concentrating foreign policy decisions in one branch of government, or the practice of diffusing power throughout a bureaucracy to be arbitrarily exercised in darkness. Decisions involving the continued existence of this country must be made by people accountable for their actions. We have an elaborate network of safeguards to protect a person's liberty at home but no procedural checks on millions of American soldiers being sent abroad to die.

The suggestion that certain kinds of actions be undertaken only with congressional approval and with the knowledge of high governmental officials, would strengthen rather than weaken the presidency. If the United States is to exercise a more reasonable, reasoned and responsible foreign policy then we can do no less.

GUARANTEED JOBS

The economy is the dominant issue in 1972. News of trade deficits, budget deficits and rising prices fill the front pages of our newspapers. But the most important subject for many Americans is jobs.

We have a 6 percent unemployment rate in this country today, the highest since 1961. More than 5 million people are out of work and there is little hope that the private sector can expand fast enough to provide the necessary jobs.

For the past 35 years, we have assumed that the answer to a high rate of unemployment was either tax reductions or additional Government spending. Inevitably, either of these approaches has caused inflation and higher prices, which in turn have led to renewed unemployment. When the Government tries to slow inflation with higher taxes and/or reduced public spending, it may sometimes succeed in keeping prices down—but it also produces unemployment.

We are pursuing such a policy now by permitting a painfully slow expansion of the economy stimulated by tax reductions. Even if successful, this policy can be pursued for no more than a year or so before we are once again forced to confront the problem of inflation by slowing down the economy and thus producing higher unemployment.

It is time that we broke with the misguided policies of the past and adopted a new economic game plan which will give us full employment without substantial inflation. By full employment I do not mean a 5 percent rate of unemployment or even a 4 percent rate, but zero long-term unemployment.

If we are to meet this goal, we will have to provide more than millions of new jobs. Of the 5 million people currently unemployed, most are unskilled and therefore unable to get a job in our increasingly-skilled job market. Another smaller but equally significant group of unemployed are highly skilled but because of changes in national priorities or unfair competition from abroad have lost their jobs and are unable to find new ones.

Experience has made it clear that the private sector cannot expand to provide jobs for these millions of able-bodied unemployed without at the same time causing inflation. The answer lies in creating 2½ million new public sector jobs—jobs financed by the Federal, State, and local governments. Not temporary jobs, but permanent jobs. Not make-work jobs, but jobs which give an opportunity for self-pride and self-advancement.

Some may say that the cost for these new jobs will be excessive, but such critics forget that we are already paying the unemployed through unemployment insurance and welfare programs. By paying the able-bodied unemployed for socially-useful work, we can enhance the moral fiber of the Nation, stabilize and invigorate the economy, and all at a cost of only $6 billion—one-fourth of what the Defense Department spends on research alone and less than one-tenth of what we will spend on social welfare programs this year.

We can think of this $6 billion as an investment, because in return, we could look forward to true economic stability, with no need for recurrent recessions and inflations; a faster rate of long-term economic growth, since all of our resources would be used; and a long-awaited reordering of our national priorities.

My proposal is a bold one, but it will mean jobs for the unemployed and I believe that guaranteed jobs are better than guaranteed welfare. You cannot build hope on a welfare check. You can only build hope on a pay check.

HEALTH CARE

Every American has an undeniable right to the best health care available without regard to geographical origin or ability to pay. In the most affluent nation of the world, we have a health care system which is both inefficient and inadequate. With health costs rising at a rate of 12 percent each year, decent health care will be beyond the reach of many Americans unless we act now to adopt a national health insurance program.

I endorse a program of national health care which encompasses more than the mere payment of doctor bills and the reimbursement of hospital costs. It must also include improvement in the means of delivery and the availability of health care, as well as providing preventive health care programs.

Both the present private and public forms of health insurance have failed to curb the skyrocketing costs of the medical system. Under the existing system, 34 million Americans under the age of 65 have no health insurance whatsoever; 2 in every 5 have insurance to cover bills outside the hospital only; and more than 38 million have no surgical coverage.

No statistics can convey the misery which is felt by those individuals and families unable to meet their health bills. We can no longer afford to have one standard of health care for the wealthy and another standard for those who are not. Nor is the current crisis limited to the poor. Thousands of middle income families have been forced to deplete their life savings to meet unexpected major medical costs. Tens of thousands more are foregoing regular doctor visits and proper preventive medical care because they cannot afford the cost.

Not only are Americans confronted by staggering economic problems as a result of the present medical situation, but they are also paying for unsatisfactory care. The lack of standard controls over medical care has often resulted in horrid, below standard care. The national shortage of health manpower means that even if a family can afford care, it is not always available. An effective national health insurance program would help to correct these failures of the system and to insure that health care functions on behalf of the consumer, not just the provider of the services.

A single national health insurance plan would serve to coordinate and standardize the services now fragmentally administered by medicare, medicaid, and private insurance.

Many claim that this Nation cannot afford to provide medical benefits for all its citizens. I would contend, however, that the economic condition of this country would be strengthened rather than weakened by a national health insurance program. The program, by offering medical care to all Americans, would enable millions more to maintain healthy conditions and to engage in productive work. Quality health would then result in an increase in production and GNP. I firmly believe that medical research and health care will pay off not only in lives but also in dollars. Statistics demonstrate that between 1944 and 1967, improved medical research has saved 8 million lives and, thereby, $102.5 billion in incomes of wage earners, and $12.8 billion in Federal income and excise taxes paid on this income.

We must adopt a national health insurance program which will cure the sickness of our existing health care system.

Few of us realize that there are more than 6 million retarded children in the United States today. Until recent years, it was assumed that, once a retarded child was assigned an intelligence or behavioral level, he would stay at the level for the rest of his life. Fortunately, there are now many programs available to foster the mental and social growth of the retarded.

One such program has established more than 20 university-affiliated centers to train workers who then are sent to staff the hundreds of community mental health centers throughout the country. During 1971, the administration failed to request any funds for the operation of these 20 centers despite the fact that Federal funds were used in their construction. An amendment which I sponsored to add $8.5 million to the budget for this purpose was passed by the Senate.

The problem of mental health is a growing one. While the proportion of 10 to 14 year-olds in our Nation's population is increasing by more than 10 percent over the next decade, the proportion of children in this age group who are in mental hospitals will grow by more than 100 percent. If we are to meet this challenge, we must undertake a massive Federal program of assistance in the training of qualified personnel and the establishment of mental health.

HUMAN RIGHTS

A major flaw in the American democratic system has been the failure to secure true equality for all American citizens. In the past few years this defect has been recognized and attempts have been made to rectify the situation. The 1960's saw considerable efforts by the Congress to achieve that true social and economic equality which has eluded the minority groups of this country. In the last decade the right to equal treatment was extended to such previously neglected areas as employment, housing, public accommodations and voting.

I am proud to have had the opportunity to support that crucial and much needed legislation. As a freshman Senator, I supported efforts to expand and strengthen the Civil Rights Commission. In 1960 and 1964, I was pleased to vote to support and co-sponsor legislation to outlaw discrimination in public accommodations and employment practices, respectively. In 1968, I supported civil rights legislation designed to eliminate discrimination in the sale or rental of housing, and in 1970 I voted to extend the Voting Rights Act.

In addition I have proposed legislation to alleviate the economic obstacles encountered by minority groups. My minority mortgages bill and other complementary pieces of legislation opened up a source of home financing for the applicant against whom there was private financial discrimination. The bill was designed to assist families who desired to purchase homes but were unable to do so. I felt that such action was necessary to ensure that our existing housing machinery be geared to overcome the discriminatory practices which prohibit many fellow citizens from enjoying home ownership.

To further remedy economic injustices confronting minorities I have supported legislation to increase the number of non-white workers in construction and other trades. In the present Congress, I am a co-sponsor of major legislation to enhance the role of the Equal Employment Opportunity commission in eliminating discriminatory employment practices both in the private and public sector.

While I have no doubt such legislation has been imperative, I am under no illusion that it has been the panacea for all the ills that years of discrimination have heaped upon blacks and other minority groups. The cold statistics show, even with the substantial civil rights legislation of the past decade, that minority groups of this country have experienced little change in their economic and social positions. Nonetheless, I feel that we must continue to strive to develop comprehensive efforts to provide equal opportunity.

It is clear that unless there are programs to provide food, health care, low-income housing and jobs—the legislation already enacted will serve little functional purpose.

Proposals that I have developed for full employment, welfare reform and health care will supplement the existing legislation designed to promote equality. This legislation will significantly affect the minority groups who comprise staggering percentages of the unemployed, who have been forced to turn to public assistance, who suffer from a lack of adequate health care.

It is my opinion that only comprehensive action can eliminate the vestiges of discrimination of the past. However, this can only happen if it is clear that there is a firm and unswerving dedication to the advancement of civil rights. If we are to achieve a society in which all can share in the Nation's abundance, then we can do no less.

LABOR

The working men and women of America are presently confronted by serious problems. They are constantly troubled by rising unemployment, the continual drain on American jobs, the problems of conversion to a peacetime economy; and they often question if their contribution to the prosperity of this country is understood or appreciated.

For the past several years, the Vietnam war has been at the root of our economic problems. The legacy of that conflict is a six percent unemployment rate and an economy which appears on the verge of collapse. We must begin now to plan for a peacetime economy. The United States has the ability—in both human and material terms—to prosper without depending on war (or the threat of war) to spur the economy.

To take these necessary steps, I have offered proposals that would facilitate investment in new plants, provide for development of new technology, and establish appropriate education, training and placement for workers and veterans who may be displaced by conversion to a peacetime economy. In addition, these proposals will aid those workers currently displaced by foreign investment. The Foreign Trade and Investment Act I have introduced to eliminate the advantages of foreign investment is the first complete legislative program to bring together in one bill the reshaping of the tax, trade and other Federal laws to challenge the international crisis that now threatens American jobs.

Furthermore, my proposal for full employment with the Federal Government providing money for nearly two million new jobs will facilitate the coordination and direction that will be necessary to meet the needs of a peacetime economy. This legislation will also alleviate the heavy burden of unemployment and will end the give-away of American jobs and tax dollars now created by tax laws that encourage foreign production and technology transfers by U.S. firms.

In addition to providing for full employment and eliminating the drain on American

jobs caused by international competition, there are other issues affecting the working man and woman that cry out for resolution. The problems of pensions, health insurance and disability benefits and programs are all of crucial interest to the worker.

A particular concern of American workers is pensions. In many cases when a worker retires he probably has more in pension rights than he does in his bank account. My own interest in this problem dates from 1964 and the failure of the Studebaker Corporation pension program in South Bend, Indiana. When Studebaker closed its doors in South Bend, the workers' pension plan was inadequate to compensate those who had claims against the pension fund. The effect was disastrous. Thousands of employees lost significant amounts of their hard-earned money. Unfortunately, todays' economic uncertainties fairly well guarantee that there will be a dramatic upturn in the number of pension plan failures in the next few months.

To remedy this situation, I have introduced legislation in each successive Congress to establish a Federal insurance program which would be self-financing. The proposal I have suggested would assure the worker of pension security without the expenditure of one cent of public funds. It would protect the worker's investment in a pension fund just as his savings are insured in a savings bank.

Another situation often overlooked is the problem of the worker who elects or must necessarily retire before he become eligible for social security benefits. I have introduced legislation to prevent the penalization of early retirees. In this same vein, I have offered legislation to aid workers suffering from disability and therefore must retire.

An example of this type of legislation is my proposal to adopt a more realistic criteria for determining the eligibility of a miner for black lung disability benefits. Although Congress passed the Federal Coal Mine Health and Safety Act establishing disability compensation for our Nation's miners suffering from pneumoconiosis, the present interpretation has resulted in a refusal to grant compensation if the miner is able to hold some job, some place. We owe it to the miners and thousands like them in other dangerous occupations to see that their well-being is protected. The legislation I have introduced is directed to that end.

Fair play for the worker demands that action be taken on other fronts to ease the economic strain he faces. Health insurance, consumer problems and automobile insurance are examples of the type of issues that concern the worker. He realizes that high insurance and costly but inadequate health plans can cripple him economically. Proposals for no-fault automobile insurance, comprehensive health care, together with the Truth-in-Savings Act and the Truth in Food Labeling Act which I have introduced, are directed toward easing the intolerable economic burden confronting the worker.

In addition to providing employment and curtailing the export of American technology and jobs, efforts must be made to resolve the other issues affecting the worker's economic and physical well-being. We must strengthen our job health and safety laws; and develop adequate health and insurance plans.

Working men and women are the cornerstone of our economy and of the prosperity of our democratic society. They deserve no less than just and fair treatment.

ON LAW AND JUSTICE

American society is today experiencing a catastrophic breakdown in the orderly processes of "law and justice." As a former deputy prosecutor and mayor of a major Indiana city, I am greatly troubled and concerned by the fact that in many places our citizens are not secure in their homes, and are not safe on our streets. We must all, I think, admit that our system of crime control and criminal justice simply is not working, and the situation is becoming more acute every day.

The crisis affects all phases of the criminal justice system. Consequently, attempts to alleviate the problems in one sector will have little impact until comprehenive efforts are made in other sectors.

Most of the approaches currently under consideration are short-sighted and ineffective. For example, some have suggested that the way to curb crime is to limit the availability of firearms, while others have suggested that citizens resort to the use of firearms to protect themselves. I do not agree with the former position as such action would be unfair to gun collectors, legitimate sportsmen and farmers. On the other hand, I do not believe that the only answer to a rising crime rate is for citizens to carry weapons with which to protect themselves. I believe the protection of the people is properly left to the police.

One of the proposals I have made would directly aid state and local law enforcement officers. A policeman in our modern society must be a specialist in sociology, law, self defense, and the use of highly sophisticated technical equipment.

A vital feature of my legislation is the inclusion of criteria that most law enforcement officials consider important to any evaluation of a police department's caliber. First, there must be standards established for recruitment and selection, including established minimum standards of educational aptitude for police work. My proposal would also stress the need for comprehensive training. A recent study found fewer than 15 percent of all law enforcement agencies provide immediate recruit training for officers.

Another feature of my proposal calls for an examination of the compensation and benefits that are provided for law enforcement officers The existing pay scales continue to prove incapable of attracting men who can meet the high standards that are required by our society, but little has been done to rectify this deplorable situation.

A third phase of the criminal justice system that needs to be probed is our correctional institutions, which are in need of reform. We must face the fact that our prison system makes criminals out of inmates. We must have a system that truly rehabilitates offenders.

The recent prison tragedies have made us aware of the severe crisis that exists in the correctional institutions of our nation. We must demand institutions that foster the development of those incarcerated into responsible members of their communities.

The innocent victim of crime is too often neglected in the discussion of our criminal justice system. Most victims have limited means to compensate for economic losses due to criminal attack and this economic penalty contributes to the dangerous and widespread belief that crime pays for the criminal, while the government is insensitive to the needs of the victim.

I have proposed legislation to help eradicate this major effect of crime and ease the oppressive economic effects of a criminal conduct in our society Under my proposal, any person injured or killed by one in violation of any penal law of the United States or any state would be entitled to receive benefits for loss of earnings, medical, and hospital costs and expenses for any other services or special care necessitated by the injury.

If America is going to stem the tide of lawlessness, then the measures I have outlined must be implemented immediately. Our society can no longer tolerate the serious conditions created by the failures of our criminal justice system.

NARCOTICS

The specter of heroin addiction haunts every community in the Nation. It is a scourge which afflicts as many as 300,000 people—nearly 25 percent of them teenagers and 50 percent of them in New York City alone. Americans are waking up at a time when every social and economic level of our society is caught in the grips of this menace.

We, in Congress, and elected officials on the state and local levels throughout the country have been decrying the spread of heroin addiction for years. Now, it is time that we acted. The history of the drug problem in the United States makes one fact abundantly clear: There has been a lack of leadership in the field of drug abuse.

It is this lack of commitment to which we must address ourselves. I propose that we establish a national drug abuse program. While the long-range goal of this effort must be to wipe out drug addiction, its immediate goal should be to provide some form of effective treatment for every addict in the United States today. To inaugurate the National Drug Abuse Program, and to emphasize that this effort is not limited to the Federal government, bust instead is a coordinated local, state and national attack, I propose that a nationwide conference be called at which representatives of all levels of government and representatives of interested community groups would plan the program.

Heroin addiction is a community problem; we cannot solve it from Washington, nor can it be solved from any of our state capitals. If we are to treat addicts, we must treat them in the community in which their addiction began, and it is back to the community that the addict must return to function as a productive citizen. We cannot sweep him under the rug, for he will return to haunt us. Every community must be able to provide all of the services needed by its addict population.

The role of the Federal government must be to provide leadership, money and expert assistance. These resources should be made available to officials in state and local governments on a rational and coordinated basis. I envision the following programs as major elements in the National Drug Abuse Program:

Federal financial assistance to assist in the construction and operation of community narcotics rehabilitation centers, treatment programs, methadone maintenance centers, and detoxification centers.

Federal financial assistance to support research in new and improved methods of drug abuse treatment, rehabilitation and prevention. This research should include demonstration programs to test the effectiveness of new techniques of treatment. I do not rule out the possible use of a limited heroin maintenance program for those older addicts who cannot be motivated to succeed in any other rehabilitation effort.

Federal assistance to state and local governments in providing expert assistance to establish community treatment and prevention programs.

Federal financial assistance to school districts and colleges which undertake effective drug education programs.

A cooperative effort among Federal, state and local government officials to wipe out drug traffic within the United States.

A similar cooperative effort to exchange drug abuse information pertaining to treatment and prevention programs.

Federal task forces which will work with local law enforcement personnel to crack down on drug trafficking.

Reorientation of Federal and state laws pertaining to drug abuse so that trafficking is discouraged and the addict is treated as a health problem and not as a criminal.

A massive effort on the part of the Federal government to effectuate bilateral and multi-

lateral agreements which will eliminate a major portion of the international traffic in dangerous drugs.

It is time that we mobilize every available resource in this country to combat what is certainly one of the major menaces facing our society. The fight to eradicate drug abuse will be a costly one, but these costs will be minute compared to the ultimate costs to our society if we fail to act.

A PEACETIME ECONOMY

For the past several years, the Vietnam war has been at the root of our economic problems. The legacy of that conflict and of the shortsighted is a six percent unemployment rate and an economy which appears on the verge of collapse.

We must begin now to plan for a peacetime economy. The United States has the ability—in both human and material terms—to prosper without depending on war (or the threat of war) to spur the economy.

A recent Harris poll showed that the American public is convinced we must firmly confront the problems of conversion from a wartime to a peacetime economy, and resolve the serious domestic crisis that necessitates our reordering America's priorities. This attitude calls for a substantial re-orientation of attitudes and action. We must divert our efforts from policies and thinking which are insufficient to maintain full employment and inadequate to provide assistance to those who have lost their jobs.

The task is formidable, but it can be accomplished. Expert analysis from the arms control and disarmament agency, the urban coalition and former Budget Director Schultz suggests that annual military spending could be reduced by 18 to 36 billion (including savings from complete military disengagement from Vietnam) without affecting our ability to deter nuclear attacks and to defend our allies.

Although we can no longer afford to export American jobs or to support military activity overseas, little more than token gestures have been undertaken to prepare for the successful adaptation from a war to a peace economy. The need is for innovative action now.

I have offered proposals to facilitate investment in new plants, to develop new technologies, and to provide appropriate education, training and placement for workers that will be displaced by conversion to a peacetime economy. In addition, those proposals will also aid those workers currently displaced by the tax advantages in foreign trade and investment. The foreign trade and investment act of 1972, which I introduced to eliminate such advantages, is the first complete legislative program to bring together in one bill the reshaping of the tax, trade and other Federal laws to challenge the international crisis that now threatens American jobs. In addition, my proposal for full employment with the Federal Government providing nearly two million new jobs will facilitate the coordination and direction that will be necessary to meet the needs of a peacetime economy.

If our country is to avert a serious national crisis, action on the proposals I have mentioned must be immediate. No problem is more vital to both workers and consumers that the conversion from a wartime to a peacetime economy. The social and technological obstacles are substantial, and the resources we are allocating are clearly insufficient. We must act now, or we will be forced to react to a dilemma of almost unmanageable proportions.

SAVING JOBS

To survive in the rapidly changing world economy of the seventies America must take a new, hard look at its work trade position. Today, we face an international trade crisis which threatens the livelihood of most Americans and the status of this country as a world industrial leader.

The foreign trade and investment act of 1972 provides dramatic new tools for meeting this challenge. The events of the late sixties, and the more sweeping ones of recent weeks affecting our currency and balance of payments, prove that the old remedies have not worked. The textbook theories of the thirties and forties no longer apply in today's world of international trade. The pet explanations and panaceas of the past have not been effective in treating our trade sickness.

The danger signs are unmistakable: heavy unemployment continues; our factories work well below capacity; inflation continues unabated—all at a time when other industrial nations are enjoying little unemployment, near peak production, and rising standards of living.

If enacted, this bill, which I introduced in the Senate, would be a giant step toward restoring America's economic health and regaining balance in international trade and investment. Without it the heavy export of jobs, technology and capital by companies based in this country, will continue unabated. As well, the torrent of imports that has already wiped out whole industries will gradually erode our industrial base.

This present trend has been encouraged by our present trade and tax laws which make no requirement that free trade also be fair trade.

The foreign trade and investment act of 1972 seeks to protect the best interests of America against the worst practices of international corporations. It seeks to meet the challenge of foreign imports by better insuring that American Manufacturers can compete equitably with foreign producers.

American taxpayers want a fair chance to reap the benefits of their tax dollars spent on American technology. But as fast as the technology for space or electronic equipment is developed and the patent is received, that technology is often transferred abroad—with the help of U.S. tax laws and the U.S. Government. This bill treats this problem.

American consumers want to buy imported products from time to time, and this bill will not stop such products from entering the country. But American consumers want to know where the imported unit and its parts were made and not be fooled by an American brand name on the front. Americans want to know that the American price they pay is related to the cost of the product—and not a windfall for importers and retailers.

There is no dispute that American businessmen and workers want to make goods in America for sale here. No one wants an economy of salesmen, for we know that a nation cannot be strong unless it has a strong base of productive industry. Right now, even though only 73 percent of U. S. industrial capacity is being used, the growth of many major companies continues and their profits increase because their production operations are abroad.

We see no reason to encourage this production abroad. Under current law, a U. S. Corporation with a foreign factory receives credit against the U. S. tax for tax payment to a foreign government. But that same corporation cannot take credit against its U. S. tax for the State taxes it pays. The tax provisions of the foreign trade and investment act would end the giveaway of American jobs and tax dollars now created through holes in the tax law that encourage foreign production and technology transfers by U. S. firms.

If our economy expands, the rest of the world can continue to participate on an increasing basis. If our economy declines the rest of the world must understand that America's problems at home need attention.

Those that suggest that the United States become a "service economy" have been unable to explain what they mean. They seem to think that U.S. business wants to leave the country, that auto-workers do not want to make cars, that steelworkers do not want to make steel, that textile workers, garment workers, shoeworkers, electrical workers, and aircraft employees will gladly give up their jobs. "Service" employment is not possible without a production base. When a plant shuts down, the people who work in the stores in the community lose their jobs. Service employment declines. The tax base is eroded, and public service jobs are lost. American workers are important to the United States—all kinds of workers, unskilled and skilled, professional, services and technical. Yet the more the United States ignores what has happened from the transfer of production out of the country since 1965, the less chance it will have to bring about full employment in the 1970's.

TRANSPORTATION

Transportation is universal. It is the movement of goods to market, of people to jobs and schools and cultural facilities; it is railroads, trucks, water carriers, airplanes—it is the auto, the bus, the subway. It is also pollution—pollution of the air, pollution of the eardrums, pollution of the environment. But these are only the superficial manifestations of transportation. More fundamentally, transportation is as vital and as powerful a shaping force of economic life and of the quality of our society as any other single factor. Without transportation, the American economy simply cannot grow and prosper.

And just as transportation is crucial to a growing economy, so too does transportation exert a great influence on life itself. Our cities have been shaped and reshaped by transportation. It would be as inaccurate to separate transportation from the urban problem as it would be to separate it from housing or education or employment. In a good analogy, someone has likened transportation to the body's central nervous system, in that it holds together all of the pieces and separate functions of the society and economy.

Despite its crucial importance, the American transportation system today is in serious trouble. And as I look ahead, and attempt to take into account the enormous additional requirements that will be imposed upon it, I am deeply concerned that, absent major new initiatives, the system will crumble.

The 1970's represent a watershed in transportation. This can be the decade of crisis in American transportation. It could also be the decade in which the full technological potential of transportation was realized—in which transportation-induced pollution was virtually eliminated, in which transportation was made available to all Americans regardless of income or location, in which businesses of all sizes were assured of the availability of efficient transportation. Whether this will be the decade of crisis or the decade of new accomplishment depends, however, not on wish or accident, but on a deliberate comprehensive, no-holds-barred reassessment of all the features that go to make up the American transportation system. The time has come, as we enter a new decade, to take a fresh, uninhibited look at our transportation system.

This must be a thoroughly planned, deliberate examination of every aspect of transportation. It must start with an appraisal of where we are—the adequacies and shortcomings of transportation to the various categories which make up the transportation industry, of our regulatory policies and practices, and the other factors that characterize transportation as we know it. From this starting point, the assessment must look ahead to future transportation requirements, starting with recognition of the fact that the American economy in the 1970's will grow (in real terms) by about 50 percent. This implies that the transportation system must

handle a vastly increased volume of freight. In less than a decade a surface transportation system that has taken more than a century to develop must expand by one-half. Whether it can do so—whether there will have to be new approaches to financing transportation investment—whether there will have to be changes in federal regulatory and other policies—are questions that must be deeply and carefully probed.

We must also look outside transportation, for transportation greatly affects the quality of the environment and influences every aspect of daily life. As we look into the near future we must attempt to assess the social and environmental consequences of transportation and identify areas in which new technology—new systems for the movements of goods and people—might be introduced to make transportation a constructive social partner. In short, we must measure where we are, assess future requirements, ascertain how transportation in the foreseeable future is likely to serve the needs of the economy and of society, and determine how technology and new policy approaches might contribute to a better transportation system.

The subcommittee on surface transportation, which I chair, has begun a comprehensive assessment of the sort I have described. We have begun with a general look at the condition of the railroad industry. It will be a long, difficult and time-consuming endeavor. But it is vital and is a job that calls for serious attention and firm commitment. Our aim can be simply put: To insure that the United States has a transportation system that efficiently serves the needs of all our people and that makes use of new technological approaches so as to complement as closely as possible our social and environmental concerns. We must have a good transportation system, but I am persuaded that this will only come about through careful study and a willingness to adopt new approaches.

VETERANS

As chairman of the Senate Veterans' Affairs Committee, I am concerned that today's veteran not be penalized because he has been called upon to fight an unpopular war. I believe that the very government which drafted these men in the first place has an obligation to ensure that each veteran has an opportunity for a decent education, employment, housing, and first rate medical care. Adequate compensation for war injuries and income security for older needy veterans are also essential.

In particular:

EDUCATION

The present educational allowances do not meet today's increased educational costs. Over 59 percent of today's returning veterans have never applied for educational benefits. Yet 53 percent of these men said they would if benefits were increased to an adequate level. Today's veteran should have the same educational benefits that were available to veterans following World War II.

MEDICAL CARE

The finest medical care possible should be provided to those veterans who are in need of it. I have consistently opposed administration attempts in the past to cut back on veteran health care funds. I will continue to push for sufficient funds in the future. The curse of drug addiction which afflicts over 100,000 of our nation's veterans must be met head-on with every available resource. As chairman of the Senate Veterans' Affairs Committee, I am pleased that I was able this past year to have V.A. drug treatment capabilities expanded 48 times the previous level. Yet, much more needs to be done and I will continue to fight for it.

EMPLOYMENT

A recent survey indicated that 15 percent of our young veterans are out of work. The unemployment rate for these men has been consistently higher than for nonveterans throughout this past year. This is a national disgrace that cannot be remedied by slogans or bumper stickers. The government has the full responsibility to ensure that every man is properly trained and has a decent job available to him.

COMPENSATION

Compensation paid to veterans who have sustained service-connected injuries should be increased to cover the rise in cost-of-living since the last increase. In addition, the rate should be adjusted upward where it is evident that the compensation does not adequately reflect the economic loss that results from the veterans' disability. Congressional passage last year of my bill will provide cost-of-living increases to widows and orphans of veterans who have died of service-connected causes.

PENSIONS

I am pleased that my bill passed last year which provides for cost-of-living increases in pensions payable to war-time veterans and their survivors for service-connected disability and death. I will continue to fight for adequate pensions to ensure that every older veteran is able to live out his days in dignity.

VIETNAM

Recently President Nixon went on national television to report on the search for peace in Vietnam. Despite the impression which he sought to give, there was little in that speech to indicate that Mr. Nixon has made a commitment to peace in Indochina.

The Nixon peace proposals are certainly not "a long step forward." Indeed, they hearken back to 1966 at Manila where Lyndon Johnson offered to withdraw all American forces from Vietnam six months in exchange for an agreement by the other side to do the same. What was wrong with Johnson's proposals of 1966, remains wrong with Nixon's proposals of 1972. The Nixon administration remains committed to the preservation of the corrupt and ineffective Thieu-Ky regime in South Vietnam. That commitment pervades every so-called peace plan it has offered. We have not offered a general disengagement but rather a withdrawal on terms which assure that the present leadership clique in the South remains in power. Most analysts agree that the Saigon regime would quickly fall in the event of a genuine American disengagement from the war. As the North Vietnamese have made clear in their public proposals, they would be prepared to release all American prisoners in exchange for a pledge to end all American combat activities within a time certain. In this sense, the disengagement action remains available to Nixon as a way to obtain the release of American prisoners and assure the end of American casualties.

The Nixon proposals cover up the failure to offer a power-sharing compromise by window-dressing and deceptive rhetoric. There is no power-sharing as the administrative, military, and police functions would be left entirely under the control of the Thieu regime after the cease-fire goes into effect and during the six-months period in which elections are being organized. The offer to have Thieu (and his Vice President Tran Van Huong) resign one month before the elections take place seems meaningless for several reasons. First of all, the apparatus of power would continue intact, and there is no assurance that Thieu would not continue to run things from off-stage. Secondly, Thieu's replacement by the Chairman of the Senate, a weak bureaucrat allied with Thieu, reinforces the impression that the Saigon regime would retain full control over the country. Thirdly, in the face of the resistence of the repressive Thieu regime there is no prospect that a mixed electoral commission, even with the participation of the National Liberation Front, could organize free elections, or even that elections are the best way to select an interim government to supervise the transition from war to peace. On this basis, it hardly seems reasonable or likely to expect North Vietnam or the provisional revolutionary government of South Vietnam to consider seriously this type of political settlement. It is not an offer of genuine compromise. It is, indeed, a demand that the insurgent forces lay down their arms and allow the Thieu government to dominate South Vietnam during the period in which elections of a permanent government are taking place. If Mr. Nixon really believes that this line of proposal represents having "gone the extra mile in offering a settlement that is fair," then he is deceiving both himself and the American people. More likely Nixon does understand, is putting forth proposals that are drawn to quell and bewilder domestic opposition to the war without any hope or expectation that the other side will accept them, or even negotiate from such a baseline.

On March 4, 1971, I introduced a Senate resolution to end the war. That resolution contains 215 words, but everything it says can be boiled down to two: Out now!!

My visit to Paris last spring gave me an opportunity to speak with all sides involved in the Paris negotiations. I came away convinced that the only settlement of that war—the only way we could stop the killing and bring our boys home—was to declare a date certain for complete withdrawal of our combat forces.

The President refused because he did not want to make a public commitment of such valuable information. Now he tells us that he has made a withdrawal commitment in secret negotiations, but he has also made it clear that he has made no commitment for a complete disengagement of American combat forces—an end to an American military presence in Vietnam.

This is political gimmickry at its worst. The American people are tired of this war—they want our troops and all of our men who are held prisoner to be brought home. Vietnam is a festering wound on our society. We must take action to get out now.

WELFARE REFORM

The need for welfare reform has never been more urgent. National dissatisfaction with the present welfare system is universal. Frustration with its inadequacies and abuses defies all the traditional obstacles to national concensus. It transcends the barriers of age, color, class division, political allegiance and ideological conceit.

There has over the past several years been an explosion in the size and cost of welfare programs in all states. In many cases, the burden of welfare expenses has pushed states to the brink of fiscal disaster. There is no question that in an age of rapid travel, country-wide communications and the prominence of national economic policy, welfare must become an increasingly federal responsibility.

But the failures of our present welfare system are certainly not limited to its financial impact on the states. The current welfare programs have become an affront to everything our country stands for. It encourages fathers to leave their families. It pits white people against black people. It demeans personal dignity. It discourages people from earning a living for themselves and their loved ones. It alienates middle and lower income Americans from poor Americans.

Certain reforms are needed for all welfare recipients—jobs and job training are needed for those able to work, payments to all must

assure a decent standard of living. But different categories of welfare recipients also require specific reforms in the present law.

Nine percent of welfare recipients are blind or otherwise disabled. There is no reason why a country as rich as ours with its humanitarian traditions can not assure these citizens a fully adequate standard of living.

Another fifteen percent of current recipients are found among the nation's elderly. I have long felt that all elderly Americans should be assured a decent living through the social security system. Where the individual is ineligible for social security, or where social security payments are inadequate, income supplements should be paid. In addition, I want to see an immediate doubling of the minimum social security payments.

Slightly less than one percent of all individuals on welfare are ablebodied males. I have never seen the point of yelling about work incentives and doing little or nothing to see that work is actually available. Accordingly, I would couple a work requirement with the creation of a substantial number of public sector jobs. With the needs of cities and the condition of the physical environment, there will be no want of jobs both meaningful and socially useful.

The overwhelming majority of welfare recipients are women and dependent children. Some fifty-five percent are children alone. Eighteen percent are mothers, most of whom are working, in training or desirous of finding employment.

A pre-requisite to any massive increase in the number of working welfare mothers is an adequate system of day care centers. And these must be centers for the children and not just inexpensive dumping grounds to get mothers back to work. Child care should include the provision of educational services to fit the age, ability, temperment, and interests of each child: of nutrition, of health services, opportunities for social and emotional growth, opportunities for parental education, participation, and involvement, and adequate training of personnel.

At the heart of welfare reform, then, lies job creation, the establishment of day care centers and benefits raised to assure a decent standard of living for all.

WOMEN'S RIGHTS

Although women achieved political equality in this country 50 years ago, full equality of the sexes remains a far cry from reality. There is a dark, insidious pattern of discrimination in both Federal and State laws working to deprive women of equal rights.

In 1923, the first efforts were made to pass a constitutional amendment to provide full equality for women. I am hopeful that, before the fiftieth anniversary of this initiation of that amendment, women will have been granted the rights to which they are entitled.

In April 1971, I introduced the same equal rights amendment which was supported by the Senate Judiciary Committee 28 years ago. The 14th amendment and the guidelines of various Federal agencies have managed to legally, if not in practice, outlaw discrimination against any race, religion, or national origin; yet sex discrimination has for the most part been overlooked.

The economic injustices suffered by women have not been mitigated; they have worsened. Although women represent a vital part of the economy, both statistics and statutes reveal that in industry, in Government, in the home and in the office, women are paid less, hired last, promoted least, and given the least intellectually demanding work. Even the Equal Pay Act and the Civil Rights Act have failed to decrease the prejudice toward working women, who represent 38 percent of the labor force. Women in 1968 were only receiving 58.2 percent of what their male counterparts earned, whereas in 1955, they obtained 63.9 percent. The National Education Association has discovered that women professionals bring home less than half of the men's salaries on all professional levels.

Not only does an economic bias prevail, but a professional one persists as well. The opportunity to enter the professions is habitually denied to women. Although the educational level of women has improved substantially and the advancements of society have freed women from a domestic function, women are continually frustrated by their inability to surmount the barriers of discriminatory employment practices.

The equal rights amendment, which I introduced in the Senate, states that "equality of rights under the law shall not be denied or abridged by the United States on account of sex." I am convinced that effective guarantee of equal rights for women will be accomplished by the ratification of this amendment. It will establish a constitutional framework upon which to build a coherent body of law providing equal rights to women. I believe this to be a much more effective and immediate way to halt discrimination than the development of remedial legislation or prolonged court action to combat existing discriminatory laws.

I also am a co-sponsor of legislation to strengthen the Equal Employment Opportunity Commission so that it will have the power to carry out its decisions on grievance cases. The equal employment opportunity bill empowers the commission to exercise cease and desist powers with respect to cases of discrimination against women. In addition, the amendments to the Equal Employment Opportunity Enforcement Act will expand previous coverage and bring Federal and State Government employment practices under its jurisdiction. Hoepfully, discrimination in hiring women for both Government and private positions will be eliminated.

What women want is equality, nothing more, nothing less. The concept of justice is simple, but its achievement is never easy. It takes hard work, long years, persistent attention, and courage in the face of adversity, but justice is never defeated. I urge all my fellow men to respond unanimously to this longstanding call to justice for women.

ORDER FOR RECOGNITION OF SENATOR CHILES ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Friday next, February 18, 1972, immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Florida (Mr. CHILES) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. 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 PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements made therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 834 to S. 2515.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for a period of not to exceed 30 minutes with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2515. The pending question will be on the adoption of amendment No. 834 offered by the Senator from Nebraska (Mr. HRUSKA).

The yeas and nays have been ordered on that amendment. There is no time limitation agreement thereon.

ADJOURNMENT

Mr. BYRD of West Virginia. 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 12 o'clock meridian tomorrow.

The motion was agreed to; and at 6:14 p.m. the Senate adjourned until tomorrow, Wednesday, February 16, 1972, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 15, 1972:

DEPARTMENT OF JUSTICE

Richard G. Kleindienst, of Arizona, to be Attorney General, vice John N. Mitchell.

Louis Patrick Gray III, of Connecticut, to be Deputy Attorney General, vice Richard G. Kleindienst.