

"There is no reason why these rules should exclude peaceful and equal competition between ideas. Indeed, this is one of the basic values of the Western world which should be most vigorously defended.

"Nor can anyone say that the Communists do not have an equal chance. They have free access for their ideas in Western markets. They can work through legal publications and legal Communist parties. They can broadcast as much as they wish, and as their programmes on Ulster have shown they can win all the prizes for vicious inaccuracy.

"The West has far fewer means at its disposal. To give up Radio Free Europe would

be a gratuitous act of appeasement that would unbalance things even more and would be a very severe blow to the millions of people in Eastern Europe who still look to the West not only for information but for the defense of values in which they believe, and which even many progressive Communists regard as vital for the salvation of their system."

Congress has not debated the question thoroughly, and presumably hasn't studied the facts contained in the special reports which the Senate Foreign Relations Committee has had prepared. If these were made public, the nation would learn of the impor-

ance of Radio Free Europe and Radio Liberty.

The United States has performed no greater act of information distribution than has been accomplished by radio stations that tell what is happening all over the world, including events of international significance. This news reaching into Communist countries has been useful in contradicting propaganda misrepresentations.

Many members of Congress are puzzled that any effort should be made to abolish Radio Free Europe and Radio Liberty, which have rendered so valuable a service to the world.

## SENATE—Friday, March 3, 1972

The Senate met at 10 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:

Dear Lord and Father of mankind, as the hearts of man everywhere are uplifted to Thee on this World Day of Prayer, we beseech Thee to teach us to pray without ceasing. As prayers ascend in many languages, may the nations learn anew the oneness of the human race. Lift the hearts of men everywhere to the loyalty and love which transcends all earthly loyalties and love—the love of God our Creator and Redeemer. By drawing closer to Thee, may the peoples of the world be drawn closer to one another. Hear the prayers which are spoken and those deeper prayers which are never said. We ask it in His name who taught us to pray "Thy kingdom come, Thy will be done on earth as it is in heaven." 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 assistant legislative clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., March 3, 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 Thursday, March 2, 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.

### NARCOTIC ADDICTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645, S. 2713.

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

The assistant legislative clerk read as follows:

S. 2713, to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

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 which had been reported from the Committee on the Judiciary with amendments, on page 1, line 7, after the word "title", insert a comma and "or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201)"; on page 2, line 18, after the word "title", insert a comma and "or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201)"; and, on page 3, after line 7, insert a new section, as follows:

Sec. 3. Subsection 343(b) of part E of title III of the Public Health Service Act is repealed.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraph before the last one:

"The court may require a person who is an addict within the meaning of section 4251 (a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of probation.

to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of probation: *Provided*, That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the court, which shall thereupon, by order, make such other provision with respect to the person on probation as it deems appropriate."

Sec. 2. Section (a) of section 4203 of such title is amended by inserting the following paragraph between the third and fourth:

"The Board may require a parolee, or a prisoner released pursuant to section 4164 of this title, who is an addict within the meaning of section 4251(a) of this title, or a drug dependent person within the meaning of section 2(q) of the Public Health Service Act, as amended (42 U.S.C. 201), as a condition of parole or release to participate in the community supervision programs authorized by section 4255 of this title for all or part of the period of parole: *Provided*, That the Attorney General certifies a suitable program is available. If the Attorney General determines that the person's participation in the program should be terminated, because the person can derive no further significant benefits from participation or because his participation adversely affects the rehabilitation of other participants, he shall so notify the Board of Parole, which shall thereupon make such other provision with respect to the person as it deems appropriate."

Sec. 3. Subsection 343(b) of part E of title III of the Public Health Service Act is repealed.

Mr. BURDICK. Mr. President, I urge that the Senate act favorably on S. 2713, a bill providing for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

This legislation is necessary to fulfill an unmet need for treatment of narcotic addicts and other drug abusers who are sentenced to confinement by the Federal courts. At present, only a small portion of prisoners with histories of drug and narcotic abuse qualify for sentencing under the Narcotic Addict Rehabilitation Act, and the legislation before us today will go a long step toward filling this gap for those individuals who recognize a need for treatment.

The institutional phase of the treatment program is authorized under general authority to provide for the treatment, care, rehabilitation, and reforma-

tion of offenders, but this legislation would provide the supervisory aftercare essential to effective treatment.

This legislation has been carefully considered by the Subcommittee on National Penitentiaries and the Committee on the Judiciary, which recommend its adoption.

The amendments were agreed to.

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

#### EXECUTIVE SESSION

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

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Report, will be stated.

#### FARM CREDIT ADMINISTRATION

The second assistant legislative clerk read the nominations in the Farm Credit Administration as follows:

Melvin E. Sims, of Illinois, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1978.

E. Riddell Lage, of Oregon, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1978.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished acting minority leader, the Senator from Florida (Mr. GURNEY), desire recognition at this time?

Mr. GURNEY. No, Mr. President.

The ACTING PRESIDENT pro tempore. At this time, then, in accordance with the previous order, the Chair recognizes the distinguished Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes.

(The remarks Mr. BEALL made at this point on the introduction of S. 3290 are

printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

#### PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with speeches by Senators limited to 3 minutes.

Is there routine morning business to be transacted at this time?

#### 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 EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the fourth quarter of 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. CHILES), from the Committee on Agriculture and Forestry, without amendment:

S. 1058. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion (Rept. 92-683).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BEALL:

S. 3290. A bill to amend certain provisions of title 18, United States Code, relating to youth offenders. Referred to the Committee on the Judiciary.

By Mr. CHURCH:

S.J. Res. 212. A joint resolution to authorize the President to call a series of four White House Issue-Oriented Subconferences on Aging. Referred to the Committee on Labor and Public Welfare.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 3290. A bill to amend certain provisions of title 18, United States Code, relating to youth offenders. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, recent court decisions construing the Youth Corrections Act in the District of Columbia should be of great concern to the Congress.

This act, originally considered and approved in 1950 was designed to provide to the sentencing judge an alternative to incarceration in adult institutions for young people between the ages of 16 and 22. The legislative history of the act clearly indicates that its provisions were not contemplated for use in every instance where possible but instead that the provisions were added as tools which the court could use as it determined to be appropriate.

I am certainly in accord with the provisions which would allow emphasis on rehabilitation in cases where a young person is likely to avail himself of the opportunity to turn to constructive behavior. A young person who steals a car, develops a drug habit or shoplifts from the corner market can more than likely be made aware of the mistakes he has made and turned in a different direction to become a productive member of our society. We have an obligation to assist these youngsters and help them where possible. I believe these same thoughts were in the minds of the Members of Congress who approved the original Youth Corrections Act in 1950.

A reading of the legislative history seems clearly to indicate that the Congress wanted to provide an alternative to incarceration in an adult institution where the sentencing judge felt such an alternative appropriate. Thus the House Committee on Judiciary commented at the time of enactment that—

The proposed legislation is designed to make available for the discretionary use of the Federal judges a system for the sentencing and treatment of persons under the age 22 years...

Nowhere in the committee reports, at the committee hearings or in the debates on the floor is there any indication that a judge is precluded from imposing a regular adult sentence unless he first finds that an eligible defendant will not receive any benefit from the Youth Act sentence.

However, decisions by the Court of Appeals for the District of Columbia have interpreted the law in quite a different light, and, I am afraid, have perverted the use of this legislation in a way that is detrimental to the citizens of the District of Columbia and its environs.

In both of the cases involved (*United States v. Ward*, A.C. Cir. Nos. 71-1654 and 71-1677 and *U.S. v. Waters* 141 U.S. App. D.C. 289) the court suggested that the Congress intended the Federal Youth Corrections Act to receive priority over a sentence under the regular adult sentencing provisions, no matter how serious the offense.

Thus in the *Waters* case the court of appeals decided that the trial court must find affirmatively that a youthful offender will not benefit from sentencing under the Youth Corrections Act before the court can sentence under regular adult statutes. To find that an offender cannot benefit from the youth corrections provisions would seem to be almost impossible since it is unlikely that any trial judge can make such a finding with any degree of assurance. In essence it requires the court to find the offender beyond hope and requires the



proof of a negative fact about which no one can be certain.

The result of this trend has been the sentencing, under the Youth Offenders Act, of defendants guilty of murder and other violent crimes with the real possibility that they will be walking the streets again in a matter of months. An article in the Evening Star of November 13 gives two excellent examples of the problem.

Two young men, both under 22, were sentenced under the provisions of the act.

One had been convicted by a jury of the murder of a grocery store owner during a robbery last January. The jury came in with a recommendation of life imprisonment. The trial judge, wary no doubt of the higher court rulings, sent the man to the Youth Center at Lorton, although the U.S. attorney's office pointed out that this would probably mean he would be released within a matter of months.

In a second case, a defendant was committed for killing an elderly landlord who had discovered him selling dope to a teenager. The victim was murdered when the defendant beat and strangled him and shoved a Coke bottle down his throat in what the trial judge described as "the most brutal murder I have ever seen." Yet, he too was sentenced under the Youth Corrections Act even though the average period of incarceration under the act is now less than 12 months.

From cases such as these, I think it is obvious that the offenders we are talking about here are ones who have committed serious and violent offenses. They are individuals who in past years would have been incarcerated only to be released when the parole board decided that they were not a danger to society and were sufficiently rehabilitated to take their place with other citizens.

Figures that are a matter of court record point out the seriousness of the present problem. Judge Gerhard Gesell of the Federal district court alluded to some of the facts that are of great concern in the Alsbrook case. He stated there, in his findings of facts, that under the Youth Corrections Act—

Robbery, rape and homicide commitments in 1967 averaged 32 months from sentence to parole. By 1970, the figure was down to approximately 11 months and in 1971, at the most eight to ten months. Analysis of information submitted by the U.S. Attorney based on Police Department data received in turn from the correction authorities shows numerous cases of serious offenders committed under the Youth Act for armed robbery, rape, murder or aggravated assaults who spent periods in the Youth Center substantially less than six months, having been sentenced to periods of six, eight, ten or fifteen years, and in some cases such defendants were in the Youth Center only for a period of two or three months.

Originally, the Youthful Offenders Act contemplated the incarceration of these young people until it was possible to release them under proper conditions. Records such as those above indicate that in the beginning this plan was followed and offenders were only released when ready. Today, however, this is not the case. Today offenders are released

because of the overcrowded conditions of the institutions where they are sent for treatment. The criteria for release, therefore, seems to no longer be the condition of the individual, but rather the condition of the institution; something that certainly was not contemplated by the Congress. In fact, section 5012 of the act expressly indicates to the contrary for it says:

No youth offender shall be committed to the Attorney General under this chapter until the Director shall certify that proper and adequate treatment facilities have been provided.

While this no doubt was meant to apply to the period immediately following enactment, it does give some indication of Congress intent that normal sentencing be followed except where proper facilities are available.

I believe it is obvious that proper and adequate facilities are no longer available in the District of Columbia and believe that until they are, the courts must take this into consideration as they act to protect the citizens of this area.

To deal with this situation, Congress should enact legislation that will leave no doubt in the court's mind that the use of the Youth Corrections Act is intended to be discretionary and not virtually mandatory. While it is possible that the court of appeals will alter its previous ruling to take care of the problem, I believe that this corrective measure is needed to leave no doubt as to our intention in such cases.

I am, therefore, submitting a bill that would amend section 5010(d) of the act to make clear the discretion available to the trial court.

In the same legislation, I am amending section 5017 of the act which would establish a new process for the release of violent offenders sentenced under the act. Under the new wording, a violent youthful offender would not be released before his term is up unless the court which sentenced him determines that he does not endanger the public and authorizes his release. Violent offenses for which such a proceeding must be used are defined as murder, manslaughter, rape, kidnapping, maiming, robbery and assault with a deadly weapon—or an attempt to commit any of the aforementioned.

Mr. President, I feel strongly that such a measure needs enactment at the earliest possible date for the protection of our citizens. If we are going to allow the court to sentence a violent offender under the Youth Corrections Act, I believe it only fair to require the same court to decide when the offender should be released to mingle with the public.

We must do our best to rehabilitate young people who run afoul of the law—but we cannot condone a corrections procedure which imposes the present burden on lawful citizens. Their rights and their protection must come first.

Mr. President, I also realize that these measures, if enacted, would necessitate additional facilities and personnel to run a true rehabilitation program. In fact, these facilities are needed now even without the changes I have proposed.

Judge Gesell in the Alsbrook case di-

rected the Attorney General to join with the city and Federal Bureau of Prisons to develop a plan that would take care of the prison population sentenced under the Youthful Offenders Act. I am today notifying the Attorney General of my interest in assisting him in securing the necessary approval from the Congress for additional funds for this purpose. I firmly believe that our citizens are willing to pay for new facilities if it will help to keep violent hoodlums off the streets and hopefully rehabilitate those who can be rehabilitated.

Mr. President, I ask unanimous consent to have printed in the RECORD materials bearing on the need for this legislation. I am submitting for the perusal of my colleagues some of the pleadings and findings from the Alsbrook case; an article from the Evening Star of November 13; a supplementary memorandum of the United States in the case United States of America against Carl M. Reed; and a copy of a letter on this subject which I received from the U.S. attorney of the District of Columbia, Mr. Harold H. Titus. I also ask unanimous consent to have printed in the RECORD the text of the bill which I am today introducing.

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

S. 3290

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5010(b) of title 18, United States Code, is amended to read as follows:*

"(d) Nothing in this chapter shall be construed to preclude the court, in any case, from sentencing a youth offender under any other applicable penalty provision."

Sec. 2. Section 5017 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) (1) Notwithstanding any other provision of this section, no youth offender committed under subsection (b) or (c) of section 5010 of this title on the basis of a conviction of any crime of violence shall be released conditionally or unconditionally pursuant to this chapter until the court, which sentenced such offender pursuant to such conviction determines that his release would not endanger the public. Such a determination by the court is to be made only after consideration of the reports of the Director and the Division and other data available to the court bearing on the advisability of release. No youth offender shall be released until the court so rules as above or the maximum sentence imposed on the offender expires, whichever first occurs.

"(2) As used in this subsection, the term 'crime of violence' includes murder, manslaughter, rape, kidnapping, maiming, robbery and assaults with deadly weapons and an attempt to commit any of the aforementioned."

[U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA v.

JAMES A. ALSBROOK

(Criminal Case Nos. 1065-71, 1473-71)

The experience of the Office of the United States Attorney has engendered the fear that crimes of violence committed upon the citizenry of the District of Columbia have been perpetrated by many individuals who have had previous experience as convicted defendants in the criminal justice system. The problem of repeating offenders makes it imperative that the criminal justice sys-

tem re-examine the philosophy, operation and function of the corrections system in the District of Columbia. The instant case creates the opportunity to examine one major area of the corrections system, namely, the Youth Corrections Act.

The attached exhibits comprise statistics compiled with the assistance of the Metropolitan Police Department which purport to represent the following:

A. The total number of offenders convicted of rape, robbery, and homicide who were parolees and/or residents of Community Treatment Centers (half-way houses) as of November 2, 1971.<sup>1</sup>

B. The total number of youth offenders charged with rape, robbery, and homicide who have been rearrested between the months of March through October, 1971.

C. Excerpt, Third Quarterly Report of the Major Violators Branch, Criminal Investigation Division, Metropolitan Police Department.

1. The average time of commitment for rape, robbery and homicide to the Youth Corrections Center at Lorton from sentence date to parole has been:

	Months
1967	32.09
1968	22.78
1969	17.03
1970	10.95
1971	

2. No distinction whatsoever is made be-

<sup>1</sup> In each of the exhibits the length of sentence is either six years or a figure in excess of six years. Wherever six years is indicated, it means that the defendant was sentenced under 18 U.S.C. § 5010(b); where the period of sentence is greater than six years it means that the defendant was sentenced under 18 U.S.C. § 5010(c).

tween commitments under 18 U.S.C. § 5010 (b) and under 18 U.S.C. § 5010(c) in terms of commitment time.

3. The dramatic yearly decrease in the average commitment time would indicate release procedures are used to control the inmate population rather than to rehabilitate.

4. The large number of violent youth offenders rearrested after release in the community creates the presumption that rehabilitation is not being achieved under the Youth Correction Act as presently implemented.

5. In our survey and within our personal experience in the judicial system, it appears that virtually no violent youthful offender submitted for examination under 18 U.S.C. § 5010(e) is rejected for sentence under the Youth Correction Act. Therefore, we conclude that no meaningful standards exist whereby it can be determined which youthful offenders can be rehabilitated under the Youth Corrections Act.

6. Our statistics lack information concerning the time an offender is released to a Community Treatment Center prior to parole. The information contained in Exhibit C, the Third Quarterly Report of the Major Violators Unit, highlights the need to know this salient fact. The random examples cited in Exhibit C also create the need to know the nature, extent, quality, and date concerning antidrug abuse procedures. It would appear that although urine surveillance is employed, a failure to pass urinalysis has no effect whatsoever on the offender's inexorable march to parole within the previously computed period of time. Moreover, it seems clear that the failure to pass urinalysis carried with it no sanction such as the obvious one, viz. to withdraw the offender from the Community Treatment Center.

7. Our inquiry, therefore, is twofold:

a. Does the underlying data concerning the actual operation of the Youth Corrections Act support the contention that rehabilitation is being achieved?

b. What is the impact of this operation and implementation of this Act upon the safety of the public of the District of Columbia.

Wherefore, to assist the Court in its continuing inquiry, we respectfully move the Court to order production of the following information:

1. The monthly urine surveillance reports on all youthful offenders committed under 18 U.S.C. §§ 5010(b) and 5010(c) since the inception of the urine surveillance procedure.

2. A list of youthful felons in community control centers who have been rearrested since January 1, 1967.

3. A list of all furloughs authorized for youthful felons since January 1, 1967, and the number of rearrests while on furlough.

4. The urinalysis reports of all furlough returnees since the inception of the furlough program.

5. A list of persons since January 1, 1967, committed to the Youth Center under the Youth Corrections Act who were sentenced there despite a contrary recommendation by the Department of Corrections.

6. The dates on which all youth offenders listed on the attached exhibits were transferred to a half-way house facility.

7. A list of youthful offenders rejected in the past four years for treatment under the Youth Corrections Act by the Department of Corrections.

Respectfully submitted,

THOMAS A. FLANNERY,  
U.S. Attorney.

RICHARD A. HIBEY,  
Assistant U.S. Attorney.

ROBERT A. SHUKER,  
Assistant U.S. Attorney.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
155047	Robbery	6	July 31, 1967		Aug. 29, 1969				23 months.
147487	Manslaughter	6	Jan. 7, 1967		Feb. 31, 1971				49 months.
156607	Robbery	15	Dec. 20, 1967	Apr. 31, 1971					40 months.
148405	do	12	Sept. 15, 1967	Apr. 1, 1971					43 months to center.
158185	do	6	Dec. 24, 1967	Apr. 31, 1971					40 months.
152153	Rape	6	Oct. 13, 1967		Mar. 18, 1970				29 months.
155577	Robbery	7	Sept. 11, 1967		Mar. 27, 1969				18 months.
156818	do	6	July 7, 1967		Apr. 9, 1969				21 months.
154747	do	8	Jan. 9, 1967		Mar. 13, 1970				39 months.
154460	Murder 2	6	June 23, 1967		Dec. 23, 1968				18 months.
157683	Robbery	6	Oct. 23, 1967		Aug. 1, 1969				22 months.
152552	do	6	Nov. 15, 1967		Nov. 7, 1969				24 months.
152705	Rape	6	Oct. 31, 1967		July 6, 1971				46 months.
156138	Robbery	6	Oct. 27, 1967		Apr. 2, 1970				30 months.
147732	do	8	Nov. 15, 1967		May 27, 1969				18 months.
155728	do	6	Dec. 8, 1967		Sept. 25, 1969				22 months.
154854	do	8	Nov. 7, 1967		Aug. 1, 1967				21 months.
156806	do	6	May 6, 1967		Apr. 16, 1971				46 months.
155989	Att. robbery	6	Feb. 27, 1967		Mar. 23, 1970				37 months.
155195	Robbery	8	May 15, 1967	Jan. 26, 1971					43 months.
072575	do	9	July 31, 1967	Apr. 31, 1971					45 months.
1968									
157073	Robbery	6	May 7, 1968		Aug. 22, 1969				15 months.
158803	AWIC, att. robbery	6	Sept. 20, 1968		Oct. 8, 1969				13 months.
157444	Robbery	6	June 5, 1968		June 17, 1970				24 months.
158244	do	6	Oct. 8, 1968		Apr. 10, 1970				18 months.
151604	Rape	6	Sept. 9, 1968		June 17, 1970				21 months.
153052	Robbery	6	Dec. 23, 1968		Apr. 16, 1971				28 months.
159147	Rape	6	Apr. 12, 1968		Oct. 29, 1971				38 months.
157629	Robbery	8	June 21, 1968		Nov. 13, 1970				29 months.
153267	do	6	June 28, 1968		Apr. 23, 1970				22 months.
155473	do	9	Jan. 8, 1968		Nov. 17, 1969				23 months.
154667	do	6	June 7, 1968		Nov. 28, 1969				17 months.
151838	AWIC, rape	6	Oct. 4, 1968		Mar. 17, 1970				17 months to center.
157289	Att. robbery	9	Dec. 2, 1968	UNCD Apr. 14, 1971					28 months.
146103	Robbery	8	Aug. 21, 1968		June 10, 1970				22 months to center.
157511	do	6	Apr. 22, 1968	Apr. 16, 1971					36 months.
158279	do	12	July 26, 1968		Dec. 11, 1970				29 months.
159471	do	6	May 17, 1968		July 15, 1970				14 months.
147745	Att. robbery	6	Oct. 4, 1968		Feb. —, 1971				28 months.
158747	Armed and plain robbery (2)	8	Sept. 13, 1968		Feb. 13, 1970				17 months.
156133	Robbery	10	Sept. 9, 1968		May 20, 1970				20 months.
155995	do	6	Mar. 27, 1968		July 3, 1969				16 months.
155773	Armed robbery	8	June 25, 1968		Feb. 26, 1970				20 months.
156964	Rape	6	Aug. 30, 1968		Oct. 8, 1969				14 months.
158528	Armed robbery	7	Nov. 15, 1968		Apr. 16, 1971				29 months.
151469	AWIC robbery	8	Aug. 23, 1968		Mar. 23, 1970				19 months.
154647	Robbery	6	June 21, 1968		Apr. 3, 1970				20 months.
158335	do	8	June 28, 1968		July 26, 1971				36 months.
162039	do	10	Nov. 17, 1969		Apr. 16, 1971				17 months.



D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
158611	Robbery	6	Feb. 25, 1969		Apr. 16, 1971				26 months.
160786	Armed robbery	10	Dec. 19, 1969		Apr. 20, 1971				16 months.
158345	Rape	8	Apr. 25, 1969		July 22, 1970				15 months.
160726	Robbery	7	Dec. 4, 1969		Mar. 23, 1971				Do.
162099	do	10	Aug. 1, 1969		February 1971				18 months.
160519	Armed robbery	6	Aug. 8, 1969		Feb. 26, 1970				6 months.
16104	do	6	do		Dec. 4, 1970				16 months.
157481	Robbery	6	Jan. 10, 1969		Sept. 16, 1970				21 months.
158619	Armed robbery	15	May 9, 1969		Sept. 11, 1970				16 months.
160798	do	6	May 28, 1969		Oct. 22, 1971				29 months to center.
161049	Robbery	9	Jan. 4, 1969	Aug. 10, 1971					32 months.
158273	Armed robbery	10	July 25, 1969		Jan. 18, 1971				17 months.
163775	Robbery	6	Dec. 17, 1969		February 1971				14 months.
161116	Armed robbery	6	June 13, 1969		Mar. 27, 1970				9 months.
161609	do	6	Aug. 8, 1969		February 1971				18 months to center.
151618	Robbery	6	Dec. 5, 1969	Sept. 8, 1971					22 months.
161299	do	6	June 27, 1969		Aug. 14, 1971				26 months.
161117	Armed robbery	8	Aug. 8, 1969		Mar. 27, 1970				7 months.
162425	Robbery	6	Oct. 22, 1969		Dec. 31, 1969				2 months.
155542	do	8	Feb. 28, 1969		Sept. 1, 1970				19 months.
163266	Armed robbery	10	Oct. 31, 1969		Feb. 26, 1971				16 months.
160822	Robbery	6	Mar. 14, 1969		June 8, 1970				15 months.
159216	do	10	Nov. 21, 1969		Apr. 16, 1971				17 months.
159118	Fel. murd. and ADW insight	6	Oct. 19, 1969		Jan. 13, 1971				14 months.
161939	Robbery	6	July 8, 1969		Feb. 31, 1971				20 months.
162667	Armed robbery	6	July 18, 1969		Dec. 31, 1969				5 months.
161625	Robbery	10	Dec. 1, 1969		Aug. 13, 1971				21 months.
161013	do	6	May 29, 1969		Apr. 16, 1971				23 months.
161218	do	6	Aug. 28, 1969		Jan. 2, 1970				3 months.
158334	AWIC robbery	10	Feb. 14, 1969		June 10, 1971				28 months.
161893	Armed robbery	6	May 19, 1969		July 31, 1970				14 months.
162217	Robbery	7	Sept. 5, 1969		Apr. 16, 1971				19 months.
165244	do	10	Dec. 5, 1969		June 28, 1971				19 months.
162622	Armed robbery	10	Nov. 20, 1969		Apr. 28, 1971				17 months.
159489	Bank robbery	6	May 9, 1969		July 22, 1970				14 months.
162500	Assault rape (armed)	6	Apr. 18, 1969		Feb. 2, 1970				10 months.
161102	Armed robbery	10	July 11, 1969		Feb. 31, 1971				19 months.
162317	ADW and robbery	6	Oct. 10, 1969		do				16 months.
162157	Robbery	6	Nov. 25, 1969		Apr. 16, 1971				17 months.
162698	do	6	do		June 17, 1971				19 months.
161831	Assault, att. robbery	6	Oct. 24, 1969		Apr. 16, 1971				18 months.
158753	Armed robbery	6	May 23, 1971		Sept. 22, 1970				16 months.
161861	Robbery	6	July 25, 1969		Aug. 13, 1971				26 months.
162279	do	6	Aug. 1, 1969		Feb. 31, 1971				18 months.
162019	Armed robbery	8	Aug. 15, 1969		do				18 months.
160492	Robbery	6	May 29, 1969		Dec. 9, 1969				7 months.
160813	do	6	Aug. 27, 1969		Aug. 18, 1970				12 months.
160535	Armed and plain robbery	8	Apr. 18, 1969		Apr. 16, 1971				24 months.
158327	Rape	6	Jan. 17, 1969		Aug. 18, 1970				15 months.
	Armed robbery	6	Oct. 24, 1969		Jan. 22, 1971		Apr. 12, 1971	Robbery	15 months.
	do	15	Mar. 14, 1969		Mar. 22, 1971		Apr. 7, 1971	Armed robbery	24 months.
	do	8	July 29, 1969		Feb. 18, 1971		May 30, 1971	CSA	19 months.
161917	Armed robbery	6	May 16, 1969		Oct. 29, 1969		Sept. 3, 1971	CDW gun	5 months.
	do	12	Jan. 12, 1969		July 9, 1971				19 months.
	Robbery	10	June 13, 1969		July 28, 1971				25 months.
	do	6	Oct. 31, 1969		Apr. 16, 1971		July 13, 1971	PL	18 months.
162763	do	10	Dec. 3, 1969		Jan. 22, 1971		May 16, 1971	2d degree murder	13 months.
163136	do	6	Nov. 25, 1969		Oct. 6, 1970		May 22, 1971	Homicide	11 months.
152457	do	6	Mar. 13, 1969		Feb. 4, 1971		July 14, 1971	UNA, PIC	23 months.
143490	do	6	May 16, 1969		Oct. 1, 1971		Oct. 21, 1971	Robbery	17 months.
158756	CDW gun and armed robbery	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	Armed robbery	24 months.
1970									
162104	Robbery	6	Jan. 13, 1970		Jan. 27, 1971				12 months.
167942	(Armed) robbery and ADW	6	Sept. 17, 1970		Apr. 12, 1971				7 months.
157653	Robbery	7	July 24, 1970	Oct. 6, 1971					15 months to center.
157107	do	10	Oct. 9, 1970		Apr. 16, 1971				6 months.
165363	Armed robbery	10	Mar. 5, 1970		do				13 months.
164176	do	14	Mar. 13, 1970						
148912	Robbery	8	May 27, 1970		June 5, 1970				8 days.
162414	Assault sup. of jury	6	Feb. 19, 1970		May 7, 1971				15 months.
163082	Att. robbery w/armed (Murder 1)	10	Mar. 5, 1970		Sept. 28, 1970				6 months.
165292	Armed robbery	15	July 23, 1970		Oct. 25, 1971				15 months.
165369	do	6	May 1, 1970		Aug. 19, 1970				3 months.
164541	Robbery	6	May 14, 1970		May 7, 1971				12 months.
163333	do	10	May 18, 1970		May 10, 1971				12 months.
165912	Armed robbery	10							
	2 att. robbery	(2) 6	July 17, 1970		Oct. 5, 1971				13 months.
163728	(Armed) robbery	6	Feb. 11, 1970		May 7, 1971				15 months.
158318	do	8	May 22, 1970		June 1, 1971				13 months.
163994	do	6	Apr. 1, 1970		Apr. 16, 1971				12 months.
150097	2nd degree murder, manslaughter	10	Mar. 11, 1970	Oct. 15, 1971					19 months.
164879	(Armed) robbery	6	May 4, 1970		Sept. 11, 1970				4 months.
165144	do	8	Aug. 27, 1970		Aug. 14, 1971				12 months.
161049	2d M and AWI robbery (Murder 1)	15	Aug. 19, 1970	June 15, 1971					10 months.
162713	Robbery	8	Mar. 4, 1970		Feb. 2, 1971				11 months.
164710	do	6	Oct. 13, 1970		Sept. 8, 1971				Do.
164174	do	6	Dec. 4, 1970	July 27, 1971					7 months.
165214	2d degree murder	10	Sept. 1, 1970		July 10, 1971				10 months.
164769	(Armed) robbery	8	May 14, 1970		July 6, 1971				14 months.
165772	do	10	Sept. 22, 1970		May 20, 1971				8 months.
161722	do	6	Apr. 27, 1970		July 10, 1971				14 months.
163522	do	6	Oct. 2, 1970		May 15, 1971				5 months.
164612	do	6	July 9, 1970		July 14, 1971				12 months.
158286	Robbery	8	Aug. 12, 1970		May 4, 1971				9 months.
163300	(Armed) robbery	6	June 12, 1970		Nov. 5, 1970				5 months.
160537	Robbery	8	Feb. 25, 1970		June 17, 1971				16 months.
160654	do	6	June 25, 1970		July 27, 1971				13 months.
163073	(Murder 1) attempt, armed robbery	10	Mar. 2, 1970		May 5, 1971				14 months.
165307	(Armed) robbery	6	June 19, 1970	July 13, 1971					13 months.
164351	Armed robbery	6	Nov. 2, 1970		June 8, 1971				7 months.
165483	(Armed) Carnal knowledge	6	Dec. 23, 1970	Oct. 15, 1971					10 months.

D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
165545	Armed robbery	6	July 30, 1970		June 5, 1971				11 months.
156819	(Armed) robbery	9	Feb. 24, 1970	Sept. 13, 1971					8 months.
165331	(Armed) and armed robbery	8	July 15, 1970	Oct. 21, 1971					15 months.
163104	Robbery	6	May 12, 1970		Apr. 27, 1971				11 months.
164937	Armed robbery	6	July 27, 1970		May 7, 1971				10 months.
166001	Robbery	14	July 10, 1970	Sept. 21, 1970					14 months.
163648	Armed robbery	10	May 21, 1970		Apr. 9, 1971				11 months.
166993	do	12	July 30, 1970		Aug. 30, 1971				13 months.
161048	do	12	Apr. 30, 1970		do				16 months.
158933	Bank robbery	6	May 22, 1970		June 17, 1971				13 months.
166569	Armed robbery	10	Oct. 23, 1970		July 9, 1971				9 months.
165448	do	10	Aug. 19, 1970		Nov. 1, 1971				15 months.
162390	Att. robbery w/armed	6	Nov. 18, 1970		Mar. 18, 1971				4 months.
165001	(Armed) robbery	6	Aug. 11, 1970		July 13, 1971				11 months.
163946	Robbery	6	Sept. 15, 1970		June 17, 1971				9 months.
162447	Armed robbery	10	Feb. 11, 1970		Apr. 22, 1971				14 months.
162943	AWI robbery (Armed)	6	Apr. 30, 1970		Aug. 23, 1970				4 months.
163571	(Mrdr 1-Fel. M) Mansl., Armed robbery	6	Sept. 28, 1970		July 28, 1971				10 months.
164612	(Armed) rob	6	July 9, 1970		July 14, 1971				12 months.
164964	(Armed) rob	6	May 22, 1970		Apr. 16, 1971				11 months.
165642	Robbery	8	Nov. 3, 1970	July 27, 1971					8 months.
160562	(Armed robbery) AWIR	6	June 8, 1970		Apr. 16, 1971				10 months.
168044	Armed robb.	6	Sept. 22, 1970		June 22, 1971				9 months.
160459	Armed robbery	10	Mar. 12, 1970		Apr. 28, 1971				13 months.
153007	Manslaughter	12	Feb. 19, 1970	June 18, 1971					16 months.
163339	Armed and att robbery	10	Jan. 12, 1970		Jan. 27, 1971				12 months.
163189	Robbery	6	Mar. 26, 1970		do				16 months.
160700	(ADW) and robbery	6	Jan. 13, 1970		Apr. 16, 1971				16 months.
166457	Robbery	6	Nov. 18, 1970		May 20, 1971				6 months.
162992	2 cases (rob. and att. rob.)	6	Dec. 10, 1970		June 21, 1971				6 months.
167433	(Armed) rob	8	July 31, 1970		May 7, 1971				10 months.
164878	(Armed) rob	10	May 4, 1970		July 7, 1971				14 months.
163389	Armed robbery	6	May 4, 1970		June 25, 1971				13 months.
151680	Mis. escape robbery	6	Sept. 23, 1970	Oct. 21, 1971					Do.
165037	(Armed) rob	6	July 29, 1970		Aug. 13, 1971				Do.
161714	Armed robbery	12	Jan. 12, 1970		July 9, 1971				19 months.
162941	Armed robbery	10	Apr. 30, 1970		May 5, 1971				13 months.
158402	Robbery	10	July 31, 1970	June 24, 1971					11 months.
159695	AWIR/armed	10	June 26, 1970		Apr. 16, 1971				10 months.
	Robbery	10	Oct. 22, 1969						18 months.
150953	do	6	May 7, 1970		Apr. 16, 1971				11 months.
164719	do	10	June 16, 1970	Sept. 9, 1971					15 months.
165012	Armed robbery	6	Aug. 11, 1970		Aug. 13, 1971				12 months.
165419	do	6	Nov. 16, 1970		July 19, 1971				8 months.
165728	Robbery	7	Jan. 5, 1970	Feb. 3, 1971					5 months.
163262	AWI rob, att robbery	6	June 12, 1970	Aug. 27, 1970					20 months.
	Att robbery	8	Mar. 16, 1970		Feb. 4, 1971				7 months.
	2 armed robbery	6	May 12, 1970		Jan. 22, 1971				10 months.
	Armed robbery	9	Apr. 21, 1970		Oct. 6, 1970				5 months.
162946	Robbery	6	June 1, 1970		Mar. 4, 1971				11 months.
	2d D. murder, 1st D. murder	15	Sept. 11, 1970	Aug. 3, 1971					11 months.
165219	Rape	6	Apr. 22, 1970		Oct. 6, 1970				6 months.
164456	Armed robbery	6	May 21, 1970	Mar. 16, 1971					10 months.
162176	do	10	June 8, 1970		Apr. 16, 1971				10 months.
64755	Armed robbery	10	May 28, 1971	May 27, 1971					10 months.
63268	AWIC robbery, armed	10	Apr. 6, 1971	Mar. 27, 1971					12 months.
62235	Rape and robbery	8	Jan. 9, 1970	Jan. 22, 1971					11 months.
60401	Armed robbery	6	Sept. 16, 1970	May 27, 1971					11 months.
163227	2 armed robberies	10	Dec. 16, 1970	July 15, 1971					7 months.
	Armed robbery	6	Oct. 16, 1970	June 15, 1971					8 months.
166041	do	6	Nov. 6, 1970		July 2, 1971				6 months.
					Apr. 16, 1971				
165149	do	15	Oct. 16, 1970		Aug. 4, 1971				10 months.
159357	Rape	15	July 1, 1970	Aug. 5, 1971					13 months.
162862	Armed robbery	9	Oct. 7, 1970		Oct. 13, 1971				7 months.
161680	Rape	6	May 22, 1970		Oct. 6, 1970				5 months.
165549	Armed robbery	8	July 30, 1970		June 26, 1971				11 months.
165668	Robbery	6	July 18, 1969		July 11, 1971				12 months.
164944	Armed robbery	10	May 20, 1970		June 18, 1971				13 months.
165532	do	6	June 18, 1970		June 21, 1971				12 months.

## 1971

166214	2 armed robberies	15	Jan. 13, 1971	July 22, 1971					6 months.
167722	Armed robbery	10	Feb. 26, 1971		Sept. 25, 1971				7 months.
166353	do	10	Feb. 19, 1971	Oct. 19, 1971					8 months.
165778	Robbery	6	June 30, 1971	Oct. 5, 1971					3 months.
166124	Murder 1 (Armed robbery)	6	Jan. 28, 1971	Feb. 3, 1971					5 days to center.
165539	Robbery	6	Mar. 19, 1971	Oct. 12, 1971					7 months.
159486	do	6	Jan. 15, 1971		Sept. 13, 1971				8 months.
171017	AWIC robbery	6	Oct. 27, 1971	Oct. 28, 1971					1 day.
169466	Armed robbery	8	Mar. 31, 1971	Aug. 3, 1971					4 months.
165444	Robbery	5	Jan. 7, 1971	June 30, 1971					7 months.
167791	Armed robbery	6	July 30, 1971	Aug. 31, 1971					1 month.
166397	do	10	Apr. 8, 1971	June 3, 1971					2 months.
170195	Att. robbery	6	May 12, 1971	Aug. 7, 1971					3 months.
166787	(Armed) robbery	8	Oct. 8, 1971	Oct. 8, 1971					0.
170196	(Robbery) Att robbery	6	May 12, 1971		Sept. 21, 1971				4 months.
163288	do	6	Aug. 13, 1971		Oct. 29, 1971				2 months.
158741	Armed robbery	15	June 28, 1971	Aug. 17, 1971					2 months.
168208	do	6	Feb. 23, 1971	Oct. 19, 1971					8 months.
167343	do	6	June 25, 1971		Oct. 22, 1971				4 months.
166383	do	6	Apr. 30, 1971	Sept. 28, 1971					5 months.
168784	(2d murder) mnsightr	6	Jan. 8, 1971		Apr. 29, 1971				Do.
167032	Armed robbery	12	Feb. 12, 1971	Oct. 19, 1971					8 months.
166195	(Robbery) att. robbery	6	Jan. 27, 1971	Sept. 28, 1971					Do.
165367	(Armed) robbery	6	Feb. 19, 1971	July 22, 1971					5 months.
166919	do	10	May 12, 1971	Aug. 31, 1971					3 months.
166381	Robbery	6	June 4, 1971	Sept. 21, 1971					Do.
166403	(Manslaur) 2d murder	7	Apr. 7, 1971		Oct. 16, 1971				6 months.



D.C.D.C. No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge	Served
170400	Weived ind. att. robbery	6	June 9, 1971	Aug. 31, 1971					3 months.
168961	Murder 2	6	Jan. 28, 1971		Sept. 23, 1971				8 months.
170502	Robbery	6	June 22, 1971	Oct. 28, 1971					4 months.
167385	do	6	May 12, 1971	Aug. 17, 1971					3 months.
168500	AWIC w/armed and robbery	6	Aug. 24, 1971	Oct. 28, 1971					2 months.
167576	Armed robbery	6	Feb. 23, 1971		May 27, 1971		May 31, 1971	CDW	3 months.
218468	do	6	Jan. 25, 1971	May 27, 1971			July 27, 1971	Armed robbery	4 months.
	do	10	Jan. 14, 1971			July 19, 1971	Oct. 18, 1971	do	6 months.

## EXHIBIT B

## YOUTH ACT PAROLEES' ARRESTS—MARCH-OCTOBER, 1971

DCDC No.	Offense	Sentence years	Sentence date	Date in center	Date of parole	Date of escape	Date of rearrest	Charge
165144	Armed robbery	8	Aug. 27, 1970		Aug. 14, 1971		Mar. 29, 1971	ADW. gun.
165976	Robbery	6	Feb. 28, 1969				Mar. 4, 1971	Disorderly jostling.
	Att. robbery	6	Dec. 30, 1969		Apr. 16, 1971		Mar. 31, 1971	Burglary 2
	do	6	June 12, 1970		Feb. 4, 1971		Mar. 31, 1971	UUV, PIC, PPW, PIC.
	Robbery				Mar. 3, 1970		Mar. 11, 1971	Rape while armed.
	Armed and armed robbery	8	Mar. 16, 1970		Jan. 22, 1971		Mar. 30, 1971	CDW gun.
	Armed robbery	6	Oct. 24, 1969		do		Apr. 12, 1971	Robbery.
159118	Robbery				Feb. 4, 1971		Apr. 8, 1971	Armed robbery gun.
	Mnsigr. and ADW. homicide	6	Oct. 10, 1969		Oct. 6, 1970		Apr. 5, 1971	Rape.
159142	Armed robbery	15	Mar. 14, 1969		Jan. 13, 1971		Apr. 7, 1971	Armed robbery.
165563	do	6	May 12, 1970		Mar. 22, 1971		Apr. 5, 1971	H.N.A.
158611	Robbery	4	Feb. 25, 1969		Oct. 6, 1970		May 25, 1971	Burglary 2
164032	do	8	July 29, 1969		Apr. 16, 1971		May 30, 1971	CSA distribution.
156219	Rape	6	Apr. 22, 1970		Feb. 18, 1971		May 4, 1971	Asst. with int. to rape.
161939	Robbery	6	July 8, 1969		Oct. 6, 1970		May 20, 1971	CDW gun.
163136	do	6	Nov. 25, 1969		do			
166333	do				Feb. 13, 1971		May 22, 1971	Homicide.
162763	do	10	Dec. 3, 1969		Oct. 6, 1970		May 19, 1971	Armed robbery.
164456	Armed att robbery	6	May 21, 1970	Mar. 16, 1971	Mar. 10, 1971		May 16, 1971	2d degree murder.
167576	Armed robbery	6	Feb. 23, 1971		Jan. 22, 1971		May 12, 1971	Petit larc.
162946	Robbery	9	Apr. 21, 1970		May 27, 1971		May 31, 1971	CDW gun.
162176	Armed robbery	10	June 8, 1970		Mar. 4, 1971		June 14, 1971	Burglary 2
155464	ADW	10	Jan. 31, 1968		Apr. 16, 1971		June 16, 1971	CSA, CDW.
157616	Robbery	6	Oct. 31, 1969		Apr. 26, 1971		June 24, 1971	Armed robbery.
151318	AWIC robbery	8	Aug. 23, 1968		Apr. 16, 1971		July 13, 1971	Petit larceny.
164755	Armed robbery	10	May 28, 1970	Mar. 23, 1971	Mar. 23, 1970		July 20, 1971	PPW shotgun.
	do			May 27, 1971			Mar. 23, 1971	Armed robbery.
218468	do	6	Jan. 25, 1971				July 22, 1971	Homicide.
163268	AWIC armed robbery	10	Apr. 6, 1970	Mar. 9, 1971			July 16, 1971	Armed robb. (shotgun).
158279	Robbery	12	July 26, 1968	May 27, 1971	Dec. 11, 1970		July 28, 1971	Armed robbery.
162235	AWIC, rape, and robbery	8	Jan. 9, 1970		Mar. 9, 1971		July 6, 1971	Oral sodomy forced.
152457	Robbery	6	Mar. 13, 1969		Jan. 22, 1971		July 14, 1971	U.N.A., PIC.
143173	do				Apr. 18, 1970		July 6, 1971	Murder.
164437	do				Feb. 14, 1971		Aug. 4, 1971	Larceny.
162862	Armed robbery	9	Oct. 7, 1970		May 28, 1971	May 9, 1971	Aug. 22, 1971	First degree murder.
161680	S.A. (rape and sodomy)	6	May 22, 1970		Oct. 6, 1970		Aug. 27, 1971	Burglary 2
160798	Armed robbery	6	May 29, 1969		June 23, 1970		Aug. 19, 1971	Armed robbery.
165549	do	8	July 30, 1970		June 26, 1971		Aug. 24, 1971	Burg. 1, robb. Hold-up.
165668	Robbery	6	Sept. 4, 1970		FU-25 June 17, 1971		Aug. 29, 1971	Armed robbery.
154848	do						Aug. 2, 1971	Robbery.
158756	2 cases: CDW and armed robbery	6	July 18, 1969			July 11, 1971	Aug. 24, 1971	Robbery, holdup gun.
154647	Robbery	6	June 21, 1968		Apr. 23, 1970		Aug. 25, 1971	CSA distribution[sch. 1].
163189	do	6	Mar. 28, 1970		Mar. 18, 1971		Aug. 25, 1971	UNA.
168961	2d degree (homicide)	6	Jan. 28, 1971		Sept. 23, 1971		Aug. 16, 1971	Burglary.
164944	Armed robbery	10	May 20, 1970		June 18, 1971		Aug. 19, 1971	Armed robbery.
165532	Armed robbery	6	Oct. 18, 1970				Aug. 24, 1971	Armed robbery.
166457	Robbery	6	Nov. 18, 1970		May 20, 1971		Aug. 28, 1971	Robb. holdup gun.
160401	Armed robbery	6	Sept. 16, 1970				Aug. 14, 1971	Petit larceny.
163527	2 cases: Armed and robbery	10	Dec. 16, 1970				Aug. 5, 1971	Do.
164170	Robbery	6	Oct. 13, 1970		Sept. 8, 1971		Sept. 16, 1971	CSA.
155755	Att. robbery				June 25, 1971		Sept. 21, 1971	P.I.C.
	Armed robbery	6	Oct. 16, 1970	June 15, 1971		July 2, 1971	Sept. 22, 1971	57 counts burglary.
166041	do	6	Nov. 6, 1970			Apr. 16, 1971	Sept. 2, 1971	Burglary 1, robbery.
168208	do	6	Feb. 23, 1971		Aug. 25, 1971		Sept. 6, 1971	Armed robbery.
158335	Robbery	8	June 16, 1971		July 26, 1971		Sept. 29, 1971	CSA.
161917	do	6	Dec. 13, 1968		Oct. 29, 1969		Sept. 3, 1971	CWD gun.
165149	Armed robbery	15	Oct. 16, 1970		Aug. 4, 1971		Sept. 5, 1971	U.U.V.
158695	Robbery 2d and burglary				Mar. 10, 1971		Sept. 11, 1971	CDW gun.
158747	2 one armed robbery	8	Sept. 13, 1968		Feb. 13, 1970		Sept. 27, 1971	Petit larceny.
	do				Oct. 6, 1970			
156806	Robbery	6	June 1, 1970				Sept. 8, 1971	Armed robbery.
143490	do	6	June 6, 1967		Oct. 27, 1969		Sept. 18, 1971	Murder.
159357	P.L. and robbery	6	May 16, 1969		Oct. 1, 1970		Oct. 21, 1971	Robbery.
163295	Rape	15	July 1, 1970	Aug. 5, 1971			Oct. 13, 1971	Burglary 1.
158747	2d degree murder	15	Sept. 11, 1970	Aug. 3, 1971			Oct. 21, 1971	Armed robbery.
168138	2 robbery	8	Sept. 13, 1968	Feb. 13, 1970			Oct. 6, 1971	Att. UUV.
	Armed robbery	6	Mar. 19, 1971	Jan. 12, 1971			Oct. 24, 1971	Rape.
	do	10	Jan. 14, 1971			July 19, 1971	Oct. 18, 1971	Armed robbery.

## EXHIBIT C

The following is an excerpt from the Third Quarterly Report of the Major Violators Branch, Criminal Investigation Division, Metropolitan Police Department. The excerpt deals specifically with youthful offenders.

D. Narcotics/Community Correctional Centers:

In July, 1971, the Major Violators Branch was furnished a copy of the D.C. Department

of Corrections Narcotic Testing Report for June, 1971. An examination of this report revealed that a number of individuals who had three or more positive urinalysis examinations (demonstrating narcotic usage other than methadone) were being paroled within a short time after such positive examinations. It was also noted that some of the individuals had escaped after failing several urinalysis examinations. The following cases are

examples of what happened to individuals with three or more positive urine examinations in June. A positive reaction to methadone was not counted as having a positive Narcotic examination.

Louis Cain—This subject had four positive quinine tests in June, 1971. He was paroled on June 26, 1971, and rearrested for Armed Robbery on August 24, 1971.

Donnie Free—This subject had eight positive quinine and morphine exams in June, 1971, and was paroled on July 28, 1971.

Lewis Hartwell—This subject had five positive quinine and morphine exams in June, 1971, and escaped on July 11, 1971. He was rearrested for Armed Robbery on August 24, 1971.

Zachary Jones—This subject had 3 positive quinine and morphine exams in June, 1971, and was paroled on June 28, 1971.

Terry Stroman—This subject had 3 positive quinine and morphine exams in June, 1971, and was granted an Extended Furlough on

June 21, 1971. He was rearrested for Armed Robbery on August 24, 1971.

Vincent Turner—This subject had four positive quinine exams in June, 1971, and was paroled on July 9, 1971.

James Marshall—This subject had four positive quinine and morphine exams in June, 1971, and was paroled on July 14, 1971.

In August, 1971, a copy of the July, 1971 D.C. Department of Corrections Narcotic Testing Report was furnished to the Major Violators Branch. Two hours later a representative from Corrections came to this Branch and asked that the report be returned

as it had been furnished by mistake. The report was returned as requested and we have not been furnished any other such reports.

#### E. Rearrests of Persons on Parole:

In July, August, and September, 1971, this Branch documented the rearrest of 113 individuals who were on either Adult or Youth Parole, under the supervision of the D.C. Department of Corrections, at the time of their rearrest. Felony charges accounted for 77 or 65.4% of the rearrest.

The following persons were on . . . Youth Parole when they were rearrested for Robbery.

Name	Previous offense	Date paroled	New arrest		Name	Previous offense	Date paroled	New arrest	
			Offense	Date				Offense	Date
Louis Cain	Robbery	June 26, 1971	Armed robbery	Aug. 14, 1971	Larry E. Jones	do	Dec. 11, 1970	do	July 28, 1971
Walter A. Covert	do	Aug. 4, 1971	do	Aug. 29, 1971	Watson L. Mills	do	Aug. 18, 1970	do	Aug. 24, 1971
William H. Covington	do	Oct. 6, 1970	do	Aug. 19, 1971	Dandre H. Shorter	do	May 20, 1971	do	Aug. 28, 1971
James L. Edwards	do	May 25, 1971	Robbery	Aug. 2, 1971	Paul M. Strohman	do	Aug. 4, 1971	do	Aug. 19, 1971
Curtis L. Foster	do	May 27, 1971	Armed robbery	July 6, 1971	Terry Stroman	do	do	do	Aug. 24, 1971

The following cases are among those documented by this Branch involving the rearrest of individuals on parole under the supervision of the D.C. Department of Corrections.

Virgil Ronald Minor, age 23 years:

On January 9, 1970, this subject was committed to jail after being convicted of Assault with Intent to Rape and Burglary I. He was sentenced under the Federal Youth Corrections Act, Section 5010(b), not to exceed six years.

This conviction was the result of Minor entering an apartment at 2:00 a.m., with a stocking mask on and attempting to rape the female occupant.

On January 29, 1971, Minor was placed on Youth Parole.

On June 29, 1971, about midnight, Minor approached a lone female who was getting into her auto after leaving work. He pointed a pistol at her and also entered the auto. Minor forced the complainant to drive into an alley and then made her commit oral sodomy on him.

On July 6, 1971, after being identified in the case, Minor was arrested on a warrant charging Oral Sodomy and ADW (Pistol). He is now confined to the D.C. Jail pending trial on the new charge.

D'Andre Henry Shorter, age 10 years:

On November 18, 1970, this subject was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, after being convicted of Robbery. The conviction resulted after Shorter knocked a male and female to the ground and robbed them.

On May 20, 1971, the defendant was placed on Youth Parole. On August 28, 1971, Shorter was arrested for Armed Robbery on a warrant charging that on August 18, 1971, he held up a citizen at gunpoint and robbed him of \$300.

Shorter was released by the court on his Personal Recognizance following his last arrest under the supervision of the D.C. Bail Agency. His parole has not been revoked and he is free in the community as of the date of this report.

E. Rearrest of Individuals under supervision by D.C. Department of Corrections for Homicide:

William Edward Hawkins, age 20 years:

Henry Halvor Jones, age 26 years:

On November 25, 1969, William Edward Hawkins was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, after being convicted of Armed Robbery. He was paroled on November 12, 1970.

On October 3, 1968, Henry H. Jones was convicted of Attempt Burglary II and Destroying Private Property in Superior Court. He was placed on probation from October 3, 1968 until October 2, 1969.

On June 1, 1969, Jones was rearrested for Larceny from the D.C. Government and Burglary II. He was convicted and on June 19, 1970, he was sentenced to serve one to three years in jail.

On November 26, 1970, Jones escaped from the Lorton Complex and remained at large until February 10, 1971. In spite of the escape, Jones was paroled on April 26, 1971.

On May 21, 1971, Hawkins and Jones assaulted a 15 year old male and stabbed him three times in the chest. The victim died on the scene and Hawkins and Jones fled the scene.

Both subjects were arrested on May 22, 1971, and Henry H. Jones is now confined to the D.C. Jail. William Edward Hawkins was released on his Personal Recognizance by the court, under the supervision of the D.C. Bail Agency, and is at large in the community still on parole.

Investigation of this offense by Homicide Investigators revealed that the 15 year old who was killed was mistakenly identified by Hawkins and Jones for another person they were angry at.

Henry David Johnson, Jr., age 22 years:

On December 3, 1969, this subject was sentenced under the Federal Youth Corrections Act, Section 5010(C), not to exceed 10 years, after being convicted of Armed Robbery and ADW (Gun).

On January 22, 1971, Johnson was placed on Youth Parole.

On April 12, 1971, Johnson fatally shot a 30 year old male in the head during an altercation inside the victim's home. Johnson fled the scene following the homicide.

On May 16, 1971, Johnson was arrested after breaking into an apartment in Northwest. He was arrested hiding under a bed. He was also charged with Second Degree Murder on a warrant at the time of the Burglary arrest.

Henry D. Johnson, Jr. is now confined in the Lorton Complex.

Robert Watson, age 22 years:

On June 5, 1967, this subject was arrested for Armed Robbery after holding up a laundry truck driver. At the time of his arrest he was armed with a handgun. Watson was later identified in other Armed Robberies of delivery truck drivers and was indicted by the Grand Jury in five Armed Robbery cases.

Watson entered a plea of guilty to one count of Armed Robbery and was sentenced under the Federal Youth Corrections Act, Section 5010(B), not to exceed six years, on February 2, 1968. On October 27, 1969, Watson was paroled.

On Friday, September 17, 1971, Watson was arrested in Montgomery County, Maryland, after he followed the female resident of a high-rise apartment from a laundry room to her apartment. Once in the apartment he

sexually assaulted the victim and then stabbed her to death.

Watson is now held in the Montgomery County Jail charged with First Degree Murder.

[In the U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA VERSUS JAMES A. ALSBROOK, CRIMINAL NO. 1065-71

#### APPEARANCES

John Z. Noyes, Esquire, Counsel for Defendant.

Daniel A. Reznick, Esquire, Of, Arnold & Porter, Amicus Curiae appointed by the Court.

Robert A. Shuker, Esquire, Richard A. Hibey, Esquire, Assistant United States Attorneys.

John A. Earnest, Esquire, Shane Stark, Esquire, Assistant Corporation Counsel.

John Perazich, Esquire, Paul Chernoff, Esquire, Public Defender Service.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ANCILLARY HEARING

The Lorton Youth Center and the D.C. Board of Parole, while finding defendant Alsbrook amenable to rehabilitative treatment under the Federal Youth Corrections Act,<sup>1</sup> recommended that he be sentenced as an adult on the ground that "meaningful treatment cannot be provided due to overcrowding and inadequate facilities." Because of this development and other recent indications that there has been a local breakdown in the administration of the Youth Corrections Act, this Court noticed an ancillary factfinding hearing in aid of sentencing which was held on November 19.<sup>2</sup>

For reasons set out below, the Court has concluded that immediate steps must be taken both by correction authorities and the Court so that the Court's sentencing functions can be carried out in this jurisdiction in a manner consistent with the Act and implementing decisions of the United States Court of Appeals for the District of Columbia.

The Youth Corrections Act was originally enacted in 1950. Later, in 1952, Congress provided that D.C. Code youth offenders would also be eligible for Youth Act commitment. The Act was amended accordingly and funds were subsequently provided for the present Youth facility situated at Lorton, Virginia.

The Act contemplates that offenders convicted prior to reaching age 22 may be considered for commitment under indeterminate sentences to an appropriate youth facility, there to receive treatment and rehabilitation. Typically, educational, vocational and

Footnotes at end of article.



therapeutic assistance are provided at such a Youth Center. Offenders committed under the Act are released by the correction authorities when considered ready to re-enter civilian life, regardless of the length of intermediate sentence imposed by the Court. Often release is to a half-way house or other transitional community center for a short period of one or two months in order that adjustment to civilian life may occur under a degree of supervision.

The Act represents a humane and deliberate effort to assist young offenders by coupling an adequate degree of punishment with supervised treatment in the hope of salvaging many among the increasing number of young adult offenders involved in serious criminal conduct. Similar institutions have been created by some states and many of these programs have, generally speaking, been quite successful. The basic theory of the Act is rehabilitative, a consideration to be given priority unless the sentencing judge is convinced a youth is incorrigible and unable to derive help from the program as provided.<sup>5</sup>

Two types of commitments are available under the Act: a 5010(b) commitment which involves an indeterminate sentence up to six years; and a 5010(c) commitment which involves an indeterminate sentence for a greater number of years as may be specified by the sentencing judge. It is also provided in 5010(e) that an offender may be committed preliminarily for a period of approximately 60 days for the purpose of obtaining a full background report indicating the amenability of the offender to the Youth program in view of his needs and the type and degree of supervision required. Following such study, the Court may impose sentence on the basis of the study report and other information available.

Here in the District of Columbia, many young felony offenders eligible under the Youth Corrections Act have been committed by the United States District Court to the Lorton Youth Center. Judges have made frequent use of the 5010(e) type of preliminary study in order to aid in imposing the ultimate sentence. For reasons that will appear, the Court is not receiving the type of thorough, knowledgeable report which the Court requires to exercise its responsibilities under the Act. Yet in recent months the necessity of an adequate 5010(e) study preliminary to final commitment has become more apparent in view of the decision of the United States Court of Appeals in *Waters* which requires the sentencing judge to enunciate affirmatively on the record his reasons for believing rehabilitation is not feasible under the Act in any instance where an otherwise eligible youthful offender receives an adult commitment. This usually involves a specified minimum and maximum term at an adult prison.

The Youth Center at Lorton, constructed in 1966, was designed for a capacity of 300 inmates. Single dormitory rooms are provided. The complex has minimal vocational, educational and therapeutic accommodations geared to a 300-inmate capacity as designed. A special unit was constructed at the Center to accommodate individuals committed preliminarily for purposes of a 5010(e) study.

Because of the rising incidence of crime among young adults, more effective law enforcement, and other factors, this Lorton Youth facility is now completely inadequate to handle commitments by the United States District Court under the Act. This would still be the case even if the heavy commitments to the facility from the Superior Court of felony and misdemeanor offenders were totally ignored.

The Center now has a census of approximately 385 inmates and has on a number

of recent occasions had over 400. Correction authorities are unable to handle more than 340 or 350 inmates at the Center and still provide that minimum degree of treatment and rehabilitative service required by the Act.

The special unit at the Center designed for 5010(e) studies has been used to house offenders finally committed under the Act and as a result there are 85 in this unit originally built for 40. The authorities are, against their better judgment, utilizing the D.C. Jail for study purposes in most instances where offenders are initially committed for study under 5010(e). At present, there are 133 defendants undergoing 5010(e) studies at the Jail. Correction authorities generally acknowledged that when such studies are conducted at the Jail they are inadequate, inappropriate and undesirable,<sup>6</sup> and the Court finds that the Jail is not an "appropriate classification center or agency" under 5010(e). This situation is caused solely by the seriously overcrowded conditions at the Lorton Youth Center.

The Mayor-Commissioner advised the Court at the hearing that the Center will refuse to accept more than 350, a number well below current census. This is a frank recognition that the facility cannot now or in the future meet the requirements of the Courts in this community under the Act.<sup>7</sup>

Since September, 1971, 43 defendants believed to be amenable to rehabilitation have, like Alsbrook, been recommended for adult incarceration due entirely to overcrowding and indeed there have been 64 offenders in this category since the first of January. When the authorities limit the level at the Center to 350, a substantially greater number will have to be regularly recommended for adult commitment. There is no legal authority for diverting otherwise eligible youths to adult institutions due solely to lack of space.

These extremely critical overcrowded conditions must be viewed in the light of expected immediate future developments. In the next twelve months the Center expects to receive approximately 1200 commitments, assuming the present procedure which results in committing all parole violators to adult institutions is continued.<sup>8</sup> Thus the immediate requirements which the Courts are expected to place on the Center exceed by well over 100 percent the capacity which the Center when stretched to its outermost limits can or will accept. This conclusion does not reflect any change in the present rate of turnover which is all too rapid.

The pressures from overcrowding result in a complete frustration of the Youth Corrections Act program. Not only are the correction authorities and the sentencing judges required to reach commitment determinations upon inadequate 5010(e) studies; the rehabilitation program of the Center itself is stultified. Vocational, educational and therapeutic facilities are increasingly less effective to handle the numbers presented within the time periods available. The volume of new offenders is such that the Center has been forced to release inmates at all too early a date. Often individuals are sent to half-way houses or other community facilities before they are ready. Such premature release defeats treatment objectives and encourages recidivism. The report submitted by the Mayor-Commissioner states that the Department of Corrections considers the number of persons in the half-way houses or community treatment centers as far too many and that "roughly half that number ought not to be in that center [i.e., the community treatment center] but ought to be in the Youth Center."

About 80 percent of offenders committed to the Center have a drug problem in some degree and yet neither the Center nor the community centers have personnel or facilities that are devoted to the prevention of

drug use. Indeed there was evidence at the hearing that continued drug usage by an offender does not even prevent release into the community from half-way houses.<sup>9</sup>

While there have undoubtedly been some advances made at the Youth Center in terms of shortening the program of treatment and rehabilitation, the significant reduction in time spent, particularly by sophisticated defendants committed under the Youth Corrections Act, illustrates the pressures of overcrowding and the consequent lack of adequate rehabilitation care. Robbery, rape and homicide commitments in 1967 averaged 32 months from sentence to parole. By 1970, the figure was down to approximately 11 months and in 1971, at the most eight to ten months. Analysis of information submitted by the U.S. Attorney based on Police Department data received in turn from the correction authorities shows numerous cases of serious offenders committed under the Youth Act for armed robbery, rape, murder or aggravated assaults who spent periods in the Youth Center substantially less than six months, having been sentenced to periods of six, eight, ten or fifteen years, and in some cases such defendants were in the Youth Center only for a period of two or three months.

The Center's operations also suffer from the fact that there has been undue intermingling of highly sophisticated, hardened defendants with defendants who have committed non-violent offenses and have not an experience of frequent incarceration in juvenile or other youth facilities.<sup>10</sup> In spite of the overcrowding the Center has rarely rejected an offender because of his criminal activities. Nor has there been any effort to be highly selective when recommending youthful offenders for incarceration. While some commingling of the sophisticated and unsophisticated defendant may always occur, the present program is made far more difficult and less effective as the numbers in both categories increase and inmates are crowded more and more on top of each other under conditions which minimize the possibility of individualized treatment or control. This situation presently totally defeats efforts of sentencing judges to isolate for special handling defendants whose age or background indicates special rehabilitative needs.

In contrast, the Federal Youth Corrections Act system has established several facilities and can differentiate among types of offenders by age and offense. This desirable flexibility is not available in the District of Columbia. While other Youth Centers operated throughout the country under the Director of the Federal Bureau of Prisons are full, there is much less overcrowding, the number of violent and sophisticated offenders committed is minimal and yet the period of incarceration is substantially longer.<sup>11</sup> It is also significant that these other institutions, unlike the Lorton Youth Center, recognize a clear distinction between 5010(b) and 5010(c) commitments, holding 5010(c) committees a longer period of time.<sup>12</sup> At the Lorton Youth Center there is no consideration whatsoever given by the authorities to the fact that individuals committed under 5010(c) sentences have been judicially determined to require longer treatment. Moreover, in the federal institutions, no individual is released to the community without the approval of the Board of Parole,<sup>13</sup> while here the Center does not always consult the Board of Parole and the Court's experience indicates it may act contrary to the Board's wishes in releasing to half-way houses after brief incarceration.

The local correction authorities believe that in order to meet the needs of the Youth Corrections Act in this community it will be necessary to construct one and possibly two additional facilities, each with a projected inmate census of 500. Requests to the Congress for funds to establish the first addi-

Footnotes at end of article.

tional facility have been rejected. No construction of additional facilities is authorized or in progress. The Director of the Federal Bureau of Prisons has no available facilities to take any of the load from the District of Columbia.

All persons sentenced under the Act are committed to the custody of the Attorney General and it is the ultimate responsibility of the Federal and City authorities to furnish the necessary facilities. This responsibility falls jointly upon the Director of the Federal Bureau of Prisons and the Mayor-Commissioner of this City.<sup>12</sup>

The proper administration of justice, the requirements of the statute and the interests of this community demand that adequate facilities promptly be made available. The shortage of proper accommodations cannot be tolerated any longer. There is need of both an interim and a long-term solution.

The Court accordingly directs the Attorney General, the Director of the Federal Bureau of Prisons and the Mayor-Commissioner jointly to submit in writing within two weeks an interim plan for alleviating the present congestion consistent with the requirements of the Act. The interim plan should specify what steps will be taken and the date by which each phase of the plan will be accomplished. The plan should at the very least accomplish the following:

(a) Create additional temporary facilities for at least 300 male inmates by April 1, 1972.

(b) Provide facilities also sufficient to enable authorities to conduct all 501(e) studies at a suitable location or locations other than the D.C. Jail by January 1, 1972.

These new facilities may be minimum security facilities if sufficient to accommodate non-violent offenders, including the bulk of offenders in the age group 16-18.

In directing that an interim plan for creation of additional facilities be submitted, the Court has carefully considered elaborate materials presented for the record on behalf of the Mayor-Commissioner. It appears that a detailed analysis of the available capacity of correctional facilities and institutions has already been made by a special task force. On the basis of this analysis, after projecting expected caseloads, the decision has been made administratively that the present facilities at Occoquan could be turned into an additional Youth facility by transferring individuals in the alcoholic rehabilitation program. This and related adjustments would provide a Youth Center facility capable of increasing the present total capacity to 625. This would be sufficient to handle the projected 1972 Youth Center population, although, of course, would not take care of the long-term need. Whether this plan or some variable of this plan is chosen is, however, entirely a matter for consideration of the appropriate authorities.

Since any interim solution which will be proposed will not fully alleviate the situation, it appears necessary that this Court take some emergency steps consistent with the realities of the problem which will improve administration under the Act. The following has been recommended for consideration of the full Court.<sup>13</sup> Where the individual United States District Court Judge concludes that a defendant may be amenable for final commitment under the Youth Corrections Act, the following should occur:

(1) No defendant shall be so committed under the Youth Corrections Act without a 501(e) study.

(2) In the event the study indicates that the correction authorities consider the defendant amenable to final commitment under the Youth Corrections Act, the Court shall require as part of the 501(e) report a precise statement by the correction authorities of the plan of treatment and the approximate period of time it is contemplated

the defendant will be in custody before release to a half-way house, including goals that will be set for him prior to release.

(3) No defendant shall be committed under the Youth Corrections Act unless the Attorney General certifies in advance as to each defendant that a facility is available to provide the type of program and adequate period of treatment contemplated in the particular 501(e) report.

(4) Under appropriate circumstances, the Court shall commit all offenders under U.S. Code offenses for 501(e) studies and ultimate incarceration at other Youth Centers around the country.

The Court recognizes that if these emergency steps are taken by the Court as a whole and an interim plan is put into effect promptly to alleviate the immediate overcrowding crisis, that further action must still be taken to provide adequate facilities. The Court urges that energetic and immediate action be taken by the Attorney General and the Federal Bureau of Prisons and the Mayor-Commissioner to obtain necessary construction and supportive funds from the Congress so that facilities and personnel can be provided on an expedited basis through emergency appropriations within the shortest possible period of time and without awaiting the implementation of the interim steps to be covered by the plan.

A full discussion of the Court's authority to place an interim plan into effect, to announce emergency procedures, and to take whatever further steps may be necessary to make the Youth Corrections Act viable is not required at this stage. Suffice it to note that as an Article III Court under the Constitution this Court is vested with "the judicial power of the United States." This is a grant of an inherent authority to direct action which is found essential to the continued effective functioning of the Federal Courts. The Court's supervisory powers must be exercised to this end. Unless adequate facilities are made available, the Court's role in sentencing becomes merely advisory and it loses the "judicial power" to enforce its orders of commitment under the Act. Moreover, the mandatory requirements of Sections 5011 to 5014, inclusive, and 5025(c) which direct the Mayor-Commissioner and the Director of the Federal Bureau of Prisons to provide treatment facilities, must be enforced in accordance with the express directions of the Congress. Given comparable constitutional and statutory authority, Courts have in the past ordered executive action without regard to the availability of earmarked funds.<sup>14</sup>

This is such a case—a case where it has become abundantly clear that immediate action by the Court is required to assure the fair and proper administration of justice under a statute enacted by the Congress.

There are many offenders below the age of 22 who come before this Court who can be and have been rehabilitated through the Youth Corrections Act program. Congress has wisely put such a program into effect and experience has emphasized and re-emphasized the validity of this approach to many young offenders in a community such as Washington, D.C. The breakdown that has occurred is a tragedy for this city. Not only are defendants denied the treatment and training Congress requires, but premature release is placing citizens unnecessarily at hazard and it cannot be disputed that a correctional system that ignores the clear intent of the Court's sentences leads the public to question the very integrity of our judicial process. This Court cannot stand idly by and permit these conditions, whatever the cause, to continue. The Court is entitled to have facilities provided sufficient to make the Act effective and the Court must insist that its sentencing orders are implemented in the interests of the fair and proper administration of justice.

A hearing to consider placing an appro-

priate interim plan into effect is hereby set for December 23, 1971, at 9:30 a.m.

GERHARD A. GESELL,  
U.S. District Judge.

DECEMBER 1, 1971.

#### FOOTNOTES

<sup>1</sup> 18 U.S.C. 5005 *et seq.*

<sup>2</sup> Chief Judge John J. Sirica sat with the Court as an observer at the hearing. The following appeared as witnesses: Robert C. Whitaker, Superintendent of the Youth Center at Lorton; Allen M. Schuman, Superintendent of Youth Services of the D.C. Department of Corrections; Kenneth L. Hardy, Director of the D.C. Department of Corrections; and Richard J. Heaney, Deputy Director of the Federal Bureau of Prisons.

<sup>3</sup> *United States v. Waters*, 141 U.S. App. D.C. 289, 437 F. 2d 722 (1970). H.R. Rep. No. 2979, 81st Cong., 2d Sess. (1950). S. Rep. No. 1180, 81st Cong., 1st Sess. (1949).

<sup>4</sup> For example, the Superintendent of the Youth Center at Lorton stated:

[T]o effectively make a recommendation to the Court, on our observation on this man, it is unrealistic to think if we house a man in a jail cell, and we send our C. and P., our diagnostic team up there to call him out of the jail cell to talk to him, and he goes back in the jail cell, who is observing the man, other than the three officers who are in the cell block? There really is no observation. The observation takes place when the man goes up and gives the social history, the background history, school, his work, and so on, and so forth. But it is unrealistic to think we can provide an intelligent observation of the man. (Tr. p. 15.)

I see it as not really being able to effectively observe the man, his behavior, his attitude, what his remorse is about the crime he committed, and so forth.

The ideal—when the Youth Center was constructed some years ago, the man was at the Youth Center, he went about attending classes, being seen by the psychologist on a kind of regular basis, being seen by the classification and social worker, being introduced to vocational and academic programs at the Youth Center, seeing him among the population, as to how he is going to react to institutional life, whether that kind of setting is best for the man. We don't have that kind of situation right now. (Tr. p. 16.)

<sup>5</sup> Mr. Whitaker stated the conclusion bluntly:

Without the tools and without the facilities, we can't do a job. It is unrealistic to think that we have a magic wand, that we can cope with those kinds of population figures and do an effective job in rehabilitating a man. (Tr. p. 22.)

<sup>6</sup> "It is anticipated that there will be approximately 900 commitments under 501(e) and 240 direct commitments under 501(b) and 501(c) in the next twelve months. Parole violators presently number approximately 16 per month or 192 in the next twelve months. The anticipated increase totalling 1,256 is of course in addition to our present youth population of 609. This does not include approximately 150 16 and 17 year olds expected in the next twelve months." Letter from Kenneth I. Hardy to Judge Gesell, November 18, 1971, p. 5.

<sup>7</sup> Mr. Schuman estimated that 20 percent presently in half-way houses are drug users. Tr. p. 67.

<sup>8</sup> "... Insofar as practical, ... youth offenders shall be segregated from other offenders, and classes of committed youth offenders shall be segregated according to their needs for treatment." 18 U.S.C. § 5011.

<sup>9</sup> Tr. pp. 161, 154 and 156 (Testimony of Richard J. Heaney, Deputy Director of the Federal Bureau of Prisons).

<sup>10</sup> According to Mr. Heaney's testimony, in 1970, the average commitment under 501(b) was 21.5 months whereas the average com-



mitment under 5010(c) was 33.6 months. Tr. p. 156.

<sup>11</sup> Tr. p. 173.

<sup>12</sup> The legislative history of what is now 13 U.S.C. § 5025 is sparse. Nevertheless, it indicates that Congress's primary purpose was to transfer supervision of youths convicted of violations in the District from the U.S. Bureau of Prisons and the Youth Corrections Division of the U.S. Board of Parole to the District of Columbia Mayor-Commissioner. There is no indication from the legislative history of this statute that Congress wanted to relieve authorities of the Department of Justice and the Bureau of Prisons from their statutory obligations in Sections 5011 and 5012 to provide treatment in proper and adequate treatment facilities. H. Rep. No. 387, 90th Cong., 1st Sess.; S. Rep. No. 912, 90th Cong., 1st Sess.; Report of the President's Commission on Crime in the District of Columbia on Omnibus Anticrime Bills, 90th Cong., 1st Sess., p. 63; Hearings before the Subcommittee on the Judiciary of the Senate Committee on the District of Columbia, 90th Cong., 1st Sess., p. 75, 133-138, 250.

<sup>13</sup> The Superior Court faces comparable problems in dealing with both felony and misdemeanor cases and obviously that Court can assist in the present difficult circumstances if comparable emergency steps are taken to prevent gross overcrowding and encourage more knowledgeable commitments where the Act is employed.

<sup>14</sup> Increasingly in the area of jail and prison reform, courts are directing changes that perforce will entail additional expenditures. In the Matter of Savoy and Toney Hazel (Docket D.C. Superior Court; Landman v. Royster, Civil Action No. 170-69-R (E.D. Va., Oct. 30, 1971); Holt v. Sarver, 309 F. Supp. 362 (E.D. Ark. 1970), affirmed, 442 F.2d 304 (8th Cir. 1971); Jones v. Wittenberg, 323 F. Supp. 93 and 330 F. Supp. 707 (N.D. Ohio 1971); McCray v. Maryland, Misc. Pet. 4363-4430 (Cir. Ct. Montgomery Cty. Md., Nov. 11, 1971; State ex rel Ray v. South, 176 Oh. St. 241, 198 N.E. 2d 919 (1964)). Also in the area of school desegregation, courts have required certain changes which necessitated additional expenditures. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 and Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967), modified, 132 U.S. App. D.C. 372, 408 F.2d 175 (1969).

#### KILLER SENT TO YOUTH CENTER

(By Winston Groom)

A federal judge here sent a 19-year-old youth convicted of murder to the Youth Center at Lorton yesterday even though the U.S. attorney's office pointed out that he may be released within a few months.

Earlier, U.S. District Judge Aubrey Robinson angrily rejected a prosecution request that he tell the jurors the youth might receive lenient treatment under the Youth Corrections Act if they did not call for the death penalty in the case.

Although the act sets a four-year maximum limit on the time an offender has to spend in actual custody, District Corrections officials have said most inmates are released within a few months.

The youth before Robinson, Richard D. Leake, was given life imprisonment by the jury for the fatal shooting of a 30-year-old grocery store owner in January during a robbery to get money for narcotics.

Before the verdict, Asst. U.S. Atty. Warren L. Miller told Robinson that a failure to explain to the jury that with a sentence of life imprisonment, Leake could be set free quickly under the Youth Act amounted to "not being truthful" to the panel.

The judge, however, said he would not issue any such explanation because it might appear that he was advocating the death penalty.

The prosecution request came on the heels of a case last week in which U.S. District

Judge Joseph C. Waddy sent a 20-year-old defendant to the youth center for study after a jury convicted him of what Miller "the most brutal murder I have ever seen."

In that case the defendant, Dennis T. Butler, was found guilty of killing an elderly landlord who discovered him selling dope to a teen-ager in a vacant apartment. According to court testimony, Butler bound and gagged Jesse K. Mears, 75, then beat and strangled him and rammed a soft drink bottle filled with water down his throat.

Officials in the U.S. attorney's office have become increasingly concerned over the upsurge in Youth Act sentences following a series of rulings by the U.S. Court of Appeals beginning early this year.

Under the rulings, District judges are practically obligated to sentence every defendant 22 years old or younger under the act. A letter from Department of Corrections officials to a District judge last year stated that the average stay for inmates at the youth center was 12 months, but the U.S. attorney's office said that figure has dropped even further to seven or eight months.

The youth center came under increased judicial scrutiny earlier this week when U.S. District Judge Gerhard Gesell ordered a hearing to determine the way the Youth Act is being administered there.

Gesell and Chief Judge John Sirica will conduct the inquiry Friday into the center's recommendation that Gesell sentence a 19-year-old defendant as an adult because of overcrowding at the Lorton facility.

Sirica and Gesell have said the hearing will extend far beyond the overcrowding problem at the center and will delve into areas such as how the center determines when a youth is "rehabilitated," guidelines under which inmates are released into halfway houses and given furloughs and the rate of re-arrests among those released.

The appeals court rulings have instructed District judges that they must sentence youths under the Youth Act if they can derive "any" benefit whatever from it.

The rulings also have said that judges must specifically state their reasons for not sentencing offenders under the act.

#### U.S. DEPARTMENT OF JUSTICE,

Washington, D.C., December 29, 1971.

Hon. J. GLENN BEALL, Jr.,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR BEALL: This is in response to your letter to Mr. Flannery, dated December 16, 1971, inquiring about the implementation in the District of Columbia of the Federal Youth Corrections Act, 18 U.S.C. Code § 5005 et seq. Since receipt of your letter, Mr. Flannery has been sworn in as a United States District Judge and I have been appointed by the court as his successor. Mr. Flannery, now Judge Flannery, has requested me to reply to your letter.

As you correctly point out in your letter, recent decisions of the United States Court of Appeals for the District of Columbia Circuit construing the Youth Corrections Act make it extremely difficult for trial judges not to sentence young offenders under the Youth Act. These decisions are *United States vs. Ward*, Nos. 71-1654 and 71-1677, decided October 29, 1971, and *United States vs. Waters*, 437 F. 2d 722 (1970). This is of particular concern to my office because our research demonstrates that the average period of confinement for the many youthful offenders convicted of the most violent crimes of murder, rape, and robbery and sentenced under the Youth Act is only about ten months. For your information I am enclosing a copy of a pleading filed by my office in the District Court in *United States vs. Alsbrook*, Criminal Case Nos. 1065-71 and 1473-71, in which we have set forth the results of our research concerning implementation of the Youth Act in the District.

To remedy this situation, my office is doing the following. First, we have requested the Court of Appeals, sitting *en banc*, to reconsider its decisions of *Ward* and *Waters* in light of the legislative history of the Youth Act, legislative history which, in our view, makes it explicitly clear that the Youth Act was intended to provide no more than an optional sentencing alternative for trial judges to be used in their discretion. We also provided the Court with statistics showing that, contrary to the practice in the District of Columbia, the Youth Act has been used by federal judges throughout the country primarily for persons convicted of non-violent crimes. Enclosed for your information is a copy of the memorandum our office filed with the Court of Appeals setting forth its position. The case has been argued, but the Court has not rendered its decision.

The second step taken by our office is to bring this matter to the attention of the Department of Justice. Since what is involved is federal legislation applying throughout the country, it would be the Department which would recommend to the Congress any specific amending legislation. In this regard, I have brought your letter to the attention of the Department. Should any legislation be recommended by the Department, I shall advise you of this fact promptly.

I appreciate your expression of interest in what is for my office a matter of the utmost concern. For, should our request to the Court of Appeals to reconsider its prior decisions not be successful, corrective legislation will, in my view, be necessary. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

HAROLD H. TITUS, Jr.,  
U.S. Attorney.

SUPPLEMENTARY MEMORANDUM OF APPELLEE  
[United States Court of Appeals for the  
District of Columbia Circuit, No. 23,044  
(Cr. No. 545-68)]

(United States of America, Appellee, v. Carl  
M. Reed, Appellant)

The above-captioned case came on for oral argument on February 25, 1971. Since that time this Court has issued its Order on Appellant's Motion for Summary Reversal and Remand in *United States v. Ward*, D.C. Cir. Nos. 71-1654 and 71-1677, decided October 29, 1971 in which *United States v. Waters*, 141 U.S. App. D.C. 289, 437 F. 2d 722 (1970) was further considered. In both cases this Court suggested that Congress intended the Federal Youth Corrections Act, 18 U.S.C. § 5005 et seq., to receive priority over a sentence under the regular adult statutory provision. *United States v. Ward*; *supra*, slip op. at 4, *United States v. Waters*, *supra*, 141 U.S. App. D.C. at 293, 437 F. 2d at 726.

Appellee submits that the legislative history does not manifest an intent to install the Youth Act as a required primary sentencing consideration, but rather as a discretionary alternative to the regular penalty provision, for the judge in imposing sentence on the eighteen to twenty-two year old offender. As the Senate Committee on the Judiciary stated in reporting favorably on the proposed Act, "while the bill would not deprive the court of any of its present functions as to sentencing, it provides that, upon consideration, the court may place the youth offender on probation, proceed under the Juvenile Delinquency Act, or sentence under any applicable law relating to the offense." S. Rep. No. 1180, 81st Cong., 1st Sess. 1 (1949). That announcement of the bill's (S. 2609) intention is corroborated by the House Committee on the Judiciary's statement that, "the proposed legislation is designed to make available for the discretionary use of the Federal judges a system for the sentencing

and treatment of persons under the age of 22 years. . . ." (emphasis supplied), H. Rep. No. 2979, 81st Cong. 2 Sess. 1 (1950).

A letter from Peyton Ford, Deputy Attorney General, dated June 21, 1950, to the Honorable Emanuel Celler states:

"The measure would define a youth offender as a person under the age of 22 years who has been convicted of an offense against the United States. While it would not deprive the court of any of its present functions as to sentencing, the bill would provide that, upon conviction, the court may place the youth offender on probation, proceed under the Juvenile delinquency act, or sentence under any applicable provision of law relating to the offender. The court would be authorized, however, in lieu of any penalty of imprisonment otherwise provided by law, to sentence a youth offender to the custody of the Attorney General for treatment and supervision." S. Rep. No. 1180, 11-12.

Nowhere in the Senate or the House Committee Reports, the committee hearings, or in the Congressional debates is there any indication that a judge is precluded from imposing a regular adult sentence unless he first finds that an eligible defendant will not receive any benefit from the Youth Act sentence. Indeed the legislative history is completely to the contrary. When asked for an explanation of the bill (S. 2609) Senator Harley Kilgore of West Virginia, the bill's chief sponsor and chairman of the Senate subcommittee which held the hearings on this legislation stated "The bill does not take away from the court any of its powers but does give to the judges, in cases involving Federal offenses, the right to refer an offender under the age of 24 years to the Department of Justice for a period of 4 years, during which time the Parole Board of the Department of Justice would place the offender in a federal institution for careful examination and study to determine whether or not he could be reformed, and if possible to reform him." S. Rep. No. 1180, 81st Cong., 1st Sess. 1 (1949). On February 1, 1950, in the Congressional Record, Senate page 1312, Senator Kilgore explained that "The bill would not be compulsory in any sense of the word; but it will give the judges of trial jurisdiction the right to refer the case of any prisoner under 24 years of age, who is not a habitual offender, to the Department of Justice . . . to determine whether a person is a criminal or whether the situation in his or her case is an incurable one, before sentence is passed."

On June 8, 1950, Senator Kilgore stated, "The judges say that the bill will give them an additional facility although use of the system provided by the bill will not be mandatory." Speaking of the imposition of an appropriate sentence, he continued, "However, when there is a case about which a judge is in doubt, if the accused is under the age of 22, the judge may refer the case to the Youth Correction Division." 1950, Cong. Record, Senate, p. 8383.

The optional nature of the Youth Corrections Act as a sentencing vehicle is clearly and repeatedly demonstrated by the testimony at the hearings on this legislation, particularly that of Federal judges who are participated in the drafting of the Youth Act. Significantly, the legislation as proposed contained subsection 5010(d), the principal subsection relied on by this Court on both *Waters* and *Ward*. The Honorable Bolitha J. Laws, Chief Judge United States District Court for the District of Columbia, after noting that he was one of seven Federal judges appointed to study the subject of sentencing youth offenders stated:

"As to sentencing of youth offenders, in addition to the judge's present power to place on probation or to sentence under existing statutes, the bill gives him three

new alternatives in handling offenders under 24.

"First, the judge may commit a youth offender of diagnosis and treatment under this act for an unspecified period up to 6 years, with provision that he be tried on conditional release within 4 years.

"Secondly, if the judge feels that a youth offender convicted of an offense calling for a long term under existing statutes might not respond to treatment within 6 years or that so short a term might have an adverse effect on enforcement of the law, he may set any maximum authorized by law but still give the offender the benefits of treatment under this act.

"Third, if the judge wants more information on a youth offender before sentencing him, he may order a thorough pre-sentence diagnosis at a classification center set up by the Bureau of Prisons.

"It should be noted that the bill in no way reduces the authority or interferes with the sentencing power of the judges."

He went on to say:

"Now, there is one very important thing I would like to develop. I will put it simply, Senator, I have already told you that this law is purely an optional situation. A judge who feels that the present system is in all respects perfect and who does not want to use the new provisions, except perhaps rarely, does not have to use them. He still may do one of two things. He may admit the man to probation, or he may send to an institution exactly as he does now. However, with regard to those of us who are constantly puzzled and concerned and who do not know the solution, it is possible for us to adapt ourselves to this system and use it." *Hearings*, p. 15.

Judge Laws recollected that in his advocacy of the bill he had met opposition to its passage from some Federal judges.

"There is one thing I would like to say in conclusion, Senator, I have spoken on this subject before judicial conferences—I think five different ones in the United States. I have never explained it fully and completely, but what we did not get was a response from the judges that was favorable. Most of the judges who object to it have not studied it carefully.

"I regret to say that, but there are a great many objections that come when the judges have not comprehended and studied the subject very carefully. When they get the presentation fully made to them, and once they realize it is entirely optional and that some of us are not the types of experts that can look across a table into a man's eyes and know what sentence to give him, they say under those circumstances that they do not mind, for those of us who are frail, having the study made for us as long as they themselves are not restricted. . . .

"The way I want to argue this with my brethren who oppose it is: let me do it and let them go on in the way they do.

"When I put that up to them, they say, 'All right, Judge, as long as you do not harass me.' I will say to them that my prophecy is that at the end of 10 years they will all be doing it, and perhaps they will be doing it at the end of 5 years." *Hearings*, pp. 20-21.

In a dialogue between Senator Kilgore and James V. Bennett, Director, Bureau of Prisons, the motivation for making the application of the bill entirely discretionary is plainly seen.

"Mr. BENNETT. Senator, if you will permit, and for your future reference, I would like to introduce some case histories into the record that will support this viewpoint of yours and mine. They may be helpful to you at a later date. I would like to carry forward a little bit further and re-emphasize more than Judge Laws has done, that this bill is

discretionary whereas the other bill which you had before did not provide that same discretion. The judge under this bill can now place the man on probation, he can sentence him, as a youth offender for a maximum of 6 years or he can sentence him as a youth offender for whatever maximum the statute will permit.

"Thus, you see it is very difficult for me to conceive of anybody who could rightfully object to the bill because they can use it or not, as they see fit, and yet it gives them all of these additional services and alternatives.

"Senator KILGORE. Mr. Bennett, to be perfectly frank with you, I still personally approve of the mandatory feature rather than the discretionary feature and I will tell you why. I think it will protect the judge from a tremendous lot of annoyance if he can say, 'Here, I am going through these steps. The law provides it and I am going according to the law. I am not going to have this group over here insisting that I jack up the penitentiary, set up a prop under the corner of it. I am not going to have this group saying that I just turn him loose willy-nilly.'

"I believe that it would save a lot of the judge's time and a tremendous amount of extra work if it had been mandatory. But, I am willing to go along on the discretionary feature in the hope that eventually we can get the bill through." *Hearings*, p. 25.

The Honorable John Parker, United States Circuit Judge, Fourth Circuit concurred in the idea that the Youth Act left the power of the sentencing judge as it had been before the passage of the Act.

"In the first place the act deals only with offenders under 24 years of age. In the second place, it does not interfere with the power of the judge even with respect to those offenders, but gives him merely an alternative method of treatment of those people. That is to say, under this bill the judge may still admit the youthful offender to probation. There is nothing in the bill that prevents that. He may still give the youthful offender the punishment prescribed by existing statutes, there is nothing in the bill that prevents that. All that the bill does is to provide that if in his judgment and discretion, he thinks that the offender before the court is one that can be treated with advantage under this bill, he can sentence him under this bill instead of under the existing law." *Hearings*, p. 43.

Senator Kilgore, in discussing objections to the bill voiced by Federal judges, noted, "Two objected to taking sentencing away from the court and giving it to an executive agency. But that has been answered in S. 2609 because it takes nothing away."

"That is correct; it is purely optional," responded the Honorable Orie L. Phillips, United States Circuit Judge, Tenth Circuit. *Hearings*, p. 69.

Furthermore, that it was not necessarily the intention of this bill to sentence a majority of the younger offenders pursuant to its provisions as indicated in the following colloquy between Senator Kilgore and James E. Palmer, Jr., President of the Federal Bar Association.

Senator KILGORE. "You are going to have a certain number that you will have to deal with, but if in some way we can cure 20 percent or 30 percent, or 40 percent, or 50 percent, at the source, we have done to society in this country a great service and we have saved the taxpayers a tremendous amount of money. Is not that your idea?"

Mr. PALMER. "Indeed, I agree very heartily, sir. May I make just one further brief statement?"

Senator KILGORE. "We will be glad to hear it."

Mr. PALMER. "I can hardly see how there can be intelligent opposition to a measure of this nature. Of course, I am too much



of a prosecutor to want to approve anything that would result in placing the stamp of approval on youths who go out and commit serious crimes and then the Government of the United States gets the public reputation of patting them on the back and treating them not as criminals, when they should be treated as criminals.

"But that, in this bill, turns upon the caliber and efficiency of our judges, and also on the ability of the men in charge of the program set up under the bill.

"I have enough confidence in the discretion of our judges to feel that they are not going to abuse this statute, and certainly that those who are charged with the direction of these people are not going to abuse it to the extent that it will ever redound that we are here trying to set up a structure that will give the Government a reputation of dealing too lightly with those who should be dealt with properly." *Hearings*, p. 82.

It is clear, therefore, that the framers of the bill considered that its provisions would be applied solely in the discretion of the trial judge. Nowhere is it stated that a finding of fact must be made before the sentencing judge could employ a sentence under any other applicable penalty provision.

Both the legislative history as outlined above and the implementation of the Youth Act from 1959 to 1970 by the federal judiciary clearly show that it is not only the exceptional case in which an eligible offender would not receive a Youth Act sentence. To the contrary, it was anticipated that the Youth Act would be applied only to federal offenders who had not become crime-hardened and who had not committed a crime of violence. The typical youth offender was expected by Mr. Bennett to be a Dyer Act offender.

Mr. BENNETT. "Senator, apropos of the savings which would occur under this bill, may I say, as I am sure you realize, that far and away the largest number of young offenders who could come to us under the bill are automobile theft cases—1,227 last year were committed to us for automobile thefts.

"Now most of these boys have stolen a car in some city and gone a junket. The problem in many cases is to be able to get them back home. If we could get them home under parental control they would not need to go to prison. Under present circumstances the judge has no way to cope with the problem." *Hearings*, p. 29.

This expectation was borne out by the actual use of the Youth Act.

An analysis of statistics released by the Federal Bureau of Prisons reveals that in no year between 1959 and 1970, inclusive, did commitments under the Youth Act exceed 47.4% of the total of eligible offenders from eighteen to twenty-two years old.<sup>1</sup>

TABLE I

Fiscal year	YCA/adult percent	Total 18 to 22	YCA
1970	39.6	1,997	790
1969	41.7	2,250	938
1968	37.1	2,284	848
1967	40.3	2,305	928
1966	42.9	2,029	871
1965	42.9	2,007	862
1964	44.0	2,070	910
1963	47.4	2,066	979
1962	44.7	2,047	915
1961	47.1	2,149	1,012
1960	46.5	2,112	983
1959	46.4	2,124	986

Thus, it is apparent that employment of the Youth Act Commitment procedures is less common than adult commitment for the eighteen to twenty-two year age group.

Footnotes at end of article.

TABLE II

Fiscal year	YCA/adult percent	Total YCA commitments <sup>2</sup>	Number of YCA Dyer commitments <sup>3</sup>
1970	38.2	1,160	443
1969	42.0	1,318	554
1968	53.3	1,138	607
1967	58.0	1,264	733
1966	57.7	1,132	653
1965	60.6	1,131	686
1964	63.1	1,149	725
1963	61.4	1,237	759
1962	62.4	1,182	737
1961	63.8	1,324	845
1960	56.7	1,326	752
1959	60.7	1,291	784

Additionally, auto theft was by far the offense for which the Youth Act commitments were most often imposed in the period from 1959 to 1970.

From the above tables and their underlying statistical bases it may be seen that the Youth Act was not the ordinary means of commitment used by Federal judges for eligible offenders and the most common offense for which the Youth Act was invoked was the non-violent crime of auto theft.

Finally, that section 5010(d) is not generally conceived of as requiring a finding before the penalty authorized under the applicable statute is imposed may be seen in Mr. Gottshall's article on youth sentences. He notes that:

"Section 5010(d) confers no benefits under the Act. It is generally regarded as nothing more than an affirmative statement that the court, convinced that treatment under 5010(b) or 5010(c) would accomplish no good, has resort to the penalty authorized for the substantive offense. Actually, inquiry among several who assisted in the drafting of the Act confirmed the view that the subsection was included to assure the courts that the regular sentencing provisions were available when they felt that correctional treatment under the Act was inappropriate." *Federal Probation Quarterly*, *supra*.

This view of the use of section 5010(d) is supported by an article on suggested sentencing procedures. That article, "Forms of Adjudication for Use in Sentencing," James M. Carter, Judge, United States Court of Appeals, Ninth Circuit and Fred Kunzel, Chief Judge, United States District Court, Southern District of California, 44 F.R.D. 197 (1968), which sets out model forms for imposing sentences was first presented to the Ninth Circuit Judicial Conference in 1960. There were three subsequent revisions; the first in 1962 was unpublished and the second, was published in 35 F.R.D. 404 (1964) as part of the papers used at the Institute on Sentencing for United States District Judges held at Denver, Colorado, in January 1964, and the third was in 1968. As the authors' commented, "Many appeals involve a sloppy sentence. In each instance the trial judge knew what he wanted to do with the defendant; in certain instances he used the wrong language." 44 F.R.D. at 198-199.

It is significant that there is no form for a sentence under an adult penalty provision for an offender between the ages of eighteen and twenty-two. The two forms (attached as Appendix C) which cover Youth Act commitments and regular sentences are Forms No. 6 and No. 17. Both forms simply state the order and judgment of imprisonment and make no mention of a finding of lack of benefit derivable from a Youth Act commitment.<sup>4</sup>

Since these forms were carefully developed and undoubtedly in widespread use, it must be assumed that there is scant likelihood that Federal judges included a formal find-

ing pursuant to section 5010(d) as suggested by *Waters*.<sup>5</sup>

The legislative history, as outlined above, contains no indication that an articulated finding is required before an adult sentence may be imposed. In fact, it is clear that the framers intended the Youth Act to be no more than an additional sentencing alternative to be employed in the discretion of the trial judge. Any contention that the words in subsection 5010(d), "shall find," import the requirement that a judge must make an explicit finding on lack of benefit before he can sentence under the regular adult provisions files in the face of the legislative intent. This is particularly clear in light of the fact that subsection 5010(d) was, as we have pointed out, *supra*, p. 12, included in its present form as part of the proposed legislation which, as the hearings unequivocally show, its framers intended only to point to the options available to the sentencing judge. Even should this Court construe the literal wording of subsection 5010(d) to require such a finding, without regard to the clearly discretionary language of subsections 5010(d) and (c), it has been recognized that, "The literal wording of the statute is a primary index but not the sole index to legislative intent. It cannot prevail over strong contrary indications in the legislative history or so as to command an absurd result. *Lange v. United States*, — U.S. App. D.C. —, 443 F.2d 720, 722-23 (1971). See also *United States v. Public Utilities Comm'n.*, 345 U.S. 295, 315 (1953) and 2 J. Sutherland, *Statutory Construction*, § 4706 at 339-40 (3d ed. 1943). We agree with Mr. Gottshall that the only purpose of subsection 5010(d) was to assure that judges could utilize the regular adult sentencing provisions.

The likely impact of this procedure on the administration of justice will be interminable hearings and the probable defeat of the purposes of the Youth Act. This result seems foreshadowed by the direction of the *dicta* in *United States v. Ward*, *supra*, and Appellant's Supplemental Memorandum in Support of the Motion for Summary Reversal in that case filed subsequent to the remand order. Appellant therein contends (Supplemental Memorandum, pp. 12-13). "First, the Youth Act is not to be limited to those who are most 'desirable' for Youth Act commitments. Although an individual might not benefit as much as others from a Youth Act sentence, unless the Court can make a finding that he will receive no benefit whatsoever, he cannot be denied a Youth Act sentence." Since it is inconceivable that even the most hardened criminal would not derive some benefit from treatment under the Youth Act, even if only more pleasant surroundings, the purpose of the Youth Act to rehabilitate suitable candidates while isolating them from crime-hardened individuals would inevitably be vitiated, as is readily apparent.

Speaking of the resort of the sentencing judge to the Youth Act is a misdemeanor case, this Court determined that, "[The Youth Act sentence] was to carry out the congressional purpose represented by the Act—to serve the interests of society and of selected youth offenders in preference to the statutory sentence for the misdemeanor." *Harvin v. United States*, D.C. Cir. No. 22,317, decided May 7, 1971, (*en banc*), slip op. at 7. (emphasis added). This selection process, which is vital to the survival of the Youth Act as a rehabilitative vehicle, necessarily envisages the culling of those individuals deemed suitable for the Youth Act program and rejecting those who would detriment it. To adopt a standard requiring that priority be given to eligible individuals, so long as they would derive any benefit from the Act, would result in the very integration of hard-

ened and non-hardened criminals that the Youth Act sought to prevent.

That underlying legislative intent not to require findings is fully supported by the well-accepted procedures for sentence imposition suggested by Judges Carter and Kunzel (*supra*, p. 13). The adoption of those procedures by the Ninth Circuit Judicial Conference and the Institute on Sentencing in 1964, certainly give incontrovertible legitimacy to the legislative intent which militates against the imposition of formal findings.

The absence of a requirement imposed by Congress of formal findings in imposing sentence under the Youth Act is consistent with its traditional approach to sentencing. That has always been to leave sentencing to the discretion of the trial judges. Under this approach by Congress, "If the sentence is within the latitude granted by statute and is imposed in a procedurally correct manner, the court has a well-nigh unreviewable discretion. The heavy burden on the court is a reflection of the importance of the sentence to the public interest as well as to the defendant who is most directly affected." *United States v. Bryant*, — U.S. App. D.C. —, 422 F.2d 775, 772 (1971).

It is axiomatic that where the imposition of a sentence falls within the statutory limits, the severity of such a sentence does not warrant interference by an appellate court. *Blockburger v. United States*, 233 U.S. 299 (1932); *Wilson v. United States*, 233 U.S. 299, 335 F. 2d 988 (1963). In *Wilson* this Court recognized that "the imposition of a sentence is in the sound discretion of the District Judge. The sentence seems to us unduly harsh but circumstances not disclosed by the record may justify it. 118 U.S. App. D.C. at 320, 335 F. 2d at 983.

Recently the Supreme Court grappled with a similar problem involving the establishment of standards by which a jury could arrive at its sentencing decision. While the case dealt with the imposition of the death penalty, its approach is quite instructive on the general matter of setting up criteria for sentencing. The Court stated,

"Those who have come to grips with the hard task of actually attempting to draft means of channeling capital sentencing discretion have confirmed the lesson taught by the history recounted above. To identify before the fact those characteristics of criminal homicides and their perpetrators which call for the death penalty, and to express these characteristics in language which can be fairly understood and applied by the sentencing authority, appear to be tasks which are beyond human ability." *McGautha v. California*, 402 U.S. 183, 204 (1971).

The Court concluded that, "In light of history, experience, and the present limitations of human knowledge, we find it quite impossible to say that committing to the untrammelled discretion of the jury the power to pronounce life or death in capital cases is offensive to anything in the Constitution. The States are entitled to assume that jurors confronted with the truly awesome responsibility of decreeing death for a fellow human will act with due regard for the consequences of their decision and will consider a variety of factors, many of which will have been suggested by the evidence or by the arguments of defense counsel. For a court to attempt to catalog the appropriate factors in this elusive area could inhibit rather than expand the scope of consideration, for no list of circumstances would ever be really complete. The infinite variety of cases and facets to each case would make general standards either meaningless 'boiler-plate' or a statement of the obvious that no jury would need." 402 U.S. at 207-8 (footnotes omitted).

The exercise of that sound discretion would be obstructed if a requirement of findings were imposed on the trial judge. In

order to make such findings properly, a hearing would have to be held. The burden such a procedure would entail was recognized by the Supreme Court in a case involving the disclosure of a pre-sentence report. The Court remarked, "The type and extent of this information [the probation report] make totally impractical if not impossible open court testimony with cross examination. Such a procedure could endlessly delay criminal administration in a retrial of collateral issues." *Williams v. New York*, 337 U.S. 241, 250 (1949). Compare, *Specht v. Patterson*, 386 U.S. 605 (1967).

In *Waters*, as well as *Ward*, the sentencing procedure found erroneous was a sentence under the regular penalty provision plus a recommendation for confinement in a youth institution. The Court concluded that the recommendation was an implicit finding of benefit from treatment under the Youth Act. It was then held that, "The statutory scheme does not envisage this particular combination of rehabilitation and deterrence." *United States v. Waters*, 141 U.S. App. D.C. at 293, 437 F.2d at 726.

In the instant case, there was no improper combination of rehabilitation and deterrence as was found to be present in *Waters*.

Since the imposition of sentence under the Youth Act is optional with the judge without a requirement of formal findings, since there was no ambivalent sentence as in *Waters* and *Ward*, since the District Judge fully complied with the proper sentencing procedures, and since there is no indication of an abuse of discretion, appellee submits that the judgment should be affirmed.<sup>6</sup>

THOMAS A. FLANNERY,  
United States Attorney.

JOHN A. TERRY,  
Assistant United States Attorney.

EARL J. SILBERT,  
Assistant United States Attorney.

CHARLES H. ROISTACHER,  
Assistant United States Attorney.

BRIAN W. SHAUGHNESSY,  
Assistant United States Attorney.

#### FOOTNOTES

<sup>1</sup> The tables from which these analyses are extracted are attached hereto as Appendices A and B.

<sup>2</sup> YCA commitments include offenders from 18 to 26.

<sup>3</sup> Denominated as "Theft of Motor Vehicle" from 1959 to 1964.

<sup>4</sup> Form No. 17, which is for a sentence after a § 5010(e) study subsumes the requisite finding for imposition of a Youth Act sentence previously made by Form No. 16, commitment for the section 5010(e) study.

<sup>5</sup> Cf. *Mordecai v. United States*, 137 U.S. App. D.C. 198, 204, 421 F. 2d 1133, 1139 (1969); *Cox v. United States*, C.A. No. 1208-71 (E.D.N.C., Feb. 18, 1971) (Memorandum Opinion).

<sup>6</sup> Appellee respectfully directs the Court's attention to appellee's *Response to Supplementary Memoranda* filed in this case on January 21, 1971, wherein the issues of the applicability of *North Carolina v. Pearce*, 395 U.S. 711 (1969), and the possible retroactivity of *Pearce* and *Waters* are discussed.

By Mr. CHURCH:

S.J. Res. 212. A joint resolution to authorize the President to call a series of four White House Issue-Oriented Subconferences on Aging. Referred to the Committee on Labor and Public Welfare.

MINI-WHITE HOUSE CONFERENCES ON AGING

Mr. CHURCH. Mr. President, late last year 3,400 delegates from every State in the Union met in Washington to develop solutions for the difficulties confronting aged and aging Americans.

A comprehensive report calling for action on several fronts—including income, health, housing, nutrition, transportation, and others—has already been issued. And this document provides an excellent operating framework which merits the close and careful attention of every Federal lawmaker. It also takes on added dimension now because 1972 will be a crucial year in determining whether this far-reaching national policy on aging will, in fact, become a reality.

Welcome as the report may be, there is an urgent need to establish a continuing mechanism for developing and implementing this national policy. It is for these reasons that I introduce legislation today to call for periodic conferences on Aging—in effect mini-White House Conferences on Aging—to provide this working arrangement.

The advantages of this undertaking, I believe, are many. First, these periodic conferences would provide a solid foundation for assessing the effectiveness of our Nation's efforts in implementing the proposals advanced at the 1971 White House conference. They would also help provide the vitally needed followup activity to assure that the recommendations at the conference will lead to action, instead of just the output of words.

Moreover, by focusing on one particular subject at a time—such as income at the first meeting—these periodic conferences could establish an important mechanism for problem solving as new issues emerge. Equally significant, these mini-White House Conferences could establish the essential framework for more intensive review of the specific issues considered at the 1971 White House Conference on Aging. This is crucial, I believe, because the older Americans of the future—those who will have their 65th birthday in the next 5 or 10 years—may differ in a number of respects from the elderly of today. And if our Nation is to meet the challenges and problems of this new group of senior citizens, it is absolutely essential that we have the hard data as well as the operating framework to come to grips with their key concerns.

Additionally, this structure can provide the concrete information—which in many instances today is not available—to help the Congress and the executive branch make decisions on major issues in the future. And it would also help assure that our policies for the elderly of today and tomorrow are based upon the soundest possible foundation.

This concept of periodic conferences, I am pleased to say, has been strongly endorsed in the report of the White House Conference on Aging. In the section on Government and Nongovernment Organization, for example, the delegates stated:

Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of this White House Conference on Aging, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed at this point in the Record.



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

## S.J. RES. 212

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to call four White House Issue-Oriented Subconferences on Aging for the years 1973, 1975, 1977, and 1979 for the purposes of providing information which is not now available for making key policy decisions in areas of special concern for older persons evaluating the progress made in implementing the recommendations of the White House Conference on Aging, developing further recommendations for meeting the needs of the aging, and developing a plan of action for implementing these recommendations.*

*(b) In order to focus special attention on economic problems affecting older persons, the first Conference shall consider the issue of income. The agenda for each successive Conference shall be determined on the basis of the recommendations contained in the pre-conference report of the Advisory Committee under section 3 of this joint resolution.*

*(c) For the purpose of a full discussion of the issues presented at each Conference and arriving at facts and recommendations, each Conference shall bring together representatives of Federal, State, and local governments, and professional and lay people who are working in the area of special concern to older persons that is the topic of a Conference.*

*(d) A final report of each White House Issue-Oriented Subconference on Aging shall be submitted to the President not later than 120 days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The Secretary shall, within 90 days after the submission of such final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in such report.*

SEC. 2. In administering this joint resolution the Secretary shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(2) prepare and make available background materials for the use of the Advisory Committee and delegates to each Conference as he may deem necessary;

(3) engage such additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

SEC. 3. (a) The Secretary is authorized and directed to establish an Advisory Committee to the White House Issue-Oriented Subconferences on Aging composed of the Chairmen and Co-Chairmen of the 14 sections at the White House Conference on Aging and the Chairmen of the Special Concerns Sections.

(b) It shall be the duty of the Advisory Committee to—

(1) select the issue to be considered in detail at each of the Conferences to be held in 1975, 1977, and 1979 and submit a pre-conference report thereon setting forth the issue to be considered together with proposals for an agenda for the Conference;

(2) advise and assist the Secretary in the planning and conduct of each of the Issue Conferences;

(3) develop plans and programs for action to implement the recommendations made at

both the White House Conference on Aging and each of the White House Issue-Oriented Subconferences on Aging; and

(4) assess the progress made in implementing the recommendations made by the White House Conference on Aging.

(c) The Secretary shall designate one of the members as Chairman. Members of any committee appointed pursuant to this section, who are not officers or employees of the United States, while attending conferences or meetings of their committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding \$— per day, for each day they are engaged in the performance of their duties as members of the Advisory Committee including travel time. While so engaged away from their homes or regular places of business, they may also be allowed travel expenses including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(d) The Advisory Committee shall cease to exist 90 days after the submission of the final report following the 1979 Issue Conference required by the first section of this Act.

SEC. 4. For the purposes of this joint resolution—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out this joint resolution.

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 346, a bill to encourage the development of new job-creating industries in rural areas.

S. 2888

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2888, a bill to authorize the Secretary of Labor to make grants for the conduct of home-repair projects, and for other purposes.

S. 2962

At the request of Mr. JAVITS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2962, the Comprehensive Training and Employment Act.

S. 2995

At the request of Mr. KENNEDY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2995, the Victims of Crime Act of 1972.

S. 3049, S. 3050, AND S. 3051

Mr. JAVITS, Mr. President, on January 20, 1972, I introduced S. 3049, S. 3050, and S. 3051, bills which seek to give impetus to our national effort to reduce the level of crime in the Nation and to reform our corrections system.

Ten Senators are now cosponsors of one or more of these three bills. I am pleased to add the names of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Maryland (Mr. MATHIAS) as cosponsors of all three bills,

and the name of the Senator from Minnesota (Mr. MONDALE) on S. 3051.

I ask unanimous consent that their names be added as cosponsors at the next printing of the bills.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

S. 3056

At the request of Mr. DOMINICK, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 3056, a bill to amend Public Law 92-178, the Revenue Act of 1971.

S. 3067

At the request of Mr. JAVITS, the Senator from Rhode Island (Mr. PELL) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3067, a bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes.

S. 3131

At the request of Mr. BOGGS, the Senator from West Virginia (Mr. RANDOLPH) 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 reduce-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. 3137

At the request of Mr. SPONG, the Senator from Utah (Mr. MOSS), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 3137, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

S. 3142

At the request of Mr. MUSKIE, the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Kansas (Mr. DOLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PASTORE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the

Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUNNEY), the Senator from Connecticut (Mr. WEICKER), the Senator from New Jersey (Mr. WILLIAMS), were added as cosponsors of S. 3142, to provide \$85 million for assistance to Soviet Jewish refugees in Israel.

S. 3152

At the request of Mr. CHILES, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor 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 error by an officer or employee of the United States.

S. 3181

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 3181, a bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes.

S. 3187

At the request of Mr. JAVITS, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 3187, "The National Venereal Disease Prevention and Control Act."

## SENATE JOINT RESOLUTION 8

Mr. FULBRIGHT. Mr. President, I have just discovered that through an oversight I have not been listed as a sponsor of the equal rights amendment, Senate Joint Resolution 8. I have been a consistent sponsor and supporter of the equal rights amendment throughout my years in the Senate, and at this time I would respectfully request that I be added as a cosponsor of Senate Joint Resolution 8.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

ADDITIONAL COSPONSOR  
OF A RESOLUTION

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Kentucky (Mr. COOK) was added as a cosponsor 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 released immediately by the Office of Management and Budget.

SOCIAL SECURITY AMENDMENTS  
OF 1972—AMENDMENT

AMENDMENT NO. 989

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

Mr. GURNEY. Mr. President, I am today introducing an amendment to H.R. 1 that would apply to that part of the bill dealing with Medicare.

My amendment is directed toward the 3 million or so people between 60 and 65 whose husbands or wives receive Medicare benefits but who are not eligible

for it themselves. By and large these people live on limited retirement incomes and, as retirees, are more vulnerable to economic hardship resulting from serious illness. The most reasonable solution would be to bring them under the umbrella of Medicare, while adding as little as possible to the cost of that program.

This amendment would do just that. It provides that one spouse must be over 65 and already enrolled in the Medicare program for the other spouse, who must be at least 60, to enroll in the program and receive equivalent benefits at cost.

The cost of these benefits to the newly eligible spouse should be reasonable enough to attract enrollees yet comprehensive enough to provide the necessary medical coverage. For an estimated \$30 to \$35 a month, spouses will get the same hospital insurance and insurance to cover physician's charges that anyone else enrolled in Medicare gets.

To discourage people from waiting until they are sick to enroll, this amendment provides for a 10-percent increase in premiums for each year they delay. Thus, the potential enrollee has an incentive to sign up when he or she is 60. Such a proviso will put the program on a sounder financial basis.

In summary, this proposal will provide the spouse of a retiree on Medicare with adequate medical insurance at reasonable rates during a 5-year period when getting a policy from a private company would be either impossible or prohibitively expensive. Once the person reached age 65, regular Medicare would take over, dropping the \$30 to \$35 a month charge to an estimated \$5.80 per month.

Since the financial burden of this proposal would be underwritten by the subscribers and since its implementation would utilize the administrative services of a program already in existence—Medicare—this seems to be the most efficient and most economical way to reduce some of the trials and tribulations faced by our senior citizens. They have worked hard for their retirement and they deserve a chance to live it in peace and contentment. This amendment would help give them that chance without depriving them of their dignity or overburdening the already hard-pressed American taxpayer.

NATIONAL VOTER REGISTRATION  
ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 990, 991, AND 992

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

Mr. GAMBRELL submitted three amendments intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

TEMPORARY INCREASE IN THE  
PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 993

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

Mr. SPONG (for himself and Mr. ERVIN) submitted an amendment intended to be proposed by them to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

THE VICTIMS OF CRIME ACT OF  
1972—AMENDMENT

AMENDMENT NO. 994

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

## CARGO THEFT CIVIL DAMAGES AMENDMENT

Mr. BIBLE. Mr. President, I send to the desk an amendment I intend to propose to S. 2994, the "Victims of Crime Act of 1972."

On August 4, 1971, I introduced S. 2426, a bill to provide for civil damages for cargo theft losses—CONGRESSIONAL RECORD, volume 117, part 22, page 29238. At that time, I expressed my belief that if we could take the profit out of cargo theft and make those individuals who steal, fence, or receive stolen property civilly liable in damages for the acts, we would have taken a major step to curb the biggest billion-dollar racket nationally today—the theft, pilferage, and hijacking of truck, air, rail, and maritime shipments.

Mr. President, since the introduction of S. 2426, the Subcommittee on Criminal Laws and Procedures, under the able leadership of the distinguished senior Senator from Arkansas (Mr. McCLELLAN) has held hearings on the bill and a series of related items. I am pleased to note that these hearings have produced impressive support for the basic concept of S. 2426. It has been endorsed by the Department of Justice, the Transportation Cargo Security Council, the American Trucking Associations, the Association of American Railroads, and American Institute of Marine Underwriters.

Typical of the support voiced was the letter of W. A. Bresnahan, president of the American Trucking Associations, Inc., which said:

The theft of cargo from the trucking industry is one of the most serious problems confronting our industry today. We do not know the exact total dollars lost to thieves. Based on fragmentary information available to us, we estimate it to be in the 600 to 700 million dollars range. Further, we believe the bulk of the freight stolen is taken by "professional thieves"; that is, thieves who steal and convert the goods to cash through established fences or directly to buyers who purchase under circumstances and at prices which would cause a reasonable man to believe that the goods are "hot."

The burden of proof which must be met to obtain conviction on a charge of possession of stolen goods is so great that it sharply limits successful prosecutions for that crime. The burden of proof required in a civil action is considerably less. In other words, evidence insufficient to obtain a criminal conviction could well be strong enough to warrant a successful damage judgment in a civil action.

The treble damage provision increases the monetary risk of the fence and the buyer, resulting in a decrease of price to the thief and reduction of profit to each in the chain.

We do not consider the enactment of S.B. 2426 to be a panacea but rather another means for use in getting to the fences and buyers of stolen goods. These latter two groups are the ones who make stealing profitable for the actual thief—without their



finances and distribution network, the professional thief cannot exist.

May I again urge your favorable consideration of this bill.

Mr. President, the amendment to S. 2994 that I now send to the desk is based on S. 2426. As indicated by Senator McCLELLAN on December 11, 1971, when he introduced the bill—CONGRESSIONAL RECORD, volume 117, part 35, page 46383—S. 2994 combines the essential feature of six bills dealing with victims of crime, which were pending before the Subcommittee on Criminal Laws and Procedures. Because of limitations of time, it was not possible to have the provisions of S. 2426 worked into the text of S. 2994 prior to its introduction. My amendment, however, would now integrate the basic concept of S. 2426 into title IV of S. 2994. As formulated in the amendment, the provision adapts the various venue and other procedural aspects of treble damage suits in the anti-trust area to civil suits for cartage theft.

I am pleased to indicate that this amendment has been discussed with the distinguished Senator from Arkansas. It is my firm belief that this amendment perfects the initial concept of S. 2426 and strengthens the provisions of S. 2994. Senator McCLELLAN has also promised to see that the amendment is given every consideration in the markup process of S. 2994, which should begin soon after the last round of hearings on victims of crime legislation of the subcommittee now scheduled for March 7, 1972. I am confident that the subcommittee will accept it.

For the benefit of other Senators, I would like to give you a brief background of cargo theft from interstate shipments which my amendment seeks to reach.

Early in 1969 the Senate Small Business Committee, of which I have the honor of being chairman, began an investigation and public hearings into the impact of crime against small business growing out of our interest in the Small Business Protection Act of 1967.

The first phase of our series of hearings centered on air cargo thefts, then maritime and truck losses, and finally the railroads, our oldest cargo transport system.

It is graphically clear that a near crisis in the movement of cargo in this country by our commercial carriers is upon us today. Up to this point, law enforcement agencies, our Federal transportation regulatory and policy bodies, and our transport carrier industries generally have not been able to mount an effective response.

Conservative estimates by the Senate Small Business Committee show that such theft losses were approximately \$1½ billion in 1970, distributed among air, truck, rail, and maritime carriers. These loss figures represent only the wholesale or released liability values of such goods. They do not take into consideration the retail profit markup, the cost to the shipper in loss of market share, claims processing expense, increased insurance premiums, capital tied up in the claims pipeline, the loss of customer goodwill, loss due to the dis-

location of a manufacturer's production line, or a variety of other costs.

Therefore, if we add the direct dollar theft loss, the carrier's indirect cost of \$2 to \$5, and the shipper's indirect cost of \$5 to \$7, we may be talking of costs to the national economy approaching \$8 to \$10 billion. Again, it is the consumer who pays the crime-tagged price as the inflation spiral goes round and round.

There seems little doubt that the country's transport industry has become the favorite target of organized and unorganized crime. The pickings are richer and easier.

Law enforcement officials plus shipper, carrier, and insurance executives believe most of this massive cargo theft finds its way back into legitimate commerce as a result of the operations of criminal, middlemen fences. Today legitimate merchants, salvage companies, discount stores, as well as the more shady dealers operating in dimly lit shabby stores, are believed to be the lifeblood of cargo theft operations. It is believed that many of these merchants are engaged in selling goods which were originally stolen from interstate and foreign commerce shipments. It is charged that these merchants buy goods from middlemen fences who in turn buy directly or control the operations of thieves preying on cargo shipments from all modes of transportation.

If we can disclose this criminal market, take the profit out of cargo theft, and make those individuals who steal, fence, or receive stolen property civilly liable in damages for their acts, we are going a long way toward taking the profit out of marketing stolen goods. This amendment is designed to reach that goal.

Mr. President, I wish to commend the distinguished senior Senator from Arkansas for his most outstanding cooperation in attempting to raise this problem now preying on the very viability of U.S. commerce. His concern for the problems of the small businessman shipper who bears the brunt of these criminal acts is certainly commendable. His entire concern for victims of crime represents a true and outstanding turnaround in the concept of the role of Government in the protection of the life and property of the citizen. If through the normal criminal justice system, Government is unable to protect the lives and property of our citizens, then it would seem proper and correct that the Government make some effort to compensate for losses suffered by our citizens by events over which they have no control.

I submit to the Members of this body that crime today has reached such national proportions, that affirmative steps contemplated by S. 2994, sponsored by the distinguished gentleman from Arkansas, are essential for the statute books to hopefully bring the relief so sorely needed.

Mr. President, I ask unanimous consent to have the text of the amendment and a section-by-section analysis printed in the RECORD at the conclusion of my remarks.

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

#### AMENDMENT No. 994

On page 51, line 22, insert immediately before the period the words "and theft".

On page 55, between lines 19 and 20, insert the following new section:

"Sec. 403. (a) Section 659 of title 18 of the United States Code is amended to read as follows:

"§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

"(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, and money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

"(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels or other property, knowing, or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed or obtained.

"(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained.

"(d) Whoever violates any provision of subsections (a), (b) or (c) of this section shall in each case be fined not more than \$5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganiza-

tion of any enterprise, making due provision for the rights of innocent persons.

'(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

'(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

'(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of the action.

'(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

'(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

'(k) In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

'(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

'(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

'(n) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

'(o) A final judgment or decree rendered in favor of the United States in any criminal action or proceeding under this section shall

estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

'(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

'(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

'(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

'(s) To establish the interstate of foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was or that such person had embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person probably knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section.

'(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this sec-

tion be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

'(b) The analysis at the beginning of Chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

'659. Interstate or foreign baggage, express freight; State prosecutions; civil remedies for victims of theft.'

ANALYSIS OF PROPOSED AMENDMENT TO S. 2994, THE VICTIMS OF CRIME ACT OF 1972, AND CHANGES IN 18 U.S.C. SECTION 659

This amendment would amend Title IV of S. 2994, which provides civil remedies for victims of racketeering activity, by extending its provisions to victims of theft. A new section (403) is added to Title 4, which amends and rewrites Section 659 of Title 18 of the U.S. Code, entitled "Interstate or foreign shipments by carrier; State prosecutions." The proposed new section 659 consists of twenty paragraphs designated "a" through "t." The existing section 659 consists of 9 paragraphs, not numbered or lettered.

An analysis of the proposed new section 659 by paragraph follows. Significant changes from the present section 659 are pointed out.

#### I

##### Paragraph "a"

Paragraph "a" restates and consolidates Paragraphs 1 and 2 of Section 659 to provide essentially that it shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

New to this section are the words "money," "baggage," "or other property" and the phrase at the end of the paragraph "knowing, or having reason to know, that it has been embezzled, stolen or otherwise unlawfully taken, carried away, concealed, or obtained."

##### Paragraph "b"

This paragraph restates paragraph 3 of section 659 to provide that it shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain with intent to convert to his own use any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels or other property, knowing, or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed or obtained.

New to this section are the words and phrases "money," "goods, chattels, or other property," and "or having reason to know."

##### Paragraph "c"

This is a restatement of paragraph 4 of section 659 which provides that it shall be



unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained.

New words and phrases are "other property," "having reason to know," "or otherwise unlawfully taken, carried away, concealed or obtained."

#### Paragraph "d"

This is a restatement of paragraph 5 of section 659, which carries the penalty provisions. Language has been perfected; the penalties are the same.

#### II

Paragraphs "e" through "p" are new to section 659. They provide:

#### Paragraph "e"

The district courts of the United States are given jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

#### Paragraph "f"

The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

#### Paragraph "g"

Any person may institute proceedings under subsection (e) of this section. Relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

#### Paragraph "h"

Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of the action.

#### Paragraph "i"

Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

#### Paragraph "j"

Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent or transacts his affairs.

#### Paragraph "k"

In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other districts be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

#### Paragraph "l"

In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

#### Paragraph "m"

All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

#### Paragraph "n"

The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

#### Paragraph "o"

A final judgment or decree rendered in favor of the United States in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

#### Paragraph "p"

Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (l) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

#### Paragraph "q"

This paragraph takes the place of paragraph 6 of section 659.

A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property "other property" is new under this amendment.

#### Paragraph "r"

This takes the place of paragraph 7 of section 659.

The carrying or transporting of any such

money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

The words, "freight" and "express" now in the law are omitted. New words and phrases are "on other property" "on having reason to know" on otherwise unlawfully taken, carried away, concealed or obtained," "and a civil cause of action under this section."

#### Paragraph "s"

This paragraph takes the place of paragraph 8 of section 659.

Beginning with the third sentence new material is added, i.e., "Proof that a person was found. . ." also, in the first sentence the phrase "in any criminal or civil action or proceeding."

To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was or that such person had embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person probably knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away, concealed or obtained by fraud or deception in violation of this section.

#### Paragraph "t"

This paragraph is the same as paragraph 9 of section 659 except for one word. In the first sentence the word "criminal" has been added. A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

#### III

Section (b) of section 403 of the proposed amendment would change the analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, to read:

659. Interstate or foreign baggage, express or freight; State prosecutions; civil remedies for victims of theft.

#### NOTICE OF INVESTIGATIVE HEARINGS ON BARBITURATE ABUSE

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary is continuing its investigative hearings on barbiturate abuse on March 9 and 10, 1972.

The subcommittee began this investigation with hearings December 15 and 16, 1971, on the extent of barbiturate abuse and the legitimate uses of these dangerous drugs.

The hearings on March 9 and 10 will focus on illegal diversion of legitimately produced barbiturate materials and pills; illicit barbiturate traffic; and law enforcement responses to the diversion and illegal distribution of these dangerous substances.

The hearings will begin at 10 a.m. in room 2228, New Senate Office Building. Any person who wishes to submit a statement for the record should notify Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

#### ADDITIONAL STATEMENTS

##### THE SPACE SHUTTLE

Mr. THURMOND. Mr. President, there has been much debate in the Senate, and discussion across the Nation, pertaining to the worthiness of our space program. There is a serious question in the minds of some as to whether we should de-escalate our space program or push forward with renewed vitality.

It is my judgment that the many unanswered questions in space and the tremendous potential of questions we have answered justifies our continued efforts in this field.

The many worthwhile benefits to be gained from further space research and exploration include such fields as weather research, agriculture, geology, and forestry. We have already improved our communication technology far beyond our expectations of just a few years ago with the development of space communication satellites.

None of these achievements would have been possible without the voyages and the other probes into deep space. As Dr. Wernher von Braun has said:

We're learning of the relationship between the earth and the sun and their effect on our lives which could be learned in no other way save by means of the rocket and spacecraft.

Mr. President, the proposed space shuttle program can be one of the most important undertakings of the 1970's.

This is a means by which we can have men in space working for men on earth. This is a means by which experts other than astronauts—scientists, physicists, astronomers, and other specialists—can avail themselves of the untapped data in space.

The rocket engines for the shuttle are already under development. The proposed vehicle will be a type that can be used repeatedly on flight after flight, making possible these economical missions which can mean so much to so many.

The shuttle craft and space laboratories can make possible \$2½ billion savings annually because of improved weather forecasting and observation. They will mean tremendous savings in areas of crop and forest disease control, areas where we are now losing as much as \$7 billion each year. They will mean great strides in uncovering the world's mineral resources, in advancing the world's commercial fisheries to new high levels of production, and in managing timber and water resources.

They will bring new concepts in flood control, irrigation, and power production management programs.

Obviously, there are many benefits, yet untouched, for continuing our efforts in space. Perhaps the best reason is because it is there. It is there, unconquered and almost unchallenged, and man has never been a creature to step back from the face of the unknown.

#### IMPROVEMENT IN RURAL SERVICES IN ALABAMA

Mr. ALLEN. Mr. President, in the 3 years I have been privileged to serve the people of Alabama in the Senate, we have observed much improvement in rural services in our State. Programs that are working especially well are the rural housing, community water and sewer, and farm credit programs of the U.S. Farmers Home Administration.

In visits over the State during the year-end recess, I found many rural localities where families of low and moderate income—those who a few years ago would have had the least chance to finance new homes—are now the principal homebuyer group.

This change is a result of the Farmers Home Administration's diligent and effective use of its authority to make insured homeownership loans to rural families of modest means, in the countryside and in rural towns of not more than 10,000 population.

Building activity in a rural town no longer comes to a standstill when all demand is satisfied for more expensive new houses for the well-to-do.

Today, the rural family earning a few thousand dollars a year also can buy a new home. A good full-sized house, fully up to standards, can be built in rural Alabama for a price ranging from \$12,000 to \$15,000. If no other credit is available, a loan through the Farmers Home Administration can be amortized over as long a period as 33 years, and thus repayable at a rate the family of low or moderate income can keep up.

Consequently, some of the most impressive homebuilding activity is in smaller towns and rural settlements where there are few if any wealthy people. The new homes—clean, modernized, with room enough to provide a family with decent living conditions—are to be owned and lived in by families who need them most; families coming out of disreputable shacks or rundown, submodern houses in the towns.

These new homes are not apartment-style concentrations. They are sound and attractive individual houses, with yards,

modern bathrooms and kitchens, three or four bedrooms for families with several children. They are replacing blighted sections of town or creating bright new subdivisions.

It is well worthwhile to tour the smaller towns and byways and see how this better housing is beginning to change the face of things, and lift up living conditions of the less affluent rural population.

I have checked with Administrator James V. Smith of the Farmers Home Administration on the rate of progress in Alabama. It has picked up dramatically under his administration of authority to expand rural housing services, under housing legislation of 1968 and 1969.

The Agency's records show that of some 22,000 rural housing loans outstanding with the Farmers Home Administration in Alabama, more than 11,000 have been made the past 2½ years.

Within that time, the Farmers Home Administration has brought into rural Alabama, from insured private sources, about \$120 million of housing credit—more than in all the previous 19 years of its rural housing program.

And how are minority people among the low-income population sharing in this opportunity for housing credit? Census reports indicate that rural Alabama has about 80,000 families in the low- to moderate-income group eligible to be served under terms of the National Housing Act. About 26 percent of these families are black. This fiscal year, nearly 38 percent of rural housing loans by the Farmers Home Administration in Alabama have been to black families.

Mr. President, the effect of legislation to improve standards of living in rural areas is just as good as the people's readiness to seize an opportunity to help themselves, and the diligence of the agency administering the program.

These elements are coming together in the results realized from cooperation between rural families, rural communities, and the Farmers Home Administration in Alabama.

Not only have we seen rapid progress in housing, but the past 3 years have brought continuous gains in the rural community water and sewer programs: 34 new rural community water systems in fiscal 1969, 37 in 1970, 55 in 1971. In a decade, 171 water and 15 sewer systems developed for rural town and country areas of the State, and more than half of these in the past 3 years.

At the same time, the Farmers Home Administration is rebuilding its farm credit services that suffered from a let-down in recent years. Its record of 327 loans for \$5.6 million to small-farm families in Alabama for ownership of their farms in fiscal 1971 appears to be much improved upon this year.

The first 6 months of fiscal 1972 produced 230 such loans totaling \$4 million. In all, more than 4,200 family farms in Alabama are now benefiting from \$42.5 million of farm ownership credit outstanding with this Agency. Credit totaling an additional \$9 million now in effect is helping to improve production on



nearly 3,800 family farms. New policies of cooperative lending with other lenders, introduced last year by the Farmers Home Administration, is estimated to have generated about 30 percent additional credit for the hard-pressed family farmer.

Mr. President, outstanding progress can be made when rural programs are directed through an agency concentrating its interest and service, and conducting its business, through local offices in the rural areas.

Farmers Home Administration is such an Agency, and we commend Administrator Smith and State Director John A. Garrett of Alabama on the services they and their county field forces are performing in our State. This rural FHA has far surpassed any other organization as a channel of credit for housing and community facilities in the rural field to those families eligible for this type of supplementary assistance.

Let me add that the FHA record would be more impressive if the President would soon release funds appropriated by Congress last year for the farm operating loan program and for the water and waste facility grant program.

As I pointed out in a Senate speech on February 9, 1972, the Nixon administration is currently withholding \$75 million for farm operating loans and \$58 million for rural community sewer and water facilities. In Alabama today, 16 projects have been approved for water and waste facility grants, but the Farmers Home Administration is helpless in its desire to fund these projects due to the refusal of the administration to release impounded moneys.

I was happy to join as a cosponsor of the resolution introduced on February 23 by the distinguished junior Senator from Minnesota (Mr. MONDALE) relating to the release of these impounded FHA funds. These funds must be released soon if Mr. Smith, at the national level, and Mr. Garrett and his counterparts, at the State level, are to continue their outstanding and dedicated roles in the task of redeveloping town and country America.

This is the type of thrust and emphasis we must preserve, indeed strengthen, in order to accomplish the important mission of rural development.

#### SENATOR A. WILLIS ROBERTSON

Mr. BENNETT. Mr. President, it is not easy to put into words an expression of the appreciation one has for a long friendship with an outstanding man.

My friendship with A. Willis Robertson began when I became a member of the Senate Committee on Banking and Currency in 1951, and it ripened and deepened as each of us moved up toward the head of the committee table. It became firmly fixed when, in 1962, I became the ranking Republican on the committee of which he was chairman, and over the years between then and his retirement from the Senate.

We worked together on every piece of legislation that came before the committee, and I am sure there were not

more than one-half dozen on which we voted differently.

Over most of these same years I was in his company every Wednesday morning at the Senate prayer breakfast. He was a tower of strength in that group and contributed to its fellowship, not only in his wonderful spiritual thoughts, but with some equally wonderful Virginia stories. That association created another firm bond between us.

I have one outstanding memory of a single occasion on which we went fishing together in Virginia. I know that in those two days I came to understand his life-long devotion to the welfare of Virginia's sporting wildlife and his great interest and ability as a fisherman and hunter.

Finally, I had the privilege of being present at his funeral, a very impressive occasion, which brought back into focus all the great qualities of character, courtliness, and consideration that made him a true southern gentleman.

Mrs. Bennett joins with me in expressing our sympathy to his sons.

#### THE PLIGHT OF AEROSPACE WORKERS

Mr. TUNNEY. Mr. President, my colleague from California (Mr. CRANSTON) has written a timely and informative article about the plight of aerospace workers in our present economic squeeze. The article, appearing in the March 1972, issue of Playboy magazine, cogently expresses our Nation's need for the talents and abilities of these unemployed workers.

I ask unanimous consent that the article, entitled "Aerospaced Out," be printed in the RECORD.

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

##### AEROSPALED OUT

(By U.S. Senator ALAN CRANSTON)

"Applicant is a management-oriented person with extensive administrative and engineering experience. His ability to initiate, organize, plan and administer management policies and engineering programs has been fully developed. Applicant is thoroughly familiar with the most up-to-date engineering techniques, as well as the most effective means of communicating to ensure that programs are completed with success. He is highly regarded by his associates and would be a variable asset to an employer seeking a man with his qualifications."

George Florea, the unemployed 49-year-old aerospace engineer who wrote that self-description for his job résumé, holds two college degrees and was a ten-year employee at the Lockheed Missiles and Space Company plant in Sunnyvale, California, when he was laid off in February 1970. At Christmas of that year, he worked as a department-store Santa Claus for \$2.50 an hour, it was his first job in nine months. Florea is a family man with three children; he's a political conservative, a loyal, dedicated citizen and a good neighbor, who for 14 years has lived in the same house on Stephen Road in San Mateo, California. He is understandably baffled that he can't find a job that would utilize his obviously needed skills, training and talent.

There are about 85,000 George Floreas around the nation at present. Most of them are concentrated where the high-technology aerospace and defense industries are lo-

cated—in California, Massachusetts, Connecticut, New York, Texas, Pennsylvania, Ohio, New Jersey, Missouri, Washington and Florida. Cutbacks in space and defense contracts and a drop in Vietnam expenditures from 28 billion dollars to around ten billion dollars annually, grossly exacerbated by a general economic slowdown, brought the mass layoffs. There were 235,000 scientists and engineers employed in aerospace in 1968. Today there are around 150,000. Total employment in aerospace is down nearly 518,000 from 1968, the peak year of employment, when 1,400,000 were on the industry payrolls.

Since the end of World War Two, the aerospace and defense industries have roller-coastered through their own depression-prosperity cycles, generated by alternate waves of war scares, defense-technology "breakthroughs" and big-spending space programs. And now the roller coaster is down again, deep in the trough of NASA budget cuts and a slowdown in defense spending—an estimated 18 billion dollars in defense procurement for 1972, compared with 24 billion dollars in 1968—due in no small part to Congressional resistance to unwarrantedly large defense budgets.

So George Florea got the ax. And he and other engineers and scientists, worried industrialists and perplexed politicians are asking: What happened to conversion? The men and the companies that built the enormously complex Apollo rockets, spaceships and communications systems surely have something to contribute to meeting our critical civilian needs.

Electronically operated transportation systems, complex computer networks for programmed education and health services, air- and water-pollution-control systems, airport-traffic-control systems, ocean and atmospheric monitoring, assembly-line mass-produced housing, plus hundreds of other ideas for solving the nation's economic, social and environmental problems have been offered. But what has resulted?

Conversion may have been talked to death—if, indeed, it ever was alive. Hundreds of studies, millions of written words, thousands of speeches and desks full of editorials have warned, charged, proposed, exhorted, complained and explained the need for the nation to prepare for peace and begin the task of converting our giant aerospace and defense technology from arms production to the production of civilian goods and services.

Congress for years has wrestled with the question of conversion. Scores of hearings have been held, legislation introduced, surveys made, economists and business experts heard. But for all those hearings and studies, surveys and reports, America continues to waste the 85,000 engineering and scientific brains that helped design our intricate space and defense systems and to waste billions of dollars' worth of plants and equipment that now lie rusting.

Six years ago, the state of California commissioned four systems-analysis studies by the aerospace industry. The idea was to apply the aerospace-systems approach to dealing with crime, transportation and waste disposal. The studies drew national attention as forerunners of how space and missile engineering and management techniques could be used to solve more earthly problems. Today, under a different state administration, the four studies are gathering dust on the "conversion shelf" in the California State Library—four more monuments to America's naïve faith that a problem will be solved if only enough people keep talking and writing about it.

Few people doubt that these experts could design civilian systems to help solve social and governmental problems if they were given the chance. That's not the problem. The hang-up lies in the failure of govern-

ment to plan adequately for the redeployment of men and facilities far enough in advance of the layoffs and outbacks. The arms race triggered by Cold War fears after World War Two, the space race triggered by the Soviet success with Sputnik in 1957, and the Korean and Vietnam wars kept the high-technology aerospace and defense industries busy. Unemployment was only an occasional thing. An engineer was never out of work; he was only "between jobs," like a Hollywood actor. He waited out an occasional layoff beside his swimming pool, where he leisurely selected the best of several attractive offers.

But now the historic Apollo program is almost finished and the NASA budget has been severely cut. Total industry sales have dropped from nearly 30 billion dollars in 1968 to around 23.3 billion dollars in 1971. Yet no coordinated plan has been put forth to move men and materials out of armaments and space exploration and into jobs to improve our society and the lives of our people. The "peace dividend" that private and Governmental economists avidly anticipated, the money that was to be left over for more productive purposes when costly cold and hot wars were wound down, has yet to appear in the national budget. It has been eaten up by inflation, the incessant drive for new weapons and the futile, unending race to outpace military obsolescence.

It's simply not possible to speak of guns and butter when we spend more on military matters than on anything else. Our Government seems unable to conceive of anything with a higher priority than arms and arms races. In consequence, domestic problems such as education, health, housing and transportation have been sacrificed. Sacrificed, too, have been the jobs these pursuits could have created and the men who could have filled them.

One California engineer commits suicide holding a handful of rejection letters telling him there are no openings; another operates an ice-cream stand; George Florea becomes Santa Claus; and thousands of others head for the welfare offices and unemployment-benefit lines. There is growing bitterness on those lines. Thomas O. was an aerospace engineer-manager near San Jose, California, with six kids and a \$300-a-month home. He owned a boat and was making payments on two cars. Now he's on welfare, using food stamps to feed the kids. He's articulate and angry:

"You know, we aerospace people thought we were a special breed and we still try to keep our elitist position even in the unemployment lines. We talk about *The Wall Street Journal*. We dress up in our suits as though we were going to lunch with an important executive. Most of all, we look straight ahead as we stand in line, trying not to see the other unemployed workers around us. Well, I'm tired of that 'motherhood, sunshine and 1972-will-be-better' bull. Engineers are expected not to rock the boat, but if being unemployed has taught me anything, it has opened my eyes to the great big lie I've been fed about being an elitist."

Melvin S. of Los Angeles sardonically suggests that aerospace engineers be listed as an endangered species and proposes the establishment of an Aerospace Preserve and Environmental Sanctuary (APES). A newly formed organization called the American Engineers and Scientists Association is attempting to organize a national campaign to discourage students from entering engineering and scientific programs of study.

"Even when an engineering job does open up, the help-wanted ad will often read, 'No aerospace, please.' Why no aerospace? 'They're too old . . . They've been overpaid . . . They're overspecialized . . . They haven't kept up to date in their fields . . . Young graduates are smarter, know computers, come cheaper and are more eager . . .'" So the answers go.

How about retraining? Why not turn the aerospace engineer into, say, an environmental engineer? Twenty-four men who would rather switch than continue a losing fight have undergone that kind of retraining at the University of California at Irvine. Others are enrolled in special summer programs at USC. But will there be jobs for them when they are finished? The answer is uncertain. For one thing, the money for massive pollution-control system isn't being made available either by Government or by industry.

For another, these men will be competing with younger, freshly turned out environmental engineers. Many prospective employers consider the 50-year-old engineer no match even for the undergraduate engineering student of 1972. "Our freshmen start right in on computer," says a department head of a university engineering school. They deal with advanced concepts and are taught to think conceptually. The man who graduated 25 or 30 years ago doesn't know computers and if he hasn't been going back to school regularly, he no longer even knows the field in which he was trained."

Better job-information systems are being devised. The Department of Labor has created a national registry for engineers and other skilled workers, and there presently are job banks in more than 100 major cities, linked by teletype and computers, to list and match jobs and applicants. A few men are being placed. But with further cutbacks and phase-outs scheduled, unemployment in aerospace is mounting faster than jobs are opening up in other fields.

Some aerospace companies foresaw trouble coming and began diversifying years ago. A few companies merged. They and others acquired satellite firms. Some set up new companies to convert from space technology to the production of civilian goods. A number of these businesses began experimenting with programmed education, communications networks based on computers and new systems for environmental controls. They have had some success—though, clearly, a \$250,000 contract for designing a sewage-disposal system for a small town in Ohio is hardly in the same league with a billion-dollar contract for a Saturn booster.

Nevertheless, some aerospace companies have proved that where a real need exists and money is available, either conversion or diversification can be effected.

Litton Industries is completing an experimental smog-monitoring system for the Los Angeles County Air Pollution Control District. Litton's environmental-systems division in Camarillo, California, which has been involved in pollution-monitoring systems since 1967, is building 12 automated, remote monitoring stations to keep constant tabs on the area's temperature, humidity, wind speed and direction, and concentrations of sulphur dioxide, carbon monoxide, hydrocarbons, oxides of nitrogen and other contaminants. Linked by telephone lines to a central computer, the stations serve as an instant-warning system for broadcasting smog alerts and will track new sources of pollution. Litton predicts a \$250,000,000 market for pollution-monitoring systems in the United States alone. Judging by prospects and needs, Litton may be thinking small.

Another California aerospace company, the Electro Dynamics division of General Dynamics in San Diego, is working on the prototype of an ocean-monitoring system to provide basic data on the marine biosphere, which, many scientists agree, is seriously threatened by pollution and poisoning. Electro Dynamics is building six automated electronic ocean buoys for the National Oceanic and Atmospheric Agency at a cost of about \$3,000,000. If the pilot project is successful, Electro Dynamics foresees a system of up to 500 buoys, costing perhaps \$500,000,000, in the next ten years.

The oceans are basic to man's life on this

planet. They are the source of 70 percent of our oxygen and ten percent of the animal protein we consume each year. We could get much more life-sustaining protein out of the oceans if we tried. Two billion tons of fish are hatched each year, yet we catch just three percent—60,000,000 tons—by means of present techniques. Those two billion tons of fish, if caught, would quadruple the amount of fish protein now available. And if we were to distribute the catch more equitably throughout the world, it could provide the basic protein needs of a world population ten times the present 3.6 billion.

This is not to suggest that we ever could—or would want to—catch and consume that much fish. We probably couldn't change world dietary habits that radically and, in any case, we would want to be wary lest we upset the ecological balance of the seas. But we have a long way to go if we want to convert the oceans into the "breadbasket of the future." And there are many technological advances that could be made if we had a mind (and were willing to spend the money) to make them.

The oceans are also a vast source of mineral wealth. Massive concentrations of minerals lie on the ocean floors and huge oil deposits are under the continental shelves. Yet we have all but neglected oceanic explorations. The scientists and engineers who conquered space are only now moving into the deep waters of the ancient mysteries of the sea. North American-Rockwell's ocean-systems division developed a small research submarine that could become part of a futuristic underwater oil-development system. North American and Mobil Oil jointly produced a \$5,200,000 prototype underwater oil-pumping station that can be serviced from a submarine. The underwater oil-pumping system, built under a cylindrical structure, will permit oil operations in the waters of the continental shelf. Had such a system been available in 1969, the blowout disaster in the Santa Barbara Channel might have been prevented.

I contend, and I have introduced legislation in the Senate to back up my contention, that all oil drilling in Federal waters in the channel should be halted until we have perfected the technique of sea-bottom oil completions. We already have much of the know-how. We have the scientists and engineers. We lack only the incentive and the determination. By forbidding further oil exploitation of the outer continental shelf until it can be accomplished pollution-free, my bill would supply both the incentive (albeit a negative incentive of the loss of industrial profits and Governmental revenues) and the determination (to regain both profits and revenues).

Lockheed Missiles and Space Company, which got into oceanwork through its Polaris submarine and other underwater defense systems, has also been doing much marine experimentation. Its Deep Quest submarine has been conducting research and rescue operations. It salvaged, for example, the flight-log tape recorder from a commercial-airline jet that crashed in the deep ocean water off Los Angeles in January 1969, enabling investigators to determine the cause of the accident. Lockheed has also developed an ocean oil-pumping system and is investigating methods of mining the valuable manganese modules that cover huge expanses of the ocean floor.

Westinghouse Electric, General Electric and a host of other companies also are involved in ocean-systems work of one kind or another and to one degree or another. But most of the work is merely exploratory and almost all of it is vastly underfunded. Federal expenditures for oceanography in fiscal 1971 totaled \$518,500,000. That's about the equivalent of seven days of warfare in Vietnam when we were spending 28 billion dollars a year there defoliating the countryside, de-



stroying villages and crashing helicopters in the jungles as though they were dime-store toys with make-believe occupants.

Proponents of the SST argued that many George Fiores could have been employed if Congress had not voted to end Federal funding. I was among those who voted against it. I did so because I believe the SST is an unjustified aeronautic, environmental and economic gamble that neither the country nor the aviation industry really needs.

Our real aviation needs are easier to meet: faster access to and from airports; fewer delays in landings and take-offs; greater flying safety, both at airports and in mid-air; nonpolluting, quieter aircraft; and, most notably, short-take-off-and-landing. Planes (STOLs) capable of feeding smaller and more conveniently located airports.

STOL aircraft are capable of operating on 1500-foot runways. Such planes, already being experimentally flown by McDonnell-Douglas, could serve the 90 percent of our 11,261 airports that conventional jets, requiring 7500-to-10,000-foot runways, cannot use. They could relieve congestion at our major airports by making short hauls to places not served by the big jets. Short hauls, airline executives have pointed out, are the real meat and potatoes of the business—not flying a few affluent travelers across the ocean at supersonic speeds.

We need greatly improved ground-to-air traffic control and microwave landing-guidance systems, and we need high-speed, non-polluting ground transportation between airports and adjoining cities. What air traveler hasn't had the frustration of being caught in car-bus jams on airport streets, spending as much time fighting traffic and fumes on the ground as he spends in the air?

Alternatives are available. A 200-mile-an-hour overhead monorail and air-cushion vehicle can be built. Systems have been proposed for both Dulles Airport near Washington, D.C., and between Los Angeles Airport and the San Fernando Valley. But, again, Federal financing has been hesitant, meager and late. Had President Johnson, for example, decided in 1965 to put \$800,000,000 into designing and subsidizing an air-cushion train—instead of the ill-fated and inglorious SST—he would have promoted a largely pollution-free new industry that today would be employing tens of thousands of industrial and construction workers. And though President Nixon, shortly after he took office, announced that our cities would need at least ten billion dollars in Federal aid to meet their mass-transit needs over the next 12 years, the bill the Administration supported limited the amount that could be obligated during the first five years to just 3.1 billion dollars.

How far can that kind of money stretch on a two-to-one Federal/city matching basis (as the law proposes), in light of our needs? Not very far. San Francisco has already spent 1.4 billion dollars (93 percent of it in local funds) on its Bay Area Rapid Transit. Los Angeles estimates it will cost 2.5 billion dollars over the next eight years to meet the transportation needs of its inner city and New York puts its needs at ten billion dollars over the next five years.

I proposed giving the Department of Transportation immediate authority to obligate the Federal Government up to the full ten billion dollars, so our cities would know for sure how much money they could expect from Washington in the next decade and could move rapidly ahead to meet their mass-transit needs. My proposal won 24 Senate votes—not enough to win. I also proposed a mass-transit fund, similar to the highway trust fund that has made freeway construction so prolific. But I lost on that, too. I intend to try again, however, on both counts.

With the right kind of Government help, the aerospace industry could tackle another air-travel problem—the monstrous noise

that plagues millions of people who live and work under jet landing and take-off paths. And it could create more jobs in the process. Through retrofitting—soundproofing engine nacelles and enlarging the size of the engine's exhaust outlets—jet noise could be cut at least in half. I have introduced a bill that would require that the near-2000 jet planes now in use be retrofitted by January 1, 1976. Based on formulas prepared by the Aerospace Industries Association, I estimate that if my bill becomes law, 35,000 people will be employed for two years developing and installing the retrofits, and these jobs will generate another 57,000 jobs outside aerospace. Hundreds of these jobs would go to aerospace engineers presently collecting food stamps and reading want ads.

Health and education systems also are ready targets for new electronic, computerized systems. Medical-information specialists believe the crisis in medical care cannot be solved without quantum-jump improvements in information systems, using computer banks and video matrix terminals (two-way televisionlike communication devices). Lockheed Missiles and Space Company at Sunnyvale (Fiores's old firm) designed and built a video-computer medical-information system for a hospital, utilizing space-age communication devices. The system involves computerized record keeping on all patients and television devices that flash diagnostic and treatment information to doctors and nurses.

Many education specialists believe similar systems are needed to modernize schools and improve individualized self-teaching through mass-media techniques—primarily television and computers.

The makers of the weapons of mass death have, ironically, considerable capacity to perfect and produce nonlethal weapons, ones that could help civilian police reduce the unpleasantness of some of their unpleasant work and, at the same time, vastly increase their ability to maintain law and order—justly. Because of the general unavailability of effective nonlethal devices, police often have difficulty dealing adequately with civil disorders in which the use of deadly force may be uncalled for or stopping a fugitive or responding to an attack for fear of shooting bystanders.

Police also need flexible, effective and quickly available protective equipment to shield them from bodily harm during the performance of their duty. In many instances of so-called overreaction, law-enforcement officers are, in fact, reacting to real or imagined threats to their lives. A policeman or a deputy who doesn't feel his life is in imminent jeopardy is better able to keep his cool and act in a restrained, professional manner.

The Ground Systems Group of Hughes Aircraft Company recently completed a detailed design for a \$45,000,000 command-control communications system for the Los Angeles Police Department that may revolutionize police work. A digital radio transmitter in each patrol car is connected to computer terminals and enables the policeman to obtain immediate data on suspects, stolen cars and other missing property. By means of broadcast radio signals, every car is automatically tracked by computers. Dispatchers are able to spot car locations instantly on electronic maps and each policeman has an emergency-trigger device in his pocket to use if he is in trouble away from his car. The trigger, a tiny transmitter, broadcasts an SOS signal through the car radio. This centralized computer-automated dispatch center can cut down by an estimated 62 percent the time it takes to get a patrol car to the scene of a crime or an accident.

The scientists and engineers who designed and built the marvelously intricate systems for the Saturn rocket and the Apollo mis-

sions recognize that the same techniques can be applied to overcoming the problems of mass urban transit, health, education, crime and pollution. Many of us in the Government see the possibilities, too.

Why don't we get on with it? All of those systems and more could be built with the help of the 85,000 Unemployed Fiores, whose precious time and talent are going to waste. We have the manpower, the technology, the plant equipment and the know-how. But diversification isn't easy in a depressed economy.

In a well-intentioned but sadly misdirected effort to combat inflation, the President deliberately set out to cool the economy (a rather dubious objective, by the way, for the millions who live on the edge of unemployment or underemployment, for whom the economy wasn't so hot to begin with). His fiscal and monetary policies all too obviously didn't deflate our continuing inflation. But he did succeed in raising unemployment to a ten-year high (the highest since 1959 in California), in driving homes out of the reach of most middle- and even upper-middle-income families and in throttling down the economy.

The Administration has consistently thwarted Congressional efforts to reverse this deplorable state of affairs. Perhaps the most egregious example is the freeze that the Office of Management and Budget placed on 12 billion dollars Congress had appropriated in 1970 for domestic needs ranging from health services, mental health, education and economic development to urban renewal, reclamation, housing and model cities. I estimate that at least 1.613 billion dollars of these job-stimulating funds would have gone into engineering and science-related fields.

By the end of 1971, 12 billion dollars appropriated by Congress for various domestic programs still had not been spent by Mr. Nixon. In hopes of breaking some of this money loose—and to dramatize the paradox of our spending 2.6 billion dollars in military and economic aid overseas while retrenching here at home—the Senate amended the foreign-aid bill just before Christmas recess to require that the Administration spend 2.268 billion dollars of those impounded funds: 1.71 billion dollars for the Department of Housing and Urban Development; \$429,000,000 for the Department of Agriculture, including \$56,000,000 for water and sewer projects in communities of under 500,000; and \$131,000,000 for the Department of Health, Education and Welfare.

Thousands of jobs could be created for unemployed aerospace and defense workers with the release of frozen appropriations, such as \$10,000,000 for the National Science Foundation, \$20,000,000 for the National Aeronautics and Space Administration, \$43,000,000 for the Corps of Engineers and \$170,000,000 for the Atomic Energy Commission. Government economists estimate that for every billion dollars spent by the Federal Government, 70,000 jobs are created. Thus, release of those 12 billion dollars would provide jobs for 840,000 unemployed Americans.

Our priorities must be to:

1. Restore economic growth and full employment, with expanding opportunities for everybody and with full consideration for the protection and preservation of our environment.

2. End our debilitating inflation by ending its primary cause: the cruelly immoral Vietnam war that has bled our youth, split our country and cost us more than 120 billion dollars.

3. Halt the unspeakably dangerous, unbelievably expensive nuclear-arms race that will one day destroy us and the Soviet Union financially if we don't first destroy each other physically.

We both keep pouring millions upon millions of dollars into ever-more-monstrous

systems of destruction, even though we already possess enough weapons to wipe each other out several times over. It doesn't make sense. And it doesn't make for national security. Quite the reverse. The danger of an intentional or accidental attack grows with each provocative deployment and counterdeployment. Fear, suspicion and a treacherous sense of insecurity are the self-defeating consequences of the nuclear-arms build-up, together with a staggering waste of the natural resources and human talents we so desperately need to put to better use.

The Administration's proposed defense budget for fiscal 1972 calls for 76 billion dollars, some one to two billion dollars more than was spent in fiscal 1971. Not an encouraging sign, but I hope to help see to it that the figure is substantially lower by the time Congress gets through working the budget over. I was pleased to note that the new budget calls for a \$700,000,000 increase in military research and development, the first such big jump in several years. I look upon research and development as an insurance policy for national security. It cuts lead time on producing essential new weapons when production is legitimately called for and enables us to avoid producing weapons prematurely and deploying them out of fear.

I also believe that defense-research funds should not be limited to military purposes. I have urged the Armed Services Committee to allow defense contractors to use basic-research funds supplied by the Government to diversify their operations to meet the domestic needs they are particularly qualified to handle.

We are wasting precious time looking for ways to motivate aerospace and defense industries to diversify. There's no big secret in how to redirect American space and arms production into domestic channels. The Government, in partnership with private industry, must make the switch profitable; American capitalists and labor will do the rest.

First, the Government must put its priorities in proper order, so that pressing needs such as housing, education, health, mass transit and pollution control are placed ahead of fighting wars, piling up provocative missiles, financing dictatorial foreign governments and building unwanted supersonic gewgaws.

Next, the Government must back up those priorities with substantial sums of money, not token amounts that finance a few timid, tentative steps but money on the massive order of what we normally spend on ABMs and MIRVs and space shots without blinking an eye.

Finally, the Government should let contracts. We need to create a central source of Federal funding and contracting that can do for our domestic priorities the kind of job the Department of Defense has done for defense and NASA has done for space. There is a huge, unmet market demand for peacetime goods and services in our crowded schools and crime-infested cities, in our urban ghettos and rural slums and in our understaffed hospitals and on our polluted freeways. We need to infuse money into those markets, so that their needs will have behind them the ring of hard cash that private industry can hear.

Unhappily, we still have not defined our basic goals as a nation. As a result of not being sure of where we want to go, we have only the foggiest notions of how to get there, or anywhere. The American system is notorious for its lack of over-all planning, with the momentary demands of the market and of the electorate determining our economic and political directions. That method has its obvious drawbacks: waste, inefficiency, stumbling from crisis to crisis.

But it also has a great advantage: freedom. Human affairs are too diverse and un-

organized to be directed tidily from the top. Governmental institutions should encourage diversity, not stifle it in regimentation.

But diversity and individuality need not mean social chaos. People can have common goals and universal needs as well as personal ambitions and individual desires. Indeed, man thrives best when he has a clear sense of direction, for both himself and his society.

### DISTORTION AND MANIPULATION OF THE NEWS

Mr. THURMOND. Mr. President, current hearings before the Constitutional Rights Subcommittee of the Senate Judiciary Committee have reopened the debate concerning the source of attempts to distort the news and to manipulate the public's understanding of current events. We still have not solved the problem of the management of news in the mass media through omissions, distortions or fabrications.

There are those who charge that the real problem stems from the criticism of the mass media by high government officials; particularly the fine statements of the Vice President. But the real problem is in much of the news media themselves.

Fortunately the press itself is not without critics among the ranks of experienced newsmen and editors. One such critic is Herman H. Dinsmore, former editor of the international edition of the New York Times and author of the authoritative book entitled "All the News That Fits: A Critical Analysis of the News and Editorial Contents of the New York Times," published in 1970 by Arlington House.

In an address on December 6, 1971, before the American Speakers Forum of Schenectady, N.Y., Mr. Dinsmore in a scholarly manner recognizes the prime importance of the New York Times in controlling the flow of news to the people of one country, reveals some of its practices that have had disastrous consequences, and calls for a return to truthful reporting.

Mr. Dinsmore is not a novice in the task that he has undertaken. In a notable address before the Cosmos Club of Washington, D.C. last year, he spoke on the subject, "Distorted News Loses Lives and Thwarts the Search for Peace," which I had printed in the CONGRESSIONAL RECORD of June 4, 1971. His most recent address on December 6 at Schenectady is a splendid sequel to the earlier one.

Mr. President, as this address should be of interest to all Members of Congress who read the New York Times and officials in the executive branch who use it in connection with the formulation of national policies, I ask unanimous consent that it be printed in the RECORD.

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

CURRENT HISTORY EVERYONE NEEDS TO KNOW (Address by Herman H. Dinsmore, before the American Speakers Forum Inc., Schenectady, N.Y., December 6, 1971)

Henry Ford, founder of the Ford Motor Company, astounded the country in 1919 when he said, "History is bunk." In 1862 Abraham Lincoln had said "we cannot escape

history. . . . We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation. . . . In times like the present, men should utter nothing for which they would not willingly be responsible through time and in eternity."

Whatever may be said for Henry Ford's view about the record of the past, I prefer Lincoln's estimate of it because it appeals to my most civilized instincts—I want to believe that it is the right honorable attitude toward the past, the present and the rectitude with which the future will view us. But I know perfectly well that much of our current history is bunk, and I can only pray that somehow we will all come to know it as it is, as it happened, and that we will be judged in the future by civilized men and not by barbarians who have gained control of the world. That is why I have chosen to speak on the subject, "Current History Everyone Needs to Know."

News is another name for current history. Roughly, anything previous to last year's news is history—that is, for historians. But for living people, current history is the news of what happened during their lifetime. To avoid any generation gap, "current history" will be used to cover news as well as history. What I will try to show is that much current history is not regarded as news, and that some highly essential facts about the history of the last thirty years are not known to the general public. You cannot avoid errors by learning from history if you do not know history in the first place. There have been so many omissions, distortions and fabrications that one could not tell them all in one evening, even if one knew them all. Nonetheless I will touch upon some startling matters that our Government, our newspapers, in whole or in part, our television and radio channels, and our news magazines have neglected to tell us. Some of these omissions, distortions or fabrications, or a combination of them, add up to matters of immense importance. You will judge for yourself, of course.

#### First, the omissions.

One of the tenderest state secrets among classified documents in Washington is the matter of how the United States came to supply to the Soviet Government information and materials to make the atomic bomb. The decision to inform the Russians that the United States was planning to manufacture atomic bombs was made by some one as early as 1942. Without doubt the Russians received large amounts of information in regard to the American atomic bomb project from spies, but the handing over of atomic materials in massive amounts was done on orders of high United States Government officials. By 1945 the United States had shipped or flown more than 22 million pounds of scarce and needed atomic bomb materials to the Soviet Union.

More than 99 per cent of all Americans, including officials, knew nothing about the United States atomic project until the bomb was exploded in 1945. Yet by 1944 the Russians boasted in the Soviet Union that they too had a Manhattan Project, which was the American name given to the supposedly secret United States atomic bomb project. One American historian called it "sacredly secret." How wrong his history was! W. L. White, another American, wrote a book called *Report on the Russians*, which was published in 1945. But it was not until March 17, 1950, that he related in the *Kansas City Star*:

"Just what do they know in the Soviet Union about our atomic secret? When I visited Russia in 1944 they knew more than I did. A Soviet guide took our party on a tour of Leningrad. At the badly bombed



Kirov electrical plant, a curious contraption of rusty steel caught my attention.

"What is that?" I asked Kirilov, our guide. "Oh, that," said Kirilov, "is cyclotron. Is used by our great Soviet physicist, Professor Joffe, when he makes, how you say, splitting of atom. But this is old," continued Kirilov. "The new ones we move them behind Ural Mountains. Behind Urals Professor Joffe has much newer, much better." . . .

"Behind Urals we have many big things. We have like you call in America Manhattan Project. You know this, yes?"

"Oh, of course," I said. "We have lots of war projects in New York." "Not in New York," said Kirilov looking at me intently "Manhattan Project. You know of this?"

"But Manhattan" I said "is a part of New York. Of course I know Manhattan. I live there!"

"It was not until an entire year had passed—and the atomic bomb went off at Hiroshima—that I understood at last exactly what it was that poor stammering Kirilov had been trying to ask me."

It is by such a backdoor method that we the people discover that the Russians had an atomic bomb project or said that they had such a project as early as 1944. But I did not know about this Russian knowledge and alleged activity until 1969, 25 years later, and I am supposed to be a newspaper man. Yet that is not the full size of the knowledge lag in our times, not really meaning to make a pun. It was in 1969 that I read Major George Racey Jordan's *Diaries*, a book which was published in 1952 and which gave the details of our shipments and air cargoes to the U.S.S.R. of 22,958,742 pounds of materials used in the construction of atomic bombs, plus "millions of dollars worth of mining, ore-crushing, and construction equipment." The newspapers unfortunately did not compete with one another for the publication rights to Major Jordan's revelations, and the published reviews treated it as just another book of no great moment and, in fact, of dubious content.

Who was Major Jordan? Could he really know what he was writing and speaking about? Did he have the respect of his fellow officers? The answers are yes. I know two men who were his fellow officers, a colonel in the Army and a captain in the Navy, both highly respected men themselves. It was the colonel who suggested that Major Jordan publish his diaries. Major Jordan was a flier with the American Expeditionary Force in France in World War I, and as an Army officer in World War II he was the expediter of materials sent to the Soviet Union to aid in fighting Nazi Germany. He was a worthy, courageous and altogether admirable citizen who did in fact serve his country above and beyond the call of duty. He was stationed at Newark, New Jersey; Great Falls, Montana, and Fairbanks, Alaska, and he visited Russia to check on the delivery of Lend-Lease materials.

The millions of pounds of atomic bomb-making materials sent to the Soviets went by way of Lend-Lease, which was under the direction of Harry Hopkins. Small quantities of uranium ore were sent by the Manhattan Project itself, with the knowledge of Gen. Leslie R. Groves, the commander. General Groves was not trying to help the Russians, and apparently he did not know about the Lend-Lease shipments to the Soviet Union at the time during World War II. It appears that the secrecy about the bomb was so hush-hush that the Russians were able to take advantage of that very situation, and, of course, they had many friends at court. Major Jordan received no medals or Pulitzer Prizes for his disclosures. On the contrary, he was charged by one writer with having had a suspicious attitude toward the Russians and with making unauthorized inspections of American materials being flown to them. More foolish charges than these cannot be imagined.

Here is a quotation from Major Jordan's *Diaries*:

"That the Russians found out everything (about the United States atomic bomb project) from alpha to omega, has been established by volumes of proof. Through trials in Canada, England and the United States there has been revealed the existence of an espionage network so enormously effective that Russia, scientists calculated, 'should have been able to make a bomb considerably before September, 1949.' . . .

"In the light of these disclosures, there stands in plain view the answer to a mystery that troubled James F. Byrnes, (United States) Secretary of State, at the Potsdam Conference (in 1945). Following a session of the 'Big Three,' on the afternoon of July 24, 1945, (President) Harry S. Truman walked around the large circular table to Joseph Stalin's chair. We had perfected a new bomb, (Mr. Truman) said, more powerful than anything known. Unless there was an early surrender, we would use it against Japan.

"Stalin's only reply," writes Mr. Byrnes, 'was to say that he was glad to hear of the bomb and he hoped we would use it. I was surprised at Stalin's lack of interest. I concluded that he had not grasped the importance of the discovery. I thought that the following day he would ask for more information about it. He did not. . . .' (From *Speaking Frankly*, by James F. Byrnes (Harper, 1947), page 263.)

"On the contrary, Stalin probably knew more about the bomb than Truman and Byrnes together. Perhaps he was struck speechless by the simplicity of his American guests. What did they take him for, he may have been thinking, not to have informed himself to the last particular regarding a weapon bound to revolutionize war?"

It is hard to believe that President Truman did not then know about the Soviet efforts to build the atomic bomb. He said in 1953, after leaving office, he did not believe the Russians "have the bomb." At any rate, the Soviet Government knew about our atomic work, and that government then as now regarded itself as our enemy. Meanwhile, the American people groped in total darkness, since neither the Government nor the press was seeking to keep them informed of this current history. I am not suggesting that the public ought to have been told the secrets concerning the manufacture of the bomb. I am asserting that the people had a right to know what we had given the Russians at some point, possibly some time in 1945 after the issuance of the Smyth Report, which told something about how the bomb was made.

There were without doubt a number of Americans who knew parts of this story, but the newspapers and other communications media were not then, nor are they now, bent upon getting or giving the facts in this matter to the public. This is not accidental. Dr. Anthony Kubek of Dallas University wrote an excellent book describing the background, entitled, *How The Far East Was Lost*. It was not reviewed in some essential book channels to the people. One organ that omitted any mention of the volume was *The New York Times*. Dr. Kubek wrote:

"On the eve of General Follett Bradley's departure for Moscow (in 1942), (President) Roosevelt turned to him and remarked: 'the important thing to impress on the Russians is that we are wholly realistic about shipments to Russia.' Every effort will be made 'to make deliveries by any and all practical means.' Our position should be to say to the Russians that 'we can let them have almost everything they want.' (I may say here that as it turned out the Russians may well have received everything they wanted. It is not likely that we know even today all that they got.)

"A flood of American Lend-Lease goods began to pour into Russia. Over fifteen mil-

lion tons of cargo, in more than twenty-five hundred ships, were delivered. Hundreds of thousands of trucks, motorcycles, and combat vehicles, plus millions of tons of industrial goods and foodstuffs, bolstered the Soviet armies. 'Our policy,' writes General (John R.) Deane, 'was to make any of our new inventions in electronics and other fields available to the Russians. . . .' Each month the General received a revised list of secret American equipment about which Russia could be informed.

"In addition, with the enthusiastic help of Harry Hopkins, the United States shipped, year after year, millions of pounds of atomic bomb material. 'Every possible effort will be made to meet all Protocol commitments at the earliest possible date,' said Hopkins. 'The United States remains firm in the belief that material aid to the Soviet Union is of 'highest strategical importance.' In 1943, the U.S. government issued export licenses for the delivery of atomic bomb materials to the U.S.S.R. Restricted orders of the Manhattan Project were bypassed by the Canadian Radium and Uranium Corporation, an American firm with the 'right' contacts in Washington."

That background sets the stage for the next disclosure. This suggests enormous omissions by the press and other communications media. This information came to me as a thunderous surprise only last month in a work that one reviewer called the greatest publication since the Bible. He said he meant no disrespect. This work, in two volumes so far, is entitled, *Western Technology and Soviet Economic Development*, written by Dr. Antony C. Sutton of the Hoover Institution on War, Revolution and Peace at Stanford University. Dr. Sutton discloses that virtually all of basic Soviet industry has been restored or created by Western capital and enterprise. This brilliant researcher does this with a methodological virtuosity and comprehensiveness that leave no doubt that the people of the Western world have been subjected to some remarkable misconceptions in regard to Soviet Russian capabilities in the civilian area, whatever they may be able to do militarily.

It had been obvious to many persons for some years that there was something radically queer and dubious about the seeming miraculous economic recovery of the Soviet Union after World War II. Since then the U.S.S.R. has suffered more than one grain crop failure, though Russia was once the granary of Europe, and in the 1960's the Soviet Government had to import some billions of dollars worth of grain from the United States and Canada. It completed another agreement for the purchase of more than \$140 million worth of feed grain in Washington last month.

We know too that the Italian Fiat company is building the first large mass-production automobile plant in the Soviet Union at the present time, and the Soviet leaders are seeking to get a number of Western companies to construct in Russia the largest truck manufacturing plant in the world. The United States Commerce Department has granted export licenses authorizing American companies to sell \$280 million worth of equipment for the plant.

It is true that the Soviet Union has large industrial capacity and capabilities, but they have been put there by the countries of the West. Is this because the Russians and other peoples of the U.S.S.R. are not inherently capable of providing this large industrial capacity? No. Dr. Sutton believes—and I believe—that, "Without capitalism or some variant of a market system, centrally planned systems are doomed to technical stagnation," and that "This is why copying is pervasive and has persisted for 50 years" of Sovietism. Dr. Sutton found that during the 1930's the United States and other capitalist countries helped the Soviet Government to obtain "30 years of technical development in three years." True, some of this

was wiped out in World War II, but here is what the Stanford savant says about that: "Looking at the picture as a whole, there were two massive injections of Western technology and capacity (into the Soviet Union), in the periods 1930-3 and 1943-5. Even given the extensive destruction of World War II, and assuming that 25 per cent of the Soviet economy was destroyed, the Soviets were far better off in terms of both capacity and technology by 1946 than before the war. Destroyed facilities were more than replaced by reparations and Lend-Lease, and, more importantly, replaced with equipment 10 to 15 years more advanced."

"No major technology or major plant under construction between 1930 and 1945 has been identified as a purely Soviet effort . . . Soviet technology was almost completely a transfer from Western countries; only two major Soviet innovations have been identified: SKB synthetic rubber and the Ramzin once-through boiler; both were supplemented with Western methods by 1945."

Through this penetrating study we get for the first time a clear picture of the strange economy of the Soviet Union.

We begin at least to understand why the Soviet regime could show some remarkable technical achievements (offered, of course, entirely as its own) while never certain from year to year that it could feed its people.

Dr. Sutton makes it clear that he does not underestimate Soviet technical ingenuity and engineering skill. He notes that some Soviet scientists stand high in their fields, but he believes that the lack of freedom—the freedom that is enjoyed by engineers and scientists in the West—is the factor that has inhibited the initiative and scope necessary to achieve large technological innovations, while this factor has simply stunted Soviet agriculture. It is significant that the Soviet Government does not export automobiles, tape recorders, television sets, radios, cameras, shoes, fashions, art, binoculars and other technically ingenious things produced by Western countries. The chief Soviet exports are raw materials, such as chromium and manganese ore, diamonds, furs, tobacco and rare metals, such as gold and platinum—and, of course, war and revolution. It is a distressing but notable fact that we have to go to the *Reader's Digest* to get the news of Soviet revolutionary activities in Mexico.

It is interesting, technically and otherwise, that no pictures of a Soviet atomic explosion have ever been published anywhere. Nor have we ever seen a picture of a Soviet blast-off or landing of a space machine of any kind. In the autumn of 1971 a Soviet space scientist, Leonid Vladimirov, defected in England, allegedly with hard proof that the Russian space program is a hoax "aimed at persuading the West that the Soviets had reached a high level of advanced technology comparable with that of the United States," according to an Associated Press dispatch of Nov. 25 from London. This news was not published in *The New York Times*; nor apparently, did it make headlines anywhere. The omission is part of an unbroken pattern. How can the Establishment communications media break down the country that they have been at such great pains to build up?

The knowledge of the overriding Western contributions to Soviet economic development came as a great surprise to me, even though for some years I handled the news from Russia for *The New York Times* and have since tried to keep up with Soviet progress. This ignorance is not hard to understand. Only one newspaper in the world has reviewed a single volume of the two great books by Dr. Antony Sutton, and that was the *Phoenix Arizona Republic*, to its credit. In other times this work would have been analyzed in *The New York Times* and other newspapers around the country. Now it is the purpose both of the Government and

of the national news media to shape the news to fit preconceived ideas of what the people have a right to know. Books are reviewed or not reviewed to suit this aim. However, when it fits the purposes of the same media to do so they will stress a general right of the people to know, as in the case of the purloined Pentagon Papers, so called. The publication of those documents and biased opinions had the specific object for *The New York Times* and its tributary press of discrediting the entire basis of the Vietnam War, even when the President of the United States was withdrawing American forces as rapidly as he deemed consistent with the national interest. The object of *The Times* was shared by the Washington Post and some other newspapers.

In the case of Soviet activity, at home and abroad, we can only guess at the extent to which American readers have been deprived of the facts of current history. No serious effort has been made to present the truth in the manner achieved by Dr. Sutton, because that is not the aim of *The New York Times*, *The Washington Post*, the *Los Angeles Times* and other segments of the news media. The news out of Eastern Europe has often been a shambles of non-information or downright misinformation. *The Times* avoids the use of the word Communist except in certain foreign and domestic situations where it is unavoidable. What is more, it regards the expression *anti-Communist* as invidious and odious, provocative and no doubt bellicose.

Recently I asked Dr. Sutton whether he was familiar with Major Jordan's revelations about atomic assistance to the Soviets. He said he was, and that he had gone to Washington, D.C., to check the original Lend-Lease invoices with those listed by Major Jordan. The assumption was that if the Jordan figures tallied with the original sources in a half dozen cases, then it would be possible to accept the Jordan material. Dr. Sutton said that he had had some difficulty in getting official Washington to find the invoices, but Congressional help enabled him to do so. Then the professor made a sample check and found that Major Jordan's data tallied with the originals. He said that much work remained to be done and that much of the material involved was still classified.

Dr. Sutton said that it was his conclusion that, technically, the Soviets could not have manufactured an atomic bomb without U.S., British or Swiss assistance because those were the only sources of some of the machine tool needed. What is more, the Soviets could not even manufacture the extrusions needed to build aircraft early in the 1940's. Dr. Sutton said he had discovered this from State Department and Douglas Aircraft files. He added that he was sure there was "a major story here"—surely a prime understatement. I believe there is no probability or even possibility that the story of our handing over to the Soviet Government materials to make the atomic bomb is false.

Medford Evans in his most interesting book, *The Secret War For The A-Bomb*, published in 1953, wrote: (page 15)

"The classic illustration of the reliability of official U.S. releases was given by Harry Truman in January 1953, just one week to the day after he left the White House."

"I am not convinced," the ex-President told an INS reporter in Kansas City—"I am not convinced the Russians have achieved the know-how to put the complicated mechanism together to make an A-bomb work. I am not convinced they have the bomb."

It was Mr. Truman as President of the United States who announced to the world the first Russian atomic explosion in 1949. Now he seemed to be saying that what they had exploded were devices rather than bombs, though he left open the possibility that they

had detonated atomic bombs but not of their own manufacture. This would fit in with the theory of Mr. Evans that it is entirely possible and even probable that the first atomic bombs exploded by the Russians were stolen from Los Alamos. He resigned as chief of training for the Atomic Energy Commission when he found that none of his recommendations for achieving security was being accepted. Needless to say, Mr. Evans' book got no reviews whatever in newspapers, daily or Sunday, or in popular or scholarly periodicals. Obviously he had stumbled into the Establishment Wonderland, where only the tales of Hoffman, Acheson, and other masters of grotesqueries and fantasies of the Council on Foreign Relations are permitted. Yet Mr. Evans' brilliant book is an absolute must for the intelligent reader. He writes: (page 53)

"Well, it could hardly have been supposed before 1945 that a great nation would be intimidated by its own victory and, clearly, alone in the first rank, would devote its diplomatic talents to the task of creating a balance of power against itself. It could hardly have been supposed that the inventors and makers of a revolutionary weapon would in the very moment of their triumphant discovery betray abruptly such signs of neurasthenia as, without renouncing war, to attempt to renounce their newest and most powerful instrument of war. The whole atomic policy of the United States since 1945 has been incredible."

Thus Mr. Evans saw clearly and earlier than most of us that the United States was indeed setting up a balance of power against itself. I share his view, and I saw what was happening from 1945 onward. Unfortunately the opponents of the policy of weakening the United States and strengthening the enemy were scattered and reduced to silence. Attempting to raise one's voice against balance-of-power forces before about 1955 was like King Canute's effort to stay the rising tide. Even today Medford Evans' acutely important book is nearly unknown in addition to being out of print.

No newspaper or periodical or television station or network sent reporters to Washington to check Major Jordan's revelations, as Dr. Sutton did. There is ample proof that the same sources that were so eager to publish the stolen Pentagon papers would not lift a finger to fulfill the public's right to know all about this atomic bomb matter. In fact, they would oppose it on the grounds that it would not help to build bridges to the East. What they would really mean is that it might help to upset the balance of power that they have so patiently built up over all the years since the end of World War II. In this balance of power the Union of Soviet Socialist Republics and now Communist China are played off against the Western nations in a terribly costly effort to maintain what is called peace. I believe that in Dr. Sutton's findings we have the answer as to why the Russians did not put men on the moon ahead of the United States—they were not able to do it. I believe these findings also explain why the Russians are so heavily occupied with espionage of all kinds—with theft and obstruction rather than giving and the advancement of world science and prosperity. The joint space work agreement between the U.S. and the U.S.S.R. will undoubtedly be of great benefit—to the Russians.

Now if the West built the industrial basis of the Soviet Union—as, indeed, it did—then the Soviet leaders are well aware that their country is being used as a counterweight against the West, especially the United States. In other words, the leaders of the U.S.S.R. know that their nation is part of a balance of power set up by elements or forces in the West. Thus any war involving the use of atomic bombs would in the most



literal sense have been engineered by the West. Russia, the counterweight, need have no fear of attack. If, however, the West should blunder into any war instigated by the Russians, they are guaranteed against a Western victory. The balance of power is an ideal setup—for the Russians. Has this phase of current history been presented clearly by the national news media? Certainly not. And that is a massive and ominous omission in current history. Why do the news media fail to point out that the industrial part of the Soviet military-industrial complex is highly vulnerable because of its dependence on the West? Is the United States military-industrial complex under attack for this very reason?

So far I have dealt only with omissions in the news and chiefly involving the Soviet Union and the Soviet Government. It would no doubt be useful to discuss how the Chinese Communists got atomic bombs, certainly with technological help from the Soviet Government as well as through Chinese scientists trained in the West. It would be the strangest irony in the history of the world if the Soviet Union, the nation that lives, expands and fights through our technology, should destroy us with our own basic equipment. Yet strange things do happen. Japan and Germany both used our scrap iron against us. And, of course, Lenin said that the capitalists would sell to the Communists even the rope with which to hang those same capitalists.

We have treated only a few of the major omissions in the news. We turn now to distortions and fabrications.

The strange trend of the national news media must inevitably reduce their credibility and eventually their usefulness to themselves as well as the public. The President and Vice President of the United States have both commented on the new newspapers. On April 30, 1970, President Nixon said that other Presidents had made more notable decisions than his decision to send American troops into Cambodia. Then Mr. Nixon added:

"But between those decisions (of other Presidents) and this decision (to enter Cambodia), there is a difference that is very fundamental. In those decisions the American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the nation."

I don't think there is any doubt as to whom he meant. Vice President Agnew, the alter ego of the President, had been specific on a previous occasion when he said that the "day when the network commentators and even gentlemen of The New York Times enjoyed a form of diplomatic immunity from comment and criticism of what they said—that day is over." So we have a historic point of departure. The Administration itself has struck back at the distorters and defeatists.

I would like to try to trace the events leading up to that point.

At the end of World War II the United States had in its hands the possibility and capability of imposing an American peace upon the world—a Pax Americana. Then, only the United States with certainty had the atomic bomb. With the great prestige of this country at that time, we might without violence have brought about a world of American design and in the American image in regard to humanitarianism in international affairs. But things were not what they seemed, then or later. Indeed, nowadays one hears talk of a Pax Sovietica.

The physical handing over to the Russians of the materials for making atomic bombs did not immediately change the power structure of the world, but it did give a psychological base for converting the Soviet Government into an overwhelming antagonist, since the United States was working with it. With no knowledge of this situation in

1945 after the surrender of Japan, I began to chafe at the prospect that Poland would be forsaken and abandoned to the Russians and their Communist quislings. When this happened, and later all of Eastern Europe was allowed to fall under the domination of the Soviet Government, with no effectual outcry against it in the United States, I asked myself whether The New York Times and other muffled journals were acting out of stupidity or because they did not want the United States to exert the leadership that lay within its grasp. And I was forced to the conclusion that the robbing of America of world hegemony was a deliberate, conscious move designed to set up a world balance of power. But it was a balance imposed upon the country by the U.S. Government in the first instance, if at the prodding of the press, other communications elements, and commercial, financial, industrial and cultural interests.

President Franklin D. Roosevelt counted on the four big powers—the United States, the Soviet Union, Great Britain, and China—to regulate or dominate the affairs of the world. He had no idea of seeking an American hegemony, or dominance. President Truman spoke of "good old Uncle Joe Stalin" as if he were a firm partner of the United States instead of a Communist leader who harbored the greatest suspicions of any foreign country and would work with none that he could not dominate.

But President Truman was highly fearful of the 50,000 Communists who he himself said were in the United States, and Mr. Truman was greatly embarrassed by the discovery of Communists in important positions in the Government during his Administration. President Truman was soon disabused of faith in Stalin when the Soviet leader started the war in Korea in 1950 following upon the first Soviet atomic explosion in 1949. The Korean War created the foundation for the erosion of American power. It was the first no-victory war for the United States, a war in which there 3,500,000 battle casualties on both sides, and one million civilian dead. It was the first war ever fought by the United Nations, and divided counsels doomed it from the start, though the Americans were doing most of the fighting.

Amazingly, the Soviet Government continued to enjoy its position in the United Nations, despite its flagrant violations of the Charter. There was no general outcry in the national news media against the U.S.S.R. as a Charter violator, but these media, especially the New York Times, never hesitates to denounce the United States for the slightest alleged failure to live up to treaty commitments. But here was the Soviet Government making war on the United Nations in Korea and at the same time getting United Nations war-front information in New York to use against United Nations troops in Korea. And a Russian general was in the U.N. military team that was sent to South Korea. Moreover, the United Nations so-called Minister of War in New York was a Russian, who had the gall to complain to General Douglas MacArthur that he should submit his battle plans more frequently—and this in spite of the fact that the Russians planned the Korean War, officered the so-called North Korean side, flew the planes, staged the troops, and ordered the invasion of South Korea. One can only believe that Stalin was secure in the knowledge that the government that had given him so much power would not demand more than a draw in the Korean War.

The United States suffered 33,629 battle deaths, and 20,617 more deaths from other causes, with 103,284 wounded—a total of more than 157,000. Now, having learned nothing from Korea, we have amassed more than 362,867 casualties in Vietnam, includ-

ing more than 55,500 dead, more than 45,600 killed in action. While the so-called peace talks were going on in Korea between 1951 and 1953, the Americans suffered about 90,000 casualties. Since the United States and South Vietnam began the so-called peace talks in Paris with the North Vietnamese, now going on four years, the Americans have suffered 164,768 casualties.

This situation could not have come about without acts of omission and commission on the part of the national news media. It is my considered opinion that many thousands of Americans and others lost their lives in Korea and Vietnam needlessly, and many thousands of Cubans have been put to death by Castro who would not have died if the most powerful element in the American press, the New York Times, had protested against the United States' installation of Castro in power, but that was part of the power play in setting up and solidifying the balance of power.

The more I study this development the more I come to see that *The Times* is not the only communications element involved, but it is of overriding importance because of its influence. It is not an exaggeration to say that *The New York Times* has in the past affected the informational content of every literate mind in the United States. *The Times* sells its news and columns to more than 200 newspapers in this country, in Asia, Latin America, and Europe. It is a national and international newspaper. Last spring it bought three more daily newspapers in Florida. It is read by every President of the United States and by members of both Houses of Congress. It is taken by the foreign embassies in Washington and New York. It is read in every capital of the world. The Associated Press (AP) and the United Press International (UPI) follow closely in the footsteps of *The Times*, and they do so deliberately.

The national news media can build up or hold down an event, a book, a personality or a situation. The mediums of communications can present matters of life and death in a bad light or a good light—such as war. Certain mental stances or bents of minds can be programmed into the minds of the people. This is how the beliefs of the people are fashioned. With a straight face the very persons and publications that talk about the struggle for the minds of men are systematically engaged in capturing men's minds—by distorting, omitting and fabricating the news. This is mental warfare. A whole vast section of the American people is mentally conditioned to reject the truth in domestic and foreign affairs. The aim of news distortion is to rig the thought control processes of the nation—to mold the minds of the people to a pattern, and to block freedom of thought.

I received a letter from a distinguished professor at the University of California at Berkeley, Dr. Hardin B. Jones, in which he said:

"Systematic editorial bias of news through the conditioned minds of reflex liberals is a pathetic situation for a civilization founded upon truthful principles, but the deletion of bits of news here and there is a catastrophe when, as you establish, it happens within a recurrent pattern. . . . The communication world is not only literally sick but it is too paranoid to face and be responsible for criticism it must understand."

A professor in Kentucky said to me last year that if only the professors in our nation would, as he put it, blow the whistle on *The New York Times*, the national problems would begin to recede. That is a remarkable statement. The California professor, Dr. Jones, observed that our civilization rests upon truthful principles. Precisely. Because much of our society is based upon science, which is a body of truthful principles that cannot be ignored or tampered with to suit some other ends.

Last year I spoke to two groups of engineers of the Vandenberg Air Force Base in California, and I suggested to them that they would never have put a weather-observing satellite or other missile into space, nor would the United States ever have been able to send men to the moon, if the engineers' scientific principles had been arbitrarily changed and made wrong. So also to poison the well springs of our daily news is indeed a catastrophe.

Instead of winning the wars in Korea and Vietnam as quickly as possible—and our best military minds felt that these wars could have been won in a matter of weeks or months (without the use of atomic bombs) if we had applied the conventional power that we have to the right targets—we chose to fight limited wars with nearly unlimited casualties. This caused a violent reaction among the young men of our country. It was they who were called upon to do the fighting and dying, and they saw that month after month and year after year the casualties mounted with no sign in the news media of victory or any end whatever to the Vietnam War. *The New York Times* rebuked both President Johnson and the late Cardinal Spellman for even speaking of victory. This attitude of the press could only be calculated to result in a stunning defeat for the United States or vast conflict at home. We got the vast conflict at home.

I do not, of course, ascribe the whole train of events and the awesome outcome to one newspaper or one source of any nature. A number of forces and persons were involved, but one source of compelling importance through which much defeat has been engineered is *The New York Times*. You cannot blot out the truth from the newspapers, the television or the radio, or all three, in the critically important Eastern part of the United States. You cannot do this because of the dangers of the atomic bomb or because the world is about to be unified or because, as President Nixon has regretfully pointed out, some persons fear the strength of our own country.

The policies—and problems—of the United States Government and the American press spring largely from the stated view that the United States must do nothing to embarrass the Russians—a view stated in Washington by Walt Whitman Rostow when he was the national security officer in the White House. In a report to President Kennedy, Mr. Rostow advised, most autocritically:

"Rising tensions or pleas . . . of the American public must be ignored in any crisis with Russia. The temptation must be avoided to degrade or embarrass the Soviets in the eyes of the world."

This policy toward the Soviet Government had been followed by Washington long before it was stated so badly. It is by coincidence also the policy followed by the national news media. From that policy stem the no-victory wars, the seizure of Cuba by the Communists with United States Government assistance, the boarding of an American Coast Guard cutter, the *Vigilant*, one mile off Martha's Vineyard by Russian seamen to take and carry off a defecting Lithuanian ship radio operator. And, in my opinion, from that policy of submission to the Soviet Union, which we have built up industrially and atomically, stems most of the unrest in our country today.

One of the most far-reaching instances of distortion in the news, in which the United States Government collaborated, concerns the installation of a Communist regime in Cuba. *The New York Times* was assisted by the *Chicago Tribune* in this, though President Eisenhower said the climate of opinion in the United States was almost single-handedly established by Herbert L. Matthews of *The Times*. Matthews said that Castro's program was "democratic and therefore anti-

Communist" and "there is no Communism to speak of" in the Castro organization. At the same time Castro was a Communist and an agent of the Soviet Government. President Eisenhower regretted that his Administration put Castro into power by withdrawing support from Batista. Batista never dreamed of killing as many people as have been executed by Castro.

Putting Castro into power has firmly established the military presence of the Soviet Government in this hemisphere, and has effectively ended the Monroe Doctrine barring further penetration of the American hemisphere by foreign powers. Khrushchev ridiculed the Monroe Doctrine as dead—he killed it. The magnitude and enormity of Castro's Communist dictatorship are attested by the following facts:

About one-tenth of the people of Cuba—more than 760,000 have been forced into exile, chiefly in the United States.

A foreign diplomat in Cuba has put the number of Communist executions by firing squads up to April of 1969 at 20,161. About 2,320 had by then died of torture. This bears comparison with the French Revolution. The difference is that the French Revolution had tremendous press coverage. Instead, *The Times* sent a young woman reporter to Cuba a couple of years ago, and she wrote about the cultural gains made under Castro. A more cynical attitude toward the destruction of a nation has never been taken by the press since the ravishment of Hungary.

The first atomic war showdown in the history of the world came about in 1962 between the United States and the Soviet Government when the Russians emplaced certain missiles in Cuba that would never have been placed in the Cuba of Batista. Nobody yet knows the whole truth about this episode.

The Russians are, in fact, in control of Cuba, but you would never know it from reading most of the newspapers.

The Bay of Pigs disaster came in 1961. The nation that led the invasion of Europe across the English Channel in 1944 could not bring off even a successful landing in Cuba.

About \$3 billion worth of American property in Cuba is gone.

Cuba now is the seat of training for such sophisticated guerrilla activities as blowing up American oil refineries, stimulating prison riots by various advanced methods, attempting to take over the Congress of the United States, and other activities requiring special skills. Chinese Communists sit side by side with Russian Communists in Havana, and there, too, sit American Communists.

Cuba under Castro is another unmixed debacle for American foreign policy, and American newspaper reporting. No one can be in the shadow of a doubt that *The Times* deliberately misled the American people on Castro. For even if we assumed that *The Times* merely erred at first, it has had more than 12 years in which to correct its mistake but it has never done so. *The Times* wants the United States to establish relations with Cuba. It is trying to arrange this now through the back door of the Organization of American States. *The Times* has opposed every effort on the part of Cubans in exile to train themselves in order to reclaim their homeland for freedom. A fraud has been committed upon the people, and first of all the people of Cuba. Our national guilt for that is clear. The establishment of this bloodthirsty government just off the shores of the United States is the most incontestable example I can give of how dishonest, untruthful, fabricated news causes the loss of lives needlessly, in this case Cuban lives.

It was at the time of the installation of Castro in 1959 that I made up my mind to seek out the causes of the non-opposition to or the positive promotion of Communist expansion around the world. The theory that embraced most of the phenomena was the

world balance of power. *The New York Times* itself says that that is what it is seeking, though I realize that that is not the best reason for believing it is so. The effect of this position has been to pit others against the United States and to downgrade our own country, its soldiers, and its people. It results in playing Communists against conservatives, totalitarians against democrats or republicans, Negroes against whites, Northerners against Southerners, criminals against law-abiding persons, draft-dodgers against loyal Americans, youths against their elders, intellectuals against ordinary folk, West Europeans against East Europeans, the Soviet Government against the United States, the United Nations against useful alliances and the free world, North Vietnam against South Vietnam, Communist Cuba against the Americas, Mr. Agnew against Mr. Nixon, Nigeria against Biafra, now vanquished, and the Congo against Tshombe, now dead. The balance of power does not seek a solution; it does not want one. It is a kind of universal apartheid or world Donnybrook. A group of former mental patients in New York has formed an organization called "Insane Liberation." It is in keeping with the spirit of our times, again meaning no pun. Now that the balance of power has been firmly established—at least in the minds of the American people—the *Times* can afford to have occasional stories critical of the Soviet Union and Government. Current history under these circumstances takes a fearful beating, and the people are blanked out. The miscoverage of the Vietnam War by *The New York Times* is one of the great wonders of contemporary journalism. What is more, it has led much of the American press in its aim, which is to lose the war at any cost. *The Times* wants a coalition government with the Communists in South Vietnam, but not a coalition government in North Vietnam. It wants vigorously contested elections in South Vietnam, but it is not concerned whether North Vietnam has elections or not. It is against unfair treatment of prisoners by South Vietnam, but it has little or nothing to say about the treatment of prisoners by North Vietnam. It is opposed to any kind of cruelties in South Vietnam by South Vietnamese or Americans but hardly mentions the vaster cruelties committed by the North Vietnamese in the South, which they have invaded.

*The New York Times* led the newspaper and media outcry when President Nixon started Vietnamizing the war by lending technical assistance to the South Vietnamese Armed Forces, in preparation for the further withdrawal of American forces. For such wise actions as moving to clear the enemy out of Cambodia, which saved many American lives, and helping the South Vietnamese to seek to block the Ho Chi Minh Trail, in Laos, where the North Vietnamese have no right to be, President Nixon was attacked with cries of, "We must appease the Russians and Chinese Communists on all fronts." As if we had never tried that before.

Now, with the Americans rapidly closing out their combat role, the South Vietnamese are largely in control of their country. Now they are producing a rice surplus for the first time in years. More than 90 per cent of the villages are in the hands of pro-Saigon people. The North Vietnamese alone have probably suffered 3,500,000 casualties, so that they have for some months been incapable of mounting a pitched battle but are reduced to guerrilla fighting wherever they can find an opening. You can read some of this in *U.S. News & World Report* and no doubt in some other newspapers and news magazines, but there is very little in the national news media in general to suggest that the North Vietnamese have been beaten back. What part the Russians and Chinese Communists have played militarily in the Vietnam War has simply been withheld by the



United States Government and the news media.

One day we may have an objective and extensive Congressional investigation of the Vietnam War to discover and reveal to the nation why it was necessary to sacrifice so many American lives over so long a period without a complete victory. We would especially want to know why the Armed Forces were not permitted to follow up opportunities to destroy whole battalions of the enemy and why the Cambodian and Laotian sanctuaries of the invading and aggressive imperialistic enemy were not attacked sooner. We would also want to know why Rear Admiral Edward C. Outlaw was not permitted to destroy the SAM missile sites in North Vietnam when he discovered that they were being built in 1965. We would want to know too why 90 per cent of the North Vietnam air targets chosen by the United States military chiefs were rejected by the Secretary of Defense.

The distortions and fabrications in the national news media that have prevented the people from knowing current history as it happened are beyond counting. For years during the war *The Times* printed picture after picture of South Vietnamese mothers carrying wounded children. The picture captions said the children had been wounded by American soldiers, American airmen, or United States Marines. There were no pictures of the scores of thousands of atrocities committed by the North Vietnamese, on orders of the Hanoi Government. In this war the Americans and the Allies have been treated—and still are being treated—as enemies by the most prominent American newspaper and its tributary press.

One of the most remarkable illustrations of *The New York Times'* efforts to fabricate situations in Vietnam has been the attempt to make American soldiers appear to be no better than the North Vietnamese specialists in mass murder. This concerns the My Lai case. *The Times* gave columns and even whole pages of space to the charges against American soldiers in the village of My Lai. By indirection and even directly the practices of the German Nazis were dragged into the scope of this case by *The Times*, as if somehow the Americans could be related to the systematic Hitler Government-ordered massacre of six million Jews and others in gas chambers and otherwise during World War II.

A three-column headline with a 2-column picture led *The Times* front page when Lieut. William L. Calley, Jr., was found guilty, and there was an entire page of type on the inside. Lieutenant Calley may well have acted while in a state of shock. The company had lost nearly 40 per cent of its men in a month. Vietcong sympathizers who had arranged boobytraps or thrown hand grenades at Americans included persons of all ages, including children. Of course, as long as Americans can be kept under the cloud of having committed a massacre in South Vietnam, just so long will the real culprits, the North Vietnamese Communists, be relieved of charges of following a cruel policy of massacring South Vietnamese civilians, more than 60,000 of them. And that, I believe, is the chief aim of the ballyhoo against the Americans as My Lai—to keep the heat and glare of publicity on the alleged malpractices of the Americans and not on the Communists. And the news media have succeeded in this purpose beyond their wildest dreams, for even the Pentagon has joined in this transparent effort. I am shocked that no newspaper or other unit of the national news media has urged any kind of trial of the thousands of enemy murderers.

In no previous war was there a case like the Lieutenant Calley trial or others like it with the large amount of attendant pub-

licity. Because in no previous war was any effort made to downgrade the American soldier. Nothing could be better calculated to destroy the morale of the American Armed Forces and the citizenry than these degrading massacre trials. At first I thought we were witnessing the liquidation of our common sense, but the American people rose up against the verdict in the Calley case, and I believe they were generally delighted that Captain Medina was acquitted. The truth is that *The Times* and its allied and tributary press show no concern over the killing of human beings where Communists are concerned—millions in the Soviet Union, many more millions in Red China, and large numbers in North Vietnam. The attacks on the Americans are a ploy. The target is the United States—to blame it, to shame it, and to reduce its power. The wider aim is to build up other nations against the United States.

It is the unassailable verdict of history that a people gets the kind and quality of government that it deserves, or that it is capable as a nation of creating. I suppose also that that is the kind of newspapers a people gets. But a people lives according to some well-established rules. When the rules are changed without notice, the people will be deceived. But, as Lincoln said, you cannot fool them all all the time. We can reverse the trend of defeatism and deception by refusing to abandon South Vietnam and by giving it sufficient support to enable it to have a chance to sink or swim, since our own interests in Asia are heavily involved. Henceforth we should fight no wars that we do not intend to win. We have had wars since 1945, and we will have them forever until we win one. It is the nature of Communism to bleed us forever. And, quite obviously, it is the nature of some Americans to help Communism to do this. We must not permit it. What we are witnessing in our news media is a veritable effort to create an artificial world in order to set up concepts that would govern the inner impulses and orderly actions of the people.

A report circulating around the country is that the clandestine authors of our destiny are planning three great world spheres of influence—in Asia, in the Americas, and in Europe. Under this alleged plan the Chinese would have the Asian sphere of influence, the United States would be in command of the Americas, and the Soviet Government would dominate most of Europe. I don't know what the fate of Africa is to be. Nor do I know whether there is the slightest truth in this report, but I think enough of it to offer it here as food for thought. The ouster of the Nationalist Chinese (the Republic of China) from the United Nations with the admission of the Chinese Communists brought this to mind.

No one can foretell the future. But one has a right to know what is going on during the present and what has happened in the past. I have tried to show how so-called current history has been so much omitted, distorted and fabricated that the public has not been able to make clear judgments and decisions. The media have been at great pains to give the most extensive publicity and coverage to the exploits of Ralph Nader in his charges that automobiles are unsafe at any speed and a great variety of other remarkable accusations. The name of this consumer advocate is now a household word. If he were seeking to purify the national news media, I can predict without fear or favor that he would be as little known as your speaker, and his name, his books and his words would be among the rare artifacts of the North American continent.

I feel that the country must regain the initiative that it lost after winning World War II. Now we are told, nearly every hour on the hour in New York, that we cannot defeat a little country that has no air force worthy of the name, no navy, and no effec-

tive supply lines—it is patent nonsense. We have to remember that deceiving ourselves and running away from wars does not end them; it begets them. Also, what nation wants to be allied with a country that refuses to win the wars it gets into? It is not at all an idle question. To pursue a vacuum or falsehoods as a way of life in our communications with one another is surely a fatal way. Our faith in the truth must be reborn. That way lies the light and possibly peace.

La Rouchefoucauld said: "History never embraces more than a small part of reality."

Plutarch wrote: "Whoever tries for great objects must suffer something."

#### THE FEDERAL GOVERNMENT'S ROLE IN HEALTH CARE

Mr. ALLEN. Mr. President, the role of the Federal Government in providing health care of various sorts will continue to be debated—more perhaps from the standpoint of the degree of implementation than from the standpoint of premises from which the right of an individual to medical care at public expense is inferred.

I think it is constructive to examine continuously the validity of premises from which we proceed in the implementation of a wide variety of social programs. Such a reexamination would seem to be particularly appropriate at this time when we are contemplating launching out into innovative and costly programs of medical care.

Dr. Robert C. Patton, a distinguished physician from Mobile, Ala., has provided me with an article entitled "Medical Care As A Right: A Refutation," written by Dr. Robert M. Sade, and published in the December 2, 1971, issue of *The New England Journal of Medicine*.

The article provides a penetrating analysis of some of the implications involved in creating a right in individuals to medical care to be provided by other individuals under coercion of the Government. It also examines a series of common fallacies which may underlie much of our thinking on this subject. 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:

#### MEDICAL CARE AS A RIGHT: A REFUTATION (By Robert M. Sade, M.D.)

(ABSTRACT.—From man's primary right—the right to his own life—derive all others, including the rights to select and pursue his own values, and to dispose of these values, once gained, without coercion. The choice of the conditions under which a physician's services are rendered belongs to the physician as a consequence of his right to support his own life.)

If medical care, which includes physician's services, is considered the right of the patient, that right should properly be protected by government law. Since the ultimate authority of all law is force of arms, the physician's professional judgment—that is, his mind—is controlled through threat of violence by the state. Force is the antithesis of mind, and man cannot survive qua man without the free use of his mind. Thus, since the concept of medical care as the right of the patient entails the use or threat of violence against physicians, that concept is anti-mind—therefore, anti-life, and, therefore, immoral.)

The current debate on health care in the United States is of the first order of importance to the health professions, and of no less importance to the political future of the nation, for precedents are now being set that will be applied to the rest of American society in the future. In the enormous volume of verbiage that has poured forth, certain fundamental issues have been so often misrepresented that they have now become commonly accepted fallacies. This paper will be concerned with the most important of these misconceptions, that health care is a right, as well as a brief consideration of some of its corollary fallacies.

#### RIGHTS—MORALITY AND POLITICS

The concept of rights has its roots in the moral nature of man and its practical expression in the political system that he creates. Both morality and politics must be discussed before the relation between political rights and health care can be appreciated.

A "right" defines a freedom of action. For instance, a right to a material object is the uncoerced choice of the use to which that object will be put; a right to a specific action, such as free speech, is the freedom to engage in that activity without forceful repression. The moral foundation of the right, as well as a brief consideration of some is a living creature; he has the right to his own life. All other rights are corollaries of this primary one; without the right to life, there can be no others, and the concept of rights itself becomes meaningless.

The freedom to live, however, does not automatically ensure life. For man, a specific course of action is required to sustain his life, a course of action that must be guided by reason and reality and has as its goal the creation or acquisition of material values, such as food and clothing, and intellectual values, such as self-esteem and integrity. His moral system is the means by which he is able to select the values that will support his life and achieve his happiness.

Man must maintain a rather delicate homeostasis in a highly demanding and threatening environment, but has at his disposal a unique and efficient mechanism for dealing with it: his mind. His mind is able to perceive, to identify percepts, to integrate them into concepts, and to use those concepts in choosing actions suitable to the maintenance of his life. The rational function of mind is volitional, however; a man must choose to think, to be aware, to evaluate, to make conscious decisions. The extent to which he is able to achieve his goals will be directly proportional to his commitment to reason in seeking them.

The right to life implies three corollaries: the right to select the values that one deems necessary to sustain one's own life; the right to exercise one's own judgment of the best course of action to achieve the chosen values; and the right to dispose of those values, once gained, in any way one chooses, without coercion by other men. The denial of any one of these corollaries severely compromises or destroys the right to life itself. A man who is not allowed to choose his own goals, is prevented from setting his own course in achieving those goals and is not free to dispose of the values he has earned is no less than a slave to those who usurp those rights. The rights to private property, therefore, is essential and indispensable to maintaining free men in a free society.

Thus, it is the nature of man as a living, thinking being that determines his rights—his "natural rights." The concept of natural rights was slow in dawning on human civilization. The first political expression of that concept had its beginnings in 17th and 18th century England through such exponents as John Locke and Edmund Burke, but came to its brilliant debut as a form of government after the American Revolution. Under the leadership of such men as Thomas Paine

and Thomas Jefferson, the concept of man as a being sovereign unto himself, rather than a subdivision of the sovereignty of a king, emperor or state, was incorporated into the formal structure of government for the first time. Protection of the lives and property of individual citizens was the salient characteristic of the Constitution of 1787. Ayn Rand has pointed out that the principle of protection of the individual against the coercive force of government made the United States the first moral society in history.<sup>1</sup>

In a free society, man exercises his right to sustain his own life by producing economic values in the form of goods and services that he is, or should be, free to exchange with other men who are similarly free to trade with him or not. The economic values produced, however, are not given as gifts by nature, but exist only by virtue of the thought and effort of individual men. Goods and services are thus owned as a consequence of the right to sustain life by one's own physical and mental effort.

If the chain of natural rights is interrupted, and the right to a loaf of bread, for example, is proclaimed as primary (avoiding the necessity of earning it), every man owns a loaf of bread, regardless of who produced it. Since ownership is the power of disposal,<sup>2</sup> every man may take his loaf from the baker and dispose of it as he wishes with or without the baker's permission. Another element has thus been introduced into the relation between men: the use of force. It is crucial to observe who has initiated the use of force: it is the man who demands unearned bread as a right, not the man who produced it. At the level of an unstructured society it is clear who is moral and who immoral. The man who acted rationally by producing food to support his own life is moral. The man who expropriated the bread by force is immoral.

To protect this basic right to provide for the support of one's own life, men band together for their mutual protection and form governments. This is the only proper function of government: to provide for the defense of individuals against those who would take their lives or property by force. The state is the repository for retaliatory force in a just society wherein the only actions prohibited to individuals are those of physical harm or the threat of physical harm to other men. The closest that man has ever come to achieving this ideal of government was in this country after its War of Independence.

When a government ignores the progression of natural rights arising from the right to life, and agrees with a man, a group of men, or even a majority of its citizens, that every man has a right to a loaf of bread, it must protect that right by the passage of laws ensuring that everyone gets his loaf—in the process depriving the baker of the freedom to dispose of his own product. If the baker disobeys the law, asserting the priority of his right to support himself by his own rational disposition of the fruits of his mental and physical labor, he will be taken to court by force or threat of force where he will have more property forcibly taken from him (by fine) or have his liberty taken away (by incarceration). Now the initiator of violence is the government itself. The degree to which a government exercises its monopoly on the retaliatory use of force by asserting a claim to the lives and property of its citizens is the degree to which it has eroded its own legitimacy. It is a frequently overlooked fact that behind every law is a policeman's gun or a soldier's bayonet. When that gun and bayonet are used to initiate violence, to take property or to restrict liberty by force, there are no longer any rights, for the lives of the citizens belong to the state. In a just society with a moral government, it is clear that the

only "right" to the bread belongs to the baker, and that a claim by any other man to that right is unjustified and can be enforced only by violence or the threat of violence.

#### RIGHTS—POLITICS AND MEDICINE

The concept of medical care as the patient's right is immoral because it denies the most fundamental of all rights, that of a man to his own life and the freedom of action to support it. Medical care is neither a right nor a privilege: it is a service that is provided by doctors and others to people who wish to purchase it. It is the provision of this service that a doctor depends upon for his livelihood, and is his mean of supporting his own life. If the right to health care belongs to the patient, he starts out owning the services of a doctor without the necessity of either earning them or receiving them as a gift from the only man who has the right to give them: the doctor himself. In the narrative above substitute "doctor" for "baker" and "medical service" for "bread." American medicine is now at the point in the story where the state has proclaimed the nonexistent "right" to medical care as a fact of public policy, and has begun to pass the laws to enforce it. The doctor finds himself less and less his own master and more and more controlled by forces outside of his own judgment.

For instance, under the proposed Kennedy-Griffiths bill,<sup>3</sup> there will be a "Health Security Board," which will be responsible for administering the new controls to be imposed on doctors, hospitals and other "providers" of health care (Sec. 121). Specialized services, such as major surgery, will be done by "qualified specialists" [Sec. 22(b)], such qualifications being determined by the Board (Sec. 42). Furthermore, the patient can no longer exercise his own initiative in finding a specialist to do his operation, since he must be referred to the specialist by a nonspecialist—i.e., a general practitioner or family doctor [Sec. 22(b)]. Licensure by his own state will not be enough to be a qualified practitioner; physicians will also be subject to a second set of standards, those established by the Board [Sec. 42(a)]. Doctors will no longer be considered competent to determine their own needs for continuing education, but must meet requirements established by the Board [Sec. 42(c)]. The professional staff of a hospital will no longer be able to determine which of its members are qualified to perform which kinds of major surgery; specialty-board certification or eligibility will be required, with certain exceptions that include meeting standards established by the Board [Sec. 42(b)].

Control of doctors through control of the hospitals in which they practice will also be exercised by the Board by way of a list of requirements, the last of which is a "sleeper" that will by its vagueness allow the Board almost any regulation of the hospital: the hospital must meet "such other requirements as the Board finds necessary in the interest of quality of care and the safety of patients in the institution" [Sec. 43(1)]. Hospitals will also not be allowed to undertake construction without higher approval by a state agency or by the Board (Sec. 52).

In the name of better organization and co-ordination of services, hospitals, nursing homes and other providers will be further controlled through the Board's power to issue directives forcing the provider to furnish services selected by the Board [Sec. 131(a)(1), (2)] at a place selected by the Board [Sec. 131(a)(3)]. The Board can also direct these providers to form associations with one another of various sorts, including "making available to one provider the professional and technical skills of another" [Sec. 131(a)(B)], and such other linkages as the Board thinks best [Sec. 131(a)(4)(C)].

These are only a few of the bill's controls

Footnotes at end of article.



of the health-care industry. It is difficult to believe that such patent subjugation of an entire profession could ever be considered a fit topic for discussion in any but the darkest corner of a country founded on the principles of life and liberty. Yet the Kennedy-Griffiths bill is being seriously debated today in the Congress of the United States.

The irony of this bill is that, on the basis of the philosophic premises of its authors, it does provide a rationally organized system for attempting to fulfill its goals, such as "making health services available to all residents of the United States." If the government is to spend tens of billions of dollars on health services, it must assure in some way that the money is not being wasted. Every bill currently before the national legislature does, should, and must provide some such controls. The Kennedy-Griffiths bill is the closest we have yet come to the logical conclusion and inevitable consequence of two fundamental fallacies: that health care is a right, and that doctors and other health workers will function as efficiently serving as chattels of the state as they will living as sovereign human beings. It is not, and they will not.

Any act of force is anti-mind. It is a confession of the failure of persuasion, the failure of reason. When politicians say that the health system must be forced into a mold of their own design, they are admitting their inability to persuade doctors and patients to use the plan voluntarily; they are proclaiming the supremacy of the state's logic over the judgments of the individual minds of all concerned with health care. Statists throughout history have never learned that compulsion and reason are contradictory, that a forced mind cannot think effectively and, by extension, that a regimented profession will eventually choke and stagnate from its own lack of freedom. A persuasive example of this is the moribund condition of medicine as a profession in Sweden, a country that has enjoyed socialized medicine since 1955. Werko, a Swedish physician, has stated: "The details and the complicated working schedule have not yet been determined in all hospitals and districts, but the general feeling of belonging to a free profession, free to decide—at least in principle—how to organize its work has been lost. Many hospital-based physicians regard their work now with an apathy previous unknown."<sup>4</sup> One wonders how American legislators will like having their myocardial infarctions treated by apathetic internists, their mitral valves replaced by apathetic surgeons, their wives' tumors removed by apathetic gynecologists. They will find it very difficult to legislate self-esteem, integrity and competence into the doctors whose minds and judgments they have throttled.

If anyone doubts that health legislation involves the use of force, a dramatic demonstration of the practical political meaning of the "right to health care" was acted out in Quebec in the closing months of 1970.<sup>5</sup> In that unprecedented threat of violence by a modern Western government against a group of citizens, the doctors of Quebec were literally imprisoned in the province by Bill 41, possibly the most repressive piece of legislation ever enacted against the medical profession, and far more worthy of the Soviet Union or Red China than a western democracy. Doctors objecting to a new Medicare law were forced to continue working under penalty of jail sentence and fines of up to \$500 a day away from their practices. Those who spoke out publicly against the bill were subject to jail sentences of up to a year and fines of up to \$50,000 a day. The facts that the doctors did return to work and that no one was therefore jailed or fined do not mitigate the nature or implications of the passage of Bill 41. Although the dispute between the Quebec physicians and their government was not one of principle

but of the details of compensation, the reaction of the state to resistance against coercive professional regulation was a classic example of the naked force that lies behind every act of social legislation.

Any doctor who is forced by law to join a group or a hospital he does not choose, or is prevented by law from prescribing a drug he thinks is best for his patient, or is compelled by law to make any decision he would not otherwise have made, is being forced to act against his own mind, which means forced to act against his own life. He is also being forced to violate his most fundamental professional commitment, that of using his own best judgment at all times for the greatest benefit of his patient. It is remarkable that this principle has never been identified by a public voice in the medical profession, and that the vast majority of doctors in this country are being led down the path to civil servitude, never knowing that their feelings of uneasy foreboding have a profoundly moral origin, and never recognizing that the main issues at stake are not those being formulated in Washington, but are their own honor, integrity and freedom, and their own survival as sovereign human beings.

#### SOME COROLLARIES

The basic fallacy that health care is a right has led to several corollary fallacies, among them the following:

*That health is primarily a community or social rather than an individual concern.*<sup>6</sup> A simple calculation from American mortality statistics<sup>7</sup> quickly corrects that false concept: 67 per cent of deaths in 1967 were due to diseases known to be caused or exacerbated by alcohol, tobacco smoking or overeating, or were due to accidents. Each of those factors is either largely or wholly correctable by individual action. Although no statistics are available, if it likely that morbidity, with the exception of common respiratory infections, has a relation like that of mortality to personal habits and excesses.

That state medicine has worked better in other countries than free enterprise has worked here. There is no evidence to support that contention, other than anecdotal testimonials and the spurious citation of infant mortality and longevity statistics. There is, on the other hand, a good deal of evidence to the contrary.<sup>8</sup>

*That the provision of medical care somehow lies outside the laws of supply and demand, and that government-controlled health care will be free care.* In fact, no service or commodity lies outside the economic laws. Regarding health care, market demand, individual want, and medical need are entirely different things, and have a very complex relation with the cost and the total supply of available care, as recently discussed and clarified by Jeffers et al.<sup>9</sup> They point out that "health is purchaseable", meaning that somebody has to pay for it, individually or collectively, at the expense of foregoing the current or future consumption of other things." The question is whether the decision of how to allocate the consumer's dollar should belong to the consumer or to the state. It has already been shown that the choice of how a doctor's services should be rendered belongs only to the doctor; in the same way the choice of whether to buy a doctor's service rather than some other commodity or service belongs to the consumer as a logical consequence of the right to his own life.

*That opposition to national health legislation is tantamount to opposition to progress in health care.* Progress is made by the free interaction of free minds developing new ideas in an atmosphere conducive to experimentation and trial. If group practice really is better than solo, we will find out because the success of groups will result in more groups (which has, in fact, been hap-

pening) if prepaid comprehensive care really is the best form of practice, it will succeed and the health industry will swell with new Kaiser-Permanente plans. But let one of these or any other form of practice become the law, and the system is in a straitjacket that will stifle progress. Progress requires freedom of action, and that is precisely what national health legislation aims at restricting.

*That doctors should help design the legislation for a national health system, since they must live with and within whatever legislation is enacted.* To accept this concept is to concede to the opposition its philosophic premises, and thus to lose the battle. The means by which nonproducers and hangers-on throughout history have been able to expropriate material and intellectual values from the producers has been identified only relatively recently: the sanction of the victim.<sup>11</sup> Historically, few people have lost their freedom and their rights without some degree of complicity in the plunder. If the American medical profession accepts the concept of health care as the right of the patient, it will have earned the Kennedy-Griffiths bill by default. The alternative for any health professional is to withhold his sanction and make clear who is being victimized. Any physician can say to those who would shackle his judgment and control his profession: I do not recognize your right to my life and my mind, which belong to me and me alone; I will not participate in any legislated solution to any health problem."

In the face of the raw power that lies behind government programs, nonparticipation is the only way in which personal values can be maintained. And it is only with the attainment of the highest of those values—integrity, honesty and self-esteem—that the physician can achieve his most important professional value, the absolute priority of the welfare of his patients.

The preceding discussion should not be interpreted as proposing that there are no problems in the delivery of medical care. Problems such as high cost, few doctors, low quantity of available care in economically depressed areas may be real, but it is naive to believe that governmental solutions through coercive legislation can be anything but shortsighted and formulated on the basis of political expediency. The only long-range plan that can hope to provide for the day after tomorrow is a "nonsystem"—that is, a system that proscribes the imposition by force (legislation) of any one group's conception of the best forms of medical care. We must identify our problems and seek to solve them by experimentation and trial in an atmosphere of freedom from compulsion. Our sanction of anything less will mean the loss of our personal values, the death of our profession, and a heavy blow to political liberty.

#### FOOTNOTES

<sup>1</sup> Rand A: Man's rights, Capitalism: The unknown ideal. New York, New American Library, Inc., 1967, pp. 320-329.

<sup>2</sup> Von Mises L.: Socialism: An economic and sociological analysis. New Haven, Yale University Press, 1951, pp. 37-55.

<sup>3</sup> Kennedy E. M.: Introduction of the Health Security Act, Congressional Record, vol. 116, pt. 22, pp. 30142-30167.

<sup>4</sup> Werko L.: Swedish medical care in transition. N. Engl. J. Med. 284, 360-366, 1971.

<sup>5</sup> Quebec Medicare and Medical Services Withdrawal. Toronto, Canadian Medical Association, October 19, 1970.

<sup>6</sup> Mills, J. S.: Wisdom? Health? Can society guarantee them? N. Engl. J. Med. 283:260-261, 1970.

<sup>7</sup> Department of Health, Education, and Welfare, Public Health Service: Vital Statistics of the United States, 1967, Vol. II, Mortality. Part A. Washington, D.C., Government Printing Office, 1969, p. 1-7.

<sup>8</sup> Financing Medical Care: An appraisal of

foreign programs. Edited by H. Shoeck, Caldwell, Idaho, Caxton Printers, Inc., 1962.

<sup>9</sup> Lynch M. J., Raphael, S. S.: *Medicine and State*. Springfield, Illinois, Charles C. Thomas, 1963.

<sup>10</sup> Jeffers, J. R., Bognanno, M. F., Bartlett, J. C.: On the demand versus need for medical services and the concept of "shortage." *Am. J. Publ. Health*, 61:46-63, 1971.

<sup>11</sup> Rand, A.: *Atlas Shrugged*. New York, Random House, 1957, p. 1066.

## HERBICIDE ASSESSMENT STUDIES

Mr. NELSON. Mr. President, today I am placing in the RECORD the preliminary report of the Herbicide Assessment Commission and Background Materials on Defoliation in Vietnam of the American Association for the Advancement of Science. This study, prepared at the direction of an important organization of American scientists, is a major contribution to our knowledge of the effects of the large-scale military use of chemical herbicides on the ecology and on human welfare in South Vietnam.

It should be noted that the Department of Defense has delayed transmitting its interim report on herbicides prepared by a committee of the National Academy of Science for the Pentagon. The deadline for transmittal, March 1, passed.

The study committee of the National Academy of Sciences, which received an extension on the deadline, finally completed the interim report more than a month ago. At that time officials of the National Academy of Sciences sent 50 copies of the report over to the Department of Defense which was supposed to present the preliminary report by March 1.

Furthermore, the final Pentagon report was originally due January, 1972. Now the final deadline has been pushed back to September 1973.

I am also placing in the RECORD at this time a list of classified studies and maps which, in the interest of scientific advancement, should be made public immediately. The President discontinued the defoliation program in Vietnam back in 1970. Classification of material directly related to the discontinued program denies the public and scientific community the truth of the bankruptcy of that program in Vietnam.

Mr. President, I ask unanimous consent that the American Association for the Advancement of Science report and the list of classified materials be printed in the RECORD.

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

### PRELIMINARY REPORT OF HERBICIDE ASSESSMENT COMMISSION OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

(By Matthew S. Meselson, Professor of Biology, Harvard University, Cambridge, Mass.; Arthur H. Westing, Professor of Biology, Windham College, Putney, Vermont; John D. Constable, Professor of Surgery, Harvard Medical School, Boston, Mass.; and Robert E. Cook, Department of Biology, Yale University, New Haven, Connecticut)

#### INTRODUCTION

The Council and the Board of Directors of the AAAS have for several years sought to encourage scientific study of the effects of the large-scale military use of chemical her-

bicides on the ecology and on human welfare in South Vietnam. In December 1969 the AAAS Board appointed Matthew S. Meselson, Professor of Biology at Harvard University, to develop a plan for such a study, authorizing an expenditure of \$80,000 for the purpose. Meselson appointed Arthur H. Westing, Professor of Botany at Windham College in Vermont, to direct the Herbicide Assessment Commission, the title under which this AAAS activity is known.

In the first phase of its work the Commission reviewed the pertinent literature and solicited information and advice from numerous experts in the U.S., Vietnam and elsewhere. This was followed by a conference in June, which brought together twenty-three experts in various fields for an intensive week of study and planning.

During August and September of this year, Meselson and Westing, together with Dr. John D. Constable, Professor of Surgery at Harvard Medical School, and Mr. Robert E. Cook, graduate student in ecology at Yale University, conducted a study tour in South Vietnam. The purpose of the tour was to identify the chief problems and to determine facilities, methods, and locations most suitable for future studies. What follows is a preliminary report of their findings and recommendations. A detailed report will be published at a later date.

1. *Mangrove forests*.—Much of the coastal area of the Mekong Delta region is occupied by mangrove forests. As a rough approximation, half of these forests, some 1,400 square kilometers, have been sprayed with herbicides. For as yet undetermined reasons, mangrove species have proved to be particularly sensitive. Essentially all vegetation is killed. Preliminary aerial and ground inspection by the Commission showed little or no recolonization by mangrove tree species after three or more years. However there is scattered growth of the fern *Acrostichum aureum*, the shrub *Wedelia biflora*, and a few other species. Without vegetation, the area obviously cannot support most of the bird and ground animal species associated with the previously existing mangrove forests. A possibly important exception are crabs, large numbers of which were observed in barren areas. By devouring seedlings, crabs may be retarding revegetation. There are signs of erosion along the denuded coastlines but as yet they are slight. Major typhoons, which on the average strike the mangroves about every five years, have not occurred since herbicide was sprayed.

Studies aimed at reclamation of this land could be started immediately. Mangrove forests once provided a major source of fuel wood and charcoal. Mangroves also play an important role in providing food and nursing grounds for fish and crustaceans, although the magnitude of this contribution is not known. An attempt to estimate the impact that the permanent loss of mangrove forests would have on the fishing industry should be made before deciding how much of the former mangrove area should be replanted to tidal forests and how much devoted to other purposes. The urgency of replanting depends on the pace of erosion and soil deterioration and on the time scale of possible overgrowth of undesirable and hard to eradicate species such as *Acrostichum*. These time factors may well allow several years, but they could and should be studied immediately.

2. *Tropical Hardwood Forest*.—Approximately one-fifth of South Vietnam's merchantable hardwood forests have been sprayed, including many of the oldest and most valuable stands. Aerial inspection of forests in a wide arc north of Saigon extending from the Cambodian frontier in the west to the South China Sea on the east showed more than half of the forest to be very severely damaged. Over large areas, most of the trees appeared dead and bamboo had spread over the ground. A danger in this is that the

invading species may be essentially worthless and very expensive to eradicate. Bamboo will retard the reestablishment of forest trees, at least for many decades. A further hazard is that large amounts of nutrient minerals previously tied up in forest vegetation may have been released and leached out of sprayed forests by the heavy tropical rains. Whether or not this process, which may be called nutrient dumping, has occurred on a scale large enough to seriously reduce soil fertility can be determined by relatively simple ground measurements. Intelligent planning of forestry policy, including reforestation, requires prompt attention to these and other possible herbicide effects. The true conditions of the forests including, but of course not restricted to the effects of herbicides, should be determined by aerial and ground inventory at the earliest possible date.

3. *Contamination of Food Chains*.—The Commission collected samples of shrimp, fish, human milk, and other materials for analysis for the presence of herbicides, their impurities, and their breakdown products. As yet, we are developing methods for the required analyses. Emphasis is being given to improved methods for the analysis of 2,3,7,8-tetrachlorodibenzo-dioxin. Dioxin, as this material is called, occurs as an impurity in Orange, the principal herbicide used in Vietnam. Its potential importance lies in the fact that it is exceedingly toxic, may be quite stable in the environment, and, being fat soluble, may be concentrated as it moved up the food chain into the human diet. Very rough model calculations suggest that it is not impossible that significant amounts of dioxin are entering the Vietnamese diet. This is certainly not to say this is occurring, but it should not be very difficult to make an accurate study of the question. The main obstacle at present is the lack of sufficiently sensitive and reliable methods for the analysis of dioxin.

4. *Health Effects*.—A principal concern here has been the possibility of the induction of birth anomalies by 2,4,5-T, dioxin, or both. Such effects have been found in laboratory experiments with animals and led to an order last April stopping the use of agent Orange. The U.S. Army and the South Vietnamese Ministry of Health have recently published a survey of stillbirths, hydatiform moles (placental tumors), and malformations, based on South Vietnamese hospital records for the past ten years. A slight but encouraging downward trend is reported in all three categories. Unfortunately most of the data come from Saigon, which has, of course, not been treated with herbicides. Indeed, probably no more than five or ten percent of the South Vietnamese population has been directly sprayed and we have essentially no data on this group. They would be very under-represented in Ministry of Health records. However, persons living outside of Saigon have been more heavily exposed to herbicides than those living in the Capital. This could occur not only by occasional direct exposure but also by exposure to drift and to herbicide residues in food and water. Upon subtracting the Saigon data, the Army study does, in fact, show a decided upward trend in stillbirths, moles, and deformities in the rest of the country. However, it would be totally incorrect to consider this as proof of an effect of herbicides. More complete recording and increased referral of difficult pregnancies from the countryside to the provincial hospitals could easily account for the observed trends. More thorough surveying in selected provinces might help to settle this question. Although the Commission could only study limited areas, we did evaluate in detail the birth records in Tay Ninh, a very heavily defoliated province. We found that for the years 1968 and 1969, the Tay Ninh provincial hospital showed a higher rate of stillbirth than any of those reported in the Army study.



Another approach would be to look for strikingly unusual deformities in heavily sprayed areas although the Commission found none reported within the Ministry of Health system. Still another type of survey would focus on the relative frequencies of each of several commonly identified malformations in hospitals conducting pediatric survey. However, there is only one large hospital of this type and, because it is in Saigon, obvious limitations are imposed. Its records do show a disproportionate rise in 1967 and 1968 of two anomalies, cleft palate and spina bifida. It would be important to examine these trends more closely. Still, this could never prove a causative connection with herbicides. The survey approach offers little hope of proving or disproving any relation between herbicide exposure and the incidence of birth defects unless one can find sizeable groups of similar people living under similar conditions, one heavily exposed and the other not exposed. If such populations exist and can be studied, it would be worthwhile to survey children at various ages for anomalies.

It may well be that we can learn more about this subject from the indirect approach of determining the amounts of herbicide residues in the diet and in human tissue, waiting for future research to determine the implications, if any, of whatever levels are found.

**5. Crop Destruction.**—Some 2,000 square kilometers of land in South Vietnam have been sprayed in order to destroy food crops. It has been authoritatively estimated that this entailed the destruction of enough food to feed approximately 600,000 persons for a year. Our observations in Vietnam lead us to believe that precautions to avoid destroying the crops of indigenous civilian populations have been a failure and that nearly all of the food destroyed would actually have been consumed by such populations. Even so, if the affected civilians were distributed throughout the country or if they lived in food surplus areas, the impact would be small compared to other hardships, since the food destroyed amounts to less than two percent of the national crop in any one year. However, anticrop spraying has been largely confined to the food-scarce Central Highlands, the entire population of which is only about one million. Most of these are Montagnards, tribal peoples racially and linguistically distinct from the lowland Vietnamese. These peoples are animists, closely tied to their land by tradition and religious belief. We believe the anti-crop program may have had a profound impact on a large fraction of the total Montagnard population of South Vietnam and we believe this to be a point for urgent consideration. As for retrospective studies, these could best be done by one or more several highly respected anthropologists who have spent many years studying and living among the Montagnards.

**6. Military Considerations.**—It should be made clear that the studies undertaken and recommended by the Herbicide Assessment Commission are after the fact and without reference to the military utility or desirability of the use of herbicides. Although these are certainly matters that could be subjected to study and evaluation, this would be completely outside the assignment given the Commission by the AAAS.

**BACKGROUND MATERIAL RELEVANT TO PRESENTATIONS AT THE 1970 ANNUAL MEETING OF THE AAAS—HERBICIDE ASSESSMENT COMMISSION OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE**

(By Matthew S. Meselson, Harvard University, Cambridge, Mass.; Arthur H. Westing, Windham College, Putney, Vermont; and John D. Constable, Harvard Medical School, Boston, Mass.)

The observation and evaluations of the Herbicide Assessment Commission are those

of its individual participants and should not be attributed to the AAAS or any of its competent organizations.

#### INTRODUCTION

Over the past nine years, approximately one-seventh of the land area of South Vietnam has been treated with chemical herbicides in order to reduce vegetation and to destroy food crops in connection with military activities. This large scale application of herbicides\* has occasioned concern within the scientific community that there may be serious effects on the land and people of Vietnam. Unfortunately, large areas of ignorance have prevented any satisfactory evaluation of the possible effects; of their implications for economic and health planning in Vietnam; and of their broader implications regarding the use of herbicides.

In order to obtain reliable information, the American Association for the Advancement of Science, the largest organization of scientists in the United States, has sought to encourage and participate in the conduct of a systematic on-site study of the effects of herbicides on the ecology and on human welfare in South Vietnam. As a first phase of such a study, the AAAS Board of Directors, in December 1969, commissioned the preparing of a detailed operational plan for determining "... the short-term and long-term consequences of the use of herbicides on the ecology of South Vietnam and on human welfare." The AAAS Herbicide Assessment Commission, the name under which this AAAS endeavor is known, began its work in February 1970.

Herbicides have been widely used since World War II in many parts of the world for such beneficial purposes as agricultural and aquatic weed control, forest, range, and watershed management, and the clearing of rights of way. In the United States, about 150 million pounds of synthetic organic herbicides were used in 1965 to treat approximately 140 million acres, one fourteenth of the land area of the country. However, there are serious difficulties in extrapolating this backlog of experience to the assessment of the effects of herbicides in Vietnam.

First of all, the choice of areas to be sprayed is based on very different considerations in the two cases. Domestically, herbicides are generally used to improve land values. In military applications, land values are clearly not of primary concern. For example, herbicides are used domestically to improve pine forests by selectively killing less desirable species. Militarily, the objective of spraying a forest is simply to remove as much cover as possible. Again herbicides are used in farming to kill weeds but in war they are used to destroy food crops.

Beyond the clear differences in objectives between civil and military applications of herbicides, there are several additional factors which limit the applicability of domestic experience to the evaluation of possible effects in Vietnam. Among them are: (i) little experience with the application of herbicides in comparable tropical ecosystems; (ii) little previous attention to the possible ecological consequences of herbicide application over a very large contiguous area; (iii) limited experience with the military rate of application, which is more than ten times higher than the average domestic rate; (iv) a meager backlog of domestic experience with two of the four herbicides that are used militarily; (v) no monitoring of the quantities of herbicides or herbicide impurities and breakdown products that may be entering the Vietnamese diet; and (vi) a need for

\*Herbicides are chemicals intended to kill or reduce vegetation. When they cause leaf fall, with or without killing the entire plant, they are sometimes called defoliants. We shall use the more general term, herbicides.

more information regarding the possible negative medical or ecological side effects of herbicides even as they are used domestically. In this last regard, it must be remembered that although the use of herbicides is very widespread it is also quite recent, more or less paralleling and now exceeding that of chemical insecticides.

Direct examination of herbicide-treated areas in Vietnam by qualified scientists has so far been quite limited. However, an important start on the study of sprayed timber stands was made during 1967 and 1968 by the USAID Forestry Branch. On the basis of aerial observations, it was estimated that approximately nine thousand square kilometers of forest had been sprayed by mid-1967. After conducting brief ground inspections at three treated sites in early 1968, Dr. Barry Flamm, Chief of the Forestry Branch, tentatively concluded that while a single spraying causes 10 to 20 percent killing of merchantable trees, two treatments in successive years kill 50 to 100 percent in the type of forest studied. An increase in grass cover was noted in sprayed areas and it was anticipated that bamboo also would increase. Flamm suggested further studies and recommended that forest reserves receiving two or more treatments be planned for reforestation.

During 1968 the U.S. Mission in Vietnam conducted a review of various aspects of the herbicide program. In order to obtain a preliminary assessment of ecological effects, Dr. Fred S. Tschirley of the U.S. Agricultural Research Service was asked to participate. Tschirley, a botanist, toured Vietnam from mid-April to mid-March 1968. He made aerial observations of mangrove forests and semi-deciduous upland forest areas. He also revisited the three sites established by Flamm and came to the same conclusions regarding the effects of single and multiple herbicide treatment on this forest. Tschirley also noted that mangrove species are killed by a single treatment, and estimated that sprayed mangrove forests might return to their original condition in approximately twenty years. Tschirley stressed the need for information on the successional behavior of herbicide-treated Vietnamese forests and strongly urged the initiation of long-term ecological research after the cessation of hostilities.

In March 1969 two American zoologists concerned with the ecological impact of herbicides in Vietnam, Dr. Gordon H. Orians of the University of Washington and Dr. Egbert W. Pfeiffer of the University of Montana, visited Vietnam for two weeks. They made aerial observations of sprayed upland forests and also inspected a mangrove area by motor launch. They found no evidence of recolonization along the shore line and reported a near absence of fructivorous and insectivorous birds in the sprayed areas. They too, strongly recommended a major research effort, to be conducted jointly with Vietnamese scientists.

Following the establishment of the AAAS Commission, our work was conducted in several stages including a trip to Vietnam in August and September 1970. We inspected several types of herbicide-treated areas in order to acquire information upon which more extensive studies could be based. Our observations extended into several areas not previously studied and, in certain instances, significantly differed with prior reports.

Previously, the Commission conducted a survey of the relevant literature. At the same time, numerous experts and officials in various fields were consulted for information and advice. A list of questions for possible study was drawn up and circulated for comment to over 200 individuals and agencies as a means of identifying important problems and building a base of information. Then, in June, a five-day working conference was held at Woods Hole, Massachusetts in order to further define a tractable number

of specific problems for systematic study and to assist in planning the subsequent tour of South Vietnam. The conference was attended by twenty-three specialists in various fields including tropical ecology, forestry, agricultural economics, microbiology, soil science, plant physiology, herbicide chemistry, photogrammetry, medicine, and anthropology. Eleven of the participants had various degrees of experience in Southeast Asia. Although all were present as private individuals, they included persons from universities in the United States and abroad, from industry, and from several departments of the U.S. Government.

In Vietnam, our objectives were to improve our identification of important problems for study and to determine the facilities, methods, and geographical areas that would be most suitable for future work. We attempted to obtain enough specific information and experience to partly bridge the gap between the very limited picture of the situation available from reading and consultation in the United States and actual conditions as they exist in Vietnam. In fact, we were able to make some specific observations that should be of value even at this preliminary stage.

Although we went to Vietnam as independent scientists on behalf of the AAAS, we were given the full official support of the U.S. Mission and of the Government of the Republic of Vietnam, who showed their concern with the problem by supplying letters of introduction and every assistance in Saigon and in the provinces. Our living quarters, office facilities and ground transportation were generously and expeditiously provided by the U.S. Agency for International Development. Extremely valuable helicopter overflights and other air trips were arranged by USAID, the American Embassy, and, especially, by the U.S. Military Assistance Command. However, our itinerary and daily activities were decided upon solely by ourselves.

We consulted with Vietnamese university and ministry specialists in botany, zoology, soil science, agronomy, chemistry, forestry, and medicine. We made several field trips with Vietnamese professors and graduate students. We interviewed numerous farmers and village officials for first hand information on herbicide effects. We conducted aerial and ground inspections of herbicide treated and untreated areas and conducted studies of possible health and congenital anomaly changes in selected regions. Food-chain components and human sample materials were collected and brought back for chemical analysis.

#### LAND AND PEOPLES OF SOUTH VIETNAM

South Vietnam occupies the southeastern extremity of the Southeast Asian Peninsula and has a crescent-shaped area of 170,000 square kilometers. It is about 1,300 kilometers long, extending from 8°33' to 17° north latitude. Its average width is about 150 kilometers, falling between about 104° and 109° east longitude. To the west lie Laos and Cambodia, to the east the South China Sea.

**Populations:** The 1970 population of South Vietnam is estimated to be 17.5 million, concentrated in the southern third of the country and in a narrow strip along the eastern coast. More than 80 percent are ethnically Vietnamese. The largest minority are the Highlanders of Montagnards, a group of tribal peoples racially and linguistically distinct from the ethnic Vietnamese. Estimated to number approximately one million, the Montagnards are distributed throughout the upland areas in the northern two-thirds of the country.

**Geographic Regions:** South Vietnam is divisible into four main physiographic regions. The *Mekong Delta* region constitutes the southernmost quarter, extending over about 40,000 square kilometers with about 5 million

inhabitants. Flat and often marshy, it is dissected by the five arms of the Mekong River, several lesser rivers, and many navigable streams and canals along which the rural population is concentrated. The rivers are so sediment-laden that in some places the coastline advances by as much as 75 meters per year.

The very fertile central part, where most of the Delta population live, is the principal rice production area in Vietnam and also is a major source of coconut, banana, and other fruits. In the northern portion of the Delta, extending from the Cambodian frontier, there lies an extensive, poorly drained marsh, the Plain of Reeds, Mangrove forests line much of the coast of the Delta and occupy two particularly large areas, the Camau Peninsula in the far south, and the U Minh Forest in the west.

The *Mekong Terrace* region constitutes a wide band lying north of the Delta region, extending from Cambodia to the sea. Its area is about 30,000 square kilometers. Somewhat more elevated than the Delta but still mostly flat, this region is heavily forested in the north and mostly cleared for farming in the south. It possesses a wide variety of soils and drainage conditions, supporting not only rice but many other crops, including fruits, fibres, sugar and rubber. The population is approximately six million, half of it in Saigon and its environs. Two of the principal rivers of this region, the Saigon and the Dong Nai, join just south of Saigon and then branch into a complex of meandering channels in a mangrove forest known as the Rung Sat. One of these channels is the main shipping route linking Saigon to the South China Sea.

The *Highland* region of South Vietnam, occupying about 65,000 square kilometers but containing only about a million people, extends northward from the Terrace region all the way to the demilitarized zone which divides Vietnam at the seventeenth parallel. On the east it is bounded by the Truong-Son range, which rises steeply out of the coastal plain, and on the west by Cambodia and Laos. The Truong-Son slopes gradually to the west forming an area of rugged mountains and plateaus penetrated in places by low plains opening into Cambodia.

As recently as twenty years ago this region was inhabited almost entirely by Montagnards. Even now, after a major influx of lowland Vietnamese, the Montagnards constitute more than half of the population.

Most of the Highland region is forested. There are also large areas covered with grass, brush, or bamboo. A large fraction of the forest is kept at an early stage of development by the Montagnard practice known as swidden agriculture. The forest is cut and burned, farmed for rice, vegetables, and other crops for two or more years until the land loses its productivity, and then allowed to lie fallow for several years before the cycle is repeated.

Although most of the inhabitants of the highland region are subsistence farmers, there is intensive commercial cultivation of vegetables, fruits, coffee, tea and rubber in some areas. The large-scale production of vegetables for the Saigon market in the vicinity of Dalat is particularly noteworthy.

The *Coastal Plains* region, covering about 25,000 square kilometers, is a narrow strip located between the mountains and the sea, extending from the Mekong Terrace region north to the seventeenth parallel. The strip is constricted in several places where branches of the Truong-Son range reach nearly to the sea, forming a series of large coastal plains. The population is approximately four million. Little of the region is forested, most of it being planted to rice, manioc, sweet potato, peanuts, and sugar cane.

**Climate:** South Vietnam has a warm humid climate. The mean temperature is 25-27° C and the average yearly precipitation is

approximately 150 to 300 cm, depending on location. The seasonal range of temperatures is not large, less than 5° C in most places. Precipitation, however, is subject to great seasonal variations. In all regions except the Coastal Plains, the wettest season occurs in the summer when the prevailing winds are southwesterly, bringing warm humid air from the Gulf of Siam and the Bay of Bengal. During this time the rains are usually not steady, but occur as heavy afternoon showers. A pronounced dry season occurs during the winter, when the wind is generally from the northeast. On the Coastal Plains, the dry season starts late in the winter and lasts approximately half the year. In this region, rainfall is highest in the autumn, with serious flooding in some years. In the late autumn, the entire east coast of South Vietnam is subject to typhoons coming from the South China Sea.

**Land Cover:** The cover types of South Vietnam are estimated to be distributed as follows:

	Square kilometers
Forest:	
Hardwood	100,000
Mangrove	2,800
Rear mangrove	2,000
Rubber	1,000
Pine	1,800
Approximate total, forest area	107,600
Other:	
Brush wood, coffee, and tea plantations	11,000
Crops	37,000
Savannah	1,300
Dune grass and trees	1,100
Swamps and marshes	8,500
Urban areas	100
Water and unaccounted	7,200
Total area	173,800

Under the designation "forest" are included all lands with trees whose crowns cover more than twenty percent of the area. Only about half of the total forest area is stocked with trees of sufficient size for commercial logging. Thus, the area covered by merchantable hardwoods is approximately 50,000 square kilometers. Of this, about two-thirds is in the Central Highlands and one-third in the Mekong Terrace region in a broad arc extending across the country north of Saigon.

**Administrative Divisions and Military Regions:** South Vietnam is administratively divided into forty-four provinces, plus six autonomous municipalities. Each province is divided into a number of districts which are subdivided into villages. Each village contains several hamlets.

For military purposes, provinces are grouped into four Military regions, formerly known as Corps Tactical Zones. Military Regions III and IV generally correspond to the Mekong Terrace and the Mekong Delta regions, respectively. The northernmost five provinces comprise Military Region I, while the twelve remaining provinces to the south make up Military Region II, both regions include highlands and coastal plains.

#### MILITARY USE OF HERBICIDES IN SOUTH VIETNAM

The military use of herbicides in South Vietnam began on an experimental scale in 1961. It became operational in 1962 with the aerial spraying of twenty square kilometers of forest and three square kilometers of crop land. Much of the spraying that year was conducted in the mangrove forests of the Camau peninsula, at the southern extremity of the country. In successive years, the use of herbicides grew rapidly, reaching a peak in 1967 and then declining somewhat in 1968 and 1969. Data for 1970 is not yet available. An estimate of the area treated in each year through 1969 is as follows:



ESTIMATED AREA TREATED WITH HERBICIDES IN SOUTH VIETNAM<sup>1</sup>

Year	Acres			Square kilometers (1 km <sup>2</sup> =247 acres)			Year	Acres			Square kilometers (1 km <sup>2</sup> =247 acres)		
	Forest land	Cropland	Total	Forest land	Cropland	Total		Forest land	Cropland	Total	Forest land	Cropland	Total
1962	4,940	741	5,681	20	3	23	1968	1,267,110	63,726	1,330,836	5,130	258	5,388
1963	24,700	247	24,947	100	1	101	1969	1,221,415	65,700	1,287,115	4,945	266	5,211
1964	83,486	10,374	93,860	338	42	380	1970	(*)	(*)	(*)			
1965	155,610	65,949	221,559	630	267	897	Total	4,984,954	529,566	5,514,410	20,182	2,154	22,336
1966	741,247	101,517	842,764	3,001	421	3,422							
1967	1,486,446	221,312	1,707,758	6,018	896	6,914							

<sup>1</sup> The number of acres treated is calculated by multiplying the gallons of herbicide used by one-third. This procedure is based on the fact that the average spraying rate is taken to be approximately 3 gallons per acre of defoliated swath produced. The quantity of herbicide used is known rather accurately but the estimation of the average area of the spray swath could be somewhat in error. For example, records of actual spray flights suggest that at least under some conditions approximately 1.4 acres of swath are produced for each 3 gallons of herbicide sprayed. The total area estimates given here are subject to at least 2 additional corrections. However, neither is very great. First, the calculated areas should be increased to take account of spraying by helicopters

and by ground equipment. This is not included in the estimates given in the table, which refer only to spraying done by C-123 fixed-wing aircraft. Judging from the reported total amount of herbicide used by all types of equipment in 1968 and 1969, it appears that no more than 20 percent was applied by means other than C-123 aircraft. Second, the calculated areas should be reduced by a factor estimated as at least 16 percent, because of the fact that some areas have been treated more than once. As these two corrections tend to cancel each other, and as neither is very great, they are not taken into account in the table.

\* Data not yet available.

**Herbicides Used in Vietnam.** Three different formulations account for nearly all of the herbicides disseminated in Vietnam. They are known by the designations Orange, White, and Blue corresponding to the color of the stripe painted around the 55-gallon drums in which they are shipped from the United States. They are used in Vietnam as received, without dilution. Their compositions as well as that of agent Purple, an early formulation very similar to Orange, are shown in Table 1.

TABLE 1.—Military Herbicides

**Agent Orange: 2,4-D and 2,4,5-T;**

Active Ingredients: A 1:1 mixture of the n-butyl esters of 2,4-dichlorophenoxyacetic acid and 2,4,5-trichlorophenoxyacetic acid.

Concentrations: 4.1 and 4.4 lb./gal.

Application: Undiluted at 3 gal./acre.

**Agent White: 2,4-D and Picloram**

Active Ingredients: A 4:1 mixture of the tri-isopropanolamine salts of 2,4-D and 4-amino-3,5,6-trichloro-picolinic acid in water.

Concentrations: 2.0 and 0.54 lb./gal.

Application: Undiluted at 3 gal./acre.

**Agent Blue: Cacodylic Acid**

Active Ingredients: A 6:1 mixture of sodium dimethyl arsenate and dimethyl arsenic acid in water.

Concentration: 3.1 lb./gal.

Application: Undiluted at 3 gal./acre.

Orange has been the most extensively used, accounting for approximately sixty percent of all herbicide consumption in Vietnam. It is an undiluted mixture of the n-isobutyl esters of 2,4-D and 2,4,5-T. Orange acts as both a defoliant and a systemic plant killer on broadleaved and woody vegetation. It has been used mainly for forest clearing and to a lesser extent for crop destruction. In tropical dicotyledonous forests, leaf fall occurs in three to six weeks after application, with surviving trees or branches refoliating within a year. Similar formulations are known on the domestic herbicide market under the generic name of brush killers. One of these, differing slightly from Orange by containing isobutyl 2,4,5-T as an additional ingredient was used in Vietnam until 1965 under the name Purple. The use of Orange was ordered stopped by the Department of Defense in April 1970, because of concern arising from tests on laboratory animals showing commercial samples of 2,4,5-T to be teratogenic.

The next most commonly used herbicide is agent White, a water solution of the tri-isopropanolamine salts of 2,4-D and picloram, together with surfactants and a rust inhibitor. Accounting for approximately thirty percent of total herbicide consumption, it was first introduced in quantity in 1967 when the military demand for Orange outstripped the U.S. production capacity for 2,4,5-T. White is mainly used for forest clearing, giving somewhat longer lasting results than Orange. Similar formulations are used in

the U.S. for spraying power line rights of way, although picloram is not permitted for agricultural applications.

Agent Blue is a water solution of the sodium salt of cacodylic acid (sodium dimethyl arsenate), plus surfactants, rust inhibitor, and antifoam. It makes up somewhat less than ten percent of all herbicide used. It acts to desiccate or dry out vegetation with which it comes into contact. It is more effective on grasses than Orange or White and acts more rapidly, withering all types of vegetation within a few days. It is used both for defoliation and for crop destruction, particularly against rice.

Picloram, 2,4-D, and 2,4,5-T are all known as plant growth regulators and cause similar physiological responses, including defoliation, stimulation of growth, induction of callus formation, and striking changes in the shapes of stems, fruits, leaves, and other plant parts. These herbicides may be absorbed either through the leaves or the roots. Under some conditions, herbicide deposited on the leaves causes them to fall before enough is transported to cause systemic poisoning of the entire plant. In such cases the plant often recovers. The biochemical mechanisms of action of these chemicals are unknown, in spite of a great deal of research. However, the main cause of plant death following systemic poisoning appears to be unbalanced growth of tissue, particularly phloem, resulting in blockage of nutrient flow, and in the formation of lesions vulnerable to microbial infection.

**Method of Application.** Herbicide spraying in Vietnam is done by fixed-wing aircraft, helicopters, and various types of ground equipment. The principal means of application has been the twin-engine C-123 cargo aircraft. Between January 1962 and January 1969, C-123s made more than 19,000 individual spray flights. The aircraft is fitted with a 950-gallon tank from which the liquid herbicide is pumped at approximately 250 gallons per minute to spray booms under each wing and to a third boom at the tail. It is discharged through thirty-two nozzles of 9.5 millimeter internal diameter distributed along the three booms. When the herbicide hits the airstream, it is dispersed into droplets having a mass mean diameter of 0.35 millimeters. One aircraft produces a rather sharply defined swath of affected vegetation approximately 85 meters wide and 15 kilometers long, depending somewhat on operating conditions. Records of individual spray flights suggest that some swaths are up to 100 meters wide and 18 kilometers long. Standard operating conditions are an air speed of 240 kilometers per hour and an altitude of 50 meters above tree top level.

In order to minimize inadvertent applications from drift and volatilization, spraying is not supposed to be done when wind speed

exceeds 15 kilometers per hour or temperature exceeds 29° C. Calculations based on assumed drop size distributions suggest that even with a 15 kilometer per hour wind, drift should not be an important problem beyond about 3 kilometers from the line of application. However, the actual drop size distribution for the C-123 equipment has not been measured in the field.

Aerial spraying by helicopter is done by the UH-1 "Huey" aircraft mounting a 200 gallon tank. For crop destruction missions, the application rate is sometimes reduced to about half the value delivered by C-123, since even about 1 gallon of Blue per acre is enough to prevent the maturation of rice.

**Location of herbicide applications.** No systematic and detailed information on the locations of herbicide spraying in Vietnam has been made generally available. However, the U.S. Army Chemical Staff in Saigon has kept a log for each C-123 mission since July 1965. Records for spraying before that time may be on file in official archives kept in Omaha, Nebraska, and St. Louis, Missouri. The log in Saigon includes the data most relevant to any study of herbicide effects. These are the dates and map coordinates of spraying the type of herbicide, and the quantity actually sprayed. Map coordinates are given to the nearest 100 meters. At present, this information is classified *Confidential*.

Although truly satisfactory information is unavailable at present, it is possible to put together a rough idea of the amount of terrain of different types that has been sprayed and of the location of the principal areas of heavy exposure. This has been done on the basis of published information and aerial observations made by ourselves and by others.

**Tropical Hardwoods.** The greatest expenditure of herbicides in Vietnam has been on fairly mature tropical hardwood forest. Famm places the area of such forest sprayed through 1969 at 13,500 square kilometers, about a third of it sprayed more than once. Hardwood forests of one kind or another and in various conditions make up about nine-tenths of forested land in South Vietnam. The forestry services of the French colonial government estimated the total area of economically valuable hardwood forests at 50,000 square kilometers, leaving out forests that were badly degraded, very young, or located on particularly inaccessible mountain terrain. A recent estimate of the total hardwood forest estate, based on low resolution aerial photography and on U.S. Army terrain travel difficulty maps is 100,000 square kilometers. However, this includes a large fraction of the forest in the central highlands that is kept at a very early successional stage by swidden agriculture. An intermediate value, about 75,000 square kilometers, can be estimated from a vegeta-

tion map published by the Government of Vietnam. As a rough approximation then, it appears that some twenty percent of the relatively mature hardwood forest has been treated with herbicides, a third of it more than once.

**Mangrove and Rear Mangrove.** To the southwest of Saigon, and along much of the coast of the Delta, are dense mangrove forests covering about 3,000 square kilometers. According to Tschirley, about one-third of this forest type had been sprayed by the end of 1967. With continued herbicide operations in the Delta, the proportion is now probably close to one half. Inland from the mangroves in the western part of the Delta are nearly 2,000 square kilometers of forests of *Melaleuca leucadendron*, sometimes called rear mangrove. We are unaware of how much if any, of this forest type has been sprayed.

**Strip Spraying.** Aside from blocks of forest within which herbicides have been extensively applied, a considerable amount of spraying has been done in short narrow strips scattered widely throughout South Vietnam. Strip (as opposed to bloc) spraying has been done along roadsides, perimeters of military installations and also in forests. In the Delta, it has been done along canals and rivers. Although much of it has been accomplished by C-123s, a large fraction has been done by helicopters and therefore may not have been systematically recorded.

**Crop Destruction.** Finally, somewhat more than 2,000 square kilometers of cropland is reported to have been sprayed. If little of this area includes respraying, it would represent about five percent of the 38,000 square kilometers of crop land in South Vietnam of which a little over two percent was sprayed in the peak year of 1967. Being located almost entirely in the central highlands, rather than on more productive soil, the percentage of the total national crop production affected would be less than the percentage of South Vietnamese farmland that has been sprayed. However, only about a tenth of South Vietnam's farm land is in the highlands, so that within this region a considerable fraction of the farmland has been sprayed.

#### HERBICIDE TOXICOLOGY: STILLBIRTHS AND BIRTH DEFECTS HAC OBSERVATIONS AND PROBLEMS FOR STUDY

The following is an analysis of the work which was done by the HAC in the evaluation of the feasibility of demonstrating any change in the pattern of births in Vietnam which might have resulted from the exposure of some of the Vietnamese population to 2,4,5-T, or its contaminant dioxin, agents which have been reported to be teratogenic under certain laboratory conditions in certain animals.

If indeed any such effects of the 2,4,5-T exposure on the Vietnamese population are to be detected, it would be appropriate to study these in at least four ways, looking for:

1. Changes in the occurrence of malformations and/or stillbirths in a relatively stable population.
2. Changes in the frequency of any of the more common identifiable malformations in relation to other common malformations.
3. The relatively sudden appearance of an otherwise very rare or unknown deformity in significant numbers (the classical previous example being thalidomide induced phocomelia).
4. Changes in the incidence of specific abnormalities, anatomical or biologic, that have been shown to result from laboratory experiments with 2-4-5,T in animals.

Consideration will be given to each of these possibilities. All of them are somewhat difficult to examine precisely but numbers two and three are, we believe, subject to relatively precise evaluation even under wartime conditions in Vietnam, while the first and last are a great deal more difficult to elucidate. These methods of study are all subject

to very significant limitations, some of which are now presented.

**Size and Accessibility of the Population Exposed Directly to Herbicides.** Although, as frequently noted throughout this report, precise information as to all the locations of herbicide spraying has not been made available to the HAC; and it is therefore difficult to be certain how much defoliation has in fact been done in more densely populated areas, it nevertheless appears to be true that the bulk of Agent Orange used in Vietnam has been sprayed in relatively remote and sparsely populated areas of mangrove and other forests. This figure is particularly hard to estimate since the crop destruction program is carried out in more populated areas and although Agent Blue (without 2,4,5-T) has been favored for this, Agent Orange has also been used.

The population directly exposed to 2,4,5-T presumably does not exceed five percent (and may even be one percent or less) of the total population of Vietnam, although this must be more accurately determined from precise spray data. This factor alone strikingly dilutes any apparent effects of the spraying on birth statistics when those directly exposed are added to the total statistics of the country, but this effect is even more accentuated by the fact that most of this population is necessarily in remote and usually insecure areas and therefore information regarding medical effects, if any, can only be gradually expected to filter out from the sites of direct exposure. An unknown proportion, but probably quite significant, of the exposed population, consists of Montagnard people whose births are normally at home or in villages and are rarely recorded in the Government of Vietnam medical system or allowed for in the GVN statistics.

**Status of Records: Availability and Accuracy.** In general, maternity records are in some respects among the most reliable available to the field investigator in Vietnam. Traditionally, midwifery in Vietnam has been strictly independent and, employing female midwives, has been rather less subject to change of personnel than has the rest of the Vietnamese health system. In all hospitals or dispensaries staffed by a midwife, whether national or rural, a daily record book is kept in which all deliveries are recorded. It is agreed by almost all observers that this record, providing the original has not been lost, is reasonably accurate as far as the limited information it contains. Thus, it is our feeling that almost complete accuracy is available concerning the number of births, sex of the children, weight of the newborn and whether or not the infant survived. In theory, obstetrical abnormalities or infant malformations are recorded. If these are positively noted in a record, then they are reliable, at least within the diagnostic acumen of the midwife recording them, but, as will be shown subsequently a negative record is of no significance whatsoever. It is our belief that within these simple statistics, the accuracy of provincial hospitals, district hospitals, and village dispensaries is comparable. This assumption may not be strictly true and is subject to factors such as the desirability of registration of living children, which might lead to the concealment of a stillbirth or neonatal death; or the reluctance of village or district midwives to report large numbers of stillbirths when transfer of difficult cases to the provincial hospital is expected by the Ministry of Health. Nonetheless, the uniform agreement of numerous Vietnamese doctors and midwives with whom we consulted that this reporting is usually reliable, supports our opinion. In the capital area (Saigon-Gia Dinh) modern statistical methods have been introduced, particularly at Tu-Du, and increasing accuracy is reflected thereby.

**The Vietnamese Health System.** The Ministry of Health provision for the medical care

of the people of Vietnam is through a system of rather strictly graded medical facilities. A village will often, but not always, contain a dispensary of extreme simplicity staffed by a rural health worker and/or midwife with only a few months training. Nonetheless, in one province studied by the HAC nearly twice as many births were recorded in village dispensaries as in the provincial hospital for a comparable period.

All district capitals have a dispensary and at the time of the visit of the HAC it was reported by the Ministry of Health that all of these were at least partially staffed. Personnel usually include national health workers and midwives, many of whom are well trained, but these facilities do not normally have a doctor available and except for deliveries usually do not have in-patient facilities. In the province studied in detail by the HAC the district dispensaries delivered somewhat fewer children than the provincial hospital.

All provincial capitals have a hospital with doctors as well as nationally trained nurses and midwives. There is a very wide range of quality among these facilities and some overlap, with certain district dispensaries better staffed and equipped than some provincial hospitals. In addition, there are the medical facilities in the larger cities, not provincial capitals, including DaNang and Saigon. These include specialty hospitals and, in general, the best facilities in the country.

Because of their accessibility and concentration of more interesting patients, most studies of Vietnamese medical statistics have been made at the level of provincial and city hospitals although most patients, and particularly a large number of deliveries, are, in fact, cared for at the district and village level. Records of these smaller facilities show a strikingly lower level of stillbirths and obstetrical difficulties than do provincial hospitals. This is believed to be a true statement of the facts by Ministry of Health officials and the HAC, and presumably reflects the referring of difficult cases to provincial or city hospitals. Military security and adequacy of transportation will, of course, improve the degree of referral and tend to increase the differential reported between the two groups of reporting hospitals. In the capital, approximately one quarter of the babies are delivered at Tu Du, a large teaching hospital devoted exclusively to maternity, another quarter are delivered at other government hospitals, and about one-half at private maternities. These latter are very quick to refer patients to the government hospitals and report essentially no complications for fear of difficulties with the Ministry of Health. In this respect, it is of interest to note that nearly one-half of the total maternal deaths reported by Tu Du in 1965 were, in fact, referred "in extremis" from outside hospitals. The official health statistic report of the government of Vietnam for 1967 states: "Moreover, private maternities dare not tell the truth on the deaths of who came for delivery."

The registration of births in the Republic of Vietnam is still very incomplete. It is believed that close to all of the births in the capital area are registered. In the remainder of the country, current government estimates are that about one-half of all births are registered in any form and, as we shall see in the case of Tay Ninh, the provincial hospital itself may not be an accurate reflection of figures for the entire province. Although we emphasize the accuracy as to birth weights and stillbirths of the midwife record books when they can be consulted in their original form it cannot be over-stressed that the recording of congenital abnormalities is extremely patchy and seems to reflect the interest of the midwife at different periods. The midwives from whom we received such good help in this study nearly uniformly agreed as to this deficiency.



Even when malformations are recorded, their nature is often incompletely noted. Only in the capital is cleft palate distinguished from cleft lip in the records and a number of midwives agreed that the inside of the mouth of the infants was almost never examined. The nature of fatal anomalies is very rarely recorded and essentially no autopsies are performed on stillborns.

**Rates of Stillbirths and Reported Congenital Anomalies in the Capital and Provinces.** The extensive study of congenital malformations hydratidiform moles and stillbirths in the Republic of Vietnam 1960-1969 carried out under the auspices of the Department of the Army and the Vietnamese Ministry of Health by a team headed by Dr. Robert T. Cutting has now become available and most of the more limited investigations carried out by the HAC will be related to this major army undertaking. Unfortunately, in spite of persistent efforts, this material was not available to the HAC at the time of their visit to Vietnam.

**Saigon.** Studies of the records of Tu Du for the last decade, which include about one-quarter of registered Saigon deliveries and covering between 12,000 and 30,000 births a year, show a definite decrease in stillbirth rates. There was a notable discontinuity in 1967 when the rate fell from 36 per thousand in 1966 and 38 per thousand in 1965 to 26 per thousand and remained at this lower level for 1968 and at 29 per thousand in 1969. During the same period, there was a slight reduction in the overall rate of recorded malformations. It is the opinion of the medical staff at Tu Du that some, at least, of the reduction of the stillbirth rate is from considerably improved medical care as shown by the fact that in the years 1963-1964 no babies under a kilogram in weight survived out of 310 being born alive while in 1965 and 1966, 55 survived out of 391 delivered.

The rate of hydratidiform moles at Tu Du also dropped slightly. It should be noted that the figures for moles at Tu Du reported by Cutting do not include choriocarcinomas which at most provincial hospitals are included in the mole figures and would raise the Tu Du percentage by nearly twenty percent during the years 1963 and 1964.

**Countrywide Data.** The Cutting study reports a general downtrend in stillbirths during the period 1960-1969, taking all of the data together. This is shown by the solid line in Figure 1. Grouping these countrywide data into pre and light-spraying years (1960-1965) and heavy spraying years (1966-1969), the stillbirth rates are found to average 36.1 and 32.0 per thousand live births, respectively. Finding a similar downward trend in moles and deformities, Cutting concludes that "Sorting the data into two time periods, before (1960-1965) and after (1966-1969) the large scale military use of herbicides, failed to show an effect of herbicides. Rather, a downward trend was observed in all categories of abnormal birth events." However, these trends are caused by the data from the capital area (Tu Du, Hung Vuong, Bien Hoa), which account for approximately two-thirds of the births studied. When the data for the capital are subtracted the trends are reversed. This may be seen below.

#### ABNORMAL BIRTH EVENTS AS REPORTED BY CUTTING

	Rates per thousand livebirths	
	Light-spraying (1960-65)	Heavy-spraying (1966-69)
Countrywide:		
Stillbirths.....	26.1	32.0
Moles.....	6.6	5.6
Malformations.....	5.5	4.5
Countrywide minus Capital:		
Stillbirths.....	32.0	38.5
Moles.....	3.1	5.3
Malformations.....	2.3	3.1

Plotted year by year, the countrywide data with the capital area subtracted shows a decided upward trend, peaking in 1967, as shown by the dashed line in Figure 1.

**Tay Ninh.** Rather than attempting to survey the provincial hospitals from a large number of areas, the HAC concentrated their efforts on the study of possible changes in malformation and stillbirth rates in the province of Tay Ninh. Although, as in other areas where agent Orange has been used mainly for forest defoliation (as opposed to crop destruction) the total number of directly exposed Vietnamese is probably low, the northern portion of Tay Ninh has been heavily defoliated and the rivers draining the areas of defoliants run through the remainder of the province and are a source of fish for some of the population.

As has been noted by Cutting, the earlier maternity records of the Tay Ninh City provincial hospital and most of the Tay Ninh district dispensaries are no longer available but we were fortunate in being able to study the daily record book in its original form at the provincial hospital for the years 1968 through 1970, although this was apparently not available to the army group. Study of these records was of interest and in striking contrast to the figures reported by Cutting. Although two months (November and December 1968) are missing from the original data book and only Ministry of Health summaries could be obtained, a higher rate of stillbirths, 64 per thousand livebirths, was shown from these records in Tay Ninh than recorded anywhere else by Cutting and his group. The HAC noted 351 stillbirths in the years 1968 and 1969, the years for which Cutting reports 208.\* The data for Tay Ninh City provincial hospital are as follows.

Year	Livebirths	Stillbirths	Rate per 1,000 livebirths
1968.....	2,765	161	58.0
1969.....	2,361	190	80.5
1970 (7 months).....	1,688	171	101.0

It was very striking that among 2,551 births recorded in 1969, not a single specific congenital deformity or malformation was noted. The midwives, the chief, of whom had been there for ten years, agreed that a fair number of deformities had been seen but had not been, in fact, recorded.

We were able to survey all of the reported births from village, districts, and provincial facilities in Tay Ninh for some recent months and in this way try and weigh appropriately the importance of the provincial hospital as a reporting agency.

Year:	Livebirths
1967 (9 months) <sup>1</sup> .....	1,818
1968.....	2,765
1969.....	2,361
1970 (7 months).....	1,688

<sup>1</sup> As recorded by Cutting. Original data book unavailable to HAC.

Tay Ninh City provincial hospital has shown a remarkable monthly uniformity in births since 1967 with annual totals something under 3,000. Records have also been fairly consistent from the two larger of the four district dispensaries in the province. The largest, Heu Thien, with 1,000 births per year approximates a provincial hospital as a facility. For four months in 1970 essentially complete figures are available from all of the districts and villages in Tay Ninh province as well as the provincial hospitals.

\* It was noted that in 1969, while 184 stillbirths were reported in the summaries given at the end of each month in the data book if every birth registered was individually examined, 190 stillbirths were noted.

These include all medical facilities reporting to the Ministry of Health, and are said by their officials to include over seventy percent of total births in the district. They show that during this period, February through June 1970 (excluding April for which reports were incomplete) 2,281 births with 20 stillbirths (i.e., 8.8 per thousand livebirths) were reported from the districts and villages with the village dispensaries accounting for about two-thirds of this number, while during the same period, Tay Ninh City Provincial Hospital reported one-half as many births, 1,028, with 89 stillbirths (i.e., 95 per thousand livebirths), more than ten times that of the outlying districts. Clearly, therefore, the birth statistics from Tay Ninh City Provincial Hospital, with a stillbirth rate of 95 per thousand, are quite different from those from all of Tay Ninh Province including villages and districts which reported a combined total of 3,309 births with 109 stillbirths or a rate of 34 per 1,000 livebirths. Although specific determinations were not made in other provinces, except partially in the Rung Sat, it is expected that differing degrees of variations of this sort will be found in all provincial capital hospital statistics as compared to complete provinces. It is noted that if the districts and villages were able to reduce their stillbirth rate by one-half, by referral, this would not be sufficient to fully explain the discrepancy in stillbirth rates. Better than fifty percent prenatal diagnosis of impending stillbirth is unlikely to be consistently possible. We do not know the reason for this striking difference in Tay Ninh. We note that all districts surveyed by Cutting in various parts of Vietnam also showed very low stillbirth rates.

An incidental study was made of the prevalence of twinning at Tay Ninh City Hospital. For the period July 1968 to July 1970 (excluding the two months in 1970 for which no figures are available) 79 multiple births occurred, including one set of triplets, out of a total of 7,010; or approximately 11.2 per 1,000, almost exactly the same figure as reported by Drs. Oliver and Hong for Saigon in 1952 to 1962.

**Rung Sat.** A similar, less extensive survey, of the RSSZ area was carried out. Dispensaries at Can Gio and Quang Xuyen closely bordering the defoliated mangrove forest annually reported several hundred births with very low rates of stillbirths and no deformities recorded. We were definitely informed that any patient with impending stillbirth or evidence of obstetrical complications was referred to Vung Tau. Although Vung Tau serves as the provincial hospital for this area, it is not in fact the provincial capital but an independent city. Vung Tau Hospital with a monthly birth rate very close to that of Tay Ninh showed a strikingly lower rate of stillbirths; 26 per 1,000 in 1968 and 30 per 1,000 in 1969 (9 months) and 22 per thousand in 1970 (7 months).\*\* The rate of twinning was 8.9 per 1,000 (54 out of 6,198). It is of interest that among this large number of births only one mole is recorded. This patient was transferred to Tu Du in Saigon. During the same period, a total of 6,198 births were reported with no congenital abnormalities recorded.

Although Vung Tau includes in its referral area a zone of intensive defoliation of mangroves, most of its patients may be supposed to have had minimal herbicide exposure either directly or possibly through the food chain. They apparently do not regularly eat

\*\*The actual figures were 2,569 births and 67 stillbirths in 1968; 2,179 births and 64 stillbirths in nine months of 1969; and 1,450 births and 31 stillbirths in seven months of 1970.

fish from streams emanating from sprayed forests as do inhabitants of Tay Ninh.

**Conclusions.** For the proper comparison of provincial birth statistics it is essential that total provincial figures including district and village dispensaries and allowance for referral out of the province be obtained. This has been done by the HAC for Tay Ninh. Other total provincial figures not being in hand for comparison, the fact nonetheless remains that Tay Ninh City Provincial Hospital, serving a heavily defoliated province, showed an average stillbirth rate in 1968 and 1969 of 68 per 1,000 livebirths. During this same time, the Tu Du rate was 27.5 per 1,000 and that of the Army sample of the entire country 31.2 per 1,000. The rate of 68 per 1,000 is higher than any reported from any provincial hospital by Cutting.

**Changes in the Prevalence of Common Congenital Anomalies: Saigon Childrens Hospital.** In attempting to analyze the frequency of different congenital abnormalities in Vietnam, in contrast to their absolute frequency, we are very fortunate to have the elaborate study of all of the abnormalities seen at the Saigon Childrens Hospital prepared by Dr. Le Anh, an analysis of the 4,002 cases of congenital abnormality seen for the period 1959 to 1968. Her study is complete in that every case is evaluated and there are no "miscellaneous" or "other" categories as is characteristic of almost one-half of the malformations reported by the few maternity hospitals that do, in fact, report any significant number of deformities. Dr. Le Anh is well aware of sophisticated methods of describing and subdividing anomalies and of recent etiological considerations. Whereas, most other Vietnamese hospitals would not distinguish cleft lip from cleft palate, if reporting the deformity at all, Dr. Le Anh carefully distinguishes them.

The annual admission rate for congenital anomalies at the Saigon Childrens Hospital has been almost the same for the years 1964 to 1968 (618, 565, 650, 667, and 554).

Saigon Childrens Hospital is the only special childrens hospital in Saigon, or in fact in Vietnam, and during these years would have received most children that could be referred for possible surgical correction of congenital anomalies. Recently the establishment of the CMRI Unit at Cho Ray has added another facility. This unit started in July of 1968. The CMRI has tended to draw patients from the provinces even more than has the Saigon Childrens Hospital, and their activity may account for the slight decrease in Saigon Childrens Hospital congenital anomalies admitted in the last year. Nonetheless, the vast majority of type of anomalies treated by the Saigon Childrens Hospital are never seen at CMRI. The CMRI from July 30, 1968 to February 1970 repaired no less than 381 cases of cleft lip and 180 cases of cleft palate.

**Saigon Childrens Hospital—types of cases.** Saigon Childrens Hospital does not have an obstetrical unit and they accept only cases for which surgery might be indicated and only children that survive long enough for transfer to be accomplished. Their statistics, therefore, represent a very selected group of congenital anomalies but among these their statistics should reflect any relative change of frequency.

**Saigon Childrens Hospital—sources of patients.** Although Dr. Le Anh's report does not analyze the individual provincial origin of each of the 4,002 anomalies, there is an analysis of provincial origin of all cases over the years. Of 4,002 admissions, 1,572 came from Saigon and Cho Lon, 910 from Gia Dinh, 293 from Long An, 164 Dinh Tuong, 162 from Bien Hoa, all of these being rather near the capital. Eight other provinces sent in fifty or more cases during the decade and each of the other provinces of South Viet Nam supplied a few cases. The Saigon Childrens Hospital series, therefore, predominately represents material from the capital

and surrounding areas but all of the country is represented.

**Saigon Childrens Hospital—Deformities Treated in Relation to Numbers Treated by Maternities.** In the years 1964 to 1968 Tu Du reported about one-quarter of all Saigon deliveries including a total of 680 malformations, approximately one-half of which survived. During the same period, the Saigon Childrens Hospital admitted 3,054 cases of which about 1,900 were from Saigon. Even if every one of the surviving anomalies from Tu Du (340) were, in fact, admitted to the Saigon Childrens Hospital and these represented a quarter of all of those born in Saigon, then at the most only something just over half of all malformations occurring were being reported by the capital area maternities. It would appear that completeness of recording by maternities is very different for different types of congenital anomalies. Some obvious anomalies such as cleft lip would appear to be fairly accurately reported. During these same years, Tu Du reported 132 surviving patients with cleft lips. During this time, Saigon Childrens Hospital admitted 408 cleft lips, 55 cleft palates and 83 combined cleft lip and palates or a total of 646 cleft lips of all types of which about 380 originated in Saigon. If all of the children with cleft lips were in fact referred to the Saigon Childrens Hospital and if Tu Du were reporting one-quarter of those born in Saigon these figures would be consistent with reasonably accurate reporting by Tu Du.

Other deformities are grossly incorrectly reported and one of the most interesting of these is imperforate anus. This, except in the very rare forms where the obstruction is not at the anal orifice itself, is very easy to recognize, has been known for a long time, is subject to surgical repair and although requiring correction is not immediately fatal so would not result in the victim's being reported as a stillbirth. The Saigon Childrens Hospital figures show that this is one of the commonest abnormalities admitted there with 453 cases being admitted in ten years. In 1964, 1965 and 1966, Tu Du reported only eight surviving cases of imperforate anus. During the same period, Saigon Childrens Hospital admitted 189 cases, about 120 coming from Saigon. It is of some interest that Cutting in his list of all reported malformations among 480,087 live births report only six cases of imperforate anus from all maternities when very many more would have been expected. As another example, the Saigon Childrens Hospital reports 44 cases of spina bifida during the decade with Tu Du reporting only 3 cases during most of this period and Cutting reporting only 8 cases out of 480,087 live births in the same period.

**Changes in Certain Anomalies.** The figures from Saigon Childrens Hospital show no apparent change in the relative frequency of any anomalies aside from the three exceptions detailed below.

Year	Total cases	Spina bifida	Club foot	Cleft palate	Cleft lip <sup>1</sup>
1959	61	2	3	0	2
1960	214	1	2	1	40
1961	196	3	1	1	17
1962	335	3	0	1	48
1963	142	2	0	0	17
1964	618	3	2	5	102
1965	565	4	1	2	60
1966	650	1	1	12	69
1967	651	13	8	23	110
1968	554	12	2	13	67

<sup>1</sup> Figures given for comparison.

The number of club feet reported is so small, and so small a percentage of those born are referred to the Saigon Childrens Hospital, that these figures are recorded for completeness only. Great caution is necessary in any interpretation of these figures. Al-

though the total cases seen at Saigon Childrens Hospital of both spina bifida and cleft palate have shown significant increase the relative rates (to total admission for congenital defects) were fairly high in the period 1959-1963. During this time the hospital was subject to severe vicissitudes—political and other—and it may well be that serious anomalies absolutely requiring treatment such as most cases of spina bifida but not cleft palate would relatively increase, but this is only a supposition. The increase in spina bifida in 1967 and 1968 may be because of better recognition by x-ray but Dr. Le Anh in noting this rather striking increase, did not consider this possibility and Dr. Tran Ngoc Ninh, chief of the Saigon Childrens Hospital, could offer no explanation for the increase. The change in cleft palate frequency may, of course, reflect better examinations with the patient's mouth being open. Recent enthusiasm and availability of cleft lip repair has increased the search for these cases—often by American soldiers—and some pure cleft palate may have been incidentally brought to treatment. The repair in 1968-1970 of 180 cleft palates at CMRI is of interest but we have not determined how many of these were pure cleft palates without associated cleft lip as is true of the Saigon Childrens Hospital series. Careful studies are certainly indicated as to the nature, provincial origin and future frequency of these cases.

**Conclusions.** Most surgically correctable congenital anomalies treated by the Saigon Childrens Hospital have shown no major change in their relative frequency of occurrence during the last decade. There are two notable exceptions to this. The occurrence of spina bifida and pure cleft palate (without associated cleft lip) have both shown unexplained increases during the last three years but as noted many factors may have caused this numerical increase at Saigon Childrens Hospital.

**The Occurrence of Rare Striking Anomalies.** Three principle sources of information are available to try and determine whether any striking visible unusual anomaly has occurred in Vietnam in recent years. It is to be remembered that any anomaly that resulted in a stillbirth is unlikely to be noted. Autopsies are not being performed and the nature of monsters is not being recorded. Only an easily detectable non-fatal anomaly would be observed. It is the belief of the HAC that such changes have, in fact, probably not occurred on the basis of three principal sources of information.

1. The Saigon Childrens Hospital report which shows no listing of a new or striking abnormality. Saigon Childrens Hospital might not have been aware of an anomaly that was not appropriate for surgery. On the other hand, the author of this study is fully familiar with, for example, thalidomide induced phocomelia, and no suggestive anomalies appear on the total list.

2. Another source of information is the Minister of Health, Dr. Tran Minh Tung, who felt confident that even a single case of any striking phocomelia type abnormality born anywhere within the government system would be reported to him within a short time and who was unaware of any such changes in spite of a certain number of suggestive articles in the Vietnamese press.

3. Perhaps the best source is Father Lichtenberger, Professor of Genetics at the Faculty of Saigon, geneticist to Tu Du Hospital and the best known expert on chromosome abnormalities in Vietnam. He has lived in Vietnam for many years and has seen many of the interesting monsters of one sort or another occurring in Saigon and some of the other parts of the country. He has not been aware of any suggestive changes.

**Changes in the Incidence of Specific Abnormalities Related to Laboratory Experi-**



**ments.** Laboratory experiments in animals with 2,4,5-T indicates toxicity to the gastrointestinal tract with hemorrhage and other changes. Cystic kidneys have been demonstrated as well as a few cases of cleft palate in the offspring of exposed pregnant animals.

Specific search has not been made among the exposed Vietnamese population for gastrointestinal tract or urinary tract changes that might be present. It must be remembered that only a very small percentage of congenital abnormalities and malformations are visible and easily detected. Many biochemical and other occult abnormalities, although with significant effects on life expectancy, only can be demonstrated with laboratory study generally unavailable in Vietnam.

**Conclusion:** Laboratory study would indicate that possible teratogenic effects of 2,4,5-T may be of a nature very difficult to identify in Vietnam.

**Overall Conclusions:** Studies of changing rates of stillbirths, particularly as reported by the government maternity system are subject to great errors of interpretation even when they are made somewhat more valid by the inclusion of total provincial figures. Although the reported rate of stillbirths in Tay Ninh province, extensive areas of which were treated by 2,4,5-T, are higher than the highest provincial hospital rates reported by Cutting, this type of evidence is not sufficient to draw any firm etiological conclusion. The same must be said of the sharp upward trend in stillbirths recorded by Cutting for areas outside of the capital. Even more difficult is any estimate of the rate of congenital malformations, the variations in the reporting by different maternities making the figures useless for statistical comparison.

There has been a considerable increase in the cases of spina bifida and cleft palate (without cleft lip) reported at the Saigon Childrens Hospital. Otherwise, the HAC is fairly confident in reporting that there has been no significant change in frequency of any of the relatively common congenital anomalies consistent with life that might appear at a childrens hospital among those patients presenting themselves for treatment in the GVN health system. The HAC found no evidence of any new striking abnormality of a congenital type and consistent with life occurring in Vietnam in recent years but this statement is made with the recognition that much of the directly exposed population is unavailable for study at this time.

**Future Direction of Studies.** The following areas would seem to require more exhaustive investigation along the lines of thought of the preceding chapter.

1. With the aid of local Vietnamese authorities and, it is to be hoped, with the complete spray data available from the U.S. Department of Defense, the Vietnamese population exposed to 2,4,5-T could be much more precisely identified and isolated and the individuals studies for possible effects of the agent. This would particularly include very careful studies of gastro-intestinal tract, urological tract and biochemical changes of children born after exposure.

2. In specially selected defoliated areas of the country, more careful autopsy of monsters and other stillbirths and neonatal deaths with congenital abnormalities should be carried out.

3. Further study is certainly indicated of the incidence of spina bifida and cleft palate in Vietnam with particular study of the provincial origin and possible herbicide exposure of the patients involved.

4. Further careful provincial studies of rates of stillbirths with efforts to accumulate data from all of a number of provinces both sprayed and unsprayed for comparison should be done.

5. Those children with defects should have careful studies as to their origin and possible exposure to 2,4,5-T.

6. Notes should be further taken of reported ill effects of 2,4,5-T by both GVN and NLF, including chromosome changes reported by the latter, and study made seeking for these effects specifically among the Orange exposed population.

#### LIST OF CLASSIFIED MATERIALS ON HERBICIDES

(1) Evaluation of Herbicide Operation in Republic of Viet Nam in September 1962. Task Force Saigon Herbicide Evaluation Team. Headquarters USMACV. October 10, 1963. Classification: secret. Authors: P. J. Olenchuk, R. T. Burke, O. K. Henderson, W. E. Davis

(2) Evaluation of Herbicide Operations in the Republic of Viet Nam. Headquarters USMACV. Research and Analysis Study ST 67-003, July 12, 1966. Classification: confidential

(3) An Evaluation of the Chemical Crop Destruction Program in Viet Nam. R. Betts and F. Denton. #RM 5446. ISA/ARPA October 1967. Classification: confidential

(4) A Statistical Analysis of US Crop Spraying Program in South Viet Nam by Anthony J. Russo. RM 5450 ISA/ARPA October 1967. Classification: confidential

(5) Crop Destruction Operations in the Republic of Viet Nam during CY 1967. By William F. Warren, Lehman L. Henry, Richard D. Johnson, R. Linsmeyer. Working Paper #20-67. CINCPAC/Scientific Advisory Group December 23, 1967. Classification: secret

(6) Herbicide Program Seminar COC-7 (Chemical Operations) MACV Saigon, January 28, 1968. Author: Colonel J. Moran. Classification: secret

(7) Report of the Herbicide Policy Review Committee. The U. S. Embassy, May 28, 1968. Classification: confidential. No-for

(8) Maps of all spraying by C 123 aircraft from 1965-69. Classification: confidential.

#### HOUSING FOR OLDER AMERICANS

**Mr. GAMBRELL.** Mr. President, yesterday, I introduced a bill to provide an immediate and effective response to the needs of older Americans for suitable housing and related services, which has been numbered S. 3285, and referred to the Committee on Banking, Housing and Urban Affairs.

It is of concern to me that often our elderly citizens are not in a position to contribute the benefit of their experience and wisdom to the ongoing progress of our country. In fact, it is often the case that the older American is left in retirement without adequate resources to maintain himself and his self-respect.

I do not believe, nor do I intend to imply, that the Federal Government has the complete responsibility of care for the elderly, nor for that matter, any group or part of our society. However, there is one area where the Federal Government can and should act, and that is to assure the availability of adequate housing facilities to the elderly. Legislation substantially identical to that which I introduce today has been sponsored in the House of Representatives by Mr. STEPHENS and Mr. BLACKBURN, and it is compatible with recommendations made by the White House Conference on Aging.

The approach offered here would combine the best parts of both the 202 direct loan program and the 236 interest subsidy program, and would result in sufficient funding for 35,000 elderly housing units during the first 2 years the program is in operation. There are

also provisions for the construction of senior citizens' centers, for grants or loans to elderly persons to rehabilitate their homes, and for the creation of an assistant secretary for elderly housing and related programs to coordinate the various services for the elderly. This bill will provide immediate authorization, and will focus attention on an area which has long been frustrated by the Department of Housing and Urban Development and the administration.

#### SENATOR CANNON—CAPITOL HILL'S MR. AVIATION

**Mr. BIBLE.** Mr. President, it was my high privilege recently to invite the Senate's attention to the fine tribute paid to my junior colleague from Nevada (Mr. CANNON) by the National Aeronautic Association. This prestigious aviation organization bestowed on Senator CANNON the Wright Brothers Memorial Trophy in recognition of his outstanding leadership in the aerospace field. This trophy is not lightly given, and its presentation this year—the 100th anniversary of Orville Wright's birth year—was a special tribute to Senator CANNON.

We are all aware of Senator CANNON's fine work on the Armed Services Committee and the Aeronautical and Space Sciences Committee; and his contributions to aviation since he joined the Senate in 1958 clearly figured in the trophy award. However, his career in flying was a substantial and exciting one long before his thoughts turned to the Senate. His story reads like a novel, and it has been summarized most effectively in the December issue of Air Line Pilot magazine.

**Mr. President,** I ask unanimous consent that the article entitled "Capitol Hill's Mr. Aviation" be printed in the RECORD.

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

#### CAPITOL HILL'S "MR. AVIATION" (By Marty Martinez)

Someone once said that luck is what happens when preparedness and opportunity meet. If so, Senator Howard W. Cannon's (D-Nev.) lucky day is Dec. 17. That's when the National Aeronautic Association will present him with the coveted Wright Brothers Memorial Trophy.

Unknowingly, he has been preparing himself for the occasion for the last 40 years—ever since he first became interested in aviation in the early 1930s while attending Dixie Junior College, St. George, Utah.

"I admit I was more than just a little impressed by the glamour of flying in those days," he says. "Lindbergh had recently made his epic ocean-crossing flight, and that added to the pilot mystique that dominated that era."

But by the time he moved on to the University of Arizona in 1934, from which he was graduated with an LLB three years later, it was more than just glamour that attracted him.

"I found myself with an earnest desire to fly, not with the thought of making it a profession, however, but as a hobby," he says. "It was an expensive hobby though, and I did all kinds of odd jobs to pay for my lessons and flying time as well as for my schooling. I was a pretty good saxophone player back then, so it was only natural that I use the

talent to make some money. I organized a dance orchestra that fluctuated from as many as 15 members to as few as five. We played at the nearby towns and for many of the college functions and later toured the Far East."

The senator's interest in flying was shared by his school roommate, Johnny Milner, now a TWA captain flying the San Francisco-Bangkok run.

"We chummed around together," Cannon says, "and both flew whenever we got the chance. We flew a number of different planes, like the Piper Cub and the Curtiss Pusher that had the little gondola on it. You sat right out in front with just a stick and throttle in front of you; the engine and the prop were behind you. Flying that was an experience and a lot of fun."

Milner attended the Ryan Aeronautical Flying School during his first year at the university and later bought a Waco in which they hustled passengers until it burned up in 1937. Then he got a radial engine Stearman biplane with a J-5 engine. It had two open cockpits, the front one could hold two passengers while the rear was for the pilot. The roommates often flew together.

The following school year, Milner took on the job of delivering the *Tucson Citizen* newspaper by air to small towns in the southeast corner of Arizona, such as Benson, Tombstone, Bisbee, Douglas, Wilcox and Safford. He asked Cannon to join the enterprise.

"I jumped at the chance," the senator remembers, "not because it paid so much, in fact I didn't get any pay. But I did get in flying time and above that it was exciting."

"It was more a promotion stunt than anything anyway. John didn't make any money at it, and the newspaper didn't either. The whole idea was to permit the people in those small towns to get the newspaper at nearly the same time as Tucson residents did. That meant print-day delivery. Otherwise the outlying areas wouldn't get delivery until the next afternoon."

"We delivered five days a week, usually during the late afternoon. Picking up the newspapers at Tucson we would stuff some bundles into bags similar to postal mail bags and put the rest of the papers in the baggage compartment."

"Johnny would circle over the delivery spot and pick out a clump of mesquite to drop the papers into. Then he would fly in low and slow and I would slide the bags off the wing, hoping I'd hit the bush. A carrier was always there waiting for them, and would wave to us as we flew on to our next drop point."

"We would land two or three times during the flight to shift our cargo around and make some ground deliveries. We always landed at Wilcox, because that's where John's parents lived and we could get a good meal."

During late 1936 and early 1937, Cannon's circle of friends included men who went on to pursue careers in aviation. They were men like Tom Davis, now president of Piedmont Airlines; Captain Dale Myers, formerly with TWA, now deceased, and Captain Herb Jones, Hughes Airwest.

But even back then, Cannon had no intention of seeking an aviation career, for he had already committed himself to the life of an attorney. After receiving his law degree in 1937, he started his general law practice in St. George, Utah, the following year.

He also enlisted in Utah's National Guard and later received a direct commission to second lieutenant. He was called to active duty in early 1941 as a first lieutenant and company commander of a Combat Engineers unit. After attending engineer school at Fort Belvoir, Va., he moved to the 40th Division at San Luis Obispo, Calif. He was there when Pearl Harbor was bombed. As "luck" would

have it, he continued his flying during this period, secured his private pilot's license and built up flying time that eventually resulted in a commercial pilot's license with single and multi-engine and instrument ratings.

His next move took him to Fort Lewis, Wash. While serving there with the 133rd Combat Engineers as regimental adjutant, the Army made a concerted effort to get pilots. All personnel records were screened and those who had flying experience were given the opportunity to shift to the Air Corps.

"I didn't hesitate taking advantage of this opportunity," Senator Cannon says with a smile. "I was transferred in grade, a captain by then, and went to light aircraft and glider school in New Mexico. There, we received light plane and basic free-flight glider training. We would fly the small planes to altitude, cut the switch and bring them in. This exercise went on day and night."

"At night, it was a little tricky. We aimed the craft at the burning smoke pots set up in an open field and bailed the plane in. But, we had to keep our speed up, because after landing we pulled over between some lights where someone was waiting. They would crank you up and you'd take off and do it again. Before I left I was doing some instructing in both light plane handling and glider flying."

From there Cannon moved on to training in bigger gliders such as the CG-4. After glider training, he became part of the cadre at the Air Force School of Applied Tactics, which made up the 439th Troop Carrier Group, flying C-47s. Here he traded Glider Pilot wings for those of Service Pilot. He later transferred to the 440th Troop Carrier Group, commanded by Colonel Frank X. Krebs, now the senator's legislative assistant for military matters.

Cannon's transition training to C-47s enabled him to upgrade the Service Pilot rating to that of Pilot. In subsequent years, as he accumulated flying time, he was rated Senior Pilot and then Command Pilot.

The 440th Group went overseas to the European theater in February 1944 and operated out of Exeter, England.

Sept. 17, 1944, found the then Major Cannon and Colonel Krebs flying the lead ship of a 45-plane formation that carried the first wave of paratroopers to be dropped in the Arnheim Bridge area during the Allied invasion of Holland. That mission made quite an impression on Cannon, since it didn't end as planned. Instead of returning to base, Cannon and Krebs spent the next 42 days evading the Germans in occupied Holland.

A large oil painting symbolizing that experience hangs in the senator's office. It depicts two Dutch farmers crossing a bridge near a war-bombed village. In the foreground, seemingly out of place, is a half-chewed apple.

Cannon leans back in his stuffed leather chair, looks intently at the picture for few moments, and then begins telling the story behind it:

"The antiaircraft flak was very heavy, but we got in OK and dropped the troops. As we turned for home I thought the worst was behind us."

"Then, as we passed Breda—Wham! We took a hit."

"The explosion was on our left side. The propeller slashed through the fuselage, creating havoc. There was a gaping tear in the fuselage, the cockpit looked like a plexiglass dump and the plane's controls were gone. There was no way to keep her airborne, so I hit the bailout signal."

"Hydraulic fluid was spewing all over us. Almost blinded, I left my seat and frantically reached for my 'chute pack; but I slipped and fell. As I got up and strained to keep my balance, I struggled out of my flak vest and hooked on the 'chute. Frank helped me reach

the cabin door. We were the only two left; the other four crew members had already bailed out."

"I had never jumped before, but I didn't think about it—I just leaped."

"As Frank and I floated down, fairly close together, I remember feeling very helpless and very scared. We dropped into a potato field, shed the parachutes and scrambled to a nearby irrigation ditch to get out of sight. Tech Sergeant Fred Broga, our crew chief, joined us."

"Ignoring the cold wetness the ditch offered, we threw ourselves down and rolled onto our backs, then covered ourselves with brush. We held a ready-to-fire .45 on our chests."

"Unknown to us at the time, a Dutch farmer had seen us bail out and had watched our fall. By the time we reached the ditch, he was busy burying our chutes and other discarded equipment. When he finished he came over to us."

"He was old. His heavily furrowed face conveyed, just as clearly as words, the oppression he had endured by the enemy forces that occupied his land."

"Bending over us, he talked rapidly, his eyes sweeping from side to side checking the landscape to make sure the Germans weren't on their way. Old he may have looked, but his spirit was truly young."

"He quickly realized we couldn't understand his words; so through hand-talk he got the point across that after dark he would help us rejoin our other crewmembers. He motioned for us to stay put and then pointed to 9 p.m. on my watch; it then read 2 p.m. That was the time he would return."

"Once he left, however, many questions started to pass through our minds: 'Could we trust him? Would he return alone, or at all? Was it true that the Dutch were hostile to Americans? Should we have shot him and got out of there?'"

"For the next seven hours we sweated."

"He finally returned—alone. I'm sure each of us gave a silent sigh of relief as we began following him to what we thought was a regrouping with the rest of our crew. But, at the top of a hill two uniformed men stepped out of the shadows directly in front of us."

"Fed by fear-pumped adrenalin, our reflexes were quick. We faced them with guns drawn. But they just smiled at our nervousness. They were village policemen and part of the underground. But their uniforms did bear a striking resemblance to the German uniforms."

"It turned out that the original plan of joining the other crew members could not be carried out. So, we were to be kept hidden until we could be moved to underground headquarters at Breda. The policemen were to be our 'passports' to the town of Audenbosch, some two miles down the road."

"Our guide left us in their care, and as they rode their bicycles ahead of us, we started what was to be the longest walk I've ever taken—a 42-day trek."

"The Germans were shooting curfew breakers who didn't hold special identification. And as careful as we were, for we were still in our GI flight gear, we ran into three patrols. But the policemen kept them distracted while we hid."

"In about an hour, we made a rest stop at a farmhouse and hid in a shed. It was a welcome break from the mind-twisting trip. A little later a group of farmers brought us some cheese, bread and milk. We were starved and we ate like it."

"Our visitors' faces beamed. They were in a state of high excitement and all reached out to shake our hands or to slap us on the backs to show their comradeship."

Pausing for a moment, his eyes returning to the oil painting, the senator says, almost to himself: "Looking back, I can see that for them we symbolized the freedom they were



denied. I do know that their actions that night gave me a singular feeling of brotherhood that I had never experienced before.

"In the darkness that haunts Holland at 2 a.m., we moved on to the small town of Audenbosch. There, Colonel Krebs's left foot, injured in the bailout, was treated. Sergeant Broga and I were put in the attic of the police station while the underground made the necessary arrangements for us to move on. We didn't mind that wait. We were fatigued, physically and mentally, from the tension-filled day that had started some 24 hours earlier.

"We left two days later, boldly heading for Breda wearing police uniforms now and riding on motorcycles. We pointedly ignored the fact that if caught out of our military uniforms we could be declared spies and shot on the spot!

"Our contact at Breda was the head of the area's underground movement. A large department store warehouse served as the 'depot' for Allied soldiers evading capture. The goods in the warehouse were unavailable to the Dutch, but the Germans requisitioned often. When they came, we used two avenues of escape: A tunnel connected the warehouse to the home of its owner, but if time didn't permit, we'd put the elevator out of commission, climb through its ceiling trapdoor and sit on top of the car until the Germans left.

"When we left the warehouse, it sheltered about 15 Allied soldiers. Frank and I were given civilian clothes and new identities. My name was Hendrik van Gils, a city clerk, and Frank was Cornelius Holzbausch, a school teacher. We were given ration books, birth certificates and identification papers complete with our own photographs, fingerprints and the official Dutch occupation seal.

"The inner courage of the Dutch never ceased to amaze me. Although execution was certain for those aiding us, they never showed or expressed any great fear before us. I remember one of the younger 'freedom' workers being asked if the thought of discovery frightened him. He replied, through an interpreter: 'If we meet one German we shoot him; if we meet two we shoot them; but if we meet three, we run!'

"There is no question that for the young, this was a time for adventure. For the older underground members, it was a time of hardship, willingly endured, if it would help free their country.

"All of the people we met were as quick to impose a food shortage upon themselves to keep us fed and healthy, as they were quick to offer protection. There were times when eggs and other scarce 'delicacies' were forced on us while the people went without. It was amazing and heartening the way they continually placed our health and safety above their own."

As it turned out, the two men spent the first 36 days evading capture and inching their way toward Allied lines. Realizing that they were continually exposing themselves and the Dutch underground members to capture and death, they decided to make a concentrated effort to reach Allied lines as quickly as possible.

"When we made our break," Cannon continues, "we were again given new identification papers and a change of clothes. Frank masqueraded as a hoe-carrying farmer this time and I as his hired man. Because he could speak German, he was to do all the necessary talking. I tied a bandage around my neck, so, if we were stopped, Frank could point to it and say I had a sore throat and wasn't able to speak.

"This time we were going to travel during daylight hours. Young boys were to be our guides. Our recognition signal was to be an apple. We started out and kept walking until, at a bridge, we spotted two apple-munching boys. Frank and I exchanged wide grins, as I pulled an apple out of my pocket and took a healthy bite.

"The boys started walking and we followed a short distance behind. They were only 14 or 15 years old, but they showed the calm confidence of men twice their age.

"That day we skirted towns by following ditches and climbing through barbed wire barricades. When we couldn't avoid sentry posts, we bolstered our courage and boldly walked by them saying, 'Morgen' (morning) to the guards.

"Fifteen miles later we reached Zundert, our stopover point. It was a shell-scarred farmhouse, but to us it looked like a palace. The widowed owner and her older son led us to a twig-filled woodpile covering the bottom of a silo. She pulled aside a few sticks of wood and gestured toward a cavity inside. We crawled in, not suspecting that it would be our 'home' for the next four days. During our stay there we once again saw self-sacrifice. Although our hostess had a family of eight and food was in very short supply, she always saw to it that we ate, too.

"Almost as soon as we had settled in the enemy moved up a battery of 88s. It was so near to our 'room' that the firing orders came through to us loud and clear. For three days, shells—from both sides—whistled over us. The farmhouse took a hit and the barn was flattened. No one was hurt, but two sheep were killed. We all enjoyed fresh meat for a short while.

"By the fourth day we thought the battle would rage on forever, but that night the Germans pulled out and a deafening silence filled the air. All was still quiet the next morning, so we left the woodpile to stretch. As we massaged our legs, we heard the muffled sounds of a patrol. It was coming toward us. We listened and waited. Soon yelling voices filled with unmistakable GI slang reached ears. They had overrun the German position! We both let out a whoop and ran to meet them.

"In quick order we were back with our own outfit—the 42-day ordeal behind us."

The physical condition of Cannon and Krebs was evidence of the care given them during the 42 days. "We were in good shape and our recuperation period didn't take too long," the senator recalls.

Cannon, Krebs and Broga voluntarily continued to fly combat missions until VE Day. After the Breda area was liberated, the three men returned there.

"It was just before Christmas," the senator remembers. "About 50 men in our outfit donated C-rations, clothes, candy, soap, cigarettes and other sundry items. We loaded the supplies into a jeep-pulled trailer and then loaded that into a C-47. We took off and landed near Breda.

"We retraced the steps we had taken to evade the enemy, only this time we were giving instead of taking. True to their nature, the people greeted us with open arms and humbly accepted our small tokens of gratitude. My contact with all the wonderful Dutch people who helped us remains one of the most memorable occasions of my life.

"When I parachuted into Holland, I felt I was nothing—someone small and unimportant—a speck in the universe leaving a disabled plane. . . . When I left Holland, I sensed I had accomplished far more than our original mission. I had learned from the 'defeated' the true meaning of freedom and how we must never give up fighting for it."

The oil painting in the senator's office, by Colonel Roy Weinzettel, former intelligence officer of the senator's parent wing who knew the full story, serves as an everyday reminder of his lesson in freedom's value and of the heroism of "a vanquished but unconquerable people who treasured the dignity of liberty."

The future senator carried that lesson in freedom over into the law practice he began in Las Vegas, after being separated from the service in 1946. He vowed that he would

closely guard the rights of his clients, determined that their individual freedoms would not be violated or inhibited in any way.

Although bent on a legal career, Cannon chose to remain active in the Air Force Reserve program and to maintain his flying proficiency. Today, he wears the two stars of a Reserve major general. His log book shows more than 5,000 flying hours, including piloting all the Century series aircraft that have been in the Air Force inventory, including the controversial F-111.

"Two of my biggest thrills," he says, "came from flying the B-58 at Mach 2 in 1961 and the F-111 at Nellis Air Force Base, when the plane was first put into the Air Force."

Cannon's sustained interest in aviation after World War Two was to pay dividends in the future, because he eventually turned from law to public service. In 1949, he was elected for the first of four consecutive terms as the Las Vegas city attorney. Throughout his service he found time to fill responsible positions in the National Institute of Municipal Law Officers, Chamber of Commerce, Southern Nevada Industrial Foundation and the National Rocket Club.

In 1958, he was elected to the U.S. Senate and has since pursued all aspects of the relationship between aviation and national policy. His past experiences and acquired knowledge have made him a leading Senate proponent of military preparedness and national security.

For example, he is chairman of the Tactical Air Power Subcommittee, and backs a strong aviation posture for the nation's armed services. He vigorously supported development of the swing-wing F-111, the giant C-5 cargo plane and, in earlier years, rotary wing aircraft. He was also a backer for the experimental XB-70 supersonic bomber, which provided spin-off technological benefits for the SST.

In the early 60s, he took exception to the high degree of peaceful emphasis being placed on the country's space program. In a *Saturday Evening Post* article (June 1963) titled "Are We Being Too Peaceful in Space?" he summarized his arguments against limiting U.S. military space efforts: "If we dismiss the military potential in space, we may be startled one day—like the day Sputnik I was orbited—to discover, from the accomplishments of potential enemies, how wrong we have been, and by then because technology is advancing in ever-longer quantum jumps, it may be too late to do anything about it."

The senator's continued affiliation with the Air Force Reserve has kept him abreast of military affairs and makes him well versed in matters discussed by the Senate Armed Services Committee, of which he is a member.

Because of his specialized interest in aviation, his colleagues also consider him an authority on commercial aviation. On Capitol Hill he is known as "Mr. Aviation." And as chairman of the powerful Senate Subcommittee on Aviation he has proven that he is. His committee has dealt with some of the more important contemporary problems affecting commercial aviation including air traffic congestion, safer airports, SST development and getting a larger share of military international air cargo moved by civil carriers.

Expressing his feelings about the nation's air traffic problems, he says: "I think aviation has just scratched the surface. We have a long way to go. But because we already have an overcrowded situation, we have to upgrade our traffic control system very materially, and we have to expand our airports and airways."

The three-term senator believed that Congress had to take bold and imaginative steps to develop nationwide airport facilities and to improve the safety of air travel. So, he successfully cosponsored and managed the

passage of the Airport and Airways Development Act of 1970, which established a trust fund for the development of the nation's airports.

"From an aviation standpoint, I consider the passage of the Act as one of my biggest legislative achievements," he says. "I didn't get it through as I would like to have it, as there are a number of things I didn't get. But I've got some amendments in this year which, if passed, will provide some of them."

Because he was a zealous advocate of the SST, its demise ranks as his biggest disappointment.

"I think our country will regret very greatly, as time goes on, that we didn't go ahead with the SST. I was indeed very disappointed that we weren't able to convince the Congress and apparently the American people that this was something we needed to keep our leadership in the field of commercial aviation. I still feel that is true."

In October, his subcommittee reported out legislation that calls for civil airlines to get 40% of all international air cargo now being transported by the Military Airlift Command. Of that action, he says: "I don't feel the military is living up to the established policy with respect to giving sufficient military business to the civil air carriers to retain our Civil Air Reserve Fleet capability."

And just last month, he drafted a bill giving CAB power to suspend international air fares. The action followed a hearing at which most witnesses favored CAB suspension powers, but not the right to fix fares.

It is for his continuing interest in and support of U.S. aviation that the air-minded Nevada senator has been chosen to receive this year's Wright Brothers Memorial Trophy. The citation commends him for "... his continuing energetic advocacy of and lasting contributions to the development and use of aviation, both as a viable national transportation system and as an essential element in maintaining a strong military posture."

Former Senator A. S. (Mike) Monroney (D-Okla.), president of NAA and the 1961 trophy recipient, will make the presentation at the annual Wright Brothers Memorial Dinner in Washington on Dec. 17. The event is sponsored by the Aero Club of Washington, a chapter of NAA. Senator Cannon joins an impressive list of past winners: Charles A. Lindbergh, Lieutenant General James H. Doolittle, Senator Stuart Symington (D-Mo.) (former secretary of the Air Force) and Dr. Igor I. Sikorski.

How does Senator Cannon feel about it all?

"I think it's the greatest honor that could have come to me in the field of aviation," he says with great enthusiasm. "It's one of the greatest I have ever received. I had no idea that I was even under consideration for it, or that I had even been nominated for consideration, until I was told that I had been selected as the recipient. It just came completely out of the blue. I still think they could have found someone who is better entitled to it, but I'm very flattered and very honored to be receiving it."

As Senator Cannon stands in front of the prestigious Washington audience on the night of Dec. 17, one can't help but wonder what "luck" holds in store for him in future years when preparation and opportunity again meet.

#### WRIGHT BROTHERS MEMORIAL TROPHY

The "Wright Brothers Memorial Trophy" is a miniature silver replica of the original Wright airplane, resting upon a granite model of the National Aeronautic Association Memorial which marks the spot at Kitty Hawk, N.C., from which the first successful flight of an airplane was made on Dec. 17, 1903. The trophy is awarded annually by NAA for "significant public service of enduring value as a civilian to aviation in the United States."

Although the presentation of the initial award took place on Dec. 17, 1948, its sponsor, aviation pioneer Godfrey Lowell Cabot of Boston made it possible by a trust fund he established in 1936.

Then, however, it was the "Cabot Prize Fund NAA." Money of the fund was to be "paid for the solution of the problem of landing an airplane safely through 100 feet of fog by means of an apparatus carried solely on the airplane and which would enable a pilot to make a safe landing without any assistance whatever from ground personnel or equipment."

Personal experiences had taught Cabot the mental agony a pilot endured when fog was encountered. For, not only did he serve as a naval aviator during World War One, he also was one of the first men in the country to pilot his own airplane. In 1918, he made an aerial pick-up of a 155-pound package from a sea-sled anchored in Boston harbor. Later, he became active in NAA and in 1924 started his tenure as president of the association.

In time, the trustees of the Cabot fund became convinced that the solution he had sought would not be found. They took the necessary legal steps to terminate the original trust and establish a new one. Its primary goal would be effective promotion of American aviation.

Result? The Wright Brothers Memorial Trophy Fund.

Along with founding and endowment of the trophy, the new trust fund vested in NAA the responsibility of naming a seven-member selection committee. Its guiding criterion for the winner of the prestigious award was that he "be a living American citizen who, as a civilian, has rendered some personal and direct service as an officer or employee of the government—federal, state, or local—with or without compensation."

Committee members include representatives from NAA, National Advisory Committee for Aeronautics, Air Transport Association, Institute of the Aeronautical Sciences, Aircraft Industries Association, Aero Club of Washington and the aviation press.

The trophy becomes the absolute property of each winner. It has become custom to present it on Dec. 17, to honor the Wrights' first flights. A replica of the trophy, accompanied by a plaque that shows the names of all its winners, can be seen in the Smithsonian Institution's Air and Space Museum.

Initial recipient of the trophy was Dr. William Frederick Durand, professor emeritus of Stanford University.

That year's event coincided with the presentation of the original Wright airplane to the Smithsonian after its return from England. This year's presentation of the Wright Trophy to Senator Howard W. Cannon (D-Nev.) coincides with the 100th anniversary of Orville Wright's birthyear.

#### JOINT COMMUNIQUE BY PRESIDENT NIXON AND PREMIER CHOU EN-LAI

Mr. DOMINICK. Mr. President, since the release of the joint communique by President Nixon and Premier Chou En-lai on February 27, some news media headlines, some broadcasting instant analysts, some persons in public office and some seeking to occupy the White House have labeled it as a sell-out of Taiwan. As a long-time admirer of the people of the Republic of China, I have not only reviewed the communique carefully but have also studied our treaty commitments and our defense posture in the area. As a result of that study I can say that I see no sign of any change in our commitments to the Republic of China.

Any contrary view simply does not

stand up, and the repetition of that concern simply encourages a feeling among all our allies that they should review their own positions and does no good service to Taiwan, the United States, or the cause of the free world.

Mr. President, the communique simply advocates a peaceful solution of the Taiwan question between the Chinese peoples themselves, and we are not throwing up our hands and dismissing long-term commitments to the Republic of China.

Much of the emphasis has centered on that portion of the communique in which the United States states that:

It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in that area diminishes.

True, we have agreed to withdraw some of the limited number of U.S. forces stationed on Taiwan as tension decreases. However, we have no sizable force on the island, and the small increases from 1964 to 1968 were involved in the Vietnam buildup, not as a protective screen against attack on Taiwan. As Vietnam winds down, those forces would be reduced in any event.

Furthermore, we have in no way abrogated our commitment under our Mutual Defense Treaty with that government signed in 1954. There were valid reasons for this country to enter into a formal treaty with the Republic of China in 1954, and the two major tenets which prompted a pact almost 20 years ago have not lost their validity today. In hearings before the Senate Foreign Relations Committee before the treaty was ratified, former Secretary of State, John Foster Dulles, said that it would serve two purposes:

It would give the Chinese Communists notice, beyond any possibility of misinterpretation, that the United States would regard an armed attack directed against Taiwan and the Pescadores as a danger to its own peace and safety and would act to meet the danger—such an action to be in accordance with our constitutional processes.

It would provide firm reassurance to the Republic of China and to the world that Taiwan and the Pescadores are not a subject for barter as part of some Far Eastern "deal" with the Chinese Communists.

Under the Mutual Defense Treaty with the Republic of China, it is clearly stated that:

Each party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional process.

It is significant to note that the treaty remains in force indefinitely, or until 1 year after either party has given notice to the other to terminate the agreement. And, of course, no such notice has been given or is contemplated.

Therefore, Mr. President, there should be no concern on the part of our own people or on the part of the great people of the Republic of China that we have



abandoned our commitments. Each successive administration has reiterated its adherence to these goals, since the signing of the treaty, and today, as in the past, the United States stands ready to defend its allies against military force.

During testimony before the Senate Foreign Relations Committee, the U.S. Ambassador to the Republic of China, Walter P. McCaughy, cited a statement by Secretary of State William Rogers and went on to offer his own accurate statement of our commitment to the Republic of China. His words are as pertinent today as at the time of his testimony. He said:

Whatever may be the ultimate resolution of the dispute between the Republic of China on Taiwan and the People's Republic of China on the mainland, we believe strongly it must be brought about by peaceful means.

We hope that Communist China will be persuaded to set aside this issue so that we can explore the possibility for removing other sources of tension between us. But until a peaceful resolution of that issue is achieved, both our word and our national interests require that we stand by our Mutual Defense Treaty with the Government of the Republic of China. And the shared purpose of that Government and our own in contributing to the development of a peaceful community in East Asia better able to meet the needs of its peoples is a good foundation for maintaining the close and cooperative relationships with the government in other areas of national policy.

Although we are embarking on a new and important era in U.S. relations with countries in Asia, it would be against our own interests and those of world peace to forget the economic and political contributions the Republic of China has made in that area of the world. In essence, our military commitments to the Republic of China are but a small part of a long and enduring friendship. Taiwan's importance to the United States is not limited to its position along the so-called defense littoral extending from the Aleutians to the Philippines, important as that may be. That country's growing economy has created an attractive climate for foreign investments and capital—foreign investments reaching an annual average of \$140 million in 1971 as compared with an annual average of \$2.5 million prior to 1960. In an earlier speech on the floor of the Senate, I discussed this tremendous growth, which has enabled the Republic of China, with the resources of its 15 million people to assume an active role in assisting developing countries. There is little doubt that both of our countries have realized significant gains from close economic and political ties.

In addition to the material benefits of the relationship between the United States and the Republic of China, there is a long-abiding mutual respect and friendship between the Chinese and American peoples. The United States has no intention of ignoring that most valuable, if intangible, commodity. Those who suggest that our initiatives toward world peace through expanded communication with traditional adversaries will result in abandonment of our friends are doing no favors to the United States, to our allies or to the cause of peace.

Mr. President, we are standing by our

treaties and continue to demonstrate to our allies that such mutual agreements and commitments are not taken lightly by our Government, will not be tossed aside or invalidated by bettered relations in other areas, and remain the foundation for building a peaceful and prosperous world.

#### LEADERSHIP OF SENATOR ALLOTT IN MINING LEGISLATION

Mr. BIBLE. Mr. President, anyone who has worked with the senior Senator from Colorado (Mr. ALLOTT) on the Committee on Interior and Insular Affairs or on any aspect of natural resource conservation and development is aware of the fine work he performs. In the area of mining, particularly, Senator ALLOTT has demonstrated valuable leadership.

His work was recognized in the January issue of the Mining Congress Journal, which published Senator ALLOTT's views on the myriad problems confronting not only mineral production but all activities affecting our environment. Industry, he says, must learn to live with environmental quality restraints and must, in fact, exert needed leadership in solving pollution problems. As Senator ALLOTT stated:

Technology must be utilized to find solutions to the problems technology has created in the way of pollution.

Mr. President, Senator ALLOTT is one of the leaders in securing stature and economic health for our Nation's important mining industry. I ask unanimous consent that the article be printed in the RECORD.

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

#### SENATOR ALLOTT SEES A BUSY YEAR ON MINING LEGISLATION (By Freeman Bishop)

The name of the game is politics. It's practiced in the U.S. Senate in many forms, but mostly by Democrats and Republicans. Chairman of the Senate Republican Policy Committee is Senator Gordon Allott of Colorado, who brings a candid attitude to this arena that is reminiscent of the fresh winds that blow through the canyons of his home state.

The Senate right now is a particularly difficult place to work because so many Democratic Senators are running for nominations they know are up for grabs in their convention this summer. This creates more hazards than usual to the normal operation of this branch of the national legislature.

Considered one of the most able strategists serving the Republican Party, Senator Allott also is as well informed in the mineral-metals production area as any member of the Senate. He generally displays the combination of affability and persistence essential to his important position on the Senate Interior Committee.

#### ECONOMIC RECOVERY ON THE WAY

But in moments of introduction, the Senator has been known to wonder aloud at the broad publicity given to the Democrats' side of the issues while the Republicans' views are lucky if they get tagged on the end of reports on Senate activities. He ruefully admits there isn't much anyone can do about this mismatch of editorial judgments without being accused of trying to muzzle the press, no matter how clearly it can be dem-

onstrated that the press is clearly muzzling itself.

He also has little patience with the doomsters predicting economic chaos for 1972. He flatly believes the mining industry will register solid advances this year, led by a general economic recovery. "Recovery" of the economy is predicted by almost every reliable expert with whom Senator Allott comes in contact. But he says this revival of business generally cannot be achieved at the expense of the anti-pollution measures slowly being ironed out between industry and the Environmental Protection Agency. "Possibly we may have to authorize a special investment credit for pollution equipment and other costs of carrying out anti-pollution conditions obviously needed to reduce deterioration of our environment," he said.

Perhaps, he continued, "we also may have to set up special set-asides to help small businesses to continue in business serving many segments of the mining industry."

The rising clamor for ultra-strict pollution regulations among some city, county and state governments must be resolved too, so that corporations won't be forced to close down plants in one area while being allowed to continue in others.

#### TECHNOLOGY MUST SOLVE POLLUTION PROBLEMS

A "recourse to strict regulations cannot be continuing to pollute," Senator Allott said in warning the mining industry that this trend in modern treatment of industrial waste is not only here to stay but is to become a larger factor to this industry.

Now may be the year for the mining industry to find its footing in the waves of anti-pollution drives that have been washing the sands out from underneath many industrial projects more swiftly than engineers and other technological experts can find answers.

"Technology must be utilized to find solutions to the problems technology has created in the way of pollution," Senator Allott said.

Already the white-maned Coloradan has introduced legislation, which has passed the Senate, to amend the Mining and Minerals Policy Act of 1970 to establish research and development institutes at various state mining schools and universities. Purpose is to help find solutions to many problems, including the heavy loss of engineering schools and students from the nation's universities. A corollary objective of his amendment is to extend into university life the drive of young people today to take part in recovering the land, water and air from people-pollution, which has been growing at an alarming pace in recent years.

#### ECONOMIC FACTS STIR ALLOTT

Behind Senator Allott's drive to backstop the minerals-metals industry with a national policy and a broad research and development program are some harsh realities known as economic facts. For instance, the nation now produces about \$25 billion worth of mineral products annually but is consuming approximately \$32 billion worth. By the end of the century, it is estimated that value of production will reach \$66 billion but consumption is projected at about \$135 billion.

In percentage terms, the current deficit of minerals consumed in the U.S. is about 22 percent. In 1950 it was 9 percent. It will rise to more than 50 percent by 1999, creating an accelerating dependence on foreign minerals which may not be available to us by that time. Other industrial nations already are pinning down ore reserves in Australia, Canada and every other nation with raw materials still for sale to the highest bidder.

So the U.S. must improve its ability to produce important mineral commodities and this is where the big question must be settled as a Mining and Minerals Policy develops: should we tie up domestic reserves so they can't be extracted for the time being and rely on a policy of imports? If so, this

could mean destruction of a viable domestic mining industry.

No one talks about defense in these days of flag-burner's but dependence on other nations for metals to build defense machines is still a debatable policy.

#### CHEAP RAW MATERIALS WANTED

The mining industry faces other important problems this year, the Senator continued. Among them, and perhaps side-by-side with answers to pollution, is the demand for cheap, raw materials being mounted by many metals processing firms in their efforts to reduce costs.

Without more assured resources of raw materials, many American mining firms are likely to start looking around for related or even unrelated industrial production they can work into their programs rather than to be continuously caught up in what sometimes seem endless arguments over who is to use America's natural ore resources.

In all parts of the Nation, enthusiastic volunteers are searching for ways to halt exploration and mineral development on public lands, seeking to preserve them as parks and recreation areas. Their enthusiasm is based on the notion that mining will pollute the streams and air and leave the land in ruins.

#### INTERIOR COMMITTEE LOOKING INTO ENERGY PROBLEMS

Senator Allott expects that the record of the mining industry in the area of land reclamation will be examined in minute detail at hearings before the Interior Committee in 1972. This ranking Republican member of the Committee is convinced America's mining companies can be persuaded to use ever better land-recovery programs so escalating sentiment against surface mining can be halted before it goes too far and hamstring operations in the U.S.

"As a matter of fact," Allott says, "our Interior Committee is leading the way in Senate study of overall energy problems, which includes development of oil reserves, including shale." The Senate ordered this study last year. It is expected to be presented early in 1973 as a blueprint for an integrated program which will include the mining of uranium and coal, the production of natural gas and synthetic gas from coal, and oil from oil shale and other sources in the United States.

Back of all this, Senator Allott points out, is how to conserve our natural resources and at the same time utilize them to preserve America's high standards of living.

Are we to retain natural resources for future generations and import ores and concentrates is another part of the question. Clearly, it is not a new question to Congress nor to Senator Allott.

Look at lead and zinc. Three factions compete with each other to establish a policy here. Importers on one side, domestic producers on another, and smelters and importers on still a third side. These ambitions, he points out, must conflict.

It was this and similar conflicts which stimulated him to carry the cross for the Mining and Minerals Policy Act, Senator Allott admits. "We never expected this policy to be the answer to all our problems," he explains, "but to enunciate a minerals policy against which certain segments could be judged. We must keep a minerals industry that is healthy for the Nation to have a metals industry with a future, so we started with the Mining and Minerals Policy Act, which in effect endorses the need to maintain a viable mining industry."

"Now we must pick up the pieces that we call problems and start to work on them individually to work out the best solutions, bearing the policy act in mind as well as the pollution pieces of the mosaic that are changing the minerals industry from month to month," the Senator says.

#### MINERALS INSTITUTES A FIRST STEP

The first step this year, he emphasizes, should be to establish minerals institutes at universities so geologists, metallurgists, engineers and other technology-minded students can develop ways to meet the demands of the '70's which few of us thought of as recently as five to ten years ago.

A big Senate project in 1972, he adds, will be to require full briefings from the Interior Department's experts and policymakers and to receive their recommendations on how to extend hard-minerals policy legislation—for the good of everyone.

"We're at a crossroad this year where we must extend out from our policy position and build specifics on which the mining industry can base its future," the Senator says.

He predicts similar legislation to establish these state institutes will be switched from the House Education bill. This subject will eventually be returned to Interior's jurisdiction because its entire thrust is with the future of the mining industry, rather than an educative function, Senator Allott explains.

"We have a mining industry future, and a big one," he concludes, "it's up to all of us to find the system in which we can live harmoniously."

#### REPORTED VIOLATIONS UNDER AGE DISCRIMINATION LAW INCREASE

Mr. CHURCH. Mr. President, nearly 4 years ago Congress enacted the Age Discrimination in Employment Act.

This law forbids the use of age qualifications in the hiring, discharge, and other conditions of employment for persons 40 to 65 years old.

Yet, advancing age still presents a serious impediment for many older workers. These pressures have intensified with each ominous increase in our jobless rate. And the recent report by the Secretary of Labor, which is required under section 13 of the act, clearly reveals that age discrimination is still a serious problem today.

During fiscal year 1971, for example, more than 2,500 violations were found under the act. Compared with fiscal 1970, this represented a 14-percent increase. And these figures probably only represent a fraction of all the violations under the law.

In practically every category the number of illegal practices increased during the past year. Discharges in violation of the act, for instance, jumped by 41 percent to 110. Illegal refusals to hire older persons also increased, by 15 percent to 683. Moreover, workers in 265 establishments were denied promotions because of age.

These figures should be of concern to all Americans because the denial of employment opportunities to older workers is a serious and senseless loss to our Nation. But even more tragic is the despair and frustration which joblessness imposes upon these individuals and their families. A job or a promotion should not be off limits simply because a man's hair is greying at the temples. No economy can reach its maximum potential if some of its most experienced and talented citizens are not allowed to participate.

Mr. President, I ask unanimous consent that an article which discusses the Age Discrimination report, published in

the Wall Street Journal, be printed in the RECORD.

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

#### AGE DISCRIMINATION: REPORTED VIOLATIONS OF THE FEDERAL BAN INCREASE

The number of employers, employment agencies and unions violating the statute rose 14% to 2,522 in fiscal 1971, the Labor Department reports. The law covers the hiring, pay and promotion of workers between 40 and 65. In the fiscal year ended June 30, employers' illegal refusals to hire older workers jumped 15% to 683. As the economy lagged, discharges that violated the law spurted 41% to 110.

Over 1,750 of the companies and employment agencies found to be violating the law had placed discriminatory help-wanted ads, the department says. The illegal ads involved the use of such phrases as "ambitious young man," "junior executive" and "recent college graduate." While offenses by employment agencies increased, biased advertising by employers declined slightly to 1,180 from 1,207 in fiscal 1970.

The number of unions found breaking the age discrimination regulations in their job referrals rose to four from only one the previous year.

#### ROLE OF WATER IN GOLD MINING HISTORY OF NEVADA

Mr. BIBLE. Mr. President, the U.S. Geological Survey has just recognized the research and literary efforts of a longtime close friend of mine, Mr. Hugh A. Shamberger of Washoe Valley, Nev.

Mr. Shamberger has a distinguished record in the State of Nevada, retiring after 34 years of service in the office of the State engineer, and as director of the Department of Conservation and Natural Resources, and director of the Center for Water Resources of the Desert Research Institute. In addition, he was a longtime member and president of the National Reclamation Association.

However, retire is hardly the word for Hugh Shamberger. As he states in the preface of his first publication, "The Story of the Water Supply for the Comstock."

Like so many professional men who retire, I wanted to spend a part of my time in work that would be both interesting and productive. One day when I was visiting George (Skip) Worts and Thomas Eakin of the U.S. Geological Survey here in Carson City, the discussion got started about the water supplies for the old mining camps of Nevada. It was recognized that very little attention had been given to this particular subject of water supply, with the possible exception of Virginia City.

Mr. Worts suggested that I might wish to try my hand on a part-time basis under the Federal-State cooperative program between the U.S. Geological Survey and the Department of Conservation and Natural Resources. Since I have always been interested in our State's history, I lost no time in getting started. My first effort was on the water supply of the Comstock, bringing its history up to 1969, which is covered herein.

Since starting the Comstock water-supply story, I have been working on the history of other of the old mining camps and their quest for water. I am finding it exceedingly interesting, and in time I am hopeful that I can cover most of the old mining camps in Nevada, especially those where an adequate source of water for the townsite and mills was not readily available, which generally was the case.



Mr. President, I ask unanimous consent that the article prepared in announcing the publication by Mr. Shamberger be printed in the RECORD. I also suggest to anyone interested in the background and history of those western glory days that the accurate and well documented professional paper makes better reading than the fictionalized versions of the era.

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

**GEOLOGICAL SURVEY: ROLE OF WATER IN GOLD MINING HISTORY OF NEVADA DESCRIBED**

Water made possible, but eventually drowned most of the mines working the Comstock Lode of western Nevada—richest producer of silver and gold in the world—according to a report released today by the U.S. Geological Survey, Department of the Interior.

The Nevada mining towns of Virginia City, Gold Hill, and Silver City produced more than \$393 million in silver and gold between 1850-1957 from the rich mineral zone of the Comstock Lode. The Comstock also produced more than its share of history, including such famous goldseekers as Mark Twain and currently provides the background for the popular television series "Bonanza."

E. L. Hendricks, Chief Hydrologist, USGS, Washington, D.C. noted that "The history of the struggle to find and deliver enough water to mine the Comstock serves to emphasize the importance of water in the development of the West. Then, as now, the development of the Western land mineral resources hinges on the understanding and wise development and conservation of the water resources."

To develop an adequate water supply, the report notes, the Comstock miners of the 19th century invested over \$2.2 million and built some 21 miles of pipeline and 46 miles of flume. They spent over \$5 million to dewater the deep mines. The engineering feats performed 100 years ago by men and mules to conquer the water problems of the Comstock rival our modern accomplishments in building reservoirs and transporting water from State to State. Certainly the men who finally brought water to the Comstock have earned a place of honor in the history of Nevada and the West.

In a 53-page report on the water-supply history of the Comstock, Dr. Hugh A. Shamberger, research hydrologist with the U.S. Geological Survey, and former Director of the Nevada Department of Conservation and Natural Resources, notes:

The Comstock Lode stands alone in the history of Nevada and the early West in the difficulty of the water problems presented, in the extraordinary engineering feats accomplished to overcome these problems and to develop the Comstock, and in the ingenuity and courage demonstrated in the undertaking of these projects.

Virginia City and the Comstock Lode faced a variety of water problems: First, it was necessary to provide an adequate supply of water for the population. Secondly, the operation of the mines required large amounts of water. The final problem was an excess of water in the lower levels of the shafts. Adequate water supplies were eventually found to supply the population and the mines, but the conditions created by the excess amounts of hot water in the shafts were never overcome and resulted in the abandoning of deep mining on the Comstock in 1886.

Ironically, the resource whose scarcity at first threatened to curtail full development of the Comstock eventually drowned out the deep mines before all the gold could be removed. As the mine shafts dropped to as much as 3,250 feet below the surface, air temperatures in the mines reached 134°F and springs of water as hot as 157°F scalded

the miners and contributed to flooding of the mines. Eventually chains of pumps worked around the clock to pump out as much as 5.2 million gallons of water a day from a single mine shaft.

The first miners in Virginia City and Gold Hill were able to depend on a few natural springs for their water supply. As the population grew, wells were dug and eventually a water company formed to collect and pipe water flowing from several mine tunnels. Lengthening the tunnels increased the water supply for a time, but by 1863 the flow of the main tunnel, the Santa Rita tunnel, had dropped to 664 gallons per minute. A witness reported: "Every succeeding year, as the city grew, the peril of water-drought increased; every year the record was repeated—flumes and pipes running full in spring and half empty in autumn."

Early in 1867 the Cole Tunnel struck a quartz seam that produced 1,515 gallons per minute. Apparently this quartz seam also supplied the Santa Rita Tunnel water because that tunnel's flow ceased at once. This new supply was still insufficient, and the water company was forced to supplement their good quality water supply with the mineralized water from the Virginia City mines. This caused the people of Virginia City and Gold Hill to complain about the water quality, but the water company shrewdly encouraged each of the rival cities to believe that it was the favored one, and that the other was receiving poorer quality water.

The local water supply being inadequate, the Comstock water companies began debating the feasibility of piping water from the Sierra Nevada Mountains, 20 miles away across the Washoe Valley. In two letters reproduced for the first time, the debate is outlined. In one letter dated 1864, a consulting engineer reported: "... to bring water across Washoe Valley at a sufficient height to make it available to supply Virginia City would, to say the least, be one of the most arduous undertakings of engineering times ... it is an undertaking in which no and mechanical skill in modern or ancient prudent capitalist would ever invest his money."

The Mining and Scientific Press called the pipeline "an engineering feat of no small magnitude ... in view of the difficulties to be overcome, it will attract the attention of engineers all over the world." The same journal called the Virginia City pipeline the "greatest in the world," and noted that it withstood almost double the pressure of the next highest pressure line then in existence. Eventually, two more pipelines were built across the Washoe Valley from the Sierra Nevadas (in 1875 and 1887) until the total cost of the Virginia City and Gold Hill Water Company was estimated at \$2.2 million. The water rates in 1880 were 20 cents per thousand gallons to the mining companies and \$4 per month to families of 6-8 people.

To help alleviate the flooding of the deeper mines, the Sutro Tunnel was constructed at a cost of over \$5 million. In 1880 the tunnel drained some 3.5 million gallons of water daily, or some 1.2 billion gallons—4.7 million tons—during the year.

The report, "The Story of the Water Supply for the Comstock" by Hugh A. Shamberger, contains 27 photographs and maps. Published as U.S. Geological Survey Professional Paper 779, copies of the report may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for \$0.70 per copy.

**VOICE FOR THE FORGOTTEN**

Mr. KENNEDY. Mr. President, in a recent speech to the Council on Community Action, Bexar County, Tex., Commissioner Albert Peña, Jr., made a

fervent plea on behalf of the disadvantaged of this Nation.

His statement, angry but eloquent in its demand that our political parties and our political institutions respond to the needs of the poor of the Nation, should be of interest to the Senate.

I ask unanimous consent that the speech, entitled "The CCA: A New Voice From Downunder USA," be printed in the RECORD.

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

**THE CCA: A NEW VOICE FROM DOWNUNDER USA**

(Remarks of Commissioner Albert Peña, Jr., at CCA Dinner, November 4, 1971)

Through the newly constituted Council on Community Action we are trying to build a new unity and a new sense of self-determination: not just among the Chicanos and the blacks, but among all the poor and oppressed of this Nation. We are black, brown and white: united by poverty and oppression; inspired by our martyrs and made militant by our foes. Cognizant that many who wield power in America are antagonistic to our needs, we are banded together in a peoples lobby. Our purpose is to establish new and better lines of communication between those who struggle in the trenches of misery and oppression and those who make and execute public policy from on high. We are, in a sense, a voice from downunder in America.

This Council does not claim to speak for the poor of this Nation—no one can. We represent, however, a cross-section of people working on a day-to-day basis with the problems of poverty. Most of us were born poor or have lived with poverty much of our lives.

Just as no one speaks for the poor the poor don't speak for themselves—at least not in the language of the lawmaker or the policy maker. The true voice of poverty is heard in the wall of a child who is hungry and sick in Harlem; it is heard in the sigh of an old woman who is penniless, homeless, and widowed; and it is heard in the strident shout of a farmworker in California striking for a living wage. This is the language of human misery, of anger and of despair. The members of this council live and work among the poor. We know the language and we hear it daily. We have banded together to try to share this experience and demand of those who design and execute the law to listen. We do so with unity and determination.

This unity, this determination, this militancy will in the long run unite this country. We do not seek to destroy the nation. We seek to save it from self-destruction.

Our task is not an easy one. One of our greatest enemies is dissension among ourselves. Just as poverty doesn't breed articulate spokesmen, harmony and unity are unlikely children of hungry competition for scarce morsels. For too long we have allowed the bigots, the power brokers, and the selfish interests to play us off against one another. Today, perhaps more than ever before, this unity is essential and fratricidal competition for mere tokens must be avoided.

We have no great leadership in this fight. Our great men are dead, or waiting till the right moment. As we contemplate Washington today, it is evident that there are many in and around this administration who willfully set one group against another, squelch dissent, divert attention from problems and undermine institutional authority and credibility. We saw it on the campus at Jackson State, we hear it in the rhetoric of the Mitchells, Spiro Agnew, John Connallys and Ronald Reagan. We feel it in an inequitable wage freeze. And we see it these days in the selection of another set of Nixons to sit on our Supreme Court. This is making a mockery of America.

We see the same cast of characters who condone and subtly encourage police brutality in the name of law and order. These are the defenders of the Mylai syndrome which shows up not just in remote Southeast Asian villages, but in our America; and cuts down prisoner and guard alike at Attica; killed the kids at Jackson State and my beloved brown brother, Reuben Salazar, in California. These are the leaders who had a plan to end the Vietnam war, where the continuing trickle of blood has become a hemorrhage of this nation's soul and spirit.

While we are not greatly inspired by the national administration we have now, it is still unclear whether the opposition party will offer much more. As the Presidential hopefuls line up for the race we see the same old thing: Fine men with fine visions, lost in the big picture, seemingly insensitive to the day-to-day plight of the poor and oppressed, unaware that we want a voice in determining our future. They are surrounded by the same wheeler dealers, intermediaries and self appointed spokesmen we know so well. Interpreting us. Speaking for us. Trading us off as voting blocs in exchange for some rhetoric that promises much but assures nothing. Once again, we hear soothing code words addressed to conservative southern Democrats by a presidential contender. When will the presidential candidates address themselves to the real problems of the ghetto, the barrio and the small southern towns—in the same speech before the same audience? When will they stop manipulating us and temporizing in search of an imaginary middle of the road.

Everyone I talk to agree that four more years of the Nixon, Connally coalition would be disastrous, but the opposing party has offered no alternative. Rather it is trying to project a middle of the road posture. What it should know is that the Nixon-Connally alliance has swallowed the middle of the road voter: and black, brown and white liberals will stay home in droves or establish their own parties if their problems are not addressed in the tradition of a Robert Kennedy.

Robert Kennedy repudiated the middle of the road and people responded all over this Nation. For he had not only the charm, grace and wit of all the Kennedys, but he also had the commitment and the courage we needed in a leader.

Without apologies, he stood before the young in Alabama and spoke the truth about racial injustice and asked them to join him. Robert Kennedy understood the Chicanos; he kneeled with the farm workers during their darkest hour; he understood the blacks; he walked in the ghetto when no white would or could; and the blacks and the browns responded in his last campaign in California 18 to 1. Politicians can learn a lesson from Robert Kennedy. We all can.

I would hope that Robert Kennedy did not die in vain; he was a white man. I would hope that Reuben Salazar did not die in vain; he was a brown man. And I would hope that Martin Luther King did not die in vain; he was a black man.

They are gone but let us learn from them—let us unite and let us carry their message to the halls of Congress and the corridors of capitals and courthouses all across this land. Let us do this as brothers.

#### RETIREMENT JOBS OF IDAHO, INC.

Mr. CHURCH. Mr. President, in his historic message on older Americans, President John F. Kennedy said:

Our Nation must undertake an imaginative and far-reaching effort—in both the public and private sectors of our society—for the development of new approaches and new paths to the employment of older citizens.

Today we have Operation Mainstream, which enables older persons to help themselves by rendering valuable services in their communities. Several pilot projects in Mainstream—such as Green Thumb, Senior Aides, and the Senior Community Service programs—have demonstrated beyond any reasonable doubt that there are thousands of older Americans who are ready, willing, and able to serve in their localities.

Another outstanding example is the retirement jobs program in my own State of Idaho. This project, which is jointly funded by Boise Model Cities and the Idaho Office on Aging, has helped to locate new and gainful employment for persons 55 and older.

With nearly 500,000 jobless persons in this age bracket throughout the Nation, the need for expanding programs such as retirement jobs becomes all the more compelling. A growing need also exists for the establishment of a national service corps because so much needs to be done in our cities, towns, and rural areas—in our parks, libraries, schools, hospitals, conservation of natural resources, community beautification, anti-pollution programs, and many other areas. And older Americans can provide a vital resource of talent to meet this challenge.

It was for these reasons that I have sponsored the Older American Community Service Employment Act (S. 555) and the Middle-Aged and Older Workers Employment Act (S. 1307) to build upon the solid achievements of programs such as Green Thumb and retirement jobs. In brief, S. 555 would provide new job opportunities in a wide range of community service activities for persons 55 and older. Moreover, it would convert the successful Mainstream demonstration projects into permanent ongoing national programs. S. 1307 would also help to maximize job opportunities for older workers by authorizing training, counseling, and special supportive services for unemployed or underemployed individuals 45 and older. Additionally, this bill would make assistance available to non-profit groups which provide placement and recruitment services for unemployed older workers.

Mr. President, I ask unanimous consent that a recent Idaho Statesman article describing the activities of retirement jobs be printed in the RECORD.

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

#### AGENCY ON RETIREMENT LISTS 349 PLACED IN JOBS

During 18 months Retirement Jobs of Idaho, Inc., got 1,250 requests for employes, had 423 potential workers register and placed 349.

Retirement Jobs, funded now by Boise Model Cities and the Idaho Office on Aging, is at 3314 Americana Terrace. It was started a year and a half ago by Mrs. Agatha Pallister, who now is project director.

Job offers exceed available workers primarily because many are seasonal and there is an over-demand for some types of workers.

"We never seem to have enough applicants to fill the requests for gardening and yard work in season, and there's a constant demand for companions, home aides, nurses aides and baby sitters," she noted.

The project director said her agency attempts to find permanent, part-time and temporary work for all persons in Ada County who are 55 or older.

"There's only one qualification," she said, "you have to be over 55. And, there's no charge for any of our services."

Retirement Jobs, Mrs. Pallister said, was started by herself in February, 1970, and operated on a volunteer basis out of a church office until the Idaho Office on Aging supplied a grant in July, 1971, which was augmented by a Model Cities grant in August, 1971.

"These funds," she explained, "allowed us to move into an office and expand our operations. Now I am hopeful the office on aging will see fit to increase its funding so we can serve more areas in the state."

She said the agency had been successful in finding permanent jobs for several over-55 individuals, including seven from Model Neighborhood sub-areas.

"We attempt to help people help themselves and help others," Mrs. Pallister added. "About all we ask of an individual is what kind of a job do you want and what other kinds of jobs can you do."

The agency arranges for those with similar interests to band together and "social-party" meetings are held every third Saturday of the month at 1:30 p.m. in the agency office where speakers from various walks of life discuss subjects of interest to the group.

Mrs. Pallister noted those receiving Social Security are limited to earning \$1,680 a year without benefit penalties, and "that's one reason we have so many seeking part-time or temporary jobs."

She said labor unions and the Idaho Department of Employment as well as private businesses and institutions were helpful in locating applicants as well as jobs.

In the last 18 months, 42 per cent of those who were placed on jobs were in the 55-61 age bracket, 45 per cent between 62 and 71 and 13 per cent between 72 and 86.

#### SENATOR CARL HAYDEN

Mr. MATHIAS. Mr. President, all throughout my years of service in the other body, I knew and respected Carl Hayden as the most senior of senior colleagues. Although I did not serve in the Senate with Senator Hayden, I knew and respected the Senator who represented the State of Arizona since its admission to the Union.

Senator Hayden embodied the pioneer spirit that, while at times being submerged by the march of science and technology, has remained within the hearts of the American people. As many people know, Senator Hayden was once a gun-toting sheriff in Arizona. He brought this sense of public service to Washington nearly six decades ago as the first Senator from the State of Arizona. As the people of the State of Arizona will attest, Carl Hayden was a diligent and hard-working Senator. He was, in every sense of the word, the Senators' Senator.

I feel that when the last roll is called for the great men who have served in the Senate, and the State of Arizona is reached, Senator Carl Hayden in his most noble voice will respond, "Present."

#### EXCESSES OF LABOR UNIONS

Mr. FANNIN. Mr. President, on occasion I have pointed out that unions today are guilty of the same type of sins which



put big business in bad repute about one century ago. The excesses of big business, and the disregard for the average man, brought about tough antitrust legislation.

Today it is big labor that is guilty of the excesses.

Our labor laws allow the union leaders to become dictators. Many union leaders have no respect for democratic processes.

It is time that we rein in these labor leaders and supply the same antitrust controls to them that we apply to our business community.

Mr. President, a column written by Tom Braden this week pointed up how little regard certain union leaders have for their members. I ask unanimous consent that the column be printed in the RECORD.

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

#### UNION LEADERS IGNORE WORKERS

There were a few titters in Miami when it was revealed that George Meany had raised his own salary to \$90,000 per year just after the wage-price freeze went into effect. But nobody in the labor movement made an issue of it. And nobody will make an issue of the fact that Meany's son-in-law, who is law partner to the AFL-CIO general counsel, has just gone on the board of the United Mine Workers-controlled Washington National Bank.

Somebody ought to. Because this is the bank that robbed the miners who own it—robbed them, according to a district court judge, of \$11.5 million that ought to have been paid to old pensioners.

At times, the judge found, United Mine Workers president, Tony Boyle, kept on deposit in Washington National as much as \$140 million in union funds. The money was in three accounts, a general account which at one time reached \$90 million, an administrative account which reached \$40 million and a pension account which reached \$10 million. In order to pay the pensions—which was what the accounts were for—\$5 million to \$8 million in ready cash would have sufficed. Yet all this money was kept in checking accounts. No interest was ever paid.

A lot of things are coming to a head in the affairs of the United Mine Workers. President Boyle has been indicted for embezzling funds, funds contributed to the 1968 campaign of Hubert Humphrey who once said he was "proud to rub shoulders with this truly great leader of labor." Boyle will go to trial this month.

Another trial to upset Boyle's election on the ground that it was fixed is now taking place in Washington after a finding by the Secretary of Labor that probable cause exists for his removal from office.

And in Pennsylvania, Silous Huddleston, a United Mine Workers' local president, will go on trial sometime this spring accused of paying for the murder of Boyle's one-time opponent, Joseph Yablonski. The prosecutor, Richard Sprague, thinks it will not end there. "In my opinion," he once said, "he (Boyle) is not out of it."

Yet Meany permits his son-in-law to go on the board of Boyle's bank and refuses to hear the case of those who want to make their union democratic.

"Mr. Meany, Mr. President of the labor movement," wrote Mike Trbovich, chairman of the group which met in the church after Yablonski's funeral and organized "miners for democracy," "from the grimy pits we appeal to you for equity in life. We are fighting for an honest, democratic union . . .

don't deny us an hour before the leadership of the American labor movement to state our case. We are fighting for the right and we deserve to be heard.

"According to my estimates," Trbovich said in his letter to Meany, "we had about \$65 million to \$75 million in our treasury when our nationwide strike started last October 1. Though we were out for more than six weeks not one nickel of this money was paid to us in strike benefits."

Meany has ignored Trbovich's letter, as he has ignored previous appeals from the mine workers for his help in giving attention and recognition to their cause. They are up against the bosses and the bosses seem to have stepped right out of an old book of Fitzpatrick cartoons—men with large paunches and dollar signs on their vests. But the captions have been switched. The men are not labeled "capitalists." They are labeled "labor leaders."

"I don't talk to the janitor," Meany once said. He was referring to the Secretary of Labor, but somehow the choice of epithet is revealing. A Judge Gary or a Tom Girdler might have said the same.

#### PIONEER 10 SPACE SHOT

Mr. GURNEY. Mr. President, last night the U.S. space program took another giant step forward—another step toward the world of the future, outer space. The near perfect launching of Pioneer 10 marks another first in space exploration, the first attempt to venture beyond Mars and to penetrate the asteroid belts between the orbits of Mars and Jupiter. The ultimate goal of this mission, the initial exploration of the planet Jupiter, will begin to answer some of the centuries old questions about the largest planet in our universe. More important, it will also contribute to the development of American scientific and technological know-how.

If America is to continue to remain one of the great nations on earth—indeed, if it is going to remain a free nation—it must not let its technology, scientific and military, lag. This is the real significance of Pioneer; not only are we taking another necessary step forward in exploring outer space but we are also opening the way for additional scientific spinoffs of great value to those of us here on Earth.

Pioneer, while having a new design, is another in a series of probes intended to explore outer space. The last four Pioneer satellites are still in orbit, Pioneer 6 having been aloft for 7 years. But, still, this 2 month mission represents a new departure. The 570-pound spacecraft which was launched by the Atlas-Centaur rocket last night, at the highest velocity yet reached by a manmade space vehicle, will provide, through a series of 13 experiments, new knowledge about Jupiter and many aspects of the solar system and will have, as a prime objective, studying the feasibility of another spacecraft exploring and possibly orbiting Jupiter.

Pioneer 10 will, for the first time, test out the hazards of the cosmic debris and the intense radiation in the asteroid belt. The radiation in this belt is 1 million times more intense than that found in the Earth's Van Allen radiation belts. Since one of our major objectives is the further exploration of Jupiter, it is im-

portant to know if, and under what conditions, a spacecraft could be crippled or destroyed while passing through the asteroid belt, either by radiation or by debris.

The spacecraft will be the first man made object to escape the solar system by eventually passing beyond the orbit of Pluto. This will be accomplished by having the spacecraft use the orbital velocity and powerful gravity of Jupiter to propel it further out into the solar system.

This will be the first NASA spacecraft to draw its electrical power entirely from nuclear generators, in this case four radioisotope thermo-electric generators developed by the Atomic Energy Commission.

Pioneer 10 will travel at a greater speed than any other previous spacecraft. The journey to the Moon, heretofore measured in days, will take only 11 hours and the entire one-half million mile journey to Jupiter will take only 639 days, arriving in December 1973.

The selection of Jupiter as the next focal point in the exploration of outer space is very logical, both from the standpoint of finding out what confronts future space exploration and from the standpoint of what out there might be of use to those of us back here. Recent research has suggested that Jupiter, which is 75 percent hydrogen and thus may not have a solid surface, produces the same chemical reactions which are believed to have preceded the appearance of life on Earth. The fact that conditions on Jupiter "could allow the planet to produce living organisms despite the fact that it receives only one-twenty-seventh of the solar energy received by Earth" is reason enough for further investigation.

However, there are other reasons that fully justify Pioneer 10 and the similar mission that is to follow in early April 1973.

These are the so-called spinoffs that have proved so invaluable, in so many ways, to earthbound technology. In the case of Pioneer 10, the possible spinoffs include such things as: First, an increased knowledge of collisionless plasmas of the solar wind, something that bears directly on what might be the ultimate clean system for electric power production—controlled hydrogen fusion; second, a better understanding of the Earth's weather cycles and atmospheric circulation; and third, a possible indication of the resources of Jupiter that might eventually be made available for use on Earth—such as petrochemicals.

Any one of these advances would more than justify the cost of the effort involved; the possibility of all three is indication anew of why America cannot afford to lose her scientific curiosity, her impulse for discovery, and her interest in the future.

So while we can be thankful that, after all the weather delays, things went so well on this launch, and while congratulations are certainly in order to NASA for another in a long string of successful spaceshots, we must look to the future and realize that, with the potentials involved, we cannot afford to slacken our efforts and let the Russians move ahead in this vital area. If any-

thing, more money is needed for more shots like these, and for other vital U.S. space projects like the space shuttle, which would not only increase our capability in space but which would be of invaluable benefit to millions of Americans here at home. The contributions of the space program to the fields of communications, medicine, weather forecasting, and even day-to-day living are monumental. The opportunities for further such contributions are practically unending—if only we have the will to persevere. Pioneer 10 is a tremendous step in the right direction; let us hope it is the first of many.

#### EXTENSION OF NUCLEAR TEST BAN TREATY TO INCLUDE UNDERGROUND TESTING

Mr. MATHIAS. Mr. President, Senate Resolution 273, which the Senator from Michigan (Mr. HART) and I have submitted, calls upon the President to propose an extension of the Nuclear Test Ban Treaty of 1963 to include underground testing. This proposal merits the close examination of the Senate, for it could provide the President with the support he needs for a bold new approach for his meeting with Soviet leaders at the end of May.

The United States is committed to seek a comprehensive, total, and complete ban on nuclear tests. In October 1963, the United States ratified the partial test ban treaty which indicated we are "seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end."

This commitment, reaffirmed on July 1, 1968, in the Nonproliferation Treaty, has not been fulfilled. Neither the United States nor the Soviet Union has negotiated determinedly to extend the partial test ban treaty to a comprehensive test ban treaty. Indeed, the negotiating positions of the two sides have remained essentially what they were in 1963 when a gap between three onsite inspections offered, and seven requested, deadlocked the talks.

During the 9 years which have passed since that deadlock, there have been ample technical reasons for the updating of our negotiating position. Seismological capabilities have increased substantially. Underground testing above 10 or 20 kilotons can be made extremely risky for the tester by the use of seismic monitoring alone. Meanwhile, reconnaissance capabilities have also improved enormously. These capabilities make it possible for the United States to identify otherwise suspicious events. Many experts believe that these methods, together with other intelligence methods, can provide a firm basis for the negotiation of a suitable treaty using national inspection alone. But, in any case, no experts will deny that these technical advances deserve an updating of our negotiating position. And, as noted, our treaty commitments demand such revision.

The test ban is not just unfinished business. It is an important part of our national security requirements. Any dramatic new improvements arising from

continuing testing are likely to undermine our security, as other nations learn of these discoveries. The possibility of a truly cheap bomb is a most significant possibility of this kind. The richest nation in the world—armed already with thousands of weapons—does not need it. But poorer countries, unable to invent such a weapon themselves, might well learn it from us. They might then aim the weapons at us.

Also the test ban can complement the SALT talks. As is known, the SALT talks are concentrating on numerical limits—limits on numbers of launchers. Each side is evidently going to be free to make "qualitative" improvements in each launcher. But these improvements, including MIRVed warheads, can be of dramatic significance. The total test ban would inhibit the development of ever smaller—and more numerous—warheads by prohibiting tests of them. This is a concrete way in which the test ban can slow the arms race and help close a loophole in anticipated SALT agreements.

There are other compelling arguments. The test ban will encourage the effort to prevent proliferation. It will prevent the expense and pollution associated with underground nuclear tests. And it will serve as another step toward wider agreements—just as did the partial test ban treaty.

If the executive branch reopens the question of the test ban, I believe that it will conclude that the case is strong for reaching comprehensive agreement. I believe it will decide that onsite inspection is of only marginal significance today and that verification has ceased to be the important obstacle to agreement. But our resolution does not require that this latter conclusion be reached. We call only for reopening the question. We emphasize today the commitments that exist—and the technical background that has changed. These alone justify a new look, after 9 years, at this entire question. The meaning of our proposal is this: The administration and Congress have an obligation, after 9 years of unchanging negotiating position, to reconsider the total test ban and make new proposals.

#### STATE OF THE AGING: THE RETIREMENT REVOLUTION

Mr. MONDALE. Mr. President, the White House Conference on Aging took place eight weeks ago, and we on the Senate Special Committee on Aging have good reason to thank the delegates.

They have produced a challenging body of recommendations on matters of immediate and long-range concern to older Americans of today and those who will be the older Americans of the future.

And so it is not only appropriate but almost mandatory that the Senate Committee on Aging should give comment on the conference recommendations.

After all, the committee called for such a conference.

After all, many of the recommendations are similar or identical to those sought by the committee in recent reports.

Therefore, it is a duty as well as a pleasure to join with other members of

the committee in this "state of the aging" message. In a few moments, I will give my position on several of the key recommendations related to income, health care, long-term care, and housing.

But I would like to deal first with what I, as chairman of the Subcommittee on Retirement and the Individual, have described as a "retirement revolution."

That revolution is already well underway. It is already altering the living patterns of a nation.

That revolution, however, is only beginning to demonstrate just how far-reaching it will be.

What is happening—or beginning to happen—can be described in a very few words.

Retirement is now affecting more people for more years in their lifetime than ever before. And if present trends continue, more than a third of our lifetimes will be spent in what is now called retirement.

And yet, despite this clear trend, most persons today are unprepared for retirement when it overtakes them. Some are overwhelmed by a condition which has been described as "retirement shock." Physicians have told my subcommittee that the sudden transition from full-time work to full-time leisure actually can result in deteriorating health. A combination of sharply reduced income, a loss of role in life usually defined in terms of the job held by the person, and adjustments that so often must be made in living arrangements can take a devastating toll.

If retirement begins earlier, the shock may be even greater.

If retirement extends into the seventies, eighties, and nineties of a person's life—as is increasingly the case—even adjustments will be necessary as the "young elderly" become the "old elderly."

Looking ahead, we always talk of the year 2000 as a faraway milestone separated from the present by a comfortable time buffer. But it's only 28 years away, or only two White House Conferences on Aging away. It's as near in the future as the start of World War II is recent in the past.

What is going to happen to the dimensions of retirement as an institution in those 28 years?

As a recent Committee on Aging report pointed out:

Approximately 42 million Americans are now between their 45th and 65th birthdays. Since each year 1.4 million persons have their 65th birthday, between 45 and 50 million middle-aged persons of today will reach that age by 2000. Compare that figure with today's 65+ total of 20 million.

In many ways, new retirees will differ markedly from the majority of today's retirement group. They will have more education. They will be more accustomed to higher rates of pay and will want greater income security in retirement. And they will probably be more able-bodied at the time of retirement and will be less likely to settle for what is so aptly described as "enforced idleness."

A third of today's elderly are under 70 and the median age is under 70. Only 1.3 million—one out of every fifteen—are 85 or older. By 2000 more persons will be at the end of the age spectrum. Nearly 2 out of 3—a number equivalent to the entire 20 million 65+ generation of 1971—will be over age 75.



And there will be more women and more single persons. Today's ratio of elderly women to men is 139 to 100. By 2000 it will be 150 to 100.

As for life expectancy, this is certainly the least predictable factor of the future older American. The Subcommittee has been told that dramatic gains are possible, and there is room for debate here. But, it does seem certain that more people will be in better health during the retirement years than is now the case.

Overwhelming as the statistics of future retirement may be, sheer numbers define only part of the challenge.

We should be at least as concerned about the well-being—the quality of life—of future retirees as we are about projected increases in their numbers.

The White House conferees were concerned, and many of their recommendations have meaning for the future as well as the present.

#### CONFERENCE RECOMMENDATIONS

First and foremost, the conferees said that life in old age must be more than merely bearable.

Their calls for more adequate retirement income and for better housing and health care reflect that conviction.

But even these essential improvements are not enough.

There must be satisfaction as well as security in retirement years, and there must be alternatives to present patterns of work and retirement.

In this brief summary I can discuss only a few of the conference recommendations that, in my judgment, will help develop greater retirement satisfaction and more flexibility in work patterns. The following—and others—are receiving careful subcommittee attention:

**Arbitrary retirement age:** As the section on employment and retirement put it:

Our society presently equates employability with chronological age rather than with ability to perform the job.

The section participants called for a flexible policy based upon workers' desires and capabilities, job opportunities for people 65 and up; and—on the other hand, opportunities for gradual or trial retirement before age 65.

In my view, a great deal of thought and hard questioning must be directed at many of our attitudes and practices related to age 65 as a sole criterion for retirement. Business, labor, and retirees of today should work out new arrangements. As I have said before, the immense Federal Establishment should become a model employer in terms of devising new work-life patterns. But progress is still slow. However, my Federal Employees Preretirement Assistance Act, S. 1393, would be a major step forward in overcoming this inertia at the Federal level. Briefly, this measure would provide the operating framework for new work-lifetime patterns, such as phased retirement, trial retirement, sabbaticals and new types of part-time employment for older persons. Once again, I urge early and favorable action on this legislation.

**Preretirement education:** Many conference recommendations dealt with the need for more widespread and accessible

preretirement training. Here again, the Federal Government could be a model. And here again, S. 1393 can be particularly helpful. It would, for example, establish a comprehensive program of preretirement counseling and assistance for all Federal employees who are eligible for or approaching retirement. As a model employer, the Federal Government is ideally situated to provide the necessary impetus for other employers to institute such helpful practices for their employees. And with such a national approach, older Americans can be much better prepared for the crucial adjustments in retirement.

**Educational opportunities:** Once in retirement, a man or woman should be a likely candidate for renewed, organized education.

But the White House conferees made it clear that most of the educational resources of the United States are inappropriate, inhospitable, or downright uninteresting to most older Americans. Two conference recommendations are worthy of special consideration:

For older persons to participate in educational programs, agencies, organizations, and government must provide incentives. These incentives should be aimed at eliminating specific barriers to the availability and accessibility of educational services for older persons including transportation, free attendance, subsistence auditing privileges, relaxed admission requirements, flexible hours, convenient locations and subsidies to sponsors and removal of legal barriers.

Emphasis should be given at every level of education to implement and expand the expressed educational objective of "worthy use of leisure". Education must be directed toward an acceptance of the dignity and worth of non-work pursuits as well as toward development of leisure skills and appreciations.

The conferees have made a number of specific recommendations for changes in existing programs and several innovative approaches. Each is receiving subcommittee scrutiny.

In addition, the Senator from Idaho (Mr. CHURCH), chairman of the full Senate Committee on Aging, and I, as subcommittee chairman, have agreed that a committee study on educational opportunity for the elderly should soon be released.

"Advocates of our own cause": One of the most challenging statements at the Conference was made by the section on retirement roles and activities.

Participants declared:

Twenty million older people with talents, skills, experience, and time are an inexhaustible resource in our society. We represent all segments of the population; our abilities, our education, our occupational skills, and our cultural backgrounds are as diverse as America itself.

Given proper resources, opportunities, and motivation, older persons can make a valuable contribution. We are also capable of being effective advocates of our own cause and should be included in planning, in decisionmaking, and in the implementation of programs."

Mr. President, I am convinced that this statement was made largely because the conferees felt that the elderly are often talked about, but not consulted often enough when Government and

private agencies try to work on their behalf.

Myopic as it may seem, the planners do not consult those they are planning for.

But models already exist for greater participation by the elderly. The Boston Council of Elders, for example, has provided the elderly a voice in public programs that serve them. The council has been incorporated; it now is the contracting agency for several useful governmentally supported projects.

In some model city neighborhoods, consultation with the elderly and participation by the elderly is much more advanced than in typical Federal programs. The Committee on Aging has received fragmentary reports on other impressive experiments in self-advocacy and self-direction by the elderly. I believe the committee should gather more information on this subject. As Senator CHURCH has suggested, incentives should be provided for the development of community or regional councils of elderly citizens for a direct voice in governmental and perhaps cooperative public-private efforts.

**Multiple jeopardy of minorities:** At first, it appeared that the White House Conference on Aging was going to ignore or minimize the harsh problems encountered by elderly persons who happen to be members of minority groups. But, as protests intensified, conference chairman Arthur Flemming announced that "special concerns" sessions would be held on problems encountered by aging and aged blacks, Indians, Mexican-Americans, and Asian-Americans.

Those sessions centered, understandably, on critical issues related to low-income, limited access to health facilities and housing, inequities in social security coverage, and appalling deficiencies in research activity and knowledge about minority elders.

But participants at each minority special concern session also voiced a common complaint which is at the root of many of their other difficulties. They felt that Government programs too often are unresponsive or even unaware of the special problems which exist when a person is old and out of the majority mainstream. Mexican Americans, for example, are acutely aware of the language barrier that so often comes between them and services or benefits—including social security and medicare.

Blacks made a strong statement asking for more adequate representation at all levels and throughout policy-level bodies and program groups. Asian Americans challenged the "myth" that their elderly are taken care of by families and therefore do not need or want participation in well-designed Government programs. Indians described the "unique relationships between our people and the Federal Government" and asked for adjustments in administration of programs for the elderly.

To the older person in a minority group, the "retirement revolution" may be a bitter joke. Many do not live long enough to become eligible for medicare or social security. Many feel excluded from programs which appear to have

been designed by the middle class for the middle class.

There can be no real satisfaction in the later years of life for all until the needs of minority groups are really understood and met. The Senate Committee on Aging has already done some work with minority groups; it should do far more.

Rural older people: A particularly forceful statement was issued by another "special concerns" session, one dealing with the rural elderly. Sheer distances between people, their report said, complicate all other problems: transportation, delivery of services, and loneliness. In addition, a large proportion of persons in rural America are old:

Nationally, one out of every ten of our citizens is old; in rural counties that ratio is often one in five. As the younger people are forced to leave to find jobs, they gave a shrinking tax base and a growing scarcity of services. Rising property and sales taxes in rural areas are becoming increasingly oppressive to older rural people. Retirement income is lower in rural areas, too. Few workers in rural areas are covered by private pension plans. Income in their later years must come from Social Security, from savings, from continued employment or from welfare.

Participants in the rural special concerns session were particularly concerned about "a critical shortage of paid jobs for those who wish to work." Rural areas have one-third of the poverty in this Nation, yet they get only 16 percent of the Federal manpower funds. As the conferees said:

National programs designed to provide part-time community service work for older rural people, such as Green Thumb and Green Light (funded under Operation Mainstream) have found the opportunity to serve and also earn is eagerly welcomed by rural older folk.

Fortunately, the means to upgrade those two programs and others—such as foster grandparents, and senior aides—is at hand. S. 555, the national older American community employment bill, would bring such pilot programs into a broader, ongoing effort. At first the administration opposed that bill. Now President Nixon has indicated that he sees the light, and that more funds should go to service programs for the elderly. As a sponsor of S. 555, I hope that he gives a clear, unmistakable signal of support for that particular bill.

Churches and private agencies: Government has an essential role to play in helping to make retirement more satisfying. But government would be short-sighted indeed if it were to ignore the rich resources that can be found in our churches, national organizations, and private agencies.

White House conferees recognized this fact often in their report. For example, the section on spiritual well-being said:

Government should cooperate with religious organizations and concerned social and educational agencies to provide research and professional training in matters of spiritual well-being to those who deliver services to the aging.

The section members recommended that the Government provide financial assistance for the training of clergy, professional workers, and volunteers to develop special understanding and com-

petency in satisfying the spiritual needs of the aging.

Here, it seems to me, is a sensible way of providing limited Government help that would have multiplier effect. The idea is for Government to provide appropriate incentives or help, but not to dictate or dominate.

Another channel of potential activity was described at the special concerns session on the elderly poor:

Voluntary agencies and church groups in particular are called upon to serve as enablers for the elderly, to encourage and assist them in developing new roles in self-help, social action, and political action.

Whenever possible that "self-enabling" function should become part of Government activity, such as a model cities program. Here, again, there lies an opportunity for direct cooperation between public and private resources.

Such alliances have already been examined in a few Committee on Aging hearings dealing with sources of community support for programs serving older Americans. Testimony has been positive and encouraging in some cases, but too often the committee has been told of Federal policies or attitudes which balk real cooperation. Nonprofit sponsors of housing for the elderly, for example, were dismayed at the delays and rising costs caused by the transition from the section 202 direct loan housing program to the section 236 interest subsidy program. Private agencies, often working with church organizations, have launched successful pilot programs to help provide much needed services, such as meals on wheels or home health care. But the project too often is dismantled just when the need has been proven.

It seems to me that the committee should continue its investigations into sources of community support, and that it should identify the most common deterrents to genuine participation by private organizations. Many national organizations participated in the White House conference and in the planning for the conference. They have been encouraged to maintain that interest, and I hope that they do.

Research deficiencies: As I indicated earlier, there is a great deal of guessing about future trends in life expectancy for older Americans. One reason for the uncertainty is that funding for research on gerontology—the biological process, as well as related social issues—is so low.

Just before the White House Conference, members of the Gerontological Society prepared a report for the Committee on Aging. Their findings were startling and significant.

For example, at the National Institute of Child Health and Human Development—now the major center for aging research—there has been no growth in research programs since 1966. An NICHD gerontology branch in Baltimore has only 120 employees as compared to the original projected staff of 272.

As for medical research in the care of the aging, the committee was told that a number of urgent medical problems that particularly affect the elderly are in urgent need of indepth research. The committee was told, for example:

The cause of heart failure, the end point of so many aging hearts, is not completely understood. In some respects our thinking is not ahead of that of Thomas Hobbes, who in the 17th Century regarded the heart as a spring and the failing heart as a worn-out spring. Much research remains to be done to discover what happens to the aged heart muscle fiber which causes it to fail independent of the disease.

Such research would be greatly stimulated by enactment of the National Heart, Lung and Blood Act of 1972, which I introduced on January 20.

Another distinguished member of the Gerontological Society reported to the committee that all evidence indicates that only a few million dollars per year is spent throughout the Nation on social behavioral research on aging. He calls for an increase in research support to five times the current level, about \$45 million.

How can sound public policy be developed on a foundation of inadequate information? We must have working arrangements by which research findings can be translated as they become available into developing social programs. But we simply are not yet geared to that concept in this Nation, and this is particularly true in aging.

A good start toward correcting this situation could be made by enacting S. 887, a bill which would establish a National Institute of Gerontology to conduct and support biomedical, social, and behavioral research and training related to aging. My Subcommittee on Retirement and the Individual, I know, would have a large number of questions to put to such an institute.

Planning for the future: On other occasions I have talked about the need for establishment of a Council of Social Advisers to help develop a system of social indicators and other guides to help us arrive at more rational public policy on programs to serve the people of this Nation.

The White House conferees took a similar view. They warned that planning must not be confused with delay; it must never be used as an excuse for inaction. They said:

Our Nation is constantly setting goals for itself in all areas of national concern. In the field of aging, as in other areas of concern, the priorities which we as a Nation set are most important. Indeed the very place that we give to the needs of our elderly today and in the future will be determined by the action we take now. Planning without action would be a cruel hoax. Action without planning would be an expensive exercise in futility.

Adequate planning on aging will never become a reality as long as the Administration on Aging remains in its present low place within the Department of Health, Education, and Welfare. The Older Americans Act of 1965, which established AOA, expressed a noble hope that this agency could be a focal point for the Federal effort on aging. How on earth is that possible when the present Commissioner of AOA must report first to the Director of the Social and Rehabilitation Service and then to an Assistant Secretary and Under Secretary? Should the Secretary of Labor or the Secretary of Transportation pay heed to the tiny voice that comes down deep from



the recesses of the Department of Health, Education, and Welfare?

An advisory council to the Senate Committee on Aging has offered a plan calling for establishment of an office on aging at the White House level and establishment of the position of assistant secretary on aging in appropriate agencies. That plan should be the subject of intensive legislative hearings early in 1972, in time for adequate discussion before the present authority for the Older Americans Act expires in June.

Youth and aging: Still another special concerns session at the White House Conference made the following statement:

One of the major aims of the White House Conference on Aging should be to harness the activity and energy of youth and link it to the solution of the problems confronting the aging. Three areas of youth volunteer activity suggest themselves for immediate action:

1. Provide information to senior citizens regarding existing social services and financial resources.
2. Render direct service to senior citizens.
3. Act as advocates in behalf of the elderly.

The participants in that session also described the need for what has been called "life cycle education" as a mandatory component of all educational institutions. In other words, information about aging should not be held off until a person is aged. He should be aware, from his earliest school days, that all of a lifetime is one unit; development continues throughout a person's existence. It should not stop after education ends or employment becomes a fixed habit.

It happens that I am also chairman of the Subcommittee on Children and Youth in the Senate Committee on Labor and Public Welfare. I will explore the possibilities for early cooperative action between the subcommittee there and the Subcommittee on Retirement and the Individual.

#### CONCLUSION

Mr. President, I have dealt primarily in this address with issues related directly to the work of the Subcommittee on Retirement.

I feel, however, that I should make some comment on bills which I have introduced or cosponsored. I feel that early action on these measures can help to produce the kind of security and well-being that will make all facets of retirement more satisfying.

Heading the list, in my judgment, is my comprehensive proposal S. 923 for major improvements in social security and medicare. Several provisions in this measure have already been incorporated in H.R. 1, including:

Significant increases in minimum monthly benefits for persons with long periods of covered employment;

One hundred percent benefits for widows, instead of only 82½ percent as under present law;

Liberalization of the retirement test; Cost-of-living adjustments to protect the elderly from inflation;

An age 62 computation point for men; Extension of medicare coverage to include the disabled; and

Several other proposals.

However, S. 923 makes other major im-

provements, which I am hopeful can be added to H.R. 1. First, it provides a 15-percent increase, instead of only 5 percent as in H.R. 1. And this raise would be retroactive to January 1 of this year, rather than making the elderly wait until June to receive an urgently needed increase in their social security benefits.

The chairman of the Senate Committee on Aging (Mr. CHURCH) has already provided compelling arguments for a more substantial increase in social security benefits. And I have only one further point to add what he has said. Another stop-gap proposal is just not going to solve the mounting retirement income gap which continues to deepen for the elderly. Poverty has already increased by 100,000 for the aged during the past 2 years. And this fact alone underscores the need for major increases in social security benefits this year.

Additionally, S. 923 would make other far-reaching improvements in medicare. First, it would eliminate the \$5.60 monthly premium payment for the aged under part B of medicare. This change alone would be almost equivalent to a 5-percent increase in social security benefits for the average recipient. And it would also provide welcome relief because this payment now costs an elderly couple about \$135 per year.

Second, it would extend medicare coverage to include out-of-hospital prescription drugs. This protection was one of the major recommendations at the recent White House Conference on Aging.

Several other noted authorities—including the 1971 Social Security Advisory Council—have supported this coverage. And now is the time for the Congress to extend this overdue protection for the aged.

Prompt action is also needed on two employment proposals, which I have sponsored with other members of the Committee on Aging, to increase employment and service opportunities for older persons. I have already made reference to one of these measures earlier, S. 555, which would utilize the skill and experience of older Americans by establishing a national senior service corps. A number of demonstration projects, such as Green Thumb and Senior Aides, have shown beyond any doubt that these programs work. Now, it is time to convert these prototypes into permanent, ongoing national programs.

Another key proposal is the Middle-Aged and Older Workers Employment Act, which would for the first time establish a comprehensive national manpower policy for the mature worker. Today persons 45 and older are being shortchanged by our existing employment and manpower programs. What is needed now is a comprehensive midcareer development services program to provide the broad range of employment services to enable unemployed or underemployed older workers to move into new or more productive employment.

Equally significant, I am hopeful that the House will act soon on the Nutrition Program for the Elderly Act, a bill which has already passed the Senate by a vote of 89 to 0. A national hot meals program for persons 60 and over is absolutely es-

sential if we are to combat hunger and malnutrition among the aged. With markedly reduced incomes, it is no wonder today that millions of older Americans go to bed hungry every night. But enactment of the Nutrition Program for the Elderly Act can help provide nutritious meals for nearly 600,000 elderly persons throughout the Nation. And in my own State of Minnesota about 11,000 aged individuals would be benefited by this legislation.

This measure, along with other proposals I have outlined earlier, can help make the later years a time for fulfillment and meaning. Once again, I urge prompt and favorable consideration of these bills.

#### TRAGEDY AT BUFFALO CREEK HOLLOW, LOGAN COUNTY, W. VA.

Mr. KENNEDY. Mr. President, just a few days ago natural disaster struck Buffalo Creek Hollow in Logan County, W. Va. Some 14 communities dotted this narrow valley, which was densely populated by sturdy Americans who have long been the object of official neglect. The flood which swept through their communities brought death and injury to many, and left thousands homeless. The depth of this tragedy is dramatically seen in the misery and anguish etched in the faces of those survivors who have crossed our television screens in recent days.

I desire to express my deep personal sympathy and concern for the victims in Buffalo Creek Hollow—a sympathy which I share with millions of our fellow citizens. It saddens me, however, that a body of evidence is developing which suggests that the tragedy of this valley may have been unnecessary if enough of those in high places—particularly in the coal industry of the area—had been more concerned about the people who live in the valley and the potential for disaster.

Hopefully, the efforts now underway—both governmental and private—will bring speedy relief to the people of Buffalo Creek Hollow. And diligent and urgent efforts must be made, as well, to prevent new human disasters in West Virginia and elsewhere in our land.

#### GENOCIDE AND OUR POSITION IN THE WORLD

Mr. PROXMIRE. Mr. President, it must be puzzling to our friends around the world that we were not the first to ratify the United Nations Convention outlawing genocide, especially as we were instrumental in its drafting. Our position of leadership in the world in the fight against man's inhumane and cruel treatment of his fellow man is in serious question. Around the world we have traditionally thought of ourselves as showing the way to less enlightened countries in the area of humanitarian causes. For the past 20 years, however, we have lagged far behind in condemning what is probably the most odious of crimes possible.

An argument against ratification of the Convention has been that it has no force and is therefore useless. Here I

would like to quote a section of a bill for the implementation of the Genocide Convention which has been submitted by Mr. SCOTT.

The offenses defined in this section wherever committed, shall be deemed to be offenses against the United States.

Anyone who argues that this bill would be useless is thus saying that anyone may commit an offense against this country in contradiction with our laws and the Congress with impunity. Certainly this is not the case.

Therefore, I again urge that this United Nations Convention and its implementation bill be immediately ratified so that we might regain the respect that has been lost through our delay.

#### VIOLATION OF ECONOMIC STABILIZATION ACT

Mr. MATHIAS. Mr. President, on February 24 of this year, the Cost of Living Council announced that it was filing a suit against A. & P. Food Stores and against Local 117 of the Amalgamated Meat Cutters & Butcher Workmen of North America—AFL-CIO. The Cost of Living Council apparently alleges that a contract between this local union and the local management of A. & P. Food Stores violates the Economic Stabilization Act.

As this is one of the first court cases brought by the Cost of Living Council under the Economic Stabilization Act, I believe all of us should be interested in its progress.

I ask unanimous consent that an article relating to this case be printed in the RECORD.

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

A. & P. SUIT AMONG MANY PHASE II PROBES, UNITED STATES SAYS  
(By Paul Jablow)

A spokesman for the Cost of Living Council said yesterday that the suit filed Thursday against A. & P. Food Stores and a local union was "one of many cases being investigated" that involve wage agreement allegedly in violation of Phase 2 guidelines.

The spokesman and other sources involved in the wage-price enforcement machinery said there was no particular significance in the choice of the contract involving A. & P.'s warehouse in Halthorpe and 77 members of local 117, Amalgamated Meatcutters and Butcher Workmen.

They indicated that several other labor contract suits would soon follow this one, the first such court action under President Nixon's economic program.

Jerry Menapace, president of the local, said yesterday that he was "amazed at this . . . flabbergasted," but that he had asked the men to remain at work. They did, although Mr. Menapace described them as "wild" over the suit.

The local president said that he had previously been told by the Internal Revenue Service, investigating arm of the Pay Board, that the wage agreement signed last November 21 was considered a violation.

#### "SENTENCED BEFORE TRIAL"

But he said he had also been told that the union would get a chance to protest this finding to the Pay Board or to a special three-judge panel that hears Board appeals before any legal action was taken.

"This is like being sentenced before trial," he said. "It's unbelievable."

The government, seeking to nullify the contract and fine A. & P. and the union \$2,500 each, said that the wage increase in the 16-month contract amounted to 22 per cent a year. Mr. Menapace placed the figure at 15.8 per cent.

#### JUST "CATCHING UP"

While this was still clearly well above the board's standard 5.5 per cent guideline, he said it could be justified because the Halthorpe group was the last in the area to sign contracts with the major supermarkets, and was merely "catching up" with wage increases for similar groups.

Since A.&P. has been paying the wages since it signed the contract and then protested to the Pay Board, the employees could be faced with a demand that they give up \$25 a week in pay already received, Mr. Menapace said.

"Those guys aren't giving back \$25," he said. "And I don't blame them."

The government's choice of this case put it at odds with the union that has been most militantly opposed to wage-price controls. The meatcutters' national leadership urged a general strike to protest Phase I, the 90-day freeze, and recommended at the AFL-CIO convention in November that labor walk off the Pay Board.

Government sources said, however, that the suit was a logical one since the company had protested, a small number of workers were involved and the contract was, in its opinion, clearly illegal.

#### THE EFFECT OF HERBICIDES IN VIETNAM

Mr. BENTSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from New Hampshire (Mr. McINTYRE), together with an insertion which he wishes to have printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered:

#### PROGRESS REPORT ON NATIONAL ACADEMY OF SCIENCES ON EFFECTS OF HERBICIDES IN VIETNAM

(Statement by Senator McINTYRE)

Section 506(c), Public Law 91-441, the fiscal 1971 Military Procurement Authorization Act, provided that the Secretary of Defense would make arrangements with the National Academy of Sciences (NAS) for that organization to conduct a study on the effects of herbicides in Vietnam.

It also required the Secretary of Defense to request the Academy to submit a final report with results of the study not later than January 31, 1972, for transmittal to the Congress by March 1, 1972.

I would call to the attention of the Senate the statement which I made on the floor on October 6, 1971, which appears in the CONGRESSIONAL RECORD, volume 117, part 27, pages 35275-35280. At that time I covered in detail all of the actions of the Department of Defense which had been taken pursuant to the law and included copies of various letters and documents which provided the full detail of these actions.

At that time I stated as follows:

"NAS, by letter dated September 15, 1971, advised the Director of Defense Research and Engineering of its conclusion that, because of the long-range nature and the complexity of the study required by Public Law 91-441, the final report date specified in the law, January 31, 1972, is unrealistic and cannot be realized if the work required is to be completed. NAS stated that it will provide an interim report to be transmitted to the Sec-

retary of Defense by January 31, 1972, with a final report to be transmitted to the Secretary of Defense by August 31, 1973. A copy of that letter was formally transmitted to the chairman of the House and Senate Armed Services Committees by letter dated September 24, 1971.

"The Secretary of Defense states that the NAS interim report can be submitted to the Congress by March 1, 1972, and the final report by September 30, 1973. He concluded by stating that, in view of the arguments set forth by the National Academy of Sciences, he plans to accept their time schedule for the reports."

In addition to that statement, I also commented that in my view, the requirements of section 506(c), Public Law 91-441, with the exception of the need to extend the time for reporting the results of the study, are being implemented by the Secretary of Defense with the cooperation of the National Academy of Sciences in a highly exemplary manner. I stated further that these agencies should be recognized for the completely satisfactory manner in which they are proceeding with this work. In closing at that time, I indicated that as further progress is reported, I would make it a point to keep the members of the Senate advised of all of the significant details.

I have received a copy of the interim report of the National Academy of Sciences covering the period December, 1970, through December, 1971. This interim report was transmitted to the President of the Senate by letter dated March 1, 1972. The report is consistent with the intent of the language of the law and is informative with respect to the numerous efforts that have been made during 1971. I attach a letter of transmittal and attachments.

I will continue to monitor this effort and will advise the members of the Senate of all significant events as they are reported.

THE SECRETARY OF DEFENSE,  
Washington, D.C., March 1, 1972.

HON. JOHN C. STENNIS,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of the Interim Report of the National Academy of Sciences Committee on the Effects of Herbicides in Vietnam, which is being transmitted today to the President of the Senate and to the Speaker of the House of Representatives. This is an interim report, as the title indicates, and represents about 25 percent of the total effort to be accomplished.

Through informal coordination with your Committee staff, we understand you intend to make this report a part of the permanent Congressional Record at an early date. Due to the great public interest in this subject, this is a desirable course of action. Both the National Academy of Sciences and the Department of Defense also wish to make this report available to the public, subsequent to your release, through their normal distribution channels. We would therefore appreciate being advised of your time schedule when it is available.

MELVIN R. LAIRD.

#### EXECUTIVE SUMMARY OF THE NATIONAL ACADEMY OF SCIENCES INTERIM REPORT ON THE EFFECTS OF HERBICIDES IN VIETNAM

##### INTRODUCTION

Section 506(c) of Public Law 91-441 required the Department of Defense (DoD) to contract with the National Academy of Sciences (NAS) for a study of the physiological and ecological effects of the military use of herbicides in Vietnam. PL 91-441 was signed on 7 October 1970 and on 15 October 1970 DoD requested NAS to consider such a contract. The NAS responded affirmatively on 26 October 1970, DoD issued a letter of intent



on 8 December 1970 and on 9 March 1971 Contract No. DAHC 1571-C-0211 was signed by DoD and NAS.

On 15 September 1971 the NAS advised DoD that it would be impossible to complete a thorough and responsible report by the 1 March 1972 date required in PL 91-441. The DoD reviewed the NAS conclusions and reasons therefor, found them to be valid, and on 24 September 1971 the Secretary of Defense so advised the Chairman of the Senate and House Armed Services Committees, suggesting that an interim report be rendered to the Congress on 1 March 1972 and that a final report be made not later than 30 September 1973.

The following material summarizes the NAS Interim Report—December 1970 through December 1971.

**Contract Phase I—Planning** (December 1970–August 1971)

The Planning Phase comprised three activities:

Selection of Committee,  
Compilation and analysis of existing data, and

Development of working study objectives.

Dr. Anton Lang of Michigan State University was selected in February 1971 by the NAS to be Chairman of the "Committee on the Effects of Herbicides in Vietnam." Members were chosen in various scientific specialties and membership as of December 1971 is shown at Tab A. Additional members will be added as the need for other scientific specialists becomes apparent.

A reference library on herbicides was assembled and consultations and conferences were held with some 200 experts throughout the world. The DoD made available its computerized data of fixed and rotary wing herbicide flights.

Study objectives were developed to include studies in the following areas:

Herbicide, agricultural and animal husbandry studies, with some related toxicological studies, mainly on dioxin.

Soil studies.  
Studies of natural biological systems:  
Mangrove  
Semi-deciduous forests  
Studies in human ecology:  
Medical effects  
Epidemiological-ecological effects  
Socio-economic and psychological effects.

Although not stated in PL 91-441, it was agreed by DoD and NAS that an important part of the study would be consideration of whatever damage or change might be found during the course of the study.

**Contract Phase II—Study** (September 1971–continuing)

The actual study phase of the contract began with a reconnaissance trip to Vietnam 16 September–23 October 1971. Drs. Lang and Ross made extensive preliminary helicopter flights over areas of major herbicide use. These included areas along canals and rivers in the Mekong Delta; the Plain of Reeds; the U Minh Forest; the Ca Mau Peninsula; the Rung Sat Special Zone; War Zones C and D; and mountain regions of Quang Nam, Thua Thien and Quang Tri Provinces. With other Committee members, surveys were made by boat along waterways of the Rung Sat and on the ground near Nam Can in the Ca Mau region, sprayed and unsprayed forest sites in Phuoc Luong Province, and three dump sites around Bien Hoa.

Soil and water samples were taken, some plant material was collected, and a few semi-quantitative transect determinations of vegetation were made.

The Committee also visited jungle herbicide test plots in Thailand near Pran Buri which had been used by DoD in 1964–65. Nine Committee members later visited herbicide test plots in the Luquillo forest region of Puerto Rico.

#### OBSERVATIONS

1. An important general reaction is that it will be impossible to reach meaningful conclusions from random ground checks and qualitative aerial observations. The reason for this is the great diversity of situations on which the stress of herbicides was imposed. For example, in sprayed mangrove areas, while recovery is, on the whole, limited and slow, one can observe in a site subjected to the same herbicide treatment areas where seedlings are as dense as in pioneer mangrove, and, on the other hand, areas with almost no vegetation. If one saw only the former, he could make a persuasive case for complete and rapid recovery. If he saw only the latter, he could make an equally good case for complete lack of recovery.

2. The overflights made showed that there are areas in mangrove forests that show very little if any vegetation; however, in the semi-deciduous forests no such areas were observed. Even in such parts of War Zones C and D, where the large trees have been apparently killed, there was heavy growth on the ground. Rapid re-vegetation seems to be taking place; however, its nature is not known.

3. Among about 100 soil samples from Vietnam analyzed for herbicides, residues were found from a heavily sprayed area in the Rung Sat. The residue was of 2,4,5-T, and the concentrations were about an order of magnitude below the minimal level for biological response in the most sensitive test plants. Only spot checks were made, so the generalization cannot be made that herbicides have largely disappeared from the soils of Vietnam. The results do indicate, however, that degradation has proceeded to the point that it may be impossible to determine the early course of degradation and its kinetics—which are particularly important to know, for any re-vegetation work—unless small test plots are treated with the herbicides in question.

4. There are logistical problems, the most severe of which is security. Many areas cannot be visited at all, many more can be surveyed on the ground only after reconnaissance by troops, and it appears unlikely that any area can be visited regularly over a period of months since periodic activity attracts unfriendly forces.

#### CONCLUSIONS

1. Because of the limitations to on-the-ground work, considerable emphasis will be placed on interpretation of aerial photography complemented with ground checks where possible.

2. Some modelling will be used to help understand biological interactions and to pinpoint problems for studies by all available means.

3. Because degradation of herbicides in soils and growth of vegetation in sprayed areas have clearly made considerable progress, limited application of herbicides to small test areas will be required to obtain quantitative data on the early stages of degradation of herbicides in the Vietnamese environment.

#### COMMITTEE ON THE EFFECTS OF HERBICIDES IN VIETNAM

##### NOTICE

The study reported herein was undertaken under the aegis of the National Research Council with the express approval of the Governing Board of the NRC. Such approval indicated that the Board considered that the problem is of national significance; that elucidation and/or solution of the problem required scientific or technical competence and that the resources of NRC were particularly suitable to the conduct of the project. The institutional responsibilities of the NRC were then discharged in the following manner:

The members of the study committee were selected for their individual scholarly competence and judgment with due consideration for the balance and breadth of disciplines. Responsibility for all aspects of this report rests with the study committee, to whom we express our sincere appreciation.

Although the reports of our study committee are not submitted for approval to the Academy membership nor to the Council, each report is reviewed by a second group of scientists according to procedures established and monitored by the Academy's Report Review Committee. Such reviews are intended to determine interalia, whether the major questions and relevant points of view have been addressed and whether the reported findings, conclusions and recommendations arose from the available data and information. Distribution of the report is permitted only after satisfactory completion of this review process.

#### INTRODUCTION

The Committee on the Effects of Herbicides in Vietnam was established under a Contract between the Department of Defense and the National Academy of Sciences that was negotiated and signed pursuant to Public Law 91-441, the Fiscal Year 1971 Military Procurement Authorization Act, Section 506(c). This Section directed, in paragraph (1), the Secretary of Defense to "undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects to the defoliation program carried out by the Department of Defense in South Vietnam." Paragraph (2) provides that "of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection."

The Contract was signed in March 9, 1971. The Public Law called for a completion date (submission of a final report to the Secretary of Defense) of January 31, 1972. As it became immediately apparent that no satisfactory study could be completed by this deadline, the Academy requested an extension of the completion date to August 1, 1973, and the Secretary of Defense, by letter of September 24, 1971 to the chairmen of the House and Senate Armed Services Committees, stated that he planned to accept this revised time schedule for the report. This correspondence, with supporting documentation, has been inserted in the CONGRESSIONAL RECORD, volume 117, part 27, pages 35275–35280.

The present report is an interim report, summarizing the activities of the Committee beginning with the signing of the Contract and extending through December 1971. It had been agreed that the study would proceed in two phases, Phase I or the Planning phase, and Phase II or the Working phase. Phase II is in turn being carried out in two stages, a short reconnaissance stage, designed to select the most suitable localities and materials for further work and to obtain information about the range of problems and variables that may be encountered, and the long-range working stage in which the effects of the herbicides will be studied intensively and, as far as possible, using quantitative approaches. The present report covers Phase I and most of the reconnaissance work of Phase II. The conclusions of Phase I have had to be revised in the light of the experience and results of the reconnaissance stage of Phase II. However, they will be presented here without these modifications, and the latter summarized in the section on the re-

connaissance stage, since the differences between the two sets of conclusions are indicative of the serious logistical problems and limitations under which the entire study has to be executed.

#### PHASE I—PLANNING PHASE

The objectives for Phase I included—apart from the selection and appointment of the Committee (Appendix A)—compilation and preliminary analysis of existing pertinent information on herbicide effects, mainly under tropical conditions, and on the ecology, demography and other features of Vietnam and of comparable countries or regions; consultations with source personnel capable of providing information in these and other disciplines and on a number of scientific and practical problems potentially important for the study; and conferences with personnel from Congress, the Department of Defense, and other agencies to establish contacts and prepare logistics. A reference library of approximately 1000 titles under 19 major and 38 subheadings was assembled (Appendix B); consultations and conferences were held with approximately 200 persons in the U.S. and abroad. On the basis of the information thus gathered, the Committee analyzed and defined the scope and objectives of its "mission"; established some guidelines for its work; considered some problems of strategy and certain longer-range perspectives of its work; gave thought to some questions of policy; and drew up a tentative work plan for the study.

#### I. SCOPE AND OBJECTIVES

##### (a) Definitions

PL 91-441 provides for studies on the dangers inherent in the use of herbicides in general, as well as on the effects of their use in Vietnam. This, especially the first-named provision, is very general language, and if taken in its broadest sense could result in a serious diffusion and dilution of the study. We sought therefore to clarify the intent of Congress and were advised that Congress was primarily concerned with the effects of the military uses of herbicides in Vietnam; if possible, it would like to have, on this basis, some general evaluation of the problems of large-scale use of herbicides, particularly under tropical conditions. It is this delineation of the problem that the Committee proposes to follow.

PL 91-441 calls for studies of the ecological and physiological effects of herbicides. Physiologically we understand to mean effects on the function of individual organisms (although in the study of such effects, it is usually necessary to employ groups of similar organisms, so-called populations). Ecologically we understand to mean effects on "ecosystems," that is communities of various organisms, including effects on the interactions between and among the affected individuals and populations, and between them and the rest of the environment (such as soil and water).

Both physiological and ecological effects of herbicides may be direct and indirect. Relatively direct effects are, for example, death or failure of growth and reproduction of a treated plant, or lesions produced in man and animals by application to the skin, inhalation or ingestion of the agent. Indirect effects operate through a chain following from or exacerbated by the more direct effects, and may be very diverse. Intake of the agent by a woman, even if causing no apparent direct or lasting syndrome, might conceivably affect her fertility or the health of her offspring. The destruction of a forest by herbicides could mean loss of income to the woodcutter. The greatest complexity of indirect effects, however, can be predicted in the realm of ecological responses. Ecosystems are generally characterized by a very finely attuned balance between their living components (animals, plants, microorganisms) and between these and the phys-

ical environment (soil, water, microclimate). Moreover, ecosystems are very often not stationary but are evolving, slowly but in a definite sequence ("succession") leading to a so-called "climax," the final stage that, if undisturbed, will not undergo further changes. Injury to, or death of one component as the result of herbicide treatment is thus apt to disturb not only the system as such, but also its further "evolution." These effects may be gradual and progressive, and it may take long periods of time to be certain what direction the disturbance is taking and whether the original balance will be restored at all. All this holds not only for "natural" or "wild" ecosystems but involves man, either indirectly as a dependent of many natural ecosystems, or directly as component of an ecosystem. A change in the floral composition of a forest as result of herbicide treatment may result in changes in the faunal composition, resulting in changes in the distribution of animals (insects, rats) that function as vectors of human diseases, resulting in changes in the incidence of these diseases in adjacent settlements even if these were not directly affected by the herbicide. Crop destruction in a settlement of Montagnards, not only deprive the people of food but may profoundly affect their faith in their own traditional means for coping with crises and disasters, and may result in demoralization.

From the existence and particularly from the long-range nature of the indirect effects that massive herbicide application is bound to have in ecosystems there follows a crucial conclusion. It is not enough to assess the herbicide effects in Vietnam as they can be seen, "here and now": it is essential to try to reconstruct, as far as possible, the "evolution" that these effects have undergone since herbicides were first applied on a large scale, and to project their further developments. It is only with such information that some genuine evaluation of the ecological and physiological effects of the herbicides, used on the scale they have been used in Vietnam, can be expected. Otherwise, we may end up with not much more than a catalog of incidental observations that, however detailed and complete, will permit few if any meaningful conclusions.

The prospective approach is all the more important since it may help us to learn whether, how, and how soon ill-effects of the herbicides may be overcome, and to consider what uses of the herbicide-treated areas may be possible for the benefit of the country and the people. The Committee feels very strongly that this aspect of repair and rehabilitation is a crucial part of the entire work; this feeling was shared by all persons who have been consulted.

##### (b) Variables

The study of the effects of herbicides used in Vietnam is complicated by many factors. Those that are inherent in any ecosystem have already been pointed out in the preceding pages. Other variables reside in the herbicides used and the modes of their use. At least three agents with differing compositions—"Orange," "White," "Blue" (see Appendix C)—have been used. All have been used with different methods of application (fixed-wing aircraft, helicopter, ground vehicles with high-pressure spray attachments, backpack sprays) and with different objectives (defoliation for reconnaissance and surveillance, defoliation for protection of routes of communication on land and by water, defoliation for improved vision and lines of firing around army bases, crop destruction, accidental dispersal, dumping, and perhaps others). Numbers and quantities of treatment have varied, ranging from single light sprays as a result of wind drift from defoliation missions, over the regular application by fixed-wing aircraft, to very massive local treatments as a consequence of total or par-

tial dumping of the load of an aircraft, because of failure of or damage to the latter. The doses used in regular fixed-wing aircraft missions exceeded those used for nonmilitary purposes by about an order of magnitude; doses delivered to dump areas were greater by at least another order of magnitude. Herbicides have also been sometimes used in combination with a variety of other weapons having direct and indirect ecological effects of their own that may interact with the effects of herbicides: high explosive, fragmentation and anti-personnel bombs, artillery, removal of vegetation by means of super-bulldozers (Rome plows). Bomb cratering is evidently very extensive in parts of the country; an influence on the ecological effects of herbicides is not known but conceivable.

Finally, herbicides have been applied, deliberately or accidentally, over a wide series of environmental types, including mangrove, several types of forests, upland rice farms, and probably, at least accidentally, onto heavily (built-up) populated areas. They have impinged on an as yet not fully determined number of human land-use types, probably including woodlands used for lumber, firewood and charcoal, and for gathering wild food and other products; house and kitchen gardens; uplands used for shifting cultivation of rice and other field, garden and tree crops; transportation routes cross-cutting all varieties of terrain and land use; and military bases in a variety of lowland and upland conditions.

##### (c) Selection of objectives

With the complexities and variables discussed in the two preceding sections, the research design begins to look complex and time-consuming indeed. It was therefore necessary to select objectives that could be studied in the time and with the support available, and would yield the highest return in terms of understanding herbicide effects and their repair. The following areas were chosen for study:

- (1) Herbicide, agriculture and animal husbandry studies, with some related toxicological studies, mainly on dioxin.
- (2) Soil studies.
- (3) Studies of natural biological systems:
  - (i) Mangrove.
  - (ii) Semi-deciduous forests: disturbed and undisturbed.
  - (4) Studies in human ecology:
    - (i) Medical effects.
    - (ii) Epidemiological-ecological effects.
    - (iii) Socio-economic and psychological effects.

The Committee is of the opinion that these study areas cover the most important problems raised by the military use of herbicides in Vietnam, that is, problems that concern the major ecosystems affected by herbicides, including humans, that may have the longest-range consequences, and that have aroused greatest public concern in the United States and outside. The localities that will be covered under this plan of study should include those likely to have been maximally affected and to have suffered long-term if not permanent consequences; they should, to the extent possible, be typical of widespread situations and also representative of situations, irrespective of their ecological or environmental character, where people, crops and livestock may have been heavily exposed; they would include crop lands, plantations, and if practical gardens and other small cultivated plots where it may still be possible to assess direct herbicide effects and where persistence of the agent may be a particularly critical problem, as well as areas where defoliation may have had maximum, although unintentional, beneficial effects (clearing of land for crop production).

#### II. GUIDELINES

The study areas selected have many cross-connections. Thus herbicide (residue) and soil studies are clearly interrelated, and both



are connected with studies on the natural biological systems and on agriculture; the epidemiological-ecological studies are in turn closely connected with the studies on ecological changes in the natural systems. On the other hand, each of the study areas has its specific problems and approaches; this is particularly true of the medical and the anthropological (socio-economic and psychological) areas that represent a relatively separate complex of problems. It is therefore difficult to develop guidelines that will be equally applicable to all study areas. Nevertheless, and bearing in mind that a given guideline may apply to one study area much more than to another, the following guidelines should help to maintain consistency in the work on the various problems:

(1) In order to obtain information on the time sequence of herbicide induced changes, studies will be carried out as much as possible on areas that were sprayed at different times, starting with the most recent spray missions and working backwards to the earliest ones. (The first missions in Vietnam were flown in 1962, following some test missions in 1961; large-scale herbicide application, including all fixed-wing aircraft sprays, was terminated in December 1970.) As a supplementary effort along this line, the Committee intends to inspect other sites where herbicides have been applied on a relatively large scale and under tropical or subtropical conditions. The number of such sites is considerable but most of them seem of little use for our purposes, because of different climate and vegetation, a scale too small for meaningful comparison, or incomplete data. The most promising ones are in Thailand and Puerto Rico, where the Department of Defense has carried out relatively extensive test sprays, and Hawaii, where herbicides have been used extensively to convert jungle into pastures.

(2) Projective studies will employ two principal approaches:

- (i) Extrapolations from the time-sequence studies described under item (1);
- (ii) Experimental studies, mainly planting of selected species.

In areas with relatively light herbicide effects, the extrapolative approach may permit rather accurate estimates of the further progress of the induced changes and of the time needed for recovery. In areas with heavy damage, particularly in the mangrove and probably also in parts of the forests, the time period for which data can be obtained—at the very best, 10 years—is most likely too short for better than an order of magnitude of time estimate. It is particularly in these areas that the replanting approach should be useful. The limitations of such experiments are quite clear to us. Even successful replanting of mangrove seedlings in a heavily damaged mangrove does not mean, of course, that the mangrove is going to be ultimately restored to its original condition. Nor would a successful planting of vegetables on the site of a destroyed forest mean that this site should be converted to vegetable plantations. But such results would indicate that the damaged ecosystem is not irretrievably lost to the ecology and economy of the country; failure of replanting would indicate existence of adverse factors not yet understood and would point up the need of more studies. The replanting approach may be particularly useful also in sprayed agricultural areas, as an assessment and a demonstration of the usefulness of such areas.

(3) It is obvious that undisturbed areas should be studied as controls, and that such control areas should be selected to be as close as possible, spatially and with respect to their climatic, physical and biological conditions, to the test areas. In addition, however, at least in the major natural biological systems to be studied, particularly the forests, efforts should be made to include in

the studies, areas that have been disturbed in other ways: by clear-cutting, bulldozing, fire, bombing and perhaps otherwise. This should help to pinpoint the specific effects of herbicides, and may provide some information, although probably only of a preliminary nature, on interactions between herbicide and other war-related effects.

(4) Particularly in the natural biological systems, close attention should be directed at the condition of the system before spraying with herbicides (and before any other war-related disturbance)—whether it is in its natural "primary" condition or whether it has been previously disturbed in some manner, such as by shifting cultivation, extensive logging (especially so-called high-grading, where the valuable timber species are removed totally while less valuable species, vines, etc. are left to take over), or other. The effect of herbicides on primary forest may be rather different from that on forest already heavily disturbed; preservation of primary forest is of particular significance both for ecological and economic reasons.

(5) Parallel with the field studies, literature studies, designed to obtain further data on effects of herbicides under tropical conditions, will be continued. It should not be forgotten that herbicides have been used in the tropics and subtropics also in peacetime; in underdeveloped countries, there is considerable interest in continuing and expanding such uses. Comparisons of available information on this kind of application and the military use in Vietnam should help to bring both aspects into better perspective. Some information, particularly on contaminants and on degradation, will be sought from the manufacturers of the agents and from other sources.

### III. SOME CONSIDERATIONS OF STRATEGY

Referring, again, to the complexities inherent in the study the Committee has decided—as already mentioned—to carry out the work in two stages: a reconnaissance survey designed to pinpoint problems and localities; and a longer-range study the details of which will be determined using the results of the reconnaissance study.

#### (a) Reconnaissance stage: site selection

The main objectives of the reconnaissance stage will be twofold: firstly, to identify the most suitable localities (sites) for the longer-range work; secondly, to obtain an idea of the range of variables that may be encountered. The details of the approaches will differ, depending on the study area concerned; in particular, whether the work is to deal with nonhuman subjects or with humans. However, the following outline should convey the overall rationale.

The first source for site selection—and for most purposes the principal one—are the records of herbicide use that have been maintained by the Department of Defense for all airborne missions (fixed-wing aircraft and helicopter). Using these records—a large part of which has been computerized—the spray missions can be printed out on overlay maps, according to such criteria as type of agent used, date of spray, objective of mission (defoliation or crop destruction). These overlays, in combination with vegetation maps, should permit us to select herbicide treated areas in different ecosystems, according to a time scale, to the extent of treatment (single or repeated sprays, dump sites), and other criteria that may be of interest. The selected areas will then be inspected from the air, and examined on the ground. By this process it ought to be possible to identify suitable sites and conditions necessary for the comprehensive study.

The second source for site and sample selection will be records and other information from local sources. This may include hospital records, records of midwives, records of herbicide damage claims submitted and ap-

proved, information from American and Vietnamese source persons (agricultural advisers, medical personnel, officials) and any other information that can be obtained at the country, province, district and village levels. This kind of information should be particularly useful in the study areas dealing with humans and should help in identifying areas where humans may have been exposed to herbicides on a substantial scale, with a minimum of other disturbances such as resettlement of populations. The information may be useful also in certain other study areas, particularly those dealing with herbicide damage to crops and livestock.

#### (b) Reconnaissance stage: other activities

Along with the site selection, some sampling, particularly of soil for residue and preliminary fertility analyses, and some observational as well as experimental studies will be carried out, focusing attention on extreme situations. Thus, soil for herbicide residue analyses will if possible be sampled from recent dump sites, since the prospects of finding substantial levels of persisting herbicides are obviously greatest here. Should dump sites not be available, because of problems of identification, security or other circumstances, search would be shifted to areas of recent multiple sprayings. For studies on ecological effects in natural systems, sites will be selected representing heavy treatment and no treatment. Observations will be made on the extent of destruction, presence or absence of recolonization from seeds and of regeneration by vegetative means, invasion by "foreign" species, and signs of erosion. Experimental studies will consist of belt transects designed to determine species diversity and condition of the plants (trees), and sampling and subsequent analysis of soil, water, organic matter, aquatic microorganisms (plankton) and possibly fish. The objective is to bracket the range of situations that will have to be taken into account in the main or longer-range studies.

#### (c) Long-range studies

The results of the reconnaissance studies will permit, it is hoped, a much more precise and specific planning for the main part of the work, the longer-range studies, than is possible at present. For example, if no herbicide residues should be found in the soil of recent dump or other heavily sprayed sites, further analyses can be limited to spot tests in soils, perhaps some analyses of persistent plant material and plant products (concentrates, oil)—if these can be related to sprayed localities—and analyses of animals high in the food chain. More effort could then be directed to field experiments with various agri- and horticultural crops in defoliated areas. If herbicide residues are discovered in dump or other heavy-treatment areas the amounts found should still provide a very useful guide to the concentrations at which further tests would have to be aimed. In principle, while the reconnaissance studies are designed to identify the extremes of the spectrum of possible effects and while the information will be of a semiquantitative nature, the main or longer-range studies will use quantitative approaches, as much as possible, both with regard to the "timing" of the effects (that is, analysis of sites sprayed in a sequence of years) and to the parameters investigated, and will place special emphasis on repair and rehabilitation.

#### (d) Cooperation with Vietnamese

The study will center on effects of herbicides in Vietnam. Thus, it is almost axiomatic that staffing and administration should include Vietnamese. It will be impossible to carry out the longer-range studies without Vietnamese collaboration, and it is the Vietnamese people who must live with the results of defoliation and who, we hope, may derive some benefit from the results of the study. Some Vietnamese personnel may have to be

given special training for work in various specific aspects of the study. Some of this can probably be done in Vietnam; for other, they may have to be brought for two to four weeks to a laboratory in the United States.

#### IV. SOME PERSPECTIVES

Because of the complexity of the study as a whole, the Committee wishes to point out that, whereas in some study areas or problems it should be possible to arrive at reasonably specific answers, in many others the most that can be expected is a better definition of the problem and an indication of the direction or directions in which further work should go.

##### (a) Studies on nonhuman subjects

First considering studies on natural ecological systems, it appears on the basis of all available information that large areas of mangrove have been heavily damaged if not outright destroyed, and that there is little if any evidence of natural recolonization in this ecosystem. If soil analyses should show persistence of the herbicides it would be useful to perform experimental tests on the sensitivity of mangrove species (which is not well known) and thus obtain a firm basis for further strategy in this system. If residue analyses are negative, immediate planting of mangrove seedlings of several appropriate species should give rapid indications of the possibilities of repair through this direct and simple means. Similar attempts should be made, as mentioned earlier, in forests to determine the ability to replant and regrow what appear to be especially sensitive and economically and ecologically important species such as dipterocarps, and perhaps to determine ways of controlling the growth of bamboo and grasses such as *Imperata cylindrica* which, at least according to some information, are thought to "take over" defoliated areas and adversely affect natural regeneration. But to determine the consequences of restoring or not restoring mangroves or dipterocarps—quite apart from the political problems involved that will be touched upon later—would be a much longer task. Consequences in these two examples might include: effects of presence or absence of mangrove on erosion of the shore line; ability to use defoliated mangrove areas for agriculture or other human-beneficial purposes, effects on understory plants of presence or absence of dipterocarps. Natural succession in dipterocarp forests is poorly understood. As already pointed out, in areas with heavy damage, that is areas where the herbicides have been applied at particularly massive levels, we do not expect more than to arrive at order of magnitude estimates on recovery, and perhaps to be able to say that some sort of restoration is (or is not) possible. To analyze the chain of effects of the application of such massive doses of herbicides in quantitative, precise terms requires systematic longitudinal observations with special emphasis on floral and faunal successional sequences in treated and untreated areas and large-scale experimental restoration studies with a wide range of variables and under a wide range of conditions, and most probably including the establishment of reserve forests and similar measures which transcend the confines of physiological and ecological work. It is clear that this is outside the charge, the time limits, and the financial resources of this Committee.

##### (b) Studies on humans

The situation in those areas that deal with humans and quite especially in the areas of socio-economic and of psychological effects is particularly difficult, for two reasons. Firstly, it must be kept in mind that many things have happened to influence and alter human lives in Vietnam simultaneously with the military use of herbicides: increase of population, relocations of populations, urbanization, changes from subsistence agri-

culture to wage labor, plus directly war-related phenomena including changes of diet, changes of living conditions, changes of family structure, and direct assault by a variety of weapons. Because of this, it will be extremely difficult if at all possible, and may moreover be meaningless, to divorce defoliation effects on human subjects from the effects of all these other changes.

Secondly, work on humans is long-term work. In the case of the Atomic Bomb Casualty Commission study in Japan, one year was required for preliminary planning and formation of the working team. The situation in Vietnam in 1971 seems far more complicated than that in Japan in 1945, and the planning alone for a comprehensive study of the effects of defoliants could easily take the entire period of time in which the Committee should complete its work. This means that most of the work with humans that can be carried out under this Committee will be not more than a preliminary survey that will hopefully bring into better focus the problems that should be investigated—and the organizational, logistical and similar problems that may have to be faced in carrying out such an investigation.

##### (c) Conclusions

The foregoing statements should not be interpreted as misgivings on the part of the Committee to embark on its assignment. The sole purpose of the foregoing analysis is to make one point—however, a very important one. The present study should be considered as a first step. We feel it is definitely a step in the right direction, but it is only one step. It should be followed up by further studies that could pursue and expand those lines of approach that we hope to uncover. They should emphasize longitudinal analyses and include large-scale efforts at restoration or rehabilitation. They should have a longer life expectancy than our enterprise, and as broad a base as possible. For the latter reason, as well as for maximum effectiveness and impact, it seems advisable to include the Vietnamese right from the planning stages of any such studies, and to place the studies on some international basis, e.g. through the United Nations (WHO, FAO, UNESCO), organizations such as the International Congress of Scientific Unions, or perhaps an independent international commission formed for this specific purpose.

#### V. SOME QUESTIONS OF POLICY

##### (a) Political questions in connection with herbicide effects

In developing its plans of action the Committee has been well aware that the use of herbicides in Vietnam was in part an outcome of political decisions and has in recent years become a highly emotional political problem. The results of our study may well be put to political uses, especially since the point at which political questions and considerations begin to intrude on the physiological and ecological ones is by no means well-defined and consistent. We may be able to determine whether and how soon herbicide damaged mangrove or the semi-deciduous forest can be restored, and whether certain crop plants can be grown on such sites in place of the original vegetation. But the decision whether mangrove or forest should be restored, or should be used for other purposes involves clearly political considerations. The Government of the Republic of Vietnam may have plans for areas that have been exposed to herbicides, e.g. for the establishment of agroville, resettlement programs for veterans, and mechanized commercial agriculture and forestry. FULRO (a Montagnard organization) and the National Liberation Front may have their own plans. Once more, the problems become particularly complex where human aspects are involved. People may be unable or unwilling to return to their conditions prior to the war and the use of herbicides, even if we could show that the

ecosystem on which they were depending could be restored. Will the Montagnards—quite likely the population group that has suffered as much or more than any other from the effects of herbicides—want to, or be able to return to slash and burn agriculture after they have been exposed to more modern conditions? The psychological responses to herbicides, upon which we have touched at an earlier occasion, would of course also enter into this picture.

While the Committee realizes that political uses of its work cannot be avoided or prevented, it feels that they can easily result in an impairment and negation of the scientific results of this work. It therefore plans to follow certain policies of its own; it furthermore insists that certain provisions are included in the Phase II Contract with the Department of Defense; and it suggests certain public relations steps, all of which should have the effect of minimizing uses and abuses of the Committee's results and conclusions for political purposes.

##### (b) Committee policies

The work of the Committee will be strictly limited to the objectives stated in Section 506(c) of Public Law 91-441, that is *physiological and ecological effects of herbicide application, primarily in Vietnam*. Any conclusions and judgments that carry political implications or involve political decisions will be excluded. For example, in studies on mangrove or semi-deciduous forest we will ask, can the mangrove or the forest be restored?; how long may restoration take?; can it be enhanced and by what measures? We will not state whether or not the mangrove or the forest should be restored, except if restoration is justified on purely natural reasons (e.g., if the mangrove should be essential for prevention of coastal erosion). We shall also study whether some plants that may be useful for the ecology and the people of the country can be grown on defoliated mangrove and forest areas, and under what conditions or natural premises. But we shall not try to tell the Vietnamese whether to grow these crops, and which. In specific cases, most probably in the first place again those involving human subjects, it may be difficult to find the precise dividing line, but on the whole this approach should help to avoid involvement in problems in which, for one thing, the Committee does not feel at all competent.

##### (c) Provisions to be included in the contract

(1) Planning, direction and execution of the study are the exclusive responsibility of the Academy; so is the selection and appointment of all scientific and technical personnel needed to carry out the work.

(2) During the course of its work, the Committee will continue to have, through the Chairman and the Staff Officer, access to any information in the hands of the Department of Defense that may be pertinent for its work. The decision on this latter point rests with the Committee. Classified information needed for inclusion in or as backup material for the final report will be declassified by the DOD.

(3) Ownership and control of all data resulting from the studies resides in the National Academy of Sciences, including full rights of publication. To assure Committee members of freedom of publication, they should also be given rights to publish the materials they have gathered, after completion of and with credit to the study but otherwise subject to no limitations except as outlined below.

(4) Statements of individuals are privileged communications and are not to be disclosed to anyone without prior consent of the respondent, under circumstances in which he or she could be identified.

(5) Data from surveys should be handled as "pooled" data unless permission has been



received to make direct attributed quotations.

(6) The Contract should state explicitly the intention to include studies on repair and rehabilitation. (We suspect this is neither legally binding, nor legally limiting, but it should make the study more convincing.)

(7) Every effort should be made to safeguard the privacy and welfare of all respondents in the study, regardless of their political positions or their responsibilities regarding defoliation. It should be clear to respondents that it is not and cannot be the task of the Committee to assign blame or establish guilt.

(8) All publicity should be in advance agreed upon and coordinated between the Contract partners, i.e. Department of Defense and NAS. It should always precisely reflect the basic set-up of the study: Origin in Congress; contract with DOD; a Committee appointed by the President of NAS; planning and execution of the study the exclusive responsibility of this Committee; all personnel working on the study selected and appointed by, and responsible to the Academy. It should also be made clear that the Committee has no objectives of a political or military nature; quite specifically, it is not concerned with an evaluation of the military usefulness of herbicides, and is quite independent from any other group that may be studying this particular question or any other political or military issue related to herbicides.

#### PHASE II—RECONNAISSANCE STUDIES

##### I. SURVEY OF ACTIVITIES

The reconnaissance stage of Phase II was carried out in the period September 16 to October 23, 1971. A. Lang, Committee Chairman, and P. Ross, Staff Officer, arrived in Saigon on September 16, established contacts with the U.S. and Vietnamese military and civilian authorities necessary for conducting further work; analyzed the information on location, time and nature of the spray missions that have been flown, particularly since 1965; and made extensive helicopter flights over those parts of the country where herbicides have been used on a major scale, taking a considerable number of photographs. A list of these overflights follows:

(1) Agricultural regions in the Mekong River Delta (herbicides applications mainly along rivers and canals; mangrove along an arm of the Mekong River; the Plain of Reeds in the southwestern part of the country, near the Cambodian border (herbicide sprays mainly in 1968, with agents Orange and Blue);

(2) U Minh Forest on the western coast of the southernmost part of the country and the mangroves of the Ca Mau region, near the Vietnamese naval base Nam Can ("Solid Anchor") in the southernmost tip of the country (sprays mainly in 1967-69, agent Orange; some in early 1970 with agent White);

(3) Mountain regions in the northern part of the country in Quang Nam, Thua Thien, and Quang Tri Provinces where crop destruction missions with agent Blue have been flown in the valleys in 1968-69;

(4) The mangroves in the Rung Sat Special Zone, southeast of Saigon in the Saigon River Delta, and forests in the so-called War Zones C and D, north and northeast of Saigon (in either region, heavy sprays with Orange and White between 1965 and 1969); also, rubber plantations near Quan Loa (claims of herbicides damage by drift).

(Flights over the Rung Sat mangroves were later also arranged for several Committee members.)

On September 27 Lang and Ross proceeded to Bangkok, Thailand, where they met with seven members of the Committee (Blackman, Drew, Fryer, Golley, Richards, Tschirley, Zinke), and the group, accompanied by Dr. Charles E. Minarik, Director, Plant Sci-

ences Laboratory, Department of the Army, and Dr. Roy Linsenmyer, Science Advisor, CINCPAC, visited and studied some of the test plots for herbicide application that had been established by DOD near Pran Buri in 1964-65.

On October 5 the entire group travelled to Saigon; the various members left, depending on their commitments, between October 13 and 23. During this stay, the group made the following studies in the field:

(1) A reconnaissance trip by boat along the waterways in the Rung Sat mangrove region, with a short foray on land near Loi Giang on the Song Dong Tranh channel, near the center of the region and a site heavily sprayed with Orange and White between 1965 and 1969;

(2) On the ground, visits to:

(a) mangrove in the Ca Mau region, near Nam Can: one site that had been sprayed with agent Orange in 1968, and one with agent White early in 1970, plus adjacent unsprayed "control" sites (2 days);

(b) sprayed (agents Orange and White, 1969) and unsprayed forest sites near Dong Xoai, Phuoc Luong Province, 55 miles north of Saigon (2 days);

(c) three dump sites (that is, sites where an entire payload of a herbicide had been released within a time of ca. 30 seconds, because of aircraft trouble) near Bien Hoa, north of Saigon (one day). One site—agent Blue, November 1968; two sites—agent Orange, December 1968 and April 1969.

In Pran Buri and on all field trips in Vietnam, soil samples were taken for herbicide analyses (total, ca. 100 samples) and for studies of fertility factors (ca. 100 samples). These samples have been analyzed for residues in the laboratories of the Weed Research Organization, Agricultural Research Council (Great Britain), Oxford, England (Director, Committee member J. D. Fryer); for soil fertility in the laboratory of Committee member P. Zinke, University of California, Berkeley. Also collected was plant material from different sites, and water and plankton samples in one of the canals in the Rung Sat mangrove area on the boat trip through this region. Finally, qualitative surveys and a few at least semi-quantitative transect determinations of vegetation were made.

In addition to the field work, more contacts were established, particularly with personnel in USAID, CORDS and ARPA; these will be important sources for information on such matters as agricultural effects of herbicides, effects on forests and forest utilization, and effects on people. Cooperation with Vietnamese scientists was also established and formalized; this will be reported separately (see below, section V).

A separate field trip, which also formed part of the Phase II reconnaissance work, was undertaken on November 21 when, following a Committee meeting in San Juan, Puerto Rico, nine members of the Committee visited herbicide application test plots in the Loquillo Mountain.

It should be pointed out that the reconnaissance work covered only part of the problem areas selected for study, namely those dealing with the herbicides themselves (residue problem), soils, and natural biological systems (mangrove, semi-deciduous forests). All problems concerning human ecology and also some effects on agriculture had to be excluded because the Committee members most knowledgeable in these problems were not available for this visit and because at the time of the reconnaissance visit we did not have any Committee members in the area of anthropology. In retrospect it appears however that because of the logistical problems to be outlined, it would not have been possible to do, in the time available, more than was actually done. Work in human ecology is to be initiated in the near future; the first question to be con-

sidered is how much, if any, of such work is practical under the existing conditions and within the time available.

#### II. OBSERVATIONS AND GENERAL CONCLUSIONS

In the tropics, what seems a reasonable plan of action at a distance seldom can be accomplished *in situ* because of various logistical, technical and personnel limitations. Obviously, in Vietnam, the problems are greatly aggravated by the fact that the country continues to be involved in a war, and moreover a war with no clear front lines and no clear distinctive marks for friend and foe. The visit to the country enabled us on the one hand to have a look at those ecological "systems" that we want to study, and to collect some factual information that has helped us greatly in pinpointing certain objectives. On the other hand, we got a first-hand concept of the logistical difficulties under which the studies have to be carried out. In the following, those observations that have had the greatest bearing for the planning and conduct of further studies will be summarized.

##### (1) Factual observations

(a) A very important general reaction one carries away from both aerial and ground inspections is that it is impossible to arrive at meaningful conclusions both from random checks on the ground and from qualitative surveys from the air. The reason is the very great diversity of situations on which the stress by herbicides has been superimposed. In the mangrove, while recovery (meaning both recolonization by seedlings and regeneration of surviving individuals) is on the whole limited and slow, one can observe in very close proximity, definitely within a site that was subjected to the same herbicide treatment, areas where seedlings are as dense as in so-called pioneer mangrove, and areas with almost no sign of vegetation. If one happened to see only the latter situation he could make a persuasive case for complete and rapid recovery; if he saw only the other he could make an equally good case for complete lack of recovery, i.e. total and permanent destruction of the mangrove. In the semi-deciduous forests, the diversity is even greater. In part, this is due to natural factors (differences in surface physiognomy, proximity of rivers, and other); in part, to disturbances that have been introduced, both before and after herbicide spraying, by logging; or slash and burn agriculture, and perhaps other forest uses. In the forest region near Dong Xoai the Committee inspected two sites, one sprayed, one unsprayed, ca. 10 miles apart. The first site had rather dense tree stands, dense undergrowth and very little if any bamboo; the other had very few tall trees left and very vigorous development of bamboo. The first site was flat and with no nearby river; the second hilly and next to a river. Both areas were heavily disturbed forest, as evidenced, for example, by the complete absence of *Dipterocarpus* species, the most characteristic trees in primary forests of this part of the world. However, degree and nature of disturbance—aside from the herbicide treatment—were different. Part of the difference must have existed before the spray. Thus, the bamboo were of a size that could not have developed in a matter of two years (the spray missions were flown in 1969-70). Part may have been introduced afterwards, as suggested from the different degrees of logging that was going on in the two sites. In some parts of the country the situation has been aggravated by military activities other than herbicide application, mainly, clearing vegetation by mechanical means (Rome plows), and heavy bombing. The Committee feels strongly reinforced in its belief that a meaningful analysis of the effects of herbicide application in Vietnam requires objective quantitative evaluations. This holds in

the first place for the natural vegetation but by extrapolation undoubtedly also for any other aspect of herbicide effects when herbicides have been used on the scale and in the amounts they have been used in Vietnam. In studies on natural biological systems, the best approach would be to conduct extensive on the ground studies of plants, animals and soils, using the theoretical designs and quantitative techniques available for such work. Special care would have to be directed at a representative but random selection of sites and it would be optimal to include unsprayed areas, areas subjected to different spray programs, and areas in undisturbed primary forest and in forest disturbed in varying degrees and by different means. If this is not possible—and it is not; see below!—the next best choice is use of techniques that permit coverage of large areas and an unbiased evaluation. The most likely candidate is aerial photography, with flights over a sufficient number of "transects" and followed by visual or even better photomechanical analysis. Other techniques of remote sensing may also be useful.

(b) The visits to the spray test sites in Pran Buri (Thailand) and Puerto Rico were of distinct but limited value. The gains were four-fold: First, the visit to Pran Buri offered the Committee members an opportunity to carry out "dry runs" of their projected studies under comparable conditions of vegetation and climate but without concern for security problems, a severe handicap in Vietnam (see below). Second, the analyses of soils from the Pran Buri sites for fertility provided useful data and some will, in fact, be continued. Third, trees at the Puerto Rico site may be useful for preliminary studies on wood cores, as a basis for efforts to assess the effects of herbicides on the growth of trees that survive the treatment. Fourth, it became apparent, particularly at Puerto Rico, from inspection and from reports by the local forestry scientists, that it may take a herbicide-treated tree as many as five years to die. This lag in the killing effect seems not to have been properly appreciated. Assessment of damage after short periods of time (1-2 years) may thus fail to give a complete picture; repeated assessments over a five- or six-year period would probably be optimal when they are possible. The limitations on the value of the test site for our study were threefold. First, as may be anticipated, vegetation and climate in Pran Buri and Puerto Rico, while having similarities with Vietnam, also exhibit marked dissimilarities. The species composition in Puerto Rico and in Vietnam is quite different; the rainfall in Pran Buri is only little more than half that in Vietnam. Second, the forest of the test sites in Pran Buri was secondary forest (no dipterocarps), i.e. had been subjected to considerable disturbance already before the sprays. Since the disturbance factors are unknown it is very difficult to apply any data to the situation in another forest. Third, disturbance has continued since the test sprays; a road and a canal have been built through one of the areas; farmers (squatters) have moved in and put part of the land under cultivation—apparently, with good success; charcoal was being made; and the Thai Army seems to use the region for fire practice and other purposes.

(c) The overflights that we have made have shown that in the mangrove there are still areas that show very little if any vegetation. In the semi-deciduous forests, in contrast, no such areas were observed. Even in regions, such as parts of War Zones C and D, where the large trees to a large extent have been apparently killed, there was heavy growth on the ground, and it was practically impossible to see the soil. It seems that rapid re-vegetation is taking place, but the nature of this for the early stages of re-vegetation are very important for understanding its course, that is, successional trends, and even

more important if it should be desirable and possible to influence this trend.

(d) Among all soil samples that were analyzed for this purpose, herbicide residues were found only in samples from one location. The herbicide was 2,4,5-T, one of the components of agent Orange, and the site was in a heavily sprayed area of the Rung Sat mangrove. The level found was low—about an order of magnitude below the minimal level resulting in a biological response in the most sensitive test plants. This finding should not be generalized to mean that the herbicides have largely disappeared from the soils in Vietnam since our checks were spot checks. But it does indicate that degradation has made considerable progress, and that it may be difficult if not impossible to determine with any degree of accuracy both the speed of degradation, and its kinetics. These are, however, parameters that are very important to know, both in order to understand the effects of herbicides on vegetation and in order to determine the re-use of treated lands.

#### (2) Logistical problems

(a) Difficulties were encountered in identifying suitable sites for studies. Our choices were based on the spray missions data, as printed out for us by the computer (see above, p. 8), combined with information from vegetation maps from Vietnam, plus any other information, e.g. from local sources, military personnel familiar with herbicide missions, etc., that could be found. For the mangrove, this procedure seems in general satisfactory. But in the semi-deciduous forest, it may lead one astray. The main reason is the great diversity that can be found in this ecosystem even within quite a limited area and that has been mentioned above (section 1, item (a)). In addition, the computer print-outs of the spray missions are not always as exact as they may appear. They are based on the coordinates of the starting and the end point of the mission and show the mission almost with no exception as a straight line. In very many cases this is correct, but in some when a mission was flown along a road or a waterway, it followed the course of these and the direction between the two end-points was changed. The sprayed area in Dong Xoai that was selected for a visit on the ground, not only differed from the control (unsprayed) area in physiographic characteristics and degree of pre- and post-spray disturbance, but whereas from the mission print-outs it appeared to be within the confines of a single treatment with agent Orange, it seems in fact to have been on the boundary between swatches treated with Orange and White. It must be said that in this particular case "experiment" and "control" were as poorly matched as one can imagine, and this was the most serious gap in our reconnaissance observations. It is quite possible that a few miles away a much more suitable area could have been found, but the information at hand was not enough to be certain, and the security situation, which will be discussed in the next section, did not permit to explore this on location. In one case, the information from the military records appears to have been entirely erroneous. We landed at a village (Thanh Binh, Bin Duong Province), which according to these records had been the site of a dump of agent White, but the village chief denied that there had been a dump (or indeed any herbicide damage except possibly a little from drift). The chief had been in his post at the time of the alleged dump; he was familiar with herbicide effects as he knew of another, near-by dump site we had visited before. There appears to be no reason for him to deny a dump if one had indeed happened. Possibly, there was a coordinates error in the original flight report by the crew of the plane. In future site selections, it will be necessary to make the ultimate decision on the basis of direct overflights, possibly combined

with aerial photography or some other remote sensing investigation, and where possible to seek corroboration from local sources. The latter must still be done in the case of all genuine dump sites that we visited during the reconnaissance trip.

(b) The main logistic problem, however, remains security. For each of our on the ground forays into mangrove or semi-deciduous forest the selected area, about one square kilometer, was first "swept" and cordoned off by two companies of Vietnamese troops. Two hours later we could enter the area accompanied by another dozen or more U.S. and/or Vietnamese soldiers. If, as it happened with the sprayed area near Dong Xoai, the selected site turned out to be not suitable it was obviously impossible to repeat the maneuver on the same day. A visit to a near-by site would require the same amount of administrative and military preparations. The time that could be spent on the ground was limited, on the one hand by those preparatory security measures, on the other by such factors as the schedule of helicopters, which were a major means of transportation but which had to return to their base by a fixed time, also because of security. The time available was in fact in most cases sufficient for the studies we wanted to make, but in one case (one of the dump sites) we had to pull out before completing sampling. But this security (or nonsecurity) situation imposes severe limitations on the work of the Committee. It seems clear that work on the ground, particularly in semi-deciduous forests, will have to be considerably reduced as compared to our initial plans. It will also have to be done mainly in locations near so-called population centers, that is, military bases and villages—even though this in itself is a disadvantage since the degree of disturbance increases with the proximity to such centers, because of local herbicide applications around military bases, as well as of logging and other human activities in the forests. Even in such areas, work will have to be limited to short time periods, not exceeding a day and at irregular intervals, since any regularly scheduled activity at a given spot is bound to attract attention and may cause aggregation of unfriendly forces. In view of these difficulties and limitations the question may be asked—and it has been asked by the Committee—whether any useful results can be obtained from studies particularly in the semi-deciduous forests, or whether it would not be preferable to defer any work until peaceful conditions have been reestablished in the country. The Committee feels however that at least an effort should be made, for the reason stated under section 1, item (c), that is, the apparent rapid changes that are occurring in the forests and that make it most desirable to obtain some understanding of the nature of these changes and of their possible consequences. Delaying studies for an unknown period of time may deprive them of a firm basis and seriously reduce their usefulness. The Committee is well aware that the results may be far from perfect.

#### III. MODIFICATION OF WORK PLANS

After returning from the reconnaissance trip, the Committee held a meeting at San Juan, Puerto Rico, on November 19-21, 1971 and reviewed its plans for the long-range studies in the problem areas of herbicides, soils, agriculture and natural biological systems in the light of the experiences gained in Vietnam and Thailand. As mentioned before, it also inspected herbicide spray test sites in Puerto Rico. The modified work plans are summarized in the next section. Since work on herbicides, soils, and agricultural problems is closely inter-related, these areas have been combined into one section. The study plans in human ecology are not included in this survey since they have not been substantially changed from the original plans, and are still tentative.



In the problem areas of herbicides, soils, agriculture and natural biological systems, the principal modifications fall into three general categories:

(1) Because of the limitations for on the ground work imposed by the security situation, both in large parts of the mangrove and throughout the semi-deciduous forests, emphasis will be placed on interpretation of aerial photography and if possible and desirable other methods of remote sensing, and complemented with a number of ground checks. Computerized listing of the Department of Defense's stock of aerial photographs of Vietnam will be utilized along with and in a similar manner as the spray mission tapes, making it possible to obtain parallel information on all herbicide applications in a given site, as well as all photographic surveys that have been made of this site, both before and after the spray missions. Where necessary, the photographic information on hand will be supplemented by additional photography. In this manner, it should be possible to obtain important data on total areas treated; degree of kill; extent and progress of revegetation including eventual changes in the major species composition, for example, the development of bamboo in treated areas of the forests.

(2) Modeling will be useful as another tool to help us understand the interactions in the natural biological systems. Models are extensively and profitably used in ecology; they permit an overall assessment of the productivity and certain other characteristics of an ecosystem, as well as predictions of the trend of changes caused by some external impact, in our case, the herbicides. Some information that is required to build the models is available or can be readily obtained from existing data (e.g., solar energy input from meteorological and climatological data). Other can be safely adopted from existing information in other parts of the world (e.g., productivity of mangroves and tropical forests). Some will have to be determined on the spot, but most of these studies will be made also for other objectives. Modeling may be able to assist in the assessment of the impact of herbicides, parallel to more direct assessments by the more conventional methods, in our case on the ground studies and photogrammetry. It may also pinpoint problems for further studies.

(3) Because the degradation of herbicides in the forest soils and the growth of vegetation in sprayed areas have clearly made considerable progress, experimental work is planned to provide information on the early stages of herbicide degradation. This will consist of limited application of herbicides to selected test areas, followed by monitoring the herbicide levels in the soil, soil fertility, and survival or recovery of vegetation over a period of one year. In addition, planting experiments with selected species will be made to determine directly when treated soil can again sustain vegetation. To ensure success of this relatively long-range work it will be carried out not only in Vietnam, but in another country with comparable conditions. It is clear that these experiments must be carried out with maximum care and will be limited in extent. Because of the importance of information on the early events after application of a herbicide for an understanding of the longer-range effects and the possibilities for recovery, these studies are however considered as an essential part of the overall plan.

#### IV. WORK PLAN OUTLINE FOR FURTHER STUDIES

##### A. Studies of herbicide residues, soils, and agriculture

1. Substantiation of dump sites studied in reconnaissance phase:

- (a) Aerial photography of sites.
- (b) Interview of local people.

2. Field trials: Treated and controls in

Mangrove sites—Rung Sat and in other countries:

(a) One acre plots each treated with Orange and White, 3 gal./acre:

(1) 10 soil samples for residue studies, before treatment, one month and six months after treatment.

(2) 100 surface samples for fertility studies, before treatment, one month and six months after treatment.

(b) Cleared plots treated with Orange and White:

(1) 30 plots, 65 x 65 feet, treated with 0, 3 and 9 gal./acre.

(2) Soil samples for residue studies before treatment, one month, six months and nine months after treatment.

(3) Biomass studies of cleared vegetation.

(c) Two half-acre cleared plots treated with Orange and White:

(1) 28 plots, 6 x 50 feet.

(2) Spray rates 0.0, 0.3, 1.0 and 3.0 gallons of agent per acre.

(3) Soil samples for residue studies before treatment, one month, six months and nine months after treatment.

(4) Crops planted after treatment of plots: Rice, corn, peanuts, sweet potatoes.

(5) Crops planted one month, six months, nine months after treatment.

3. Field trials: Treated and controls in forest sites—rubber plantations in Vietnam, and forests in other countries:

(a) Same as 1.a and 1.b.

4. Soil sampling on treated sites in Pran Buri, Thailand:

(a) 100 samples in each of two plots for fertility element analysis.

(b) Samples in profile across calibration grid.

5. Information on agricultural problems:

(a) Interviews with Agricultural Advisors and local farmers:

(1) Information on extent of damages.

(2) Information on growth of crops introduced on sprayed areas.

(b) Inspection of crops for phytotoxic symptoms:

(1) Areas sprayer, Rome plowed and planted along roads.

(2) Upland, paddy rice areas sprayed with Blue.

(3) Mangrove areas: Rung Sat, Ca Mau.

6. Literature survey on laterization of tropical soils.

7. Literature survey for effects of herbicide on domestic animals.

##### B. Studies of natural biological systems

1. Mangrove:

(a) Weed competition on the effect on recolonization of defoliated areas by mangrove species:

(1) Quadrat studies in Rung Sat.

(2) Aerial photography.

(b) Availability of mangrove seeds for recolonization:

(1) Quantity, viability, and seasonality of mangrove seed in Rung Sat.

(2) Distributional patterns of seeds.

(c) Extent of recolonization and regeneration:

(1) Aerial photography and ground verification in Rung Sat and Ca Mau for extent and rate of recolonization and regeneration.

(2) Treatment of one acre plot of intact mangrove—correlated with soil and residue studies:

(1) Differential susceptibility.

(2) Recolonization and regeneration.

(e) Field trials, planting experiments in Rung Sat:

(1) 100 seeds of each mangrove species.

(2) Measurements on survival and growth, one month and six months after establishment.

(f) Fertility indices in estuarine areas of Rung Sat:

(1) Measurements of pH, salinity, plankton, small fish, mangrove seeds.

(g) Modeling studies of the ecosystem, using input from above, especially f.l.

2. Semi-deciduous forests:

(a) Analysis of vegetation by aerial photography:

(1) Areas analyzed from 1965 to end of project.

(b) Role of bamboo in defoliated areas:

(1) Literature search.

(2) Aerial photograph interpretation with ground verification.

(c) Composition of undergrowth:

(1) Analysis of change in successional vegetation in defoliated areas, if any.

(2) Seedlings and juveniles by species and number.

(d) Species susceptibility:

(1) Transects to determine differential species susceptibility and percentage of plant kill.

(2) Aerial photograph interpretation.

(e) Long and short-term economic impact on forestry and forest products:

(1) Interviews with local forestry personnel.

(2) Literature review and on-site investigation of reproductive biology of major species.

(f) Economic analysis expressed in terms of energy loss (or gain) to the ecosystem:

(1) Data gained from above investigations.

(g) Modeling studies.

#### V. COOPERATION WITH VIETNAMESE SCIENTISTS

As explained earlier, the Committee felt strongly from the outset that cooperation with the Vietnamese scientists was most important, not only because of the direct assistance that they could provide to our work, but also because they may have to continue the studies after the Committee has completed its work. Accordingly, contacts with Vietnamese colleagues were initiated before the first trip to Vietnam, and were pursued upon our arrival in Saigon. In consequence of the contracts that were thus established a Vietnamese National Herbicides Committee has been formed, under the chairmanship of Professor Le Van Thoi, Director of the National Scientific Research Council of the Republic of Vietnam. Its membership is listed in Appendix A-1. Professor Le Van Thoi and another member of the Vietnamese Committee, Professor Pham Hoang Ho, are also members of our own Committee, ensuring close liaison and cooperation. Plans for joint work are already under development. Thus, at least part of the soil fertility analyses will be carried out at the Agricultural Research Institute in Saigon. The experimental studies in Vietnam, described in Section III, item (3) are being planned jointly with Professor Ho. Because of their familiarity with the country, and with logistical and other assistance on our part, the Vietnamese can most probably carry out studies in parts of the country that would not be readily accessible to foreigners. On the whole, the Committee on the Effects of Herbicides in Vietnam feels that the establishment of close cooperation with our Vietnamese counterparts will be of great mutual benefit and is a most gratifying and welcome development in our work.

#### VI. ACKNOWLEDGEMENTS

In conclusion of this report, it is a pleasure to acknowledge the generous cooperation that the Committee has received from a number of Vietnamese, American, and Thai personnel which has been essential in the successful completion of the reconnaissance work.

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#### MILITARY USE OF HERBICIDES—MAJOR CHEMICALS USED IN SOUTH VIETNAM

(U.S. Department of Defense Data)

Agent Orange: 2,4-D and 2,4,5-T:

Composition: A 1:1 mixture of the n-butyl

esters of 2,4-dichlorophenoxyacetic acid and 2,4,5-trichlorophenoxyacetic acid.

Active Ingredients: 4.1 and 4.4 lb./gal.

Application: Undiluted at 3 gal.=12.3 or 13.2 U./acre. Often applied a second time.

Major use: Against forest vegetation.

Agent White: 2,4-D and Picloram:

Composition: A 4:1 mixture of the tri-isopropanolamine salts of 2,4-D and 4-amino-3,5,6-trichloropicolinic acid in water. (Picloram is the same as Dow Co. "Tordon"; the mixture used is the same as Dow Co. "Tordon-101.")

Active Ingredients: 2.0 and 0.54 lb./gal.

Application: Undiluted at 3 gal./acre.

Major use: Same as for agent Orange.

Agent Blue: Cacodylic Acid:

Composition: A 6:1 mixture of sodium dimethyl arsenate and dimethyl arsenic acid in water. (Cacodylic acid is the same as Ansol Co. "Phytar-560G".)

Active Ingredients: 3.1 lb./gal.

Application: Undiluted at 3 gal./acre.

Major use: Against rice and other food crops.

#### MAINE SHIPBUILDERS EXCEL

Mrs. SMITH. Mr. President, I have long contended, and from an admittedly prejudiced point of view, that the shipbuilders of Maine, whether it be those of the Navy yard or those of private yards, were the best in the world. Consequently, I am very much gratified with the corroboration given in at least one instance by a study of the well respected firm of Ernst & Ernst.

In a report made last November, Ernst & Ernst reported that first, the Philadelphia Naval Shipyard man-hours on the DLG naval ship conversions exceeded the man-hours of the Bath Iron Works of Bath, Maine by 39 to 52 percent; and second, the total cost differential between the Philadelphia Naval Shipyard and the Bath Iron Works on the DLG conversions was found to be 109 to 124 percent higher for the Philadelphia Naval Shipyard than for the Bath Iron works.

Maine shipyard workers excel, whether they be at the private shipyard of the Bath Iron Works or at the Kittery Naval Shipyard. For back in 1964, at my request, the General Accounting Office made a survey and study of costs at all of the Government naval shipyards and found that:

First, the Kittery-Portsmouth Naval Shipyard had the lowest direct labor hourly cost of all the then 11 Government naval shipyards;

Second, the second lowest overhead rate per direct labor hour; and

Third, the second lowest total hourly cost.

These were facts with which I confronted the then Secretary of Defense McNamara when he ordered the closing of the Kittery-Portsmouth Naval Shipyard—and some of the basic facts on which I continued through the years to oppose the McNamara-Johnson closure order. I was most gratified last year when President Nixon, in recognition of the great value of Kittery-Portsmouth Naval Shipyard, reversed the unwise and unrealistic McNamara-Johnson decision and order to close the Kittery-Portsmouth Naval Shipyard, rescinded that order, and directed that the shipyard remain in operation.

Some times it takes a long time for the

truth to win out and for realism and justice to prevail. But now in these findings and studies, the people of Maine and the Nation have proof of the excellence of Maine shipbuilders and shipworkers, whether they be at the Bath Iron Works or at the Kittery-Portsmouth Naval Shipyard.

#### PIECEMEAL HEALTH CARE IN THE UNITED STATES

Mr. KENNEDY. Mr. President, the Washington Star for February 17 contains an article by Judith Randal which emphasizes the heart of America's health care crisis—the fact that the current system of patchwork, piecemeal health care we receive in the United States today is totally inefficient and inadequate.

One of the principal purposes of S. 3, the Health Security Act that I have introduced is to overcome the wide range of gaps and inequities that are so rampant in the Nation's health care system today.

By contrast, the administration's bill does far too little to alleviate these serious problems. Instead, as Miss Randal's article points out, it simply fails to deal effectively with these problems. As a result, enactment of the administration's bill would simply perpetuate the existing crisis.

I believe that Miss Randal's article will be of interest to my colleagues in the House and Senate. 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.

#### GRAND DESIGN FOR HEALTH INSURANCE (By Judith Randal)

Worried about the plight of Blue Cross and the profits of private health insurance companies? Fret no more. With campaign contribution time upon us, the Nixon administration has been worried, too, and if things work out as it hopes they will, everyone concerned can rest easier on these scores.

Secretary of Health, Education and Welfare Elliot L. Richardson was too busy on Thursday to explain in person what he and his colleagues were proposing to Congress as amendments to the still-pending National Partnership for Health bill which President Nixon sent to Congress a year ago tomorrow.

But a quintet of assistant secretaries and deputy assistant secretaries was made available to the press to spell out the grand design—illustrating the time-tested principle of Washington news conferences that if there are certain things the government would just as soon obscure, the more spokesmen trotted out the better. Football fans would recognize it as a variation of the hidden ball trick.

Be that as it may, reporters were able to elicit a number of points which should cheer that segment of the ordinary citizenry that puts the welfare of insurance companies ahead of its own. For while the proposed legislation would require the states to regulate the firms in accord with certain minimum federal standards, the object is, as one HEW official explained, to give the public "confidence" without putting "undue burdens on the industry."

Fat chance. Premium rates, for example, would be left entirely to the states and with the close ties many insurance companies have to state legislatures and insurance commissions that in itself says the industry can count on remaining alive and well.



Similar comfort is to be found in the provision that would allow any citizen to sue a state that failed to regulate its insurance companies. Admittedly, it's an ominous possibility.

But remember that citizens are taxpayers and that taxpayers have to pay government lawyers before they hire any of their own—one of the many reasons that litigation can drag on for years and why fighting city hall is such an unrewarding pursuit.

Which brings us to the advice sought on the issue from the consumer movement. Yes, indeed, it was sought, Stuart Altman, HEW deputy assistant secretary for planning and evaluation, told reporters. No, no one had talked with labor unions or the Consumer Federation of America.

But, in addition to touching base with Ralph Nader and Altman's mother, they had talked with the National Association of Manufacturers and the United States Chamber of Commerce. And yes, in this context, both the NAM and the Chamber are consumer groups in HEW's view.

Under the proposed Nixon program, the bulk of Americans would—unless they chose otherwise—be covered by health insurance through their employers. Some 75 million, however, or a third of the population, are either self-employed, employed only part-time, sufficiently well off not to be working, or work for employers too small to be included in the plan.

These would have access to the same package of benefits through a series of shared risk pools. Sounds good or at least better than most of the options now available? Fair enough, but these people would almost certainly have to pay more—perhaps as much as 30 percent more—for their premiums.

On the principle that there should be something for everyone, even if it is a different something, the Nixon program also includes the "family health insurance plan" for the poor and near poor with children.

In essence, this plan would provide them with federal subsidies to buy health insurance and although the benefits would be excellent in some respects, they would be less than those of the middle class in others. Is this to continue to be the American way?

As for the 4 million or so too young for Medicare who are too poor to be able to buy health insurance and who have no children, they are apparently non-persons (unless they are blind or disabled)—at least in the eyes of the HEW official who told reporters at last week's briefing that "every single American, one way or the other will have access to a basic health care plan," if the Nixon program is enacted.

The administration thinking is that Medicaid—the federal partnership with the states—would step in to provide coverage. But, in fact this is problematical because most Medicaid plans specifically exclude such people and because plan after plan has been cutting back benefits. Besides, two states—Arizona and Alaska—have never enacted Medicaid.

#### LEBANESE IMMIGRANT SETS EXAMPLE OF AMERICAN SUCCESS STORY

Mr. BYRD of West Virginia. Mr. President, in this day and age when integrity, industriousness, compassion, and an unselfish regard for one's fellow men seem to be the exception rather than the rule, it is a privilege to be able to salute a man who embodies all of these valuable qualities.

On February 16, 1972, Nicholas Rahall of Beckley, W. Va., celebrated his 90th birthday, and the story of this man's life should serve as an inspiration to all who cherish hard work, determination to

succeed, love of family, and humanitarianism as integral to the best in our American way of life.

Nick Rahall was born in Lebanon in 1882, one of seven children. He emigrated to the United States in 1903 and became a door-to-door salesman in Charleston, W. Va. He traveled on foot from Charleston to Beckley and into the surrounding coal mining communities. The Lebanese peddler recalls sleeping in farmers' barns in the winter and under the stars in the summer.

After 5 years, Nick Rahall returned to his native Lebanon for 3 years where he launched into the establishment of olive and grape orchards and took unto himself a wife. In 1911, he returned to America with his wife and 2-year-old daughter and settled in Beckley, which is still his home.

Despite the tragedy of his wife's death in 1924, which left him with the responsibility of raising six children, Nick Rahall set to and expanded his business interests that had started on Main Street with a modest confectionery store. In 1926, he remarried and became immersed in building a remarkable success story. Real estate business, retail merchandising, the hotel business, and, eventually, the ownership of an impressive chain of radio and television stations came to comprise the Rahall commercial empire.

The death of his third son in an air crash in 1952 once again brought tragedy into Nick Rahall's life, but even in that sadness, he did not forget others. In memory of his son, and in concert with his remaining sons, he established scholarships at Woodrow Wilson High School, in Beckley, and at West Virginia University.

The only Greek Orthodox Church in West Virginia is in Beckley. Its existence is due in very large measure to the generosity of the Rahall family, which contributed 75 percent of the funds to build it. But with all Nick Rahall's generosity to his adopted State and country, he never forgot his native land of Lebanon, or Kfier—his birthplace there. The helping hand of Nick Rahall is everywhere evident in the Lebanese town he left so many years ago. Schools, medical installations, scientific and civil centers owe their existence largely to his loyalty and openheartedness. That these contributions did not go unnoticed was shown in 1958, when Nick Rahall was the recipient of the Lebanese Civic and Education Medal awarded by the President of Lebanon, Camille Shamoun.

Nick Rahall is a modest man, who can rightly be proud of his worldly possessions. Yet, he gives less than passing attention to fame or honors. He much prefers the warmth of his family and the simple and sincere friendship of those who know and appreciate his cheerful and uncomplicated personality.

Sir William Osler, the famous physician, had three ideals which could so well be those of Nicholas Rahall:

One, to do the day's work well . . . the second, to act the Golden Rule as far as in me lay . . . the third, to cultivate such a measure of equanimity as would enable me to bear success with humility, the affection of my friends without pride, and to be ready when the day of sorrow and grief comes to meet it with the courage befitting a man.

Mr. President, the story of Nick Rahall—a story that has many parallels in the history of our country's development—should be an inspiration to those who believe, as I do, that America is still the land of opportunity. Contrary to what some of America's detractors would have us believe, this Nation still presents to young people of courage, ambition, and drive, even greater avenues to success than existed almost three-quarters-of-a-century ago when Mr. Rahall first came to this country.

We hear much these days of those who are called "underprivileged" or "disadvantaged" or "needy," and there are people to whom these words might be rightfully applied. But it is difficult to think of many who are worse off today than was a penniless Lebanese immigrant 69 years ago.

Nick Rahall decided early in his life that hard work, unswerving determination, and a substantial personal sacrifice were needed for reward under the American system. He is living proof of the rightness of that decision. That system is still with us and so are the opportunities for individuals with Nick Rahall's qualities.

Mr. President, I ask unanimous consent to insert in the RECORD a news story by Eve Breck which appeared in the Beckley, W. Va., Post Herald and Register on February 20, 1972, calling attention to the 90th birthday of Nick Rahall.

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

#### HONORS HEAPED UPON NICK RAHALL IN OBSERVANCE OF 90TH BIRTHDAY

(By Eve Breck)

With a message of congratulation from the President of the United States, an accounting of his achievements and philanthropies in the Congressional Record, the respect and admiration of family, friends and associates, a native of Lebanon celebrated his 90th birthday in Beckley Saturday.

Nick Rahall of Beckley has lived a story-book kind of life from humble beginnings in his native town of Kfier, Lebanon, to head of a multi-million dollar enterprise, becoming too a benefactor to hundreds in his homeland and uncounted numbers in his adopted country. (See editorial on Page 6.)

The story of the Beckley businessman is told eloquently in a booklet written by Bill David in June, 1967, recounting his leadership in establishing the Kfieran Foundation—an organization dedicated to modernization and improvement of his childhood home, the improvements he financed in Lebanon as an individual, his generosity in financing the only Greek Orthodox Church in West Virginia in his adopted hometown of Beckley, the many scholarships he and his family have established, contributions to the Danny Thomas St. Jude Hospital in Memphis, and many unrecited acts of generosity.

"Nick Rahall is a modest man. Short of stature, caring little for his worldly possessions, he gives less than passing attention to pomp and circumstance, to glory and fame," David wrote.

"But holding a place of honor in Nick's West Virginia home is a small medal. . . . On June 8, 1958, the medal was awarded by Lebanon's President Camille Shamoun and pinned to his label by the First Secretary of the Lebanese Embassy in Washington before a gathering of more than 150 civic leaders and friends who were guests of Rahall's sons in Beckley. The impressive assemblage was capped by a telegram from the then President Dwight D. Eisenhower which read in

part, "This is splendid recognition of your philanthropy abroad and provides another strong link in our historic ties to the people of Lebanon. Congratulations."

"Nick has never been one to speak out in public," David wrote, "but on this occasion . . . with the modesty that has always been his," he accepted the medal "on behalf of all the sons and daughters of Lebanon who have immigrated to the United States. Many of the people in this room aided and assisted me in this work. Mr. Ambassador, we are proud of our mother country and we honor the stand she is taking today against the many 'isms' that have grown up in the world."

"I am very happy in my adopted state and nation. It gave me the opportunity to grow with it, to accumulate some property and to enable me to assist my mother country in the form of donations for the purposes of education and municipal affairs. It also gave me the opportunity to raise a fine family."

"In spite of the fact most of us have been away for many years, we still cherish the memories of our childhood and the love of our deceased parents buried in Lebanon soil."

Nick Rahall first came to the United States in 1903, at the age of 21 with little formal education, practically no money, and little knowledge of the English language.

He shows no reticence in recalling that he began what turned into a truly fabulous business career as a "pack peddler." His fierce independence started him in business for himself, traveling on foot through many parts of southern West Virginia—including Beckley—often sleeping in barns during the winter months and under the stars when the weather was pleasant. Five years and he returned to Lebanon where he married, built a home, and his first child Josephine was born.

The land of opportunity David recounts, continued to beckon, however, and the family moved back to the United States in 1911, settling in Beckley. "Nick had ambition and determination; he was not afraid of hard work, he was a born salesman; he possessed his Lebanese heritage," the David story says. From a confectionary store, Rahall branched into real estate investments, acquiring valuable downtown Beckley properties. While he avoided trading for speculation, Rahall's fortunes, improved most noticeably in early years when he bought the property where the Beckley Federal Savings & Loan Co. is now located for \$15,000 and sold it five years later to the Beckley National Bank for \$75,000.

Rahall also continued with retail enterprises until he retired "officially" in 1938.

He had fathered four sons and another daughter after returning to America, N. Joe, Farris, Deem, Sam and Julianne. He was a loving father and a stern disciplinarian, David writes, repeating a comment by one of his sons that, "His ideology has inspired us to bring us to where we are today."

"Where they are today" is in the executive offices of Rahall Communications, Inc., a company traded on the big board as operator of a St. Petersburg, Fla., television station and numerous radio stations including WWRN in Beckley.

The man has known sorrow. First in the death of his wife, Daley, in 1924, the mother of his six children, and much later in the death of his son Deem. His third son had distinguished himself in the Air Force and was ironically killed in a plane crash while returning from a business trip June 6, 1952. His eldest daughter, Josephine died about two years ago.

Rahall remarried in 1926. He and his wife Wadia continue to live in the home he built in 1922 on East Main Street where children

and grandchildren gathered Saturday to honor a man they obviously love and respect.

At 90 Rahall's mind is clear and he continues to be a guide and inspiration to his sons in their vast business affairs.

Indeed too, many a Beckleyan who may know the elderly gentleman only casually find a possibly drab day brightened by any brief encounter with him when he makes his daily stop at Rahall's Inc., the ladies wear shop he founded and later sold to his son N. Joe, or as he makes his way between his East Main Street home and the business district. His handshake is warm and his cheerful conversation welcome.

The dinner honoring Rahall was held in the Black Knight Country Club for 47 guests and was also the occasion for announcement of the engagement of Rahall's eldest grandson, Nick Joe Rahall II. Nick Joe II and Miss Helen Oliver McDaniel of Alexandria, Va., will be married in Arlington, Va., Aug. 19.

Nick Joe displays many of the attributes of his grandfather, ambition, hard work and a kind affection for his family. He is currently a part-time graduate student at George Washington University, employed in the U.S. Senate.

#### 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. 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.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

#### TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business (H.R. 12910), which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

The Senate resumed the consideration of the bill.

Mr. LONG. Mr. President, I am sure that the Members of this distinguished body will readily understand when I say that neither I nor my colleagues on the Finance Committee are happy to have to bring before the Senate this measure which increases the public debt limitation for the remainder of this fiscal year. Nonetheless, this bill has our support and we urge the Senate to pass it promptly. The plain fact is that we have no choice about the matter. We must raise the debt ceiling—and raise it soon—if the Government is to continue to operate and to meet its bills as they come due. By the middle of March, we will be over the present ceiling.

Because the Finance Committee was impressed by the need to obtain an immediate increase in the debt limit, we reported the pending bill in the same form as it passed the House. The Treasury figures show clearly that unless we take action now, within a week we will be over the present \$430 billion temporary debt limit.

In addition, on June 30 of this year, the debt will automatically drop from this temporary \$430 billion limit to the presently authorized \$400 billion permanent level. Since the debt subject to limit on this June 30 date is expected to be \$443.4 billion, this means that the outstanding debt on that date would be more than \$43 billion in excess of the ceiling under present law.

I do not think it will come as startling news to anybody that the need to raise the debt ceiling comes as a result of the record budget deficits that have been incurred in recent years. The administration's recent budget document indicates that the unified budget deficit for fiscal 1972 will be almost \$39 billion—more than one and one-half times the previous biggest peacetime deficit which occurred in fiscal year 1968. In fact, the projected deficit for fiscal 1972 is more than \$27 billion larger than the \$11.6 billion deficit originally projected in the 1972 budget document. Increased spending contributed to this result. But the most important single reason why the deficit for fiscal 1972 will be so much larger than the administration's initial estimates is that tax receipts in that year are expected to be \$13 billion under the original administration estimates. This in turn results from the fact that the gross national product failed to reach the levels projected by the administration in calendar year 1971.

Moreover, the outlook is that the unified budget deficit will remain high in fiscal 1973. The administration estimates a unified budget deficit of \$25.5 billion for that year.

The budget deficits that we have been incurring are even larger on a Federal funds basis in which the large surpluses in the social security and other trust funds are not offset against the deficit. For example, on a Federal funds basis, the estimated deficit amounts to almost \$45 billion for fiscal 1972 and over \$30 billion for fiscal 1973. From the standpoint of the debt ceiling, it is necessary that we use the Federal funds deficits rather than the unified budget deficits since only the Federal funds deficits reflect the total borrowing necessary during the fiscal year. This is primarily because only the Federal funds deficits reflect the amounts we owe to the trust funds.

In recognition of these hard facts, the pending bill raises the temporary debt limit to \$450 billion from its present temporary level of \$430 billion. This increase of \$20 billion in the temporary debt limit is effective from the date of enactment of this bill until June 30, 1972, the close of the current fiscal year. The bill makes no change in the perma-



nent limit which remains at its present level of \$400 billion.

The new \$450 billion temporary debt ceiling provided by this bill represents a tight ceiling which will serve as a restraint on spending and yet be adequate for the economical management of the public debt during the period it is effective. According to the Treasury's figures, the peak debt subject to limitation, assuming a constant \$6 billion cash balance, will reach the \$450 billion level on June 15, 1972. As a result, the new debt limit provided by the bill will be adequate to carry the debt only through the end of this fiscal year and does not represent one penny more than is required for this purpose alone.

In addition, the fact that the \$20 billion temporary increase in the debt ceiling provided by this bill will be effective only up to June 30, 1972—or less than 5 months—will enable Congress to keep close surveillance on the size of the public debt. In effect, it means that Congress will be given an opportunity to examine the debt ceiling again, soon.

At the present time, there is a great deal of uncertainty regarding the size of the tax receipts that can be expected in fiscal 1973. In large measure, this is because it is most difficult to estimate what the economic situation, which influences these tax receipts, will be in fiscal 1973. A reappraisal of expected tax receipts later this year will help us to get a more accurate picture of the movement of the national debt. The need for this more current reappraisal is shown by the fact that the budget document for fiscal 1972 grossly overestimated tax receipts because it anticipated that the economic situation would be better than it actually turned out to be.

Similarly, we should have a more accurate picture in June of both actual Federal outlays for the fiscal year 1972 and the projected Federal outlays for the fiscal year 1973. Since Congress has not yet reached any decisions as to the level of appropriations for the fiscal year 1973, it is difficult at this time to estimate how

the outlay requirements for that year which are presented in the budget might be modified by congressional action.

In view of these facts, it is apparent that the adoption of the \$450 billion temporary debt ceiling provided by the pending bill represents responsible and prudent action. In fact, we have no choice but to approve this bill. Unless we do act responsibly and provide an adequate debt limit, the Treasury Department will not be able to issue any new Government obligations, the Treasury's cash balance will be exhausted rapidly, and the Government will be compelled to delay full payment of contract obligations, Government salaries, various loan and benefit programs, and grants to State and local governments. It is obvious that we cannot permit these things to happen.

The debt limit in this bill of \$450 billion, of course, seems very large—the highest limit yet proposed. As large as it is, though, we need to keep it in perspective by comparing it with the gross national product and the total of private debt. These comparisons show us that the burden of the national debt in relation to our economic capabilities has decreased year by year.

Since the end of 1946, the first full year after the end of World War II, the gross national product has increased almost five times, from \$221.4 billion to over \$1 trillion at the end of 1971. In that same period of time, the total Federal debt subject to the limit—which includes the debt issued by Federal agencies—rose about 63 percent—from \$261 billion to \$425 billion. As a result, the outstanding Federal debt was about 118 percent of GNP at the end of 1946 but only about 41 percent of GNP at the end of 1971 roughly about one-third of the burden it was in 1946.

Mr. President, I ask unanimous consent that the table showing this relationship be printed in the RECORD.

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

TABLE 1.—TOTAL OUTSTANDING FEDERAL GOVERNMENT DEBT RELATED TO GROSS NATIONAL PRODUCT, 1946-70

[In billions of dollars]

End of calendar year	Gross national product <sup>1</sup>	Outstanding Federal debt	Federal debt as a percent of gross national product
1946	221.4	260.7	117.8
1947	245.0	257.6	105.1
1948	261.2	253.8	97.2
1949	260.5	257.9	99.0
1950	311.2	257.8	82.3
1951	338.2	260.2	76.9
1952	361.0	263.3	73.0
1953	360.8	276.0	76.5
1954	379.8	279.5	73.6
1955	409.7	282.2	68.9
1956	433.2	278.3	64.2
1957	438.1	278.1	63.5
1958	469.2	285.3	60.8
1959	496.8	296.5	59.7
1960	503.4	296.6	58.9
1961	542.8	303.0	55.8
1962	574.7	311.3	54.2
1963	611.8	317.4	51.9
1964	654.0	327.0	50.0
1965	719.2	330.7	46.0
1966	770.2	343.3	44.6
1967	825.4	364.8	44.2
1968	899.5	373.1	41.5
1969	955.6	382.0	40.0
1970	1,004.6	401.6	40.0

<sup>1</sup> Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. Mr. President, similarly, for the period from 1946 through 1970, the outstanding Federal debt increased 54 percent while the debt of individuals, corporations and State and local governments increased over 800 percent.

These comparisons show that the Federal Government has made relatively less use of debt to finance its operations than any of the other three major groups in our economy.

Mr. President, I ask unanimous consent that the table showing the relationship of these different types of debt for this period be printed in the RECORD.

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

TABLE 2. ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES, 1946-70

[Dollar amounts in billions]

Dec. 31	Private			State and local	Outstanding Federal debt (including Federal agency issues)	Total	Percent Federal total	Dec. 31	Private			State and local	Outstanding Federal debt (including Federal agency issues)	Total	Percent Federal total
	Individual	Corporate <sup>1</sup>	Total						Individual	Corporate <sup>1</sup>	Total				
1946	59.6	109.3	169.2	16.1	260.7	446.0	58	1959	245.0	341.4	586.4	66.6	296.5	949.5	31
1947	69.4	128.3	198.3	17.5	257.6	473.4	54	1960	263.3	365.1	623.4	72.0	296.6	997.0	30
1948	80.6	139.4	220.0	19.6	253.8	493.4	51	1961	284.8	391.5	676.3	77.6	303.0	1,056.9	29
1949	90.4	140.3	230.7	22.2	257.9	510.8	50	1962	311.9	421.5	733.4	83.4	311.3	1,128.1	28
1950	104.3	167.7	272.0	25.3	257.8	555.1	46	1963	345.8	457.1	802.2	89.5	317.4	1,209.1	26
1951	114.3	191.9	306.2	28.0	260.2	594.4	44	1964	380.1	497.3	877.4	95.5	327.0	1,299.9	25
1952	129.4	202.9	332.3	31.0	268.3	631.6	42	1965	416.1	551.9	968.0	103.1	330.7	1,401.8	24
1953	143.2	212.9	356.1	35.0	276.0	667.1	41	1966	466.9	617.3	1,084.2	109.4	343.3	1,536.9	22
1954	157.2	217.6	374.8	40.2	279.5	694.5	40	1967	480.6	672.9	1,153.5	117.4	364.8	1,635.7	22
1955	180.1	253.0	434.9	46.3	282.2	763.4	37	1968	520.3	774.6	1,294.9	127.4	373.1	1,795.4	21
1956	195.5	277.3	472.8	50.1	273.2	801.2	35	1969	556.0	888.9	1,444.9	136.0	382.0	1,962.9	19
1957	207.6	295.8	503.4	54.7	278.1	836.2	33	1970	582.8	968.0	1,550.8	148.1	401.6	2,100.5	19
1958	222.9	312.0	534.9	60.4	285.3	880.6	32								

<sup>1</sup> Includes debt of federally sponsored agencies excluded from the Budget which amounted to \$700,000,000 on Dec. 31, 1947; \$9,000,000,000 on Dec. 31, 1967; and \$21,500,000,000 on Dec. 31, 1968.

Source: Commerce and Treasury Departments.

Mr. LONG. Further, Mr. President, in examining the size of the Federal debt, it is well to keep in mind its relationship to factors concerned with the performance of the economy. The degree of our concern with an increase in the debt should be related not only to the size of the Federal debt itself but also to the size of the private debt and the size of the gross national product. For example, the amount of the debt this Nation can stand obviously must take into consideration the size of the Nation's production out of which this debt must eventually be paid. For that reason, I had a table prepared to demonstrate the relationship of the private plus the public debt to the gross national product starting in calendar year 1929. This is table 8 on page 9 of the Finance Committee report. It is a very useful table showing the factors which we should be concerned with.

It demonstrates that in 1932 the total public and private debt then was 343 percent of the gross national product, a high figure reflecting the large volume of credit outstanding in 1932 relative to production. This was certainly an important factor in the financial disaster that overtook the country at that time.

The latest figure we have on that relationship shows the total debt, including this Federal debt now to be 209 percent of the gross national product. This makes it clear that the entire national debt is far less than it was at an earlier date.

Another factor one should consider in weighing the significance of our Federal debt is how much is held by the Federal Government itself, in its trust funds, such as the social security trust fund, the veterans insurance fund, the civil service retirement fund, and others. It is true that this money can be regarded as belonging to the ultimate beneficiaries but, in any event, it is not proposed that these funds would be reduced but rather that they would either continue to be increased or at least maintained at their existing levels. When one takes these factors into account he realizes that, in the last analysis, the Government trust funds amount to money that the Federal Government owes to the Federal Government. This debt which is held by all Government accounts amounts to \$106 billion, and another \$70 billion is held by the Federal Reserve System.

The Federal debt held by Government accounts can be viewed in a different light than the Federal debt held privately. This latter amount is the debt the Federal Government owes to individual citizens or corporations, or to other non-Federal-Government borrowers. This shows more clearly the plight the Government actually faces in terms of paying a debt to those who hold it outside the Government itself. When one does this he sees that the Federal net debt at the end of 1971 is \$325 billion. This is shown in table 9 in the committee report and there this total is compared with private debt.

That table shows, the high point of the Federal net debt as a percentage of the total public and private debt occurred in 1945 when the Federal net debt represented 62 percent of total debt. This Federal as a percent of total debt has de-

clined to where the latest figure in 1970 is 16 percent of the total debt. In other words the Federal debt percentage now is about one-quarter of what it was in 1945.

So if one looks at the Federal debt in relation to other factors, the situation we face today is not, in my judgment, as bad as it has been in the past.

If I were to pick out an item in the economy today that we should be seriously concerned about, it would be unemployment. This is clearly higher today than it should be. Also the economy is not performing at the growth level we should have a right to expect.

Mr. President, this growth in the gross national product as well as in the real per capita Federal debt is shown on a year-by-year basis in a table appearing in the committee report on page 14, table 11.

In this table, in the third column, we can look at the change in the rate of GNP growth on a year-by-year basis. We can even look at its administration by administration. Democrats particularly will find cause for satisfaction in this table, because the Democratic years tend to reflect a more satisfactory growth rate than do the years in which Republicans have occupied the White House. For example, during the Nixon years, the annual growth of the economy appears to have averaged only slightly over one-half of 1 percent, while during the Eisenhower years it was about nine-tenths of 1 percent.

During the Kennedy and Johnson years, the average annual growth rate was 3.3 percent or more than 3 times the average rate in the Eisenhower years. After all, this GNP growth rate is one of the main factors we look at to see how well the economy is being managed.

In the judgment of this Senator, it does very little good to claim that we have managed to have a balanced budget if we do not have a balanced economy and if we have a great many people out of work. And it does little good to take credit for the fact that the national debt increased but little if the private debt increased greatly or if we had a very poor performance for the overall economy.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BYRD of Virginia. Mr. President, the point the Senator makes is that we have neither a balanced budget nor full employment. We have a situation now where we have a budget that is tremendously unbalanced and we have high unemployment. We have neither a balanced budget nor full employment.

Mr. LONG. The Senator is correct. The point I am making is that if I had to pick out what I think is the worst factor in the present situation—and the Senator might differ with me on this—the outstanding one would be that we have altogether too many people out of work. As a result we are not making full use of our resources. We are getting a very sluggish performance out of our economy.

Mr. BYRD of Virginia. I agree with the Senator from Louisiana, except that I

think both are dangerous. I think that one reason we are in this fix is because there is a lack of confidence on the part of the public, and that lack of confidence goes back to these smashing deficits. It goes back to the tremendous national debt. It goes back to the fact that the Government refused to put itself on a sound basis.

I think that is the major reason for the unemployment. What this Government is trying to do is handle our economy as one would mix hot and cold water from a spigot at home. It cannot be done. This country is too big to do that.

Mr. President, I do not pretend to be an expert. I am not an expert. However, to these so-called theorists who say, "We will get the right mix, and we will pump these heavy deficits into the Government so that we will reduce unemployment." I point out that it has not reduced unemployment at all.

It was brought out in testimony before the Finance Committee, of which the Senator from Louisiana is the able chairman, by Secretary Shultz, who admitted under questioning, that the unemployment rate is not better now than it was in November 1970. Yet we ended the fiscal year last year with a smashing deficit for the purpose of creating employment. We will end this fiscal year with a smashing deficit for the purpose of creating employment. And according to the testimony of the chief fiscal officers of our Government, we are in exactly the same position now on unemployment as we were in November 1970. It has not come down a bit.

We are on an unsound basis. And I think that the people of the country see that we are on an unsound basis. That is why there is a lack of confidence on the part of the public and that is why the savings of the individuals now are higher than at almost any time in our history.

The Government is complaining about that. It says that if the people will go out and spend, we would be all right. That might be the reason that the people are not going out and spending because they do not have too much confidence in the direction in which our country is going and they want to save a little bit of money in the event things turn out to be worse, as I think they might.

I think the Nixon administration got off to a good start in the first 2 years and did a splendid job. Then a year ago last January, it completely changed its course and said, "We will reverse ourselves now. We will become Keynesian in our economy and deliberately run a huge deficit."

They did not say it would be \$45 billion. They did not expect a \$45 billion deficit. They expected a much smaller deficit. That shows that we cannot handle the economy as we would a spigot.

They said that we would have a Federal funds deficit of \$23 billion and that that would be fine. However, they did not have a deficit of \$23 billion. They had a deficit instead of \$45 billion, almost double.

I submit this country is too big and too complicated to have a group of theorists say, "We are going to have exactly



the right mix by spending more money. And by spending more money, we will put the country back in shape."

I say that we are on an unsound basis. I say that we are trying to spend our way to prosperity and that it cannot be done in my judgment.

Mr. President, I thank the Senator for yielding.

Mr. LONG. Mr. President, we have prepared a committee report and a record in public hearings which I believe contain a wealth of information. For those who wish to study this problem and the factors that are relevant to it, there is the table that appears on page 57 of the hearings that I would like to have printed in the RECORD because I believe it brings out some of the relevant factors.

I ask unanimous consent that the tabulation that appears on page 57 of the hearings entitled "Privately Held Federal Debt Related to GNP" be printed at this point in the RECORD.

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

#### PRIVATELY HELD FEDERAL DEBT RELATED TO GNP

[Dollar amounts in billions of dollars]

	Gross national product <sup>1</sup>	Privately held debt <sup>2</sup>	Ratio of debt to GNP (percent)	Year-to-year price changes (percent) <sup>3</sup>
Dec. 31—				
1929	\$96.7	\$16.0	16.5	0.2
1930	83.1	15.8	19.0	-6.0
1931	66.9	17.7	26.4	-9.5
1932	56.8	19.4	34.2	-10.3
1933	60.3	21.9	36.3	.5
1934	68.6	28.0	40.8	2.0
1935	77.4	32.0	41.3	3.0
1936	86.5	35.3	40.8	1.2
1937	87.6	36.6	41.8	3.1
1938	87.6	37.9	43.3	-6.8
1939	94.8	40.1	42.3	-5
1940	107.6	42.6	39.6	1.0
1941	138.8	54.0	38.9	9.7
1942	179.0	95.5	53.4	9.3
1943	202.4	142.9	70.6	3.2
1944	217.4	193.1	88.8	2.1
1945	196.0	228.2	116.4	2.3
1946	221.4	206.1	93.1	18.2
1947	245.0	199.1	81.3	9.0
1948	261.2	192.0	73.5	2.7
1949	260.5	197.7	75.9	-1.8
1950	311.2	196.6	63.2	5.8
1951	338.2	193.1	57.1	5.9
1952	361.0	196.8	54.5	.9
1953	360.8	200.9	55.7	.6
1954	379.8	204.2	53.8	-4
1955	409.7	204.8	50.0	.5
1956	433.2	199.4	46.0	2.9
1957	438.1	198.8	45.4	3.3
1958	469.2	204.7	43.6	1.8
1959	496.8	214.8	43.2	1.5
1960	503.4	212.4	42.2	1.5
1961	542.8	217.8	40.1	.7
1962	574.7	222.8	38.8	1.2
1963	611.8	223.9	36.6	1.6
1964	654.0	227.0	34.7	1.2
1965	719.2	225.6	31.4	1.9
1966	770.2	227.5	29.5	3.4
1967	825.4	237.2	28.7	3.0
1968	898.3	238.9	26.6	4.7
1969	952.0	232.1	24.4	6.1
1970	1,004.6	239.0	23.8	5.5
1971 estimated	1,089.0	255.7	23.5	3.4

<sup>1</sup> Implied level of gross national product, Dec. 31.

<sup>2</sup> Borrowing from the public less Federal Reserve holdings, unified budget concept.

<sup>3</sup> Measured by the all item Consumer Price Index.

Mr. LONG. Mr. President, I ask unanimous consent, in order that this information might be freely available, that excerpts from the relatively brief com-

mittee report—which is only 19 pages—be printed at this point in the RECORD. I make this request so that the information in it might be available to those 70,000 students who study the CONGRESSIONAL RECORD and that they might make the best use they might care to make of the information that the committee prepared on factors relevant to the national debt and the growth of the economy.

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

#### I. SUMMARY

This bill is concerned with the statutory debt limitation. The permanent debt limitation, under present law, is \$400 billion. Present law also provides for a temporary additional increase of \$30 billion, providing an overall limit of \$430 billion, effective through June 30, 1972.

The bill provides for a further temporary increase in the debt limitation of \$20 billion, also effective through June 30, 1972. No change is made by the bill in the permanent debt limitation. As a result, the total debt limitation through June 30, 1972 (including the permanent debt limitation of \$400 billion, the existing temporary limitation of \$30 billion, and the new temporary limitation of \$20 billion provided by this bill) is to be \$450 billion. Since both temporary limitations expire on June 30, the total debt limitation as of July 1, 1972, reverts to \$400 billion. The limitation needed for the fiscal year 1973 will be considered by the committee later this spring. The administration requested an overall limitation of \$480 billion, or a further temporary increase of \$50 billion, which it expected would be sufficient until about the middle of February 1973.

The debt limitations for the years since 1941, together with the limitation provided by this bill, are shown in table 1, below.

TABLE 1.—STATUTORY DEBT LIMITATIONS, FISCAL YEARS 1941 TO DATE, AND PROPOSED LIMITATION FOR THE FISCAL YEARS 1972 AND 1973

[In billions]			
Fiscal year	Statutory debt limitation		
	Perma- nent	Tempo- rary addi- tional	Total
1941 through Feb. 18	\$49		\$49
1941: Feb. 19 through June 30	65		65
1942 through Mar. 27	65		65
1942: Mar. 28 through June 30	125		125
1943 through Apr. 10	125		125
1943: Apr. 11 through June 30	210		210
1944 through June 8	210		210
1944: June 9 through June 30	260		260
1945 through Apr. 2	260		260
1945: Apr. 3 through June 30	300		300
1946 through June 25	300		300
1946: June 26 through June 30	275		275
1947-54	265		275
1955 through Aug. 27	275		275
1955: Aug. 28 through June 30	275	\$6	281
1956	275	6	281
1957	275	3	278
1958 through Feb. 25	275		275
1958: Feb. 26 through June 30	275	5	280
1959 through Sept. 1	275	5	280
1959: Sept. 2 through June 29	283	5	288
1959: June 30	285	5	290
1960	285	10	295
1961	285	8	293
1962 through Mar. 12	285	13	298
1962: Mar. 13 through June 30	285	15	300
1963 through Mar. 31	285	23	308
1963: Apr. 1 through May 28	285	20	305
1963: May 29 through June 30	285	22	307
1964 through Nov. 30	285	24	309
1964: Dec. 1 through June 28	285	30	315
1964: June 29 and 30	285	39	324
1965	285	39	324
1966	285	43	328

#### Statutory debt limitation

Fiscal year	Perma- nent	Tempo- rary addi- tional	Total
1976 through Mar. 1	\$285	\$45	\$330
1967: Mar. 2 through June 30	285	51	336
1968 <sup>1</sup>	358		358
1969 through Apr. 6 <sup>1</sup>	358	7	365
1969 after Apr. 6 <sup>1</sup>	358		358
1970 through June 30 <sup>1</sup>	365	12	377
1971 through June 30 <sup>1</sup>	380	15	395
1972 through June 30 <sup>1</sup>	400	30	430
Later years	400		400
Proposed:			
From enactment through June 30, 1972 <sup>2</sup>	400	(?)	450
After June 30, 1972 <sup>2</sup>	400		400

<sup>1</sup> Includes FNMA participation certificates issued in fiscal year 1968.

<sup>2</sup> Existing 30 plus 20 additional.

#### II. STATUTORY DEBT LIMITATION

##### A. Revenue and expenditure estimates submitted to committee

For the fiscal year ending June 30, 1972, revenue and expenditure estimates submitted by the administration indicate a Federal funds deficit of \$44.7 billion and for the fiscal year 1973, a Federal funds deficit of \$36.2 billion. These estimates are summarized in table 2.

TABLE 2.—FEDERAL FUNDS RECEIPTS AND EXPENDITURES, FISCAL YEAR 1971 ACTUAL, AND FISCAL YEARS 1972 AND 1973 ESTIMATES<sup>1</sup>

[In billions of dollars]			
	1971 actual	1972 budget estimates <sup>2</sup>	1973 budget estimates <sup>2</sup>
Excluding proposed revenue legislation:			
Receipts	133.8	137.8	151.3
Expenditures	163.7	182.5	186.8
Deficit (—)	-29.9	-44.7	-35.5
Including proposed revenue legislation:			
Receipts	133.8	137.8	150.6
Expenditures	163.7	182.5	186.8
Deficit (—)	-29.9	-44.7	-36.2

<sup>1</sup> Details may not add due to rounding.

<sup>2</sup> As indicated in the budget document for fiscal year 1973

The estimates shown above for both the fiscal year 1972 and the fiscal year 1973 are based on the Federal funds concept, since this closely corresponds with the way in which the debt limitation is calculated. The principal difference between a Federal funds budget deficit and a unified budget deficit is the fact that the former does not include the effect of the surpluses built up by the social security and other trust funds. Since the budget is frequently shown on a unified budget basis, however, the committee for comparative purposes also includes the discussion below with respect to the unified budget.

For the fiscal year 1972, the administration estimates that the unified budget deficit will be \$38.8 billion and that in the fiscal year 1973, the deficit will amount to \$25.5 billion. For both fiscal years, these estimates include revenue legislation proposed by the administration. Without these proposals, the administration's estimates of the deficits would be \$39 billion in 1972 and \$26.2 billion in 1973. These estimates are summarized in table 3.

TABLE 3.—UNIFIED BUDGET RECEIPTS AND EXPENDITURES, FISCAL YEAR 1971 ACTUAL, AND FISCAL YEARS 1972 AND 1973 ESTIMATES<sup>1</sup>

[In billions of dollars]			
	1971 actual	1972 budget estimates <sup>2</sup>	1973 budget estimates <sup>2</sup>
Excluding proposed revenue legislation:			
Receipts.....	188.4	197.6	220.0
Expenditures.....	211.4	236.6	246.3
Deficit (—).....	—23.	—39.	—26.2
Including proposed revenue legislation:			
Receipts.....	188.4	197.8	220.8
Expenditures.....	211.4	236.6	246.3
(Deficit (—)).....	—23.	—38.8	—25.5

<sup>1</sup> Details may not add due to rounding.<sup>2</sup> As indicated in the budget document for fiscal year 1973.

The administration's estimates of unified budget receipts in the fiscal year 1973 represent an increase of \$23 billion above the current estimates for the fiscal year 1972. The estimated increase reflects a \$750 million rise attributable to proposed revenue legislation and a \$22.4 billion rise anticipated by the administration as the result of its forecast of a higher level of economic activity for the calendar years 1972 and 1973.

The surpluses and deficits in the budget accounts for fiscal years 1972 and 1973 are shown in table 4. The trust funds show surpluses in both fiscal years and when the surpluses are offset against the deficits in the Federal funds accounts, they produce the net budgetary deficit shown in the unified budget totals. The three accounts and their interrelationships are shown in the table, with estimates of receipts and outlays. The estimates of receipts include the estimated effects of the administration's proposals for revenue legislation. The trust funds show an estimated surplus of \$5.9 billion in fiscal year 1972 which offsets the \$44.7 billion deficit in the Federal funds accounts to produce a net deficit of \$38.8 billion in the unified budget. For fiscal year 1973, the trust fund surplus is estimated at \$10.7 billion, and when this is offset against the Federal funds estimated deficit of \$36.2 billion, it produces the unified budget deficit of \$25.5 billion.

TABLE 4.—FEDERAL RECEIPTS, OUTLAYS, AND SURPLUS OR DEFICIT INCLUDING PROPOSED REVENUE LEGISLATION, FISCAL YEARS 1972 AND 1973

[In millions of dollars]		
	Fiscal year budget <sup>1</sup>	
	1972	1973
Federal funds:		
Receipts.....	137,788	150,617
Outlays <sup>1</sup> .....	182,519	186,784
Deficit (—).....	—44,731	—36,167
Trust funds:		
Receipts.....	73,163	83,214
Outlays <sup>1</sup> .....	67,215	72,519
Surplus (+).....	+5,948	+10,695
Intragovernmental transactions.....	—13,124	—13,046
Unified budget:		
Receipts.....	197,827	220,785
Outlays <sup>1</sup> .....	236,610	246,257
Deficit (—).....	—38,783	—25,472

<sup>1</sup> The budget document for fiscal year 1973.

The administration's estimates of unified budget receipts for the fiscal years 1972 and 1973 are presented in table 5, with a breakdown in terms of the types of taxes.

TABLE 5.—UNIFIED BUDGET RECEIPTS, FEDERAL FUNDS, AND TRUST FUNDS, ESTIMATED RECEIPTS FOR FISCAL YEARS 1972 AND 1973,<sup>1</sup> INCLUDING PROPOSED LEGISLATION

[In millions of dollars]		
	Fiscal year 1972	Fiscal year 1973
Unified budget receipts:		
Individual income taxes.....	85,600	93,900
Corporation income taxes.....	30,100	35,700
Social insurance taxes and contributions.....	54,092	63,683
Excise taxes.....	15,200	16,300
Estate and gift taxes.....	5,200	4,300
Customs duties.....	3,210	2,850
Miscellaneous receipts.....	3,525	4,052
Total.....	197,827	220,785
Federal funds receipts:		
From the Public: <sup>2</sup>		
Individual income taxes.....	85,500	93,900
Corporation income taxes.....	30,100	35,700
Excise taxes.....	9,175	9,735
Estate and gift taxes.....	5,200	4,300
Customs duties.....	3,210	2,850
Miscellaneous receipts.....	3,504	4,032
Total.....	137,689	150,517
From trust funds.....	99	101
Total.....	137,788	150,617
Trust funds receipts:		
From the Public: <sup>2</sup>		
Social insurance taxes and contributions.....	54,092	63,683
Excise taxes.....	6,025	6,565
Miscellaneous receipts.....	21	20
Total.....	60,138	70,268
From Federal funds.....	13,025	12,945
Total.....	73,163	83,214

<sup>1</sup> As shown in the budget document for fiscal year 1973.<sup>2</sup> Reflects \$900,000,000 decrease under proposed legislation for private pension plans.<sup>3</sup> Reflects \$193,000,000 increase under proposed legislation to change the taxable wage base for social insurance purposes.<sup>4</sup> Reflects \$1,130,000,000 increase under proposed legislation to change the tax rate and taxable wage base for social insurance purposes.<sup>5</sup> Reflects \$295,000,000 increase under proposed legislation to increase the diesel fuel tax and for a graduated truck user tax.<sup>6</sup> Reflects \$225,000,000 increase under proposed legislation to retire old series currency.<sup>7</sup> Federal funds receipts from the public and trust fund receipts from the public constitute unified budget receipts.

The administration's revenue estimates are based upon a forecast of gross national product for the calendar year 1972 of \$1,145 billion, of personal income of \$924 billion and of corporate profits before taxes of \$99 billion.

#### B. Treasury proposal

The Treasury Department proposed a \$50 billion increase in the temporary debt ceiling, increasing it from the present combined permanent and temporary ceiling of \$430 to \$480 billion, effective as of the date of enactment until June 30, 1973.

The usual procedure that the Treasury Department recommends to be followed in estimating the necessary increase in the public debt limit is to add a \$3 billion allowance for contingencies to the peak debt level expected during the period in question. In addition, the Treasury Department customarily recommends that the necessary increase in the debt limit be based upon an assumed \$6 billion operating cash balance. Table 6, which is constructed in the manner indicated above, shows that the debt, subject to limitation, can be expected to reach a peak of \$489.8 billion on May 31, 1973. On this occasion, however, the Treasury Department recommended a maximum debt limitation of \$480 billion. As indicated on table 6 and as stated by the Secretary of the Treasury before the committee, a debt limitation of \$480 billion under the administration's projection would cover the period only until about the middle of February 1973.

TABLE 6.—ESTIMATED PUBLIC DEBT SUBJECT TO LIMITATION IN FISCAL YEARS 1972 AND 1973

[In billions of dollars]		
	Debt with \$6 cash balance	With \$3 margin for contingencies
Feb. 15, 1972.....	425.6	446.4
Feb. 29, 1972.....	427.2	453.0
Mar. 15, 1972.....	435.9	456.0
Mar. 31, 1972.....	432.8	460.5
Apr. 17, 1972.....	440.3	464.1
Apr. 28, 1972.....	432.3	465.3
May 15, 1972.....	440.8	469.9
May 31, 1972.....	442.1	471.7
June 15, 1972.....	450.0	472.7
June 30, 1972.....	443.4	472.8
July 17, 1972.....	450.0	473.8
July 31, 1972.....	453.0	473.6
Aug. 15, 1972.....	457.5	475.3
Aug. 31, 1972.....	461.1	478.1
Sept. 15, 1972.....	462.3	481.1
Sept. 29, 1972.....	457.9	486.1
Oct. 16, 1972.....	461.0	488.5
Oct. 31, 1972.....	462.1	487.5
Nov. 15, 1972.....	466.3	487.2
Nov. 30, 1972.....	468.7	488.8
Dec. 15, 1972.....	469.7	489.8
Dec. 29, 1972.....	469.8	489.0
Jan. 15, 1973.....	470.8	489.3
Jan. 31, 1973.....	470.6	489.8
Feb. 15, 1973.....	475.3	490.0
Feb. 28, 1973.....	478.1	493.0
Mar. 16, 1973.....	483.1	493.3
Mar. 30, 1973.....	482.5	493.6
Apr. 16, 1973.....	484.5	493.8
Apr. 30, 1973.....	478.2	493.8
May 15, 1973.....	483.8	493.8
May 31, 1973.....	486.8	493.8
June 15, 1973.....	486.0	493.8
June 29, 1973.....	479.3	482.3

Source: Treasury Department.

#### C. Basis for committee action

The committee concluded, in view of the uncertainties as to budget receipts, outlays, and the increase required in the public debt limitation, that it would be inappropriate at this time to provide other than a temporary increase in the debt limitation for the remainder of the current fiscal year. The debt limitation needed after that time can be established later this fiscal year when more information as to the future debt requirements becomes available. The committee also believes that because of the very substantial increase in deficits in the last two or three years, it becomes necessary to keep close surveillance on the size of the increase in the debt limitation permitted.

The committee concluded that prudent action requires that only a temporary increase in the debt limitation be provided at this time. The difficulty in arriving at a satisfactory estimate of the level of economic activity during the past year, together with the uncertainties as to the impact of phase II on economic activity, makes it difficult at this time to arrive at satisfactory budgetary revenue estimates for the fiscal year 1973. The underlying rate of improvement in economic activity remains too much a matter of conjecture.

In the case of budgetary outlays also, the outlook for the rate of spending during the months ahead remains unclear. In the second half of the fiscal year 1972, for example, the rate of spending forecast in the budget is appreciably higher than in the first half of the fiscal year. The average monthly outlays, for example, forecast in the budget for the second half of the year is over \$2 billion a month higher than in the first half of the year. Thus, outlays in the second half of 1972 are forecast as being nearly \$14 billion above the outlay level in the first half of the year. This contrasts with an outlay level in the second half of the fiscal year 1971 which was only \$3 billion above the level in the first half of that year. In addition, because Congress has not yet reached any decisions as to the level of appropriations for the fiscal year 1973, it is difficult at this time



to estimate how the outlay requirements for fiscal year 1973 as presented in the budget might be modified by congressional action.

As indicated previously, the committee also is deeply concerned as to the size of the deficit both in the current fiscal year and in the fiscal year 1973. Because of this concern, it believes that it is important that the allowable debt be kept under close control in order to inhibit the growth of deficit financing in this period to the extent consistent with our national objectives.

In view of the considerations set forth above, the committee believes that only a further temporary increase in the debt limitation of \$20 billion for the period up to June 30, 1972—the end of the fiscal year 1972—is appropriate at this time. A close and careful examination of the Government's finances in this period immediately ahead suggests that this increase will enable the Treasury Department to manage the Federal Government's finances during this 5-month period on a sound but restrained basis.

The Treasury Department, as shown in Table 7, has estimated Federal funds budget receipts, outlays and deficits or surpluses on a monthly basis for the last half of the fiscal year 1972. The table combines this with the actual receipts, outlay, and deficit or surplus on a monthly basis for the first 6 months of the year. This indicates a cumulative Federal funds deficit for the fiscal year of \$44.7 billion or a cumulative deficit since the end of December of \$26 billion. This cumulative deficit, when added to the debt outstanding on December 31 of \$425.5 billion, suggests the need for a debt limitation of slightly over \$451 billion. However, the cash balance at the end of December 1971 was slightly over \$11 billion, a higher cash balance than it is expected will be necessary in the remainder of the fiscal year 1972. The Treasury Department has estimated, as shown in Table 6, that the peak debt subject to the limitation, assuming a constant \$6

million cash balance, is expected to be at a level of \$450 billion on June 15, 1972.

TABLE 7.—ESTIMATED FEDERAL FUNDS RECEIPTS, OUTLAYS<sup>1</sup> AND SURPLUS OR DEFICIT IN FISCAL YEARS 1972 AND 1973

		[In billions of dollars]			
	Receipts	Outlays	Surplus (+) or deficit (-)	Cumulative deficit	
Fiscal year 1972:					
Actual:					
July.....	9.2	14.3	-5.1	-5.1	
August.....	9.1	14.9	-5.8	-10.9	
September.....	15.4	13.2	+2.2	-8.7	
October.....	9.0	13.9	-5.0	-13.7	
November.....	10.2	14.0	-3.7	-17.4	
December.....	14.1	15.4	-1.3	-18.7	
Estimated:					
January.....	12.7	13.9	-1.2	-19.9	
February.....	7.6	15.1	-7.5	-27.4	
March.....	8.7	15.9	-7.2	-34.6	
April.....	16.5	16.1	+4	-32.2	
May.....	6.6	15.6	-9.0	-43.2	
June.....	18.6	20.2	-1.6	-44.7	
Total.....	137.8	182.5	-44.7		
Fiscal year 1973:					
Estimated:					
July.....	9.4	16.5	-7.1	-7.1	
August.....	9.3	16.9	-7.6	-14.7	
September.....	17.0	15.3	+1.7	-13.0	
October.....	9.8	15.9	-6.1	-19.1	
November.....	10.0	15.8	-5.8	-24.9	
December.....	14.9	15.3	-.4	-25.3	
January.....	14.1	16.5	-2.4	-27.7	
February.....	8.8	15.0	-6.2	-33.9	
March.....	9.4	15.5	-6.1	-40.0	
April.....	18.9	15.9	+3.0	-37.0	
May.....	7.4	14.7	-7.3	-44.3	
June 1-15.....			-4.7	-49.0	
June entire month.....	21.7	13.6	+8.1	-36.2	
Total.....	150.6	186.8	-36.2		

Source: Treasury Department.

On the basis of the type of analysis indicated above, the committee has set the over-

all limitation for the period immediately ahead at \$450 billion. This represents an increase of \$20 billion, rather than the \$50 billion requested by the administration. (However, the administration request was intended to meet the debt requirements for a much longer period of time.) The committee believes that the lower \$20 billion increase is adequate through the end of the fiscal year 1972.

The figure, in fact, corresponds with the needs shown by the Treasury Department during this limited period of time. The committee believes that this limit will serve as a restraint for spending during this period and yet will be adequate to provide for economical management of the debt during the remainder of this fiscal year. The committee believes that it is desirable in a later consideration this year to establish the debt limitation needed for the period after June 30, 1972.

#### D. Relationship of Federal debt to gross national product and private debt

While the \$450 billion debt limit provided in this bill is, of course, very large, it is important to keep it in perspective by comparing it with the gross national product and the total private debt. These comparisons show that the burden of the debt in relation to the economic capabilities of the United States has decreased year by year.

The latest figures on this relationship, namely for 1971, show that the Federal debt represented 40 percent of the gross national product as of that time. This percentage, while higher than the 18 to 39 percent range in the period 1929 through 1932, is lower than in any of the years since that time. As shown in Table 8, the present percentage relationship to gross national product is less than one-third of the percentage relationship that prevailed in 1945. Moreover, the Federal debt as a percentage of gross national product has been decreasing consistently since 1945.

TABLE 8.—GROSS GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

		Ratios of debt to gross national product (percent) <sup>2</sup>							Ratios of debt to gross national product (percent) <sup>2</sup>				
End of calendar year	Gross national product <sup>1</sup> (billions of dollars)	Federal <sup>1</sup>	State and local	Corporate <sup>3</sup>	Individual and non-corporate	Total	End of calendar year	Gross national product <sup>1</sup> (billions of dollars)	Federal <sup>1</sup>	State and local	Corporate <sup>3</sup>	Individual and non-corporate	Total
1929.....	\$96.7	18.1	18.4	110.7	75.4	222.5	1951.....	338.2	76.9	8.3	56.7	33.8	175.8
1930.....	83.1	20.8	22.7	129.2	86.4	259.2	1952.....	361.0	74.3	8.6	56.2	35.8	175.0
1931.....	66.9	28.6	29.1	149.9	97.0	304.6	1953.....	360.8	76.5	9.7	59.0	39.7	184.9
1932.....	56.8	38.7	34.7	169.2	100.5	343.1	1954.....	379.8	73.6	10.6	57.3	41.4	182.9
1933.....	60.3	42.0	32.3	153.2	84.6	312.1	1955.....	409.7	68.9	11.3	62.0	44.0	185.9
1934.....	68.6	48.1	28.0	132.1	72.6	280.8	1956.....	433.2	64.2	11.6	64.0	45.1	184.9
1935.....	77.4	46.8	25.3	116.0	64.2	252.3	1957.....	438.1	63.5	12.5	67.5	47.4	190.8
1936.....	86.5	46.6	22.7	105.1	58.5	232.8	1958.....	469.2	60.8	12.9	66.5	47.5	187.6
1937.....	87.6	49.2	22.4	103.0	58.3	232.9	1959.....	496.8	59.7	13.4	68.7	49.3	190.8
1938.....	87.6	52.1	22.6	99.1	57.1	230.8	1960.....	503.4	58.9	14.3	72.5	52.3	197.7
1939.....	94.8	51.5	21.2	91.6	53.6	217.8	1961.....	542.8	55.8	14.3	72.1	52.5	194.7
1940.....	107.6	48.5	18.8	82.7	49.3	199.3	1962.....	574.7	54.2	14.5	73.3	54.3	196.6
1941.....	138.8	47.3	14.4	70.2	40.1	172.0	1963.....	611.8	51.9	14.6	74.7	56.5	197.9
1942.....	179.0	63.5	10.7	59.4	27.9	161.5	1964.....	654.0	50.0	14.6	76.0	58.1	199.1
1943.....	202.4	84.5	8.9	54.5	24.1	172.0	1965.....	719.2	46.0	14.3	76.7	57.9	195.1
1944.....	217.4	107.5	7.9	50.1	23.3	188.8	1966.....	772.6	44.4	14.2	79.9	60.4	198.9
1945.....	196.0	142.6	8.2	50.8	27.9	229.5	1967.....	825.4	44.2	14.2	81.5	58.2	198.2
1946.....	221.4	117.8	7.3	49.4	27.1	201.4	1968.....	898.3	41.5	14.2	86.2	57.9	199.9
1947.....	245.0	105.1	7.1	52.6	28.3	193.2	1969.....	952.0	40.0	14.3	93.4	58.4	206.2
1948.....	261.2	97.2	7.5	53.4	30.9	188.9	1970.....	1,004.6	40.0	14.7	96.4	58.0	209.1
1949.....	260.5	99.0	8.5	53.9	34.7	196.1	1971 estimate..	1,089.0	40.0	NA	NA	NA	NA
1950.....	311.2	82.8	8.1	53.9	33.5	178.4							

<sup>1</sup> Total Federal securities, including public debt and budget securities.

<sup>2</sup> Debt divided by the population of the conterminous United States and including Armed Forces overseas. Alaska is included beginning 1959 and Hawaii beginning in 1960.

<sup>3</sup> Includes debt of federally sponsored agencies excluded from the budget.

<sup>4</sup> Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at

seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Notes: NA = Not available. Details may not add to totals because of rounding. Debt levels estimated by the Bureau of Economic Analysis, Commerce Department.

The financing of the different elements of the economy has always required a significant volume of debt—either public debt or private debt, or a combination of the two. Generally, this debt has approximated twice the gross national product of any given year. As indicated in Table 8, since 1929 total Government and private debt, as a percent-

age of gross national product, has varied from 343 percent in 1932 to 161 percent in 1942. The combined public and private debt outstanding in 1970, at 209 percent of gross national product, is approximately at the long-term average for this 40-year period.

It is also significant to note that the net Government debt has been declining as a

percentage of total Government and private debt, as shown in table 9. In 1970 the Federal net debt represented 16 percent of the total public and private debt outstanding as of that time. The Federal share of this aggregate debt has been consistently declining since the end of World War II in 1945.

TABLE 9.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

(Dollar amounts in billions)

Dec. 31	Private			State and local	Federal	Total	Percent Federal of total	Dec. 31	Private			State and local	Federal	Total	Percent Federal of total
	Individual	Corporate <sup>1</sup>	Total						Individual	Corporate <sup>1</sup>	Total				
1916	\$36.3	\$40.2	\$76.5	\$4.5	\$1.2	\$82.2	1	1944	50.7	94.1	144.8	13.9	211.9	370.6	57
1917	38.7	43.7	82.4	4.8	7.3	94.5	8	1945	54.7	85.3	140.0	13.4	252.5	405.9	62
1918	44.5	47.0	91.5	5.1	20.9	117.5	18	1946	59.9	93.5	153.4	13.7	229.5	396.6	58
1919	43.9	53.3	97.2	5.5	25.6	128.3	20	1947	69.4	109.6	179.0	15.0	221.7	415.7	53
1920	48.1	57.7	105.8	6.2	23.7	135.7	17	1948	80.6	118.4	199.0	17.0	215.3	431.3	50
1921	49.2	57.0	106.2	7.0	23.1	136.3	17	1949	90.4	118.7	209.1	19.1	217.6	445.8	49
1922	50.9	58.6	109.5	7.9	22.8	140.2	16	1950	104.3	142.8	247.1	21.7	217.4	486.2	45
1923	53.7	62.6	116.3	8.6	21.8	146.7	15	1951	114.3	163.8	278.1	24.2	216.9	519.2	42
1924	55.8	67.2	123.0	9.4	21.0	153.4	14	1952	129.4	172.3	301.7	27.0	221.5	550.2	40
1925	59.6	72.7	132.3	10.3	20.3	162.9	12	1953	143.2	180.9	324.1	30.7	226.8	581.6	39
1926	62.7	76.2	138.9	11.1	19.2	169.2	11	1954	157.2	184.1	341.3	35.5	229.1	605.9	38
1927	66.4	81.2	147.6	12.1	18.2	177.9	10	1955	180.1	215.0	395.1	41.1	229.6	665.8	35
1928	70.0	86.1	156.1	12.7	17.5	186.3	9	1956	195.5	234.1	429.6	44.5	224.3	698.4	32
1929	72.9	88.9	161.8	13.6	16.5	191.9	9	1957	207.6	249.1	456.7	48.6	223.0	728.3	31
1930	71.8	89.3	161.1	14.7	16.5	192.3	9	1958	222.9	262.0	484.9	53.7	231.0	769.6	30
1931	64.9	83.5	148.4	16.0	18.5	182.9	10	1959	245.0	287.0	532.0	59.6	241.4	833.0	29
1932	57.1	80.0	137.1	16.6	21.3	175.0	12	1960	263.3	306.3	569.6	64.9	239.8	874.2	27
1933	51.0	76.9	127.9	16.3	24.3	168.5	14	1961	284.8	328.3	613.1	70.5	246.7	930.3	27
1934	49.8	75.5	125.3	15.9	30.4	171.6	18	1962	311.9	353.5	665.4	77.0	253.6	996.0	25
1935	49.7	74.8	124.5	16.1	34.4	175.0	20	1963	345.8	383.6	729.5	83.9	257.5	1,070.9	24
1936	50.6	76.1	126.7	16.2	37.7	180.6	21	1964	380.1	417.1	797.2	90.4	264.0	1,151.6	23
1937	51.1	75.8	126.9	16.1	39.2	182.2	22	1965	416.1	463.2	879.3	98.3	266.4	1,244.1	21
1938	50.0	73.3	123.3	16.1	40.5	179.9	23	1966	446.9	517.8	964.7	104.8	271.8	1,341.4	20
1939	50.8	73.5	124.3	16.4	42.6	183.3	23	1967	480.6	562.7	1,043.3	112.9	286.5	1,442.7	20
1940	53.0	75.6	128.6	16.4	44.8	189.8	24	1968	520.3	649.5	1,169.8	122.8	291.9	1,584.5	18
1941	55.6	83.4	139.0	16.1	56.3	211.4	27	1969	556.0	746.0	1,302.0	131.4	289.3	1,722.7	17
1942	49.9	91.6	141.5	15.4	101.7	258.6	39	1970	582.8	812.9	1,395.2	143.3	301.1	1,840.2	16
1943	48.8	95.5	144.3	14.5	154.4	313.2	49	1971	(c)	(c)	(c)	(c)	325.9	(c)	(c)

<sup>1</sup> Includes debt of privately owned, federally sponsored agencies excluded from the budget which amounted to \$700,000,000 on Dec. 31, 1947; \$30,500,000,000 on Dec. 31, 1969; and \$38,800,000,000 on Dec. 31, 1970.

<sup>2</sup> Not available.

Source: Commerce and Treasury Departments.

Table 10 shows the amount of Government, private, and total Government and private debt outstanding at the end of each of the years 1929 through 1971. This table also shows the per capita debt in each of these

categories. As indicated in this table, the per capita Federal debt of \$2092 at the end of 1971 is only slightly above the per capita debt of \$1987 which existed in 1945. While Federal Government debt on a per capita basis is

close to the 1945 level, State and local per capita debt in 1970 is slightly over six times its level in 1945. Similarly, individual and corporate debt in 1970 is slightly over seven times the comparable debt in 1945.

TABLE 10.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, 1929 TO PRESENT

End of calendar year	Government debt						Private debt				Total government and private debt	
	Amount outstanding (billions)			Per capita <sup>2</sup>			Amount outstanding (billions)		Per capita <sup>2</sup>			
	Federal <sup>1</sup>	State and local	Total	Federal	State and local	Total	Corporate business <sup>3</sup>	Individual and non-corporate business	Corporate business	Individual and non-corporate business	Amount outstanding (billions)	Per capita
1929	\$17.5	\$17.8	\$35.3	\$143	\$145	\$288	\$107.0	\$72.9	\$874	\$595	\$215.2	\$1,757
1930	17.3	18.9	36.2	140	153	293	107.4	71.8	868	581	215.4	1,742
1931	19.1	19.5	38.6	153	157	310	100.3	64.9	805	521	203.8	1,636
1932	22.0	19.7	41.7	176	157	333	96.1	57.1	767	456	194.9	1,555
1933	25.3	19.5	44.8	201	155	355	92.4	51.0	733	404	188.2	1,498
1934	33.0	19.2	52.2	260	151	411	90.6	49.8	714	392	192.9	1,520
1935	36.2	19.6	55.8	283	153	437	89.8	49.7	703	389	195.3	1,529
1936	40.3	19.6	59.9	313	152	466	90.9	50.6	707	394	201.4	1,566
1937	43.1	19.6	62.7	333	151	484	90.2	51.1	697	395	204.0	1,576
1938	45.6	19.8	65.4	349	152	501	86.8	50.0	665	383	202.2	1,549
1939	48.8	20.1	68.9	371	153	524	86.8	50.8	660	386	206.5	1,569
1940	52.2	20.2	72.4	393	152	545	89.0	53.0	670	399	214.4	1,615
1941	65.6	20.0	85.6	489	149	638	97.5	55.6	727	414	238.7	1,779
1942	113.7	19.2	132.9	837	141	978	106.3	49.9	782	367	289.1	2,128
1943	171.0	18.1	189.1	1,142	131	1,273	110.3	48.8	801	355	348.2	2,529
1944	233.6	17.1	250.7	1,678	123	1,801	109.0	50.7	783	364	410.4	2,947
1945	279.6	16.0	295.6	1,987	114	2,101	99.5	54.7	707	389	449.8	3,297
1946	260.7	16.1	276.8	1,825	113	1,938	109.3	59.9	765	419	446.0	3,123
1947	257.6	17.5	275.1	1,771	120	1,891	128.9	69.4	886	477	473.4	3,254
1948	253.8	19.6	273.4	1,715	132	1,847	139.4	80.6	942	545	493.4	3,334
1949	257.9	22.2	280.1	1,713	147	1,860	140.3	90.4	932	600	510.8	3,393
1950	257.8	25.3	283.1	1,685	165	1,850	167.7	104.3	1,096	682	555.1	3,627
1951	260.2	28.0	288.2	1,671	180	1,851	191.9	114.3	1,232	734	594.4	3,817
1952	268.3	31.0	299.3	1,694	196	1,890	202.9	129.4	1,281	817	631.6	3,988
1953	276.0	35.0	311.0	1,714	217	1,931	212.9	143.2	1,322	889	667.1	4,142
1954	279.5	40.2	319.7	1,705	245	1,950	217.6	157.2	1,327	959	694.5	4,236
1955	282.2	46.3	328.5	1,691	276	1,967	253.9	180.1	1,522	1,079	762.5	4,552
1956	278.3	50.1	328.4	1,638	294	1,932	277.3	195.5	1,632	1,151	801.2	4,696
1957	278.1	54.7	332.8	1,609	315	1,924	295.8	207.6	1,712	1,201	836.2	4,820
1958	285.3	60.4	345.7	1,624	342	1,966	312.0	222.9	1,776	1,269	880.6	4,992
1959	296.5	66.6	363.1	1,653	371	2,024	341.4	245.0	1,903	1,366	949.5	5,293
1960	296.6	72.0	368.6	1,627	395	2,022	365.1	263.3	2,002	1,444	997.0	5,469
1961	303.0	77.6	380.6	1,635	419	2,054	391.5	284.8	2,112	1,537	1,056.9	5,704
1962	311.3	83.4	394.7	1,654	443	2,097	421.5	311.9	2,240	1,658	1,128.1	5,994
1963	317.4	89.5	406.9	1,663	469	2,131	457.1	345.8	2,395	1,812	1,209.8	6,337
1964	327.0	95.5	422.5	1,690	494	2,183	497.3	380.1	2,570	1,965	1,299.9	6,718
1965	330.7	103.1	433.8	1,688	526	2,214	551.9	416.1	2,818	2,124	1,401.8	7,156
1966	343.3	109.4	452.7	1,736	553	2,290	617.3	466.9	3,122	2,362	1,536.9	7,773
1967	364.8	117.4	482.2	1,827	588	2,415	672.9	480.6	3,370	2,407	1,635.8	8,191
1968	373.1	127.4	500.5	1,850	632	2,481	774.6	520.3	3,840	2,580	1,795.3	8,899
1969	382.0	136.0	518.0	1,874	667	2,542	888.9	556.0	4,362	2,728	1,962.9	9,631
1970	401.6	148.1	549.7	1,950	719	2,668	968.0	582.8	4,697	2,829	2,100.7	10,195
1971	435.2	(c)	(c)	2,092	(c)	(c)	(c)	(c)	(c)	(c)	(c)	(c)

<sup>1</sup> Total Federal securities, including public debt and budget agency securities.

<sup>2</sup> Debt divided by the population of the conterminous United States and including Armed Forces overseas. Alaska is included



Table 11 shows the gross national product on a per capita basis and expressed in terms of constant 1971 dollars. This table also shows the Federal debt on a per capita basis in terms of constant 1971 dollars. The

table indicates that the privately-held real per capita debt in 1971 is below the comparable debt in the years 1943 through 1969. It might be noted that the privately-held real per capita debt in 1971 is approximately

one-quarter of the per capita gross national product in 1971. In 1945 the real per capita debt in terms of 1971 dollars actually exceeded the per capita gross national product in terms of 1971 dollars.

TABLE 11.—GROWTH IN REAL PER CAPITA GROSS NATIONAL PRODUCT AND REAL PER CAPITA PRIVATELY HELD FEDERAL DEBT 1909-71<sup>1</sup>

	Per capita GNP			Real per capita Federal debt			Per capita GNP			Real per capita Federal debt	
	GNP (billions of 1971 dollars)	1971 dollars	Annual rate of change (percent)	Privately held (dollars)	Annual rate of change (percent)		GNP (billions of 1971 dollars)	1971 dollars	Annual rate of change (percent)	Privately held (dollars)	Annual rate of change (percent)
1909.....	165.3	1,912	NA	NA	NA	1941.....	373.3	2,799	14.9	1,069	14.2
1910.....	170.0	1,840	-3.8	NA	NA	1942.....	421.6	3,126	11.7	1,713	60.0
1911.....	174.4	1,857	.9	NA	NA	1943.....	477.2	3,489	11.6	2,448	43.2
1912.....	184.3	1,934	4.1	NA	NA	1944.....	511.5	3,676	5.9	3,203	30.8
1913.....	186.0	1,912	-1.1	49	NA	1945.....	502.8	3,693	-2.8	3,661	14.3
1914.....	177.8	1,794	-6.2	49	0	1946.....	422.5	3,130	-2.9	2,740	-25.2
1915.....	176.2	1,753	-2.3	48	-2.0	1947.....	438.7	3,044	-2.8	2,402	-12.3
1916.....	190.1	1,864	6.4	39	-18.8	1948.....	458.2	3,126	2.7	2,213	-7.9
1917.....	191.4	1,853	-.6	207	437.7	1949.....	458.8	3,075	-1.6	2,283	3.2
1918.....	214.9	2,082	12.4	494	138.6	1950.....	503.0	3,315	7.8	2,113	-7.4
1919.....	207.2	1,983	-4.8	518	4.9	1951.....	542.7	3,518	6.1	1,925	-8.9
1920.....	198.2	1,862	-6.1	463	-10.6	1952.....	559.3	3,663	1.3	1,912	-.7
1921.....	180.9	1,686	-10.5	499	7.8	1953.....	584.4	3,662	2.8	1,907	-.3
1922.....	209.5	1,904	14.3	493	-1.2	1954.....	576.1	3,647	-3.1	1,914	.4
1923.....	234.8	2,099	10.2	456	-7.5	1955.....	620.0	3,751	5.7	1,879	-1.8
1924.....	234.3	2,053	-2.2	424	-7.0	1956.....	631.5	3,754	.1	1,747	-7.0
1925.....	254.0	2,193	6.8	392	-7.5	1957.....	640.6	3,740	-.4	1,662	-4.9
1926.....	269.0	2,290	4.5	370	-5.6	1958.....	633.2	3,637	-2.8	1,665	.2
1927.....	268.7	2,256	-1.5	349	-7.7	1959.....	673.7	3,305	4.6	1,674	.5
1928.....	270.2	2,242	-.6	343	-1.7	1960.....	690.4	3,321	.3	1,607	-4.0
1929.....	288.2	2,365	5.5	313	-8.7	1961.....	703.8	3,331	.3	1,610	-.2
1930.....	259.8	2,109	-10.8	327	4.5	1962.....	750.0	4,017	4.9	1,602	-.5
1931.....	239.7	1,931	-8.5	400	22.3	1963.....	780.0	4,118	2.5	1,562	-2.5
1932.....	204.1	1,634	-15.4	487	21.8	1964.....	822.6	4,128	3.8	1,543	-1.2
1933.....	200.3	1,594	-2.4	544	11.7	1965.....	874.6	4,195	4.6	1,486	-3.7
1934.....	218.4	1,727	8.3	676	24.3	1966.....	931.6	4,731	5.3	1,437	-3.3
1935.....	239.9	1,884	9.1	744	10.1	1967.....	955.8	4,800	1.5	1,440	-.2
1936.....	273.2	2,132	13.1	809	8.7	1968.....	1,000.3	4,973	3.6	1,355	-5.9
1937.....	287.6	2,231	4.6	806	-.4	1969.....	1,025.9	5,048	1.5	1,243	-8.3
1938.....	273.1	2,101	-5.8	850	5.5	1970.....	1,019.2	4,977	-1.4	1,198	-3.6
1939.....	296.4	2,262	7.7	877	5.5	1971.....	1,046.8	5,057	1.6	1,235	3.0
1940.....	321.6	2,435	7.6	936	4.3						

<sup>1</sup> Bureau of Economic Analysis GNP data begin with 1909. The GNP deflator for 1971 was used to derive real GNP per capita. The Bureau of Labor Statistics monthly all item consumer price index begins with 1913. Real privately held Federal debt per capita data are for Dec. 31 each year.

The all item consumer price index for December 1971 was used to convert the data to constant dollars.

#### E. Results of delaying the enactment of an adequate debt ceiling

The committee believes it has the responsibility to point out to the House some of the real complications which would develop in the event of any delay in enacting a public debt limit sufficient for the Government's needs. While there would be no question concerning the legality of the outstanding debt in such a situation, the Treasury Department would be unable to issue any new securities. This prohibition would apply to issues designed to replace maturing issues as well as to securities representing new debt.

As a result, savings bonds could not be issued and payroll savings plans would be disrupted. In addition, the Treasury cash balance would be depleted rapidly. Substantial amounts of Treasury bills become due on a weekly basis. If new bills cannot be issued to replace these issues, the Treasury cash balance would soon be exhausted.

Once the cash balance is exhausted, the Government would be compelled to delay full payment (or resort to partial payments) of contract obligations, Government salaries, various loan and benefit programs, and grants to States and local governments when they become due. The economic hardships resulting from such action would, of course, be most severe in those areas where there are large concentrations of Federal employees or employees engaged in production under large Government contracts.

#### III. APPENDIX

##### TABLE I.—Debt limitation under sec. 21 of the Second Liberty Bond Act as amended—History of legislation

September 24, 1917

40 Stat. 288, sec. 1, authorized bonds in the amount of \$7,538,945,000.<sup>1</sup>

40 Stat. 290, sec. 5, authorized certificates of indebtedness outstanding revolving authority, \$4,000,000,000.<sup>2</sup>

Footnotes at end of article.

April 4, 1918

40 Stat. 502, amending sec. 1, increased bond authority to \$12,000,000,000.<sup>1</sup>

40 Stat. 504, amending sec. 5, increased authority for certificates outstanding to \$8,000,000,000.<sup>2</sup>

July 9, 1918

40 Stat. 844, amending sec. 1, increased bond authority to \$20,000,000,000.<sup>1</sup>

March 3, 1919

40 Stat. 13, amending sec. 5, increased authority for certificates outstanding to \$10,000,000,000.<sup>2</sup>

40 Stat. 1309, new sec. 18 added, authorizing notes in the amount of \$7,000,000,000.<sup>1</sup>

November 23, 1921

42 Stat. 321, amending sec. 18, increased note authority outstanding (established revolving authority) to \$7,500,000,000.<sup>2</sup>

June 17, 1929

46 Stat. 19, amending sec. 5, authorized bills in lieu of certificates of indebtedness; no change in limitation for the outstanding, \$10,000,000,000.<sup>2</sup>

March 3, 1931

46 Stat. 1506, amending sec. 1, increased bond authority to \$28,000,000,000.<sup>1</sup>

January 30, 1934

48 Stat. 343, amending sec. 18, increased authority for notes outstanding to \$10,000,000,000.<sup>2</sup>

February 4, 1935

49 Stat. 20, amending sec. 1, limited bonds outstanding (establishing revolving authority) to \$25,000,000,000.<sup>2</sup>

49 Stat. 21, new sec. 21 added, consolidating authority for certificates and bills (sec. 5) and authority for notes (sec. 18); same aggregate amount outstanding, \$20,000,000,000.<sup>2</sup>

49 Stat. 21, new sec. 22 added, authorizing U.S. savings bonds within authority of sec. 1.

May 26, 1938

52 Stat. 447, amending secs. 1 and 21, consolidating in sec. 21 authority for bonds, certificates of indebtedness, Treasury bills, and notes (outstanding bonds limited to \$30,000,000,000). Same aggregate total outstanding, \$45,000,000,000.<sup>2</sup>

July 20, 1939

53 Stat. 1071, amending sec. 21, removed limitation on bonds without changing total authorized outstanding of bonds, certificates of indebtedness, bills, and notes, \$45,000,000,000.<sup>2</sup>

June 25, 1940

54 Stat. 526, amending sec. 21, adding new paragraph:

"(b) In addition to the amount authorized by the preceding paragraph of this section, any obligations authorized by secs. 5 and 18 of this Act, as amended, not to exceed in the aggregate \$4,000,000,000 outstanding at any one time, less any retirements made from the special fund made available under sec. 301 of the Revenue Act of 1940, may be issued under said sections to provide the Treasury with funds to meet any expenditures made, after June 30, 1940, for the national defense, or to reimburse the general fund of the Treasury therefor. Any such obligations so issued shall be designated 'National Defense Series,' " \$49,000,000,000.<sup>2</sup>

February 19, 1941

55 Stat. 7, amending sec. 21, limiting face amount of obligations issued under authority of act outstanding at any one time to \$65,000,000,000.<sup>2</sup>

Eliminated separate authority for \$4,000,000,000 of national defense series obligations.

March 28, 1942

56 Stat. 189, amending sec. 21, increased limitation to \$125,000,000,000.<sup>2</sup>

April 11, 1943

57 Stat. 63 amending sec. 21, increased limitation to \$210,000,000,000.<sup>2</sup>

June 9, 1944

58 Stat. 272, amending sec. 21, increased limitation to \$260,000,000,000.<sup>2</sup>

April 3, 1945

59 Stat. 47, amending sec. 21 to read: "The face amount of obligations issued under authority of this act, and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate \$300,000,000,000 outstanding at any one time," \$300,000,000,000.<sup>2</sup>

June 26, 1946

60 Stat. 316, amending sec. 21, adding: "The current redemption value of any obligation issued on a discount basis which is redeemable prior to maturity at the option of the holder thereof shall be considered, for the purposes of this section, to be the face amount of such obligation," and decreasing limitation to \$275,000,000,000.<sup>2</sup>

August 28, 1954

68 Stat. 895, amending sec. 21, effective Aug. 28, 1954, and ending June 30, 1955, temporarily increasing limitation by \$6,000,000,000 to \$281,000,000,000.<sup>2</sup>

June 30, 1955

69 Stat. 241, amending Aug. 28, 1954, by extending until June 30, 1956, increase in limitation to \$281,000,000,000.<sup>2</sup>

July 9, 1956

70 Stat. 519, amending act of Aug. 28, 1954, temporarily increasing limitation by \$3,000,000,000 for period beginning July 1, 1956, and ending June 30, 1957, to \$278,000,000,000.<sup>2</sup>

Effective July 1, 1957, temporary increase terminates and limitation reverts, under act of June 26, 1956, to \$275,000,000,000.<sup>2</sup>

February 26, 1958

72 Stat. 27, amending sec. 21, effective Feb. 26, 1958, and ending June 30, 1959, temporarily increasing limitation by \$5,000,000,000, \$280,000,000,000.<sup>2</sup>

September 2, 1958

72 Stat. 1758, amending sec. 21, increasing limitation to \$283,000,000,000 which, with temporary increase of Feb. 26, 1958, makes limitation, \$288,000,000,000.<sup>2</sup>

June 30, 1959

73 Stat. 156, amending sec. 21, effective June 30, 1959, increasing limitation to \$285,000,000,000, which, with temporary increase of Feb. 26, 1958, makes limitation on June 30, 1959, \$290,000,000,000.<sup>2</sup>

Amending sec. 21, temporarily increasing limitation by \$10,000,000,000 for period beginning July 1, 1959, and ending June 30, 1960, which makes limitation beginning July 1, 1959, \$295,000,000,000.<sup>2</sup>

June 30, 1960

74 Stat. 290, amending sec. 21 for period beginning on July 1, 1960, and ending June 30, 1961, temporarily increasing limitation by \$8,000,000,000, \$293,000,000,000.<sup>2</sup>

June 30, 1961

75 Stat. 148, amending sec. 21, for period beginning on July 1, 1961, and ending June 30, 1962, temporarily increasing limitation by \$13,000,000,000 to, \$298,000,000,000.<sup>2</sup>

March 13, 1962

76 Stat. 23, amending sec. 21, for period beginning on Mar. 13, 1962, and ending June 30, 1962, temporarily further increasing limitation by \$2,000,000,000, \$300,000,000,000.<sup>2</sup>

July 1, 1962

76 Stat. 124 as amended by 77 Stat. 50, amending sec. 21, for period—

1. Beginning July 1, 1962, and ending Mar. 31, 1963, \$308,000,000,000.<sup>2</sup>
2. Beginning Apr. 1, 1963, and ending June 24, 1963, \$305,000,000,000.<sup>2</sup>
3. Beginning June 25, 1963, and ending June 30, 1963, \$300,000,000,000.<sup>2</sup>

May 29, 1963

- 77 Stat. 50, amending sec. 21, for period—
1. Beginning May 29, 1963, and ending June 30, 1963, \$307,000,000,000.<sup>2</sup>
  2. Beginning July 1, 1963, and ending Aug. 31, 1963, \$309,000,000,000.<sup>2</sup>

August 27, 1963

77 Stat. 131, amending sec. 21, for the period beginning on Sept. 1, 1963, and ending on Nov. 30, 1963, \$309,000,000,000.<sup>2</sup>

November 26, 1963

- 77 Stat. 342, amending sec. 21, for the period—
1. Beginning on Dec. 1, 1963, and ending June 29, 1964, \$315,000,000,000.<sup>2</sup>
  2. On June 30, 1964, \$309,000,000,000.<sup>2</sup>

June 29, 1964

78 Stat. 225, amending sec. 21, for the period beginning June 29, 1964, and ending June 30, 1965, temporarily increasing the debt limit to \$324,000,000,000.<sup>2</sup>

June 24, 1965

79 Stat. 172 amending sec. 21, for the period beginning July 1, 1965, and ending on June 30, 1966, temporarily increasing the debt limit to \$328,000,000,000.<sup>2</sup>

June 24, 1960

80 Stat. 221, amending sec. 21, for the period temporarily increasing the debt limit to \$330,000,000,000.<sup>2</sup>

March 2, 1967

81 Stat. 4, amending sec. 21, for the period beginning Mar. 2, 1967, and ending on June 30, 1967, temporarily increasing the debt limit \$336,000,000,000.<sup>2</sup>

June 30, 1967

- 81 Stat. 99—
1. Amending sec. 21, effective June 30, 1967, increasing limitation to \$358,000,000,000.<sup>2</sup>
  2. Temporarily increasing the debt limit by \$7,000,000,000 for the period from July 1 to June 29 of each year, to make the limit for such period \$365,000,000,000.<sup>2</sup>

April 7, 1969

- 83 Stat. 7—
1. Amending sec. 21, effective Apr. 7, 1969, increasing debt limitation to \$365,000,000,000.
  2. Temporarily increasing the debt limit by \$12,000,000,000 for the period from Apr. 7, 1969 through June 30, 1970 to make the limit for such period, \$377,000,000,000.

June 30, 1970

- 84 Stat. 368—
1. Amending sec. 21, effective July 1, 1970, increasing debt limitation to \$380,000,000,000.
  2. Temporarily increasing the debt limit by \$15,000,000,000 for the period from July 1, 1970, through June 30, 1971, to make the limit for such period, \$395,000,000,000.

March 17, 1971

- 85 Stat. 5—
1. Amending sec. 21, effective Mar. 17, 1971, increasing debt limitation to \$400,000,000,000.
  2. Temporarily increasing the debt limit by \$30,000,000,000 for the period from Mar. 17, 1971, through June 1972, to make the limit for such period, \$430,000,000,000.

## FOOTNOTES

<sup>1</sup> Limitation on issue.<sup>2</sup> Limitation on outstanding.

TABLE II.—Public debt subject to limitation at end of fiscal years 1938-72

[In millions of dollars]

Fiscal year:	Public debt subject to limitation at end of year
1938	36,882
1939	40,317
1940	43,219
1941	49,494

1942	74,154
1943	140,469
1944	208,077
1945	268,671
1946	268,932
1947	257,491
1948	251,542
1949	252,028
1950	256,652
1951	254,567
1952	258,507
1953	265,522
1954	270,790
1955	273,915
1956	272,361
1957	270,188
1958	276,013
1959	284,398
1960	286,065
1961	288,862
1962	298,212
1963	306,099
1964	312,164
1965	317,581
1966	320,102
1967	326,471
1968	350,743
1969	356,932
1970	373,425
1971	399,475
1972 <sup>1</sup>	446,022
1973 <sup>1</sup>	481,878

Source: Table 1: Annual Report of the Secretary of the Treasury on the State of the Finances, 1967, p. 439, through 1967: table FD-8: Treasury Bulletin, January 1972, p. p. 25, for 1968 through 1971; table 10: The Budget for Fiscal Year 1973, p. 505, for estimates for 1972 and 1973.

<sup>1</sup> Estimated.

## IV. COSTS OF CARRYING OUT THE BILL AND VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with section 252(a) of the Legislative Reorganization Act of 1970, the following statement is made relative to the costs incurred in carrying out this bill. The committee does not believe that the change made by this bill in the debt limitation will result in any costs either in the current fiscal year or in any of the 5 fiscal years following that year. The Treasury Department agrees with this statement.

In compliance with section 133 of the Legislative Reorganization Act of 1946, the following statement is made relative to the record vote by the committee of the motion to report the bill. The bill was ordered reported by voice vote.

## V. FIRST TWO SECTIONS OF PUBLIC LAW

92-5

For information purposes, the first two sections of Public Law 92-5 are as follows:

"That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out "\$380,000,000,000" and inserting in lieu thereof "\$400,000,000,000".

"Sec. 2. (a) During the period beginning on the date of the enactment of this Act and ending on June 30, 1972, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act shall be temporarily increased by \$30,000,000,000.

"(b) Effective on the date of the enactment of this Act, section 2 of Public Law 91-301 is hereby repealed."

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BYRD of Virginia. Mr. President, did I correctly understand the Senator to say that the portion of the privately held part of the national debt has greatly decreased?

Mr. LONG. It is the publicly held portion of the Federal debt has gone down relative to the total private debt.



Mr. BYRD of Virginia. By "publicly held" the Senator means held by the public or by the Government?

Mr. LONG. No; I do not mean the part of the public debt held by the Government has gone down.

Mr. BYRD of Virginia. The part of the public debt held by the Government?

Mr. LONG. Yes. There is a great deal of government debt held by the Government. In other words, one of the points I made, to which the Senator may be referring, was with reference to the portion of the public debt held privately; that is, held by private individuals, financial firms, and other business enterprises.

Mr. BYRD of Virginia. The privately held portion of the public debt.

Mr. LONG. Yes. I am speaking of the Federal debt, the privately held portion of the Federal debt, as a percentage of the total public and private debt that is owed in this Nation. That percentage has declined from 62 percent in 1945 to 16 percent in 1970, which is the latest figure available.

Mr. BYRD of Virginia. The privately held portion of the debt has declined.

Mr. LONG. Yes, as a percentage of the entire debt. It is more in terms of dollars, but the publicly held Federal debt has not increased as fast as the debt incurred by individuals and business firms.

Mr. BYRD of Virginia. That indicates to me that the public is tending to lose confidence in Federal financing and, therefore, they are buying fewer bonds. As a result of that the social security trust fund and the Civil Service trust fund must bear a heavier burden, as they are.

But I submit the social security trust fund and the Civil Service trust fund are to be safeguarded and used only for the benefit of the older people as they retire.

Mr. LONG. The conclusions I draw from this information differ from those reached by the Senator but I wanted to put the information in the RECORD, so each could draw his own conclusions.

Mr. BYRD of Virginia. I am glad the Senator did so. It is an important point; it is an important table.

The only conclusion I can draw from that is that private individuals are becoming more and more reluctant to buy Government bonds.

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

Mr. BYRD of Virginia. I yield.

Mr. BENNETT. I wonder if that is accurately stated. The amount of bonds that go into the Social Security trust fund and the Civil Service trust fund are controlled by the amount of financial reserves accumulated in the funds. The trustees of the trust funds are required by law to invest the reserves in special issues of Federal securities, or in other words, to buy some of the Federal debt; all the rest of the Federal Government debt must be sold to the general public. There are no unpurchased bonds lying in the Treasury.

Mr. BYRD of Virginia. Of course there are not because when they become un-

purchased the Government reaches into one of the funds and uses that money to purchase bonds.

Mr. BENNETT. I do not think so. I think that the investment of trust fund reserves in Federal Government securities is made because the laws say that it must be done that way. It is not a matter of choice. All the trust fund financial reserves must be invested in that way; all the other bonds are sold in the open market.

Mr. STENNIS. Mr. President, I shall not detain the Senate very long. I certainly do not want to be a party now to any unusual problem or the cause of a great emergency with reference to being able to pay our weekly Treasury bills, and so forth, should we not increase the debt ceiling. But I have gone on and on over the years to the point where I think we have to reverse the trend of our thinking, and I know that should we decline to take this action, that would bring about very quick results and we would meet the emergency some way, but it would establish a precedent that Congress not just go on and on raising these limits.

No one appreciates any more than I do the fine work of the Committee on Finance, as led by the Senator from Louisiana (Mr. LONG) as Chairman and by the ranking minority member of that committee, the Senator from Utah. I have increasingly deeper and deeper feelings on this matter because of the trend.

Mr. President, our national debt will have spiraled to the astonishing height of \$455.8 billion by the end of this fiscal year, of which \$446 billion is subject to a limitation imposed by law. We are now considering whether to temporarily raise the ceiling on the public debt, which is now \$430 billion, to \$450 billion.

I say emphatically we should draw a line to create a new starting point, a new trend, and a new attitude.

Growing from 1789, during the times of war, recessions, and depressions, the national debt was slightly more than \$1 billion at the beginning of World War I and over \$50 billion at the beginning of World War II. Since then the debt has skyrocketed by almost \$400 billion.

A pronounced lack of fiscal discipline has led to this immense debt.

In 26 of the last 33 years our expenditures, unfortunately, have exceeded income. We cannot seem to balance the budget, indicating an instability or unwillingness to practice fiscal responsibility. That is one cause of it.

Each year the Government must pay interest on the national debt. In fiscal year 1973, the interest on the debt will be over \$21 billion, or 11.3 percent of the total budget. That is not to say either that the national debt is not as high now percentage-wise of the gross national product, as in years past. I think that is purely a fallacy. Under that theory we could go on endlessly creating inflation which increases the gross national product, and that in turn would be authority likewise to increase the national debt. That is the way I see it.

I do not think it is quite as simple as family financing, but a great deal of the principles are the same. Many of us can remember some family in the community, the small town or small city that year after year spent more than they earned. In one way or another, even though that is justified in some years, we can recall there was a calamity of some kind down the road somewhere with reference to that family. It just cannot go on forever without having to pay the price and pay it with compound interest.

This 11.3 percent of the budget represented by the \$21 billion is twice the amount in the budget for health programs, twice the amount for education and manpower, and three times the amount for agriculture and rural development, and two and a half times the amount for Department of Defense research and development. How can we justify spending this much money each year on interest alone?

And a question relevant to this debate: How can we justify raising the debt ceiling, an action that assures us of escalating interest costs in the years ahead—interest that takes money away from productive programs? We have to start somewhere in curbing Government spending, and a sensible beginning would be to refuse to raise the public debt limit.

I say whatever particular immediate critical situation that might cause would certainly be quickly remedied.

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

Mr. STENNIS. Let me finish my sentence. Would be quickly remedied, and this would have the benefit of stopping this trend from going on and on forever.

I am glad to yield to the Senator.

Mr. BENNETT. I would like to refresh the Senator's memory as to what would happen immediately. This is from the report:

Savings bonds could not be issued and payroll savings plans would be disrupted. In addition, the Treasury cash balance would be depleted rapidly. Substantial amounts of Treasury bills become due on a weekly basis. If new bills cannot be issued to replace these issues, the Treasury cash balance would soon be exhausted.

Once the Treasury cash balance was exhausted, the Treasury would be unable to pay the Government's bills.

I wonder if the Senator realizes that if we defeat this bill, we are now saying to the Treasury, "You cannot get any more money to pay the bills which we in Congress incurred"? I think we are beating the wrong horse, Mr. President.

Mr. STENNIS. I very respectfully answer the Senator's question in this way: That same argument and those same facts are true and will be true the next time we go to raise the debt limit, as they have been true in preceding times when we raised the limit. I said in the beginning that I would help meet whatever critical situation—

Mr. BENNETT. My friend from Mississippi said if we let it go to the point

where we bump against the debt ceiling and all these things happen, we could quickly remedy that. How could we do it except by raising the debt limit to permit the Government to get more money?

Mr. STENNIS. I want to make clear that, as a temporary matter, we would have to raise the ceiling somewhat to meet that situation, but if this body should cast its vote against raising this ceiling, that would be a warning sign. That would reverse a trend that has been going on year after year after year, for the many years I have been here. I have voted for them in most years, not realizing that there was much choice. It would reverse that trend and cause a rethinking of this whole matter, and then we would temporarily raise that debt limit to meet the immediate situation, but we would establish a precedent and another trend. Otherwise I do not think it is ever going to be done.

I do not blame anyone now any more than I blame myself. President after President has been elected after telling the people he was going to balance the budget. They said that in good faith. They got into office and found they could not. We did not help enough. But this cannot go on forever. I have heard these arguments and these facts before, but that is enough reason for just going on and on and on infinitum and keep raising the limit. That is my position, anyhow.

Mr. BENNETT. Would the Senator be

interested to know that if this bill is defeated we will be in that position within the next week?

Mr. STENNIS. Well, we are right here in session. There is no sine die adjournment.

I remember years ago, when I first came here, that argument was made and scared me half out of my skin, and I just knew we must not let it happen, but I have changed my mind on this.

Mr. BENNETT. The Senator is on the Appropriations Committee. That is the place to solve this problem. We in the Finance Committee have no choice.

Mr. STENNIS. This is not a matter of blaming committees or blaming individuals; I am talking about a trend in the country. My vote and the matters that I vote for do not add up to the top figure of those that we pass. I am not claiming any credit for that. I can cite an instance, though, last year, when the Appropriations Committee added \$500 million in a bill, thus trying to head off a greater increase, and brought the bill up here. We increased that item for that purpose. A Senator got up back here and offered an amendment to that item increasing it, I believe, \$700 million, and on a 30-minute debate, that amendment was adopted. So that is the atmosphere we are up against. I do not know; I do not think it is all Congress fault. We get these budgets, and they are honest, and they say if we appropriate the money that they are ask-

ing for it is going to run a deficit of \$25 billion. We find those estimates are low. Nobody can be accurate.

My argument is against the trend, not against individuals or committees.

Mr. BENNETT. My argument is with the procedures. I think that the Secretary of the Treasury should be able to pay the bills we have created when they come due.

Mr. STENNIS. We must pay the bills when they come due. I would not be so irresponsible as to be a party to letting anything like that happen.

Mr. BENNETT. But if the debt limit is not raised, the Secretary will be in that position within a week.

Mr. STENNIS. Well, if the Senate would vote against raising the debt limit today, we would have a session here tomorrow and there would be another one Monday, and something would be done about it, and I think a new start would have been made.

Mr. BENNETT. I thank the Senator very much.

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD the following table, which shows the functional breakdown, in dollars and percents, of U.S. Government budget outlays on the Federal funds basis.

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

TABLE 2.—FUNCTIONAL BREAKDOWN OF U.S. GOVERNMENT BUDGET OUTLAYS ON THE FEDERAL FUNDS BASIS, FISCAL YEARS 1971-1973

[Amounts in millions of dollars]

Function	1971 (actual)		1972 (estimate)		1973 (estimate)	
	Amount	Percent of total budget	Amount	Percent of total budget	Amount	Percent of total budget
National defense.....	\$77,662	47.48	\$78,176	42.83	\$78,457	42.00
Human resources.....	36,698	22.42	45,035	24.67	46,187	24.73
Education and manpower.....	7,844	4.79	9,252	5.07	10,405	5.57
Health.....	8,735	5.34	10,014	5.49	9,864	5.28
Income security.....	10,617	6.49	15,018	8.23	14,268	7.64
Veterans benefits and services.....	9,502	5.81	10,751	5.89	11,650	6.24
Physical resources.....	18,359	11.21	22,771	12.48	20,500	10.98
Agriculture and rural development.....	5,097	3.11	7,346	4.02	6,892	3.69
Natural resources.....	2,708	1.65	4,368	2.39	2,442	1.31
Commerce and transportation.....	7,197	4.40	7,018	3.85	6,322	3.38
Community development and history.....	3,357	2.05	4,039	2.21	4,844	2.59
Interest.....	\$19,612	11.98	\$20,070	11.00	\$21,164	11.33
International affairs and finance.....	3,100	1.89	3,970	2.18	3,853	2.06
Space research and technology.....	3,382	2.07	3,182	1.74	3,193	1.71
General government.....	4,838	2.96	6,515	3.57	7,156	3.83
General revenue sharing.....			2,250	1.23	5,000	2.68
Allowances for:						
Pay raises (including Department of Defense).....			250	0.14	775	0.41
Contingencies.....			300	0.16	500	0.27
Total Federal funds budget outlays.....	163,651	100	182,519	100	186,784	100

Source: U.S. Office of Management and Budget. Budget documents of the U.S. Government for fiscal year 1973.

Mr. STENNIS. The administration has projected a \$25.5 billion deficit for fiscal year 1973. Last year the estimated deficit was \$11.6 billion and is now expected to be \$38.8 billion. These figures are on the basis of the unified budget and are misleading. In the unified budget, surpluses in trust funds are used to offset deficits in Federal funds, but these trust funds are not owned by the Government and do not, in reality, decrease the deficit as the unified budget leads us to believe. Prior to fiscal year 1969, the budget was based on Federal funds, with trust funds separate. The Federal funds budget represents income and expenditures of the Government and any deficit resulting when the expenditures exceed income. To add trust funds is to distort the fiscal picture.

I know this is done and authorized by law, and we passed a law on it in 1969, or just prior to the fiscal year 1969, and

I am not trying to discredit this administration or that one, or this Congress or that Congress. I am just talking about the conditions in which we are operating and which I think are misleading. The people do not understand it. It is not called to their attention enough. We just know that when we put surpluses from trust funds that have been set aside in a trust nature for special funds into the general so-called unified budget and thereby decrease the red ink and the deficits that would otherwise be there, it just should not be permitted, much less required by law, because it does not present the true picture.

The Federal funds budget deficit—the true deficit—for fiscal year 1972 will be \$44.7 billion, as compared to the unified budget deficit of \$38.8 billion. The real deficit for fiscal year 1973 is estimated at \$36.2 billion, \$10.7 billion more than the \$25.5 billion the administration is

talking about, although the administration, in its presentation of the budget in its printed form, pointed out what the deficit would be in the true budget figure.

The \$36.2 billion figure, regrettably is undoubtedly low.

The Senator from Louisiana (Mr. ELLENDER), chairman of the Senate Appropriations Committee, has predicted that it could go at least as high as \$45 billion for fiscal 1973. On the Federal funds basis, we have had a deficit every year since fiscal year 1954 except fiscal years 1956, 1957, and 1960. The deficits, though, have never been as staggering as in the last few years.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator yield?

Mr. STENNIS. Yes, I am glad to yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator.



Mr. President, I think the Senator is making a vitally important point, in pointing out that the proper, appropriate, and fair way to talk about this budget and the deficit in the budget is in terms of the federal funds budget.

As the Senator from Mississippi has pointed out, that is really the figure that should be used in determining just how severe these deficits are.

But I would like to point out that whether you take the Federal funds budget, which the Senator from Virginia and the Senator from Mississippi think should be taken, or whether you take it on a unified budget basis, or whether you take the full employment budget basis, which is a new concept—regardless of whether you take any one of those three concepts, you have, for the fiscal year we are now in, a smashing deficit under every single one of them.

Even under the full employment budget, which the administration presented as its utopian budget, one that would certainly be balanced, the fiscal officials now admit that the full employment budget will be unbalanced to the extent of \$8 billion for fiscal year 1972, which we are now in, and I might add that for the upcoming fiscal year, even on a full employment basis, it will not be balanced.

They do not expect full employment. They expect 4-percent unemployment. There is now 5.9-percent unemployment. The Secretary of the Treasury has said that possibly by the end of the year they might get it down to 5-percent unemployment, which means that in actuality, this so-called full employment budget will not be balanced, and they admit that today.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for his very important contribution of that point, and I thank him for the work that he does in his committee assignments. We have him on the Armed Services Committee, where he practices what he preaches here. He is also a valuable member of the Finance Committee, and has contributed greatly toward creating a trend in sounder fiscal affairs for our Nation.

I am not pointing the finger at anyone. I realize how difficult this matter is. The budget, I think, has gotten almost unmanageable. We have gone into one program after another, trying to cure all the ills of everyone and the whole country by 8 o'clock in the morning, and it cannot be done. We have got to draw a halt, stop and examine where we are going and how fast we are going, and see what can be done about it. And I will wind up by saying that fiscal responsibility and fiscal discipline on the part of those of us in the Senate and in Congress and those in the executive branch are absolutely necessary. The elected officials of the people are the ones who are going to have to create some of this sentiment and get the facts to the people.

Mr. President, as I have said, the public debt limit is now \$430 billion. It began in 1917 at \$11 billion and has been increased by amendment 54 times, with the largest increase since World War II occurring last year. The purpose of the debt ceiling is to put a restraint on spend-

ing. If it does not accomplish that task—and it cannot if we continue to indiscriminately raise the ceiling—the limit serves no purpose. It opens the door to a continued pattern of excessive spending.

If a rigid debt ceiling is maintained, it forces the administration, the Congress, and the public to more closely evaluate which programs should be funded, and, on a broader scale, to evaluate the whole pattern and philosophy of our spending.

If we continue to raise the debt ceiling, which in effect removes any control on Government spending, we will have to pay the price in increased inflation or increased taxes or a combination of these two undesirable results. Either result or a combination will tend to depress the economy. Then if we follow the course of inflation which we have over the past several years, the prices of American goods will continue to increase on the domestic market.

Prices of American goods on the international market would also be affected, with the disagreeable result of a further deficit in our balance of trade. When the prices of American goods increase on the domestic market, the prices must also increase on the international market. Obviously, this places American goods at a disadvantage, and may even have the effect here in the United States of consumers favoring imports over American products. The probable effects would be to intensify the imbalance in our trade and international payments position and to erode confidence in the American dollar, which could lead to renewed pressure to devalue the dollar.

Mr. President, the administration has been trying to meet this problem. I think they have taken some good steps, and have had some success in it, but I do not believe we can solve the problem by merely partly meeting those conditions, when we go airily along our way and increase repeatedly these growing deficits.

Mr. President, we should not accept all these deficits—deficit spending, deficit in the balance of trade, deficit in the balance of payments—casually. Responsible action must be taken to reverse this trend of uncurtailed spending and concomitant uncurtailed deficits. As I see it, the first positive action is to refuse to raise the debt ceiling. Then, we must curb excessive and unnecessary spending. I have stated that I will take an unusually close and critical look at the defense budget this year. That should be done in every phase of Government spending. Mr. President, the key word for 1972 and the future economic stability of this country should be fiscal discipline.

I know we cannot look in every single fiscal year and say that at all hazards the budget must be balanced at all costs. Some exceptions have been made for various reasons.

It is the trend that disturbs me. Few of us here now think or talk about huge expenditures. There is not enough effort made to balance the budget. When we do make reductions in a program, it is frankly stated that the purpose is to take the money away from one program and give it to some other program. Seldom do we propose a reduction for

the purpose of saving the money, and trying to hold down expenses and balance the budget.

Further, we continue to pass bills that call for billions and billions of dollars of expenditures without any proper consideration of whether or not we have the money, or when, or how the funds can be paid.

These things are just not seriously considered any more, and not debated enough any more. I remember the time when they were debated here, and you could not casually just put even \$1 million, much less \$50 million, \$100 million, or \$500 million, into an amendment and get it passed.

Thus, the deficits continue to mount, and year after year the sum is added to the national debt, thus creating inflation and other problems for the future.

Some day, someone else will have to pay, and have to pay with compound interest. There are limits beyond which we cannot go.

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I appreciate the comments of the Senator from Mississippi. I agree with about 90 percent of what he has said. I agree that we have been extravagant as a people. We, as a Congress, have voted money that we did not have. As he said, 54 times since the debt limit was written into the law in 1917, we have raised it. We have had to raise it. And we have to raise it now.

It seems to me that we are talking about two different things. We are talking about the self-discipline, either downtown in the administration or up here on the Hill, which will make it possible for us to live within the expected revenues; and we are talking about the process which was set up in 1917, under which we permit the Treasury to pay the bills we have created.

Prior to 1917, it was necessary for the Treasury to come to Congress every time it wanted to issue a new bond issue, and Congress was spending much of its time passing bond issues. In the middle of 1917, 3 months after we got into World War I, the Treasury and the administration and Congress realized that in time of war you have to be free to finance the cost of war, and sometimes you have to do it very quickly.

Having determined that, as a matter of operational convenience, the Treasury should be freed from this responsibility to come to Congress every time it had to issue new bonds or notes, Congress put into its bill a figure approximately 50 percent higher than the highest amount that Congress thought the Treasury would need, and nobody expected the Treasury to bump against that debt ceiling. In World War I it was not much of a problem. World War II was more of a problem, of course, and it became necessary to change that ceiling on numerous occasions.

When I first came to the Senate, I shared the belief that the way to control the cost of Government was to enforce the debt ceiling. But I realized very soon that this had absolutely no effect on the process of appropriation. We appropriate as we go along, without any consideration of the total amount of money we will appropriate. We do not say to

ourselves, "We are going to spend \$200 billion this year, and when we get up to that point, we will stop," because along the way we get many new and expensive ideas, and as a result, we have programs going at the end of the year that were not covered in the President's budget.

So, unlike most State legislatures, we have never bound ourselves to a limit on appropriations; and unlike all State legislatures, since the Federal Government is sovereign and can create money, we are not bound to stop appropriating when it looks as though the limit is near.

It is never a happy event for Congress when it faces the debt ceiling, as it has done 38 times with 54 changes in the debt ceiling. It always reminds us that the Government is spending beyond its means, and we are suddenly concerned about it, and we are looking for the answer. The hard answer is to stop appropriating. The easy answer is to say, "We won't raise the debt ceiling. Then the Government will bump its head, and then it can't spend any more money."

I read into the RECORD a moment ago the things that would happen if the Government found itself unable to meet its debts. Let me repeat some of them.

The savings bond program would grind to a quick halt. The Government could not replace the weekly bills it sells and on which it operates its current programs. It would very quickly exhaust its cash balance, and from that point on, it could not pay its bills. Let us say it could not pay all its bills. Then somebody would have to decide which bills would not be paid, or somebody would have to decide whether to pay pro rata, and that is an interesting complication.

There is another angle that most people do not realize. Billions of the Federal debt are held abroad. We have been encouraging our friends abroad to buy American securities, Government securities, and thus absorb or soak up the dollars that have been going abroad in ever-increasing volume since the end of World War II.

The reason why we had to increase the price of gold the other day and thus devalue the dollar is that so many dollars have gone abroad, and some of them are held in the form of Government securities, Government bonds. What are our friends abroad going to think of us when we have to say to them, "Gentlemen, we can't redeem these bonds of yours, because in order to do it, we would have to issue new bonds to somebody else; and under the law now, we cannot issue any new bonds?"

If one thinks the United States is in a position of weakness abroad today, think what that position would be if we allowed ourselves to get into the condition in which we had to say that the Treasury can no longer pay our debts and it can no longer borrow the money with which to pay them.

The large deficit which we have heard discussed so freely this morning, the current deficit, is attributable more to a decline in revenue from the sagging economy rather than from excessive spending. As a matter of fact, Budget Director Shultz testified before the Com-

mittee on Finance that appropriations voted by Congress were approximately the same in total as those requested by the administration.

If we were really logical and rational people in this situation, we would talk about increasing taxes; but that is not popular in an election year. Very few of us would have the courage to suggest it. So, naturally, we go on doing what the Government has done since the beginning and what it has done very generally since the end of World War II. We go into the market and borrow enough additional money to cover the difference.

Nevertheless, each time a debt ceiling bill is presented, many of my colleagues want to express their fiscal responsibility by voting against the debt limit. I did it myself a time or two, until I became a member of the Committee on Finance and came to realize the responsibility we have. In my judgment, while that sort of action may be a kind of emotional cathartic and may make us feel better and may make us feel that we have said what we have to say for fiscal responsibility and reduced costs of government, we go right on and participate in the appropriations process, which is the real key to this situation.

After the money has been committed, by passing appropriation bills, the Treasury Department should not be put in the position where it has to say to its creditors, "We are very sorry that the Federal Government authorized the sale you have made to it, but it has not given us the money with which to pay it." If there are insufficient taxes, as there are in the present economy, then the only recourse is to borrow, and when we borrow we increase the debt and bump our heads against the ceiling. That is what H.R. 12910 is all about.

Actually, if we were to get through the expenses and the deficits we know we are facing in the fiscal year 1973, the debt ceiling should be increased \$50 billion because before the end of the year that is what we are going to face. But the House, in its wisdom, chose to increase it \$20 billion and the Senate bill provides for the same increase, with the knowledge that by the first of July we must come back here again and talk about another increase. Otherwise we will then face the same crisis.

Now I very much enjoyed the point of view of my friend from Mississippi, the distinguished Senator from Mississippi (Mr. STENNIS), who is truly my friend and this is not just the usual Senate blarney. He said, "Let us not pass this bill today and then we can act quickly to do what we have to do."

Well, what we have to do, Mr. President, is to lift the debt ceiling. Whether we do it today or as a gesture do not do it today but come back next week and do it, in any event, it has to be done. It is the only way we can solve the problem unless, of course, the Senate is willing to take the ceiling off entirely. I doubt that we are ready for that.

We go on believing that the debt ceiling is a discipline. It is not a discipline. The fact that we have had to raise it or to change it 54 times indicates that. It is

a process which was set in motion to relieve Congress from the responsibility of passing on every new bond issue.

As I have stated, if we pass this bill today, or if we defeat it and then come back next week and then pass it, we know we have to face the same thing with a request for additional authority in June.

I understand that Secretaries of the Treasury, over the years, have called this process their "annual flagellation," because they are forced to come up here in order to continue to carry out their constitutional responsibility. They are pretty well beaten over the head for the things for which they have no responsibility and for a situation which they cannot control.

As much satisfaction as I think we can get out of saying that it is wrong to run deficits, and it is too bad we are in this situation, I am going to end what I have to say by reciting a story that I told in the Finance Committee. It is a good story. It fits a lot of situations but I think it fits this one perfectly.

Mr. President, I will take you back to the old days of the open saloon, with a long bar, the proprietor of the saloon is up at the cash register and the bartender is down at the other end of the bar with one customer.

The bartender yells down to the proprietor, "Is Wallace Bennett good for a glass of beer?"

The proprietor replies, "Has he had it?"

The bartender says, "Yes."

Then the proprietor says, "He is good for it."

Mr. President, we have had the deficits and the situation now is that we have got to be good for them. We have got to face up to the situation that we ourselves have created. I cannot believe the Senate will reject this. They never have. Because, in the end, I think they realize that the consequences are very serious.

I hope that those of my colleagues who think that they will feel better if they have a chance to "flagellate" the Treasury Department will enjoy themselves. But we hope that when we come to the vote, the minority of the Senate will realize that we have had our "beer" and we must be good for it.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on



March 1, 1972, the President had approved and signed the following acts:

S. 7. An Act to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes;

S. 1857. An Act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; and

S. 3122. An Act to extend certain provisions of the Federal Water Pollution Control Act through June 30, 1972, and others through April 30, 1972.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. NELSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

#### TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of the bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

##### PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, at this time I ask unanimous consent that during the consideration of H.R. 12910 the following three staff members may be present on the floor: Nathan Hayward, Edward Barber, and Robert Davenport.

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

Mr. ROTH. Mr. President, at a later time I desire to offer an amendment to H.R. 12910. I wish to speak for a few minutes, as I did the other day, on the issue of the President's request for an increase in the authorized ceiling of this Nation's Federal debt.

Prior to 1917, Congress was required to approve every issue of Federal notes and bonds, in essence, acting as a brake on the Government's outlays. But an amendment to the Liberty Bond Act during World War I gave the Treasury leeway to borrow up to specified amounts, at that time \$7.5 billion in bonds and \$4 billion in certificates of indebtedness—Treasury notes.

But as my distinguished colleague Mr. BENNETT has aptly pointed out on many occasions, Congress has acted 54 times since then to adjust this limit upward. I ask unanimous consent that the following table—which shows the legal debt limit from 1917 to 1971—be printed in the RECORD.

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

TABLE I.—Authorized Debt Ceiling  
(Dollars in billions)

Year:	Authorized ceiling
1917	\$4
1918	8
1919	10
1921	14
1929	24
1931	28
1934	38
1935	38
1938	45
1939	45
1940	49

Year:	Authorized ceiling
1941	\$65
1942	125
1943	210
1944	260
1945	300
1946	275
1954	281
1955	281
1956	278
1958	288
1959	295
1960	293
1961	298
1962	300
1963	309
1964	324
1965	328
1966	330
1967	365
1969	377
1970	395
1971	430

Source: Library of Congress Research Service.

Mr. ROTH. As one can readily see, this has not been a very sturdy roof. It reminds me more of a floating lid, which has risen over time as the Federal debt has swelled. And now in 1972, the President has asked that we impose another temporary increase to \$450 billion, which, according to the Treasury's testimony, will last only until the end of this June.

The question then, Mr. President, is just how effective this statutory provision has been, or can be. The ceiling's original purpose was to impose a measure of discipline on the Federal budget. It was designed to control the Government's ability to spend by balancing its ability to borrow against its inclination to tax.

I think my colleagues here will agree this has been a very lax disciplinarian. In large part this results because the amount we must borrow is determined by a complex set of congressional appropriations and Executive decisions, over which the Treasury has little or no control. These spending actions have been made without due regard for the ceiling as a permanent fixture. In short, we have come to accept its upward mobility as a fact of budgetary life.

It is, perhaps, appropriate to note that the debt ceiling has been used, in part, as a political lever. Both parties, under many administrations, have threatened inaction or delayed consideration on necessary increases in order to exert influence in other areas. But these delay tactics have certainly helped to change the nature of the debt limit from its intended use as an important instrument of Federal fiscal policy.

Today, though, in the face of a \$20 billion request for added debt capacity, our country faces the largest Federal deficit since World War II. I need not recount all the figures, but a glance at the budget document shows just how quickly outlays have risen in the past 10 years and how tax revenues have failed to keep pace with larger and more expensive Federal programs.

I think this point becomes clearer by looking at a table which shows the relationship between total Federal spending and total revenues. Mr. President, I ask unanimous consent that table II be printed in the RECORD.

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

TABLE II  
(Dollars in billions)

Fiscal year	Total receipts	Total outlays	Receipts as a percent of outlays
1961	\$94.4	\$97.8	96.5
1962	99.7	106.8	93.5
1963	106.6	111.3	94.1
1964	112.7	118.9	94.6
1965	116.8	118.4	98.5
1966	130.9	134.7	97.0
1967	149.6	158.2	94.1
1968	153.7	178.3	86.2
1969	187.8	184.5	97.4
1970	193.7	196.6	97.9
1971	188.3	211.4	89.3
1972 <sup>1</sup>	197.8	236.6	83.4
1973 <sup>1</sup>	220.8	246.3	89.5

<sup>1</sup> Estimates.

Source: Budget for fiscal year 1973.

Mr. ROTH. Mr. President, it seems to me the only credible way to deal with this problem of burgeoning outlays is to face it with legislation putting a firm ceiling on expenditures, one that cannot be pierced even by uncontrollable programs which are admittedly difficult to forecast.

We in the Congress have not shown the willingness to achieve the same disciplined goal by indicating unwillingness to increase the debt ceiling. This index has been far too easily adjusted upward.

I have recently introduced a bill which would effectively curtail spending in fiscal year 1973. And I was truly gratified to receive the support of 48 of my colleagues for this motion.

I intend at a later time to offer my limited spending bill as an amendment to the administration's request for a new debt ceiling. We cannot expect any debt ceiling to last long if Federal outlays are not kept in line.

Mr. President, I cannot vote for any increase in this country's debt limit unless we have a firm grip on its expenditures, and I would urge my colleagues here in the Senate to withhold their support for more debt capacity until we have addressed the real source of this requirement and enacted a fixed limitation on Federal expenditures for the coming year.

Mr. President, as I say, I view this legislation as of the most critical importance that deserves the careful attention of every Member of this distinguished body. I think the importance of a spending limitation has been underscored on several occasions by important members of this administration.

At this time I would like to read a number of these statements. The first is a statement prepared by the President and issued on January 24, 1972. The President said:

The budget I sent to the Congress requires spending more than we will collect in taxes.

It will be a job-creating budget and a non-inflationary budget only if spending is limited to the amount the tax system would produce if the economy were operating at full employment.

Those who increase spending beyond that amount will be responsible for causing more inflation.

It is vital that the Executive Branch and the Congress act together to stop raids on the Treasury which would trigger another inflationary spiral.

In submitting this budget I am therefore urging the Congress, before it considers any

appropriation bills, to enact a rigid ceiling on outlays that will prevent the government from spending more than the \$246 billion requested in this budget. That ceiling on expenditures should apply equally to the Congress and to the Executive Branch.

We urgently need an absolute limit on government spending. Only thus can we end inflation, stabilize the economy and provide employment and real prosperity for all.

Mr. President, as I have indicated by reading the specific language of the President, he stands strongly behind the need for an absolute limit on Government spending. As he rightly says, if we are to end inflation and stabilize the economy, it is imperative that this Congress have the courage and the self-discipline to put a limitation that applies equally to itself and to the executive branch on Government spending.

Mr. President, we have also had a number of statements made before various committees on the need for a debt limit as well as the need for a spending limitation.

At this time I would like to read a statement by the Honorable John B. Connally, Secretary of the Treasury, who appeared before the Senate Committee on Finance, Monday, February 28, 1972, at 10 a.m.:

*Mr. Chairman and Members of this distinguished Committee:*

Your Committee is familiar with the general outline of the subject to be discussed here today and I will therefore keep my statement as brief as possible.

The temporary debt limit of \$430 billion which the Congress last year provided the Treasury will soon be exhausted. Anticipating a need for an increase in Treasury borrowing authority, I appeared on January 31 before the House Ways and Means Committee to request that the temporary debt ceiling be increased by \$50 billion to \$480 billion through June 30, 1973. On the basis of our projections, this increase would have been adequate to meet our requirements through early 1973.

On February 9, the House passed H.R. 12910 which provides for a \$20 billion temporary increase in the debt limit to \$450 billion through June 30, 1972. Although the House of Representatives did not approve our request for the larger \$50 billion increase, H.R. 12910 will meet our estimated needs through June 30 of this year. It is therefore a satisfactory resolution of the current need, assuming the Congress wishes to deal with this matter again before mid year. We therefore specifically request that your Committee and the Senate act as a matter of urgency to approve H.R. 12910 as passed by the House, raising the temporary debt limit to \$450 billion through June 30, 1972.

As background for this request, the President's budget projects, on the unified budget basis, a deficit of \$38.8 billion for fiscal 1972 and a deficit of \$25.5 billion for fiscal 1973.

These are huge deficits and no one can be happy about them. However, Federal budgets must be analyzed in the context of economic conditions and national objectives. The pace of our economic growth, while now substantial, has not been fast enough to produce the desired reduction in unemployment. Our objective therefore is to stimulate economic growth—sustainable economic growth—in order to reduce unemployment, while at the same time continuing to brake inflation.

We believe that the spending and taxing decisions set forth in the budget are appropriate in the light of present circumstances and objectives. Moreover, if this plan is

carried out with discipline and determination, it will help lead to an improved budget position as we achieve our national goals.

Our fiscal 1972 budget deficit, projected at \$38.8 billion, is substantially higher than the original estimate of \$11.6 billion made in January 1971. The figures represent an adverse swing of \$27.2 billion. The major portion of the change—\$19.8 billion of it—results from a shortfall in estimated revenues. Some of this shortfall, \$6.7 billion, reflects tax changes not contemplated in the budget a year ago. But apart from the consequences of legislation, our economic forecast for calendar 1971—on which the fiscal 1972 budget was based—was simply too optimistic. Total GNP, personal income and corporate profits were all significantly below forecast. As a result, tax collections are falling short in most categories including the big items: personal and corporate income taxes.

On the expenditures side, we are projecting in the current fiscal year expenditures of \$236.6 billion or \$7.4 billion above the original estimate.

For fiscal 1973, we are estimating outlays of \$246.3 billion, only 4% higher than this year. At the same time, revenues are anticipated to rise to \$220.8 billion, which results in a unified budget deficit of \$25.5 billion.

This budget will return us to a "full employment" balance. In other words, budget expenditures are set at a level which is about equal to the revenues our present tax structure would produce at "full employment" of our economic resources. While actual full employment is not a realistic expectation for fiscal 1973, if expenditures can be held on this path, the deficit will shrink as the economy grows, and will disappear when we fully achieve our goals.

The size of the debt ceiling increase needed is determined not only by the results of the Unified Budget (which reflects transactions with the general public) but also by the amount of Treasury debt held by the Federal trust funds and other Government agencies. Since the trust funds are in substantial surplus and therefore acquiring Treasury debt, the necessary increase must be in excess of the size of the Unified Budget deficit. Changes in the debt are more closely reflected in the so-called Federal Funds Budget—which excludes the operations of the trust funds.

As the budget document shows, the Federal fund deficits for fiscal 1972 and 1973 are now estimated at \$44.7 billion and \$36.2 billion, respectively. As shown in Tables I and II, these forecasts can be translated into estimated Federal debt subject to limitation. On the assumption of a constant six billion cash balance, our peak fiscal 1972 level is \$450 billion.

For this reason, H.R. 12910, setting a new temporary debt limit at \$450 billion for the period through June 30, 1972, is fully acceptable to us. It should be recognized that this ceiling provides no allowance for unanticipated contingencies, and will meet our requirements only through June of 1972.

I shall not belabor the consequences for the Nation if the Treasury's borrowing capacity should be exhausted. A failure to obtain an increase in the debt limit will in a very short time force us to move to costly and uneconomic expedients to meet our obligations, and then to an abrupt cutting off of Government expenditures. As responsible public officials, we do not wish to contemplate such a possibility. Therefore, as our projections indicate, it is essential that the Senate take action to lift the debt limit in time for us to meet our early March borrowing requirements.

In the context of this review of our debt situation, I would also like to emphasize the importance of setting an effective limit on

budget expenditures. It is the firm policy of this Administration, as enunciated by the President in his Budget Message that "Except in emergency conditions, expenditures should not exceed the level at which the budget would be balanced under conditions of full employment." This concept of a full employment balance was central to the budget decisions for fiscal 1973. Its meaning is simple. If one adheres to that objective, our deficits will disappear as the slack in the economy disappears.

Success in this effort is essential if our progress against inflation is not to be jeopardized. The result can and will be achieved by exercising vigorous restraint on spending. Our deficits must be reduced.

I believe a tight, effective, overall limit on expenditures, binding on both the Executive Branch and the Congress would help assure that goal.

Mr. Chairman, as in previous years we are furnishing your committee with updated statistical tables which relate Federal Debt to GNP, private debt, population and prices.

Mr. President, I think those two paragraphs are worth rereading, because they are very pertinent to an amendment I propose to offer at a later time. The Secretary of the Treasury says:

Success in this effort is essential if our progress against inflation is not to be jeopardized. The result can and will be achieved by exercising vigorous restraint on spending. Our deficits must be reduced.

I believe a tight, effective, overall limit on expenditures, binding on both the Executive Branch and the Congress would help assure that goal.

Mr. Chairman, as in previous years we are furnishing your committee with updated statistical tables which relate Federal Debt to GNP, private debt, population and prices.

Mr. President, I ask unanimous consent to have printed in the RECORD the statistical tables supplied by the Secretary of the Treasury which relate the Federal debt to the GNP, the private debt, population, and prices.

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

TABLE I.—PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1972

(In billions of dollars)

	Operating cash balance	Public debt subject to limitation
Actual:		
June 30, 1971.....	8.7	399.5
July 15, 1971.....	7.3	407.3
July 30, 1971.....	7.1	406.6
Aug. 15, 1971.....	4.6	410.8
Aug. 31, 1971.....	9.4	415.9
Sept. 15, 1971.....	5.5	416.2
Sept. 30, 1971.....	9.9	413.6
Oct. 15, 1971.....	4.6	413.9
Oct. 29, 1971.....	6.5	413.3
Nov. 15, 1971.....	4.1	416.5
Nov. 30, 1971.....	4.2	416.0
Dec. 15, 1971.....	5.2	422.2
Dec. 31, 1971.....	11.2	425.5
Jan. 17, 1972.....	7.4	426.4
Jan. 31, 1972.....	11.1	424.2
Feb. 15, 1972.....	6.4	425.7
Estimated: <sup>1</sup>		
Feb. 29, 1972.....	6.0	426.1
Mar. 15, 1972.....	6.0	433.6
Mar. 31, 1972.....	6.0	431.6
Apr. 17, 1972.....	6.0	440.3
Apr. 28, 1972.....	6.0	432.3
May 15, 1972.....	6.0	440.8
May 31, 1972.....	6.0	442.1
June 15, 1972.....	6.0	450.0
June 30, 1972.....	6.0	443.4

<sup>1</sup> Based on constant minimum cash balance of \$5,000,000,000



TABLE II.—ESTIMATED PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1973

[In billions of dollars]

	Debt with \$6.0 cash balance	With \$3.0 margin for contingencies
1972:		
June 30.....	443.4	446.4
July 17.....	450.0	453.0
July 31.....	453.0	456.0
Aug. 15.....	457.5	460.5
Aug. 31.....	461.1	464.1
Sept. 15.....	462.3	465.3
Sept. 29.....	457.9	460.9
Oct. 16.....	461.0	464.0
Oct. 31.....	462.1	463.1
Nov. 15.....	466.3	469.3
Nov. 30.....	468.7	471.7
Dec. 15.....	469.7	472.7
Dec. 29.....	469.8	472.8
1973:		
Jan. 15.....	470.8	473.8
Jan. 31.....	470.6	473.6
Feb. 15.....	475.3	478.3
Feb. 28.....	478.1	481.1
Mar. 16.....	483.1	486.1
Mar. 30.....	482.5	485.5
Apr. 16.....	484.5	487.5
Apr. 30.....	478.2	481.2
May 15.....	483.8	486.8
May 31.....	486.8	489.8
June 15.....	486.0	489.0
June 29.....	479.3	482.3

TABLE III.—BUDGET RECEIPTS, OUTLAYS AND SURPLUS OR DEFICIT (—) BY FUND

[In billions of dollars]

	Fiscal year		
	1971 actual	1972 estimated	1973 estimated
Receipts:			
Trust funds.....	66.2	73.2	83.2
Federal funds.....	133.8	137.8	150.6
Deduct intragovernmental receipts.....	-11.6	-13.1	-13.0
Total unified budget.....	188.4	197.8	220.8

	Fiscal year		
	1971 actual	1972 estimated	1973 estimated
Outlays:			
Trust funds.....	59.3	67.2	72.5
Federal funds.....	163.7	182.5	186.8
Deduct intragovernmental outlays.....	-11.6	-13.1	-13.0
Total Unified budget.....	211.4	236.6	246.3
Budget surplus (+) or deficit (—):			
Trust funds.....	+6.9	+5.9	+10.7
Federal funds.....	-29.9	-44.7	-36.2
Total unified budget.....	-23.0	-38.8	-25.5

TABLE IV.—UNIFIED BUDGET RECEIPTS OUTLAYS AND DEFICITS (—), FISCAL YEAR 1972

[In billions of dollars]

	January 1971 estimate	Change to September 1971 estimate	September 1971 estimate	Change to January 1972 estimate	January 1972 estimate	Change to January 1972 over January 1971
Receipts.....	217.6	-13.1	204.5	-6.6	197.8	-19.8
Outlays.....	229.2	+2.8	232.0	+4.6	236.6	+7.4
Deficit (—).....	-11.6	-15.9	-27.5	-11.2	-38.8	-27.2

Note: Figures are rounded and may not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

TABLE V.—CHANGES IN ESTIMATES OF FISCAL YEAR 1972 RECEIPTS FROM JANUARY 1971 BUDGET DOCUMENT

[In billions of dollars]

	Change to September estimate					Change to January 1972 budget					January 1972 budget
	January 1971 budget	Economic and re-estimate	Legislation	Other	Total	September 1971 estimate	Economic and re-estimate	Legislation	Other	Total	January 1972 budget
Individual income tax.....	93.7	-2.4	-1.3	+0.7	-3.0	90.7	-1.1	-0.6	+2.5	-4.2	86.5
Corporation income tax.....	36.7	-4.6	-2.2		-6.8	29.9	-2.0	+2.2		+2	30.1
Employment taxes and contributions.....	50.2	-8	-1.7		-2.5	47.7	-4	-9		-1.3	46.4
Unemployment insurance.....	4.2					4.2			+2	+2	4.4
Contributions for other insurance and retirement.....	3.2					3.2			+2	+2	3.4
Excise taxes.....	17.5	-1	-2.2		-2.3	15.2	+3	-3			15.2
Estate and gift taxes.....	5.3	-1			-1	5.2					5.2
Customs duties.....	2.7	-1	+1.7		+1.6	4.3	+1	-1.2		-1.1	3.2
Miscellaneous receipts.....	4.1					4.1		-2	-4	-6	3.5
Total budget receipts.....	217.6	-8.1	-5.7	+7	-13.1	204.5	-3.1	-1.0	-2.5	-6.6	197.8
Underlying income assumptions, calendar year 1971:											
GNP.....	1,065										1,047
Personal income.....	868										857
Corporate profits before tax.....	98										85

1 Change in capital gains tax estimate.

2 Before the effect of ADR.

3 After the effect of ADR. Before the effect of ADR, the estimate would be \$85,900,000,000.

Note: The figures are rounded and may not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

TABLE VI.—COMPARISON OF FISCAL YEAR 1972 RECEIPTS, AS ESTIMATED IN JANUARY 1971 AND IN JANUARY 1972

[In billions of dollars]

	Change to January 1972 budget						Change to January 1972 budget				
	January 1971 budget	Economic and re-estimate	Legislation	Other	Total	January 1972 budget	January 1971 budget	Economic and re-estimate	Legislation	Other	January 1972 budget
Individual income tax.....	93.7	-3.5	-1.9	+1.8	-7.2	86.5					
Corporation income tax.....	36.7	-6.6			-6.6	30.1					
Employment taxes and contributions.....	50.2	-1.2	-2.6		-3.8	46.4					
Unemployment insurance.....	4.2			+2	+2	4.4					
Contributions for other insurance and retirement.....	3.2			+2	+2	3.4					
Excise taxes.....	17.5	+2	-2.5		-2.3	15.2					
Estate and gift taxes.....	5.3	-1			-1	5.2					
Customs duties.....	2.7		+5		+5	3.2					
Miscellaneous receipts.....	4.1		-2	-4	-6	3.5					
Total budget receipts.....	217.6	-11.2	-6.7	-1.8	-19.7	197.5					
Underlying income assumptions, calendar year 1971:											
GNP.....	1,065					1,047					
Personal income.....	868					857					
Corporate profits before tax.....	98					85					

1 Change in capital gains tax estimate.

2 Before the effect of ADR.

3 After the effect of ADR. Before the effect of ADR, the estimate would be \$85,900,000,000.

Note: The figures are rounded and may not necessarily add to totals.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

Mr. ROTH. Mr. President, at this time I ask unanimous consent, without losing my right to the floor, that I may yield to the junior Senator from Georgia.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GAMBRELL. Mr. President, I thank the distinguished Senator from Delaware for yielding to me for the purpose of speaking to the several points which he has raised this morning.

I assume that everyone recognizes the necessity for increasing the debt limit. The President has sent us a budget which obviously is going to involve spending more money than we have to spend out of revenues. We are obviously going to incur some more debts, and those debts will obviously exceed the existing debt limit. So I would say that the passage of a debt limit bill is almost perfunctory, and hardly worth the time and effort of producing hearing records and a lot of discussion and debate. What we are really here about is the question of a responsible way in which to go about increasing our debt limit from year to year, and whether that is to be a perfunctory practice to be taken up at the beginning of every congressional session, or whether we may see some end to the practice over the years, sooner or at least later.

Possibly, if we are going to continue the practice that we have been following concerning debt limits, we ought to write it into the rules that no other business may be taken up by Congress from year to year until after they have increased the national debt limit by a sum sufficient to pay whatever additional debt may be incurred by Congress during its current session. Then we would not have to bother with the normal procedures, hearings and one thing and another, which just result in our increasing the debt limit anyway, and we would not have that hazard to overcome.

I would hope that most of us, including the President, who has some considerable responsibility in this area, would like to initiate a program for terminating this process at some reasonable future time, and maybe, in some millenium, paying off some of the debt. But that is not what we are here to talk about today.

What we are talking about, and what the issue has been in the discussion of this matter by the House of Representatives is, are we going to face up to fiscal responsibility, or are we simply going to let this year go past without doing anything about it?

The Senator from Delaware (Mr. ROTH), I think with the encouragement and backing of the administration, both last year and again this year has introduced legislation to put a statutory limit on the spending of the Federal Government. Why that should be a matter of great concern and send everyone scurrying for cover, and why it should raise grave questions and cause brows to wrinkle and a sense of great urgency to be felt about it I do not know, when there seems to be no urgency, no concern, and no desperation about increasing the debt limit anywhere from \$30 to \$40 or \$50 billion.

The Senator from Delaware, in good conscience, and with the encouragement of the administration and, I might say, with the encouragement of the chairman of the Federal Reserve Board, Dr. Burns, who testified before the Joint Economic Committee and the Senate Banking Committee that he favored legislation of the type proposed by the Senator from Delaware—with the encouragement of all these high officials in the executive branch of Government, the Senator from Delaware has brought the question of a spending limit before Congress. I think, and I believe he thinks—and others in this body also think—that we should deal with that question simultaneously with, if not before, the question of the debt limit itself.

Of course, I have no way of knowing what the strategy of the administration is or what the strategy of the leadership in Congress is. I would hope the strategy would be, in the ultimate, to achieve fiscal responsibility. I do not see that in a bill which merely increases the public debt limit. The public debt limit, as I have noted previously, is something like issuing a death certificate in a plague. The issuance of a death certificate in a plague or at any other time is more or less a perfunctory matter. But the big problem in a plague, of course, is what is causing the plague and what can be done about the plague.

Why the Government should be concerning itself and spending time and energy issuing death certificates in economic disasters, I do not know.

We have just passed a measure decreasing the value of the dollar against gold. There, again, is a perfunctory act—to erect a tombstone over a dollar value that persisted for 30 or 40 years in our statutes. It became eroded, and everybody in the world knew it was devalued, and we aided in its devaluation through irresponsible fiscal and monetary actions. Finally, we came to the point where we passed a bill, recognizing that this has happened.

At no time and in no way does Congress or the President face up to dealing with the total economic problems that bring about economic disaster of that type.

It seems to me—and I expressed the opinion when the bill was before the Banking Committee—that while we are devaluing the dollar, we ought to commit ourselves to the people of this country and to the people of the world—the dollar being the cornerstone currency of world economic and trade relations—never to let such a disaster take place again.

We talk about the so-called Smithsonian agreements and how it was incumbent upon us to do something in a hurry in order to get up to par in the Smithsonian conversation. I do not profess to be a great international fiscal or monetary expert; but had I been sitting on the other side of the table when we were in those discussions, if I had been a representative of one of the other great trading nations of the world, I would have said, "OK, Uncle Sam, you go back and get this gold value straightened out, and come back here and commit your-

self to a sound and responsible economic system."

How can we conduct our business in the world market—how can Japan, Germany, or other countries of the world conduct their business either braced up by the dollar or cornered by the dollar—when the dollar is going to be an irresponsibly managed and unreliable currency?

Had I been on the other side of the table, I would have insisted not only that the dollar be devalued but also that economic measures be taken in this country which would have assured that such a crisis did not occur again.

So, Mr. President, I think it is vitally important that somewhere along the line we face up to fiscal responsibility and to economic responsibility in this country and that we take measures which are necessary and urgently needed in order to achieve those objectives.

There have been several proposals in addition to that which the Senator from Delaware has brought before Congress along this line. The first of those was the Economic Stabilization Act of 1971. We got that done. We put our so-called vaunted free enterprise system under the most extensive and devastating set of controls that has ever been placed on a free enterprise economy in the history of the world, except in wartime.

We talk about free enterprise. Yet, wages, prices, interest rates, profits, dividends, and every other aspect of our economic life are under some form of control out of Washington. I was a strong supporter of that legislation. It was absolutely necessary. We had worked ourselves into a situation in which we had to have the controls. But we do not any longer have a free enterprise system in this country, with controls of that type. That was a step in the direction we needed to take. I have suggested that we consider the possibility of permanent legislation of that type—not that we stay permanently under controls, but that whenever our economy is so mismanaged that we again have the type of inflation we had during the past 3, 4, or 5 years, a set of controls would come on automatically.

I realize that that is quite a concession to Government control, to the type of things to which we have always been opposed in this country. But I do not think we should again put ourselves in the situation where Congress has to pass a law and then the President has to decide later when to exercise his discretion under that law, to bring about some stability in our economic system in this country.

When President Nixon finally put these controls on, I said at the time that I thought—and I still think—that he was at least a year or a year and a half late in doing so.

This type of stability introduced into our economic system gives our people and gives foreign governments with whom we deal and gives the entire economic system of the country and of the world some confidence upon which they can base their plans and their programs for the future. I would like to think that they would have some confidence in us



without any controls, and I would like to think that we had economic guidelines in this country upon which others could look and say: "The U.S. Government is not going to get out of hand economically, and we can plan without hedging; we can lend money without going into inflation, with interest rates and other things of this type which have been going on for the last 4 or 5 years."

We have a problem in this country of what at home I would call "running the rabbit." We had hearings yesterday and the day before in the Banking Committee with respect to the efforts of the Housing and Urban Development Department to regulate what is known as settlement costs in real estate transactions. During the so-called tight money days of the late 60's and early 70's, a number of practices arose connected with real estate transactions in which discounts were charged on loans, and there were other inflated items of cost connected with real estate closings that became evident in Government-subsidized and protected real estate activities such as the FHA and Veterans' programs. I was in the field when all this was going on. I was not in Washington reading statistics. I was there, actually involved in these closings. I was not only a lawyer for some of the lenders but I was even a borrower myself. I tried to borrow money personally to buy a house under these circumstances. I have worked with others who were borrowing and lending in the field. The whole problem of settlement costs arose because money was tight and hard to get. A fellow that wanted to borrow money could be charged almost anything—as a discount, closing cost, survey fee, abstract charge, title insurance—anything else one wanted to charge him. If he could get that loan, he would pay any price to anyone, whether honest or dishonest. That is all there is to the settlement cost controversy.

Yet HUD has spent a year and written two volumes about 6 inches thick each, telling us how to straighten that out.

I would like to see a volume 6 inches thick telling us how to straighten out the whole economy of the country so that we do not have to have tight money and so that we do not have problems of that kind.

To me, it is a disgrace. We cannot "run the rabbit" when we have a 6-inch thick report on how to straighten out closing costs, when, in fact, they may have gone up 50 percent. In other words, 1 percent of a total real estate transaction has gone up 50 percent. That means it has gone up to where it was 1½ percent more on the original. At the same time, the cost of the money went up by almost 100 percent—that is, the interest rate almost doubled. Construction costs went up by at least 20 to 30 percent, and every other cost associated with it—land, everything else, went up at the same time, as a result of tight money.

In other words, to blame the whole problem of real estate transactions on closing costs is absolutely "running the rabbit" while the big game got away. The big game was the loss of economic and fiscal responsibility in this country. That is what we are trying to begin to get at

here today with the amendment which the distinguished Senator from Delaware (Mr. ROTH) proposes to offer to the bill.

I would say it would be a national disaster if the debt limit bill were to pass in a perfunctory way, to pass because it had to be passed, with nothing to be said and nothing to be done about the basic problem of adjusting our fiscal and our economic policies in this country.

Mr. President, as I mentioned earlier, wage and price control legislation is one of many things that has to be done in order to cope with our economic problems. Also, of course, the revaluation of gold and the debt limit increase which we are talking about today are two others, but they are simple. They are things we have to do. They are things that recognize what is already taking place. What we need to face is what we will do about things that come up in the future, the basic illness, the basic disease that brings us to having to take what amounts to perfunctory steps in legislation.

I might mention a few, such as the suggestion I made that we have permanent economic stabilization laws which are triggered into effect automatically in the event of a certain amount of inflation.

I know that the distinguished Senator from Wisconsin (Mr. PROXMIER) has made proposals relative to increases of productivity in this country. Of course the Stabilization Act this year contains some voluntary productivity provisions whereby, hopefully, a productivity commission could encourage people to do different things. Perhaps, some time down in the distant future, if it is not too late, productivity would be improved.

What we need is something. It may not be one bill. It might be 10 bills. But we do need legislation which would assure us that productivity kept up with inflation; or to put it another way, so that inflation did not get ahead of productivity in this country.

Another proposal, and I am not suggesting that any of these things should be enacted in the form in which they have been put before us, but they should be studied and hearings should be held.

The distinguished Senator from Tennessee (Mr. BROCK) and the distinguished Senator from Texas (Mr. TOWER) have proposed that adjustments be made in the provisions of law relative to prevailing wages in the construction of housing.

I am not saying that their bill should be passed but I am saying that something should be done about that proposal. It should be studied and worked out. If the mandatory cost of construction that we build into Federal programs is a factor in inflation, it should be removed.

The distinguished Senator from Oregon (Mr. PACKWOOD) introduced legislation in connection with the dock strike which would deal with the problem of chronic transportation strikes.

I do not say that his bill should be passed in that form, or that there should be compulsory arbitration, but I do say that there is no doubt in my section of the country, and in many other sections of the country, that the chronic economic problem affecting the value of prices,

supply, of agricultural products, is tied in directly with dock strikes and with transportation strikes. We need some way of assuring our farmers that their products will get to market, whether the market be overseas or the domestic market, but that it not lie around and rot and spoil at the harvest season because there happens to be a strike.

I do not say that is something for me to settle, or for the Senator from Oregon to settle. Basically it should be settled between the farmer and the dock worker, or between the farmer and the transportation worker. But if anyone is to settle it and come in and tell us how we can avoid the economic waste that results from that kind of situation, then I would say that Congress has got to settle it.

Mr. President, I also can see that very easily we should have some legislation or some change in the rules of Congress relating to systems of appropriations. This is not news to Members of the Senate. I doubt whether it is news to the public. But there is no control over the gross appropriations made by Congress in terms of how much money we have to spend.

We pass five, six, eight, 10 different appropriation bills, and when I am voting on one, I do not know what the next one will have it in. I have no way of knowing. I can make a guess. But how do I have any influence in casting my vote on whether we overspend our revenues in this Government? The only way I can be assured of doing that is by voting against every appropriation bill that comes along. I can assure myself this year that that is the only way we will have any responsibility, because we already know we will spend more than we are going to take in. That is why this bill is presently before us. We have to arrange or prearrange to spend more money than we take in. I do not care whether we call it a full employment deficit, whether we call it pump priming—or whatever we call it—we have that in front of us. No one has told us, if we do this, that we are assured of being back on a sound basis next year, or the next year, or the year after that. All we know is, it is an obvious way of achieving some increase in productivity.

But, suppose we do not? Suppose we do not? How many years do we go through a so-called full employment budget hoping that we come out with a better economy the next year? Actually, we cannot legislate in this country directly. What this country needs more critically in terms of economic reform than any other one thing is the confidence of the American people and the confidence of people around the world that our economy will be well managed.

Right today, although interest rates are going up and business projections are supposed to be better, at the same time the rate of savings is going up. People are saying, "Next time I get my hands on a dollar, I will save it. I will not spend it."

That attitude—and I do not blame anyone for having that attitude—is understandable. The last time, for 4 or 5 years when we spent money hand over fist, we got into economic difficulties, and as a result people lost their jobs. The peo-

ple are now saying, "Next time I lose my job from mismanagement, I am going to have some money in the sock somewhere."

That attitude results in not having a growing economy. People are saving rather than spending. We have a lack of confidence in the American economic system to go forward and be efficiently and responsibly managed.

I would say that what we need to do and what we should do is to get into, as rapidly and as directly as we can, the introduction of some curbs on ourselves. We need to tell this country and to tell the business community of this country and the people of this country that during this year, the coming fiscal year, if the President says that we do not need any more than  $x$  dollars to spend, we will tell him that we are not going to spend more than  $x$  dollars, that that will be the law and a guideline that we will set for ourselves and will live by.

That bill could be just like the debt limit. We could come in later and increase the spending limit. If we agree to the Roth amendment and then come in next June or July and increase the limit, we might as well forget the whole thing.

I think it should be considered now and be part of the whole discussion and debate as to whether there are not some constitutional restrictions that can be introduced into this system along the same line, so that we cannot perfunctorily increase our spending limit after this action.

All I am saying is that the debt limit proposal should be a reasonable proposal. Now we change it coming and going. Every year the first act to be taken is to increase the debt ceiling so that we will be sure to have plenty of money available for whatever we want to spend. I suppose that the spending limit proposal could fall into the same category. Nevertheless, I still congratulate the Senator from Delaware for making an effort to bring new measures of fiscal responsibility into our economic system.

Mr. President, I wanted to call to the attention of the Senator some remarks which are contained in the testimony of Mr. Gardner Ackley before the Joint Economic Committee which hearings were held back in August of 1971, shortly after the new economic proposal was announced.

Mr. Gardner Ackley testified before the joint committee. He testified on a number of things. And they had a very broad colloquy after the testimony in regard to his views of the economy and the future requirements and necessities. However, he said that in the area of inflation control, the immediate, next step must be to replace the freeze with an effective incomes policy. And presumably we have done that with the Stabilization Act of 1971. Then he goes on and says—and I think this is where we are now:

But beyond that, an incomes policy must be buttressed by a whole range of further institutional changes. Some of these necessary changes will be as difficult to accomplish as the designing and acceptance of an effective incomes policy. I hope that some of them will be on this committee's agenda for future hearings.

Mr. President, if we cannot pass a spending limit bill here in short order or in just as short order as we pass a debt ceiling bill, then I would say it will be a little harder than Mr. Ackley forecasts, because we got the Stabilization Act and the incomes policy enacted within 2 months after that. But this has been going on 3 or 4 months now, and we have not even scratched on the so-called institutional changes.

I also call to the attention of the Senate some material that I had printed in the RECORD on Wednesday of this week, March 1, when there was a colloquy conducted on the floor between myself and the senior Senator from Virginia (Mr. BYRD), the senior Senator from Wisconsin (Mr. PROXMIRE), the Senator from Tennessee (Mr. BROCK), and the Senator from Delaware (Mr. ROTH) concerning the identical subject. The testimony I have in mind in particular referring to at this time concerns the comments of Dr. Burns both before the Committee on Banking, Housing, and Urban Affairs, and before the Joint Economic Committee.

Dr. Burns also testified in reference to the gold price legislation. I asked him a question along the lines that I have been discussing here this morning, concerning whether there were not actions that needed to be taken. Dr. Burns, in effect, said "Yes." He then began to discuss some. He discussed with me my proposal for a permanent system of stabilization. However, he also said:

There is another proposal which is before the Congress. The President has recommended and Senator Roth has advanced it in the Senate, and many of your colleagues, I understand, are supporting Senator Roth in that effort.

I said: "This is the spending limit proposal?"

Dr. Burns said:

I think it is highly important to have finally in this country a legislative budget ceiling, a budget ceiling that would apply to the Congress, that would apply to the executive, and that would admit of no escape passage whatever. I think that would reassure this country. It would reassure people abroad. It would have precisely the broad, beneficial consequences that you have in mind, Senator.

I do not know of a more sweeping endorsement of any piece of legislation that is pending before this Congress today than that which Dr. Burns gave to the Roth proposal. And, Mr. President, I think that, as he said, with the President's support, it should indicate the urgency of dealing with this problem at the earliest possible time.

Mr. President, might I inquire of the Senator from Delaware if he would be interested in continuing the debate at this point?

Mr. ROTH. Yes, I would be.

Mr. GAMBRELL. Mr. President, I am scheduled to take the chair at this time. So, for that reason, I yield the floor back to the Senator from Delaware.

Mr. ROTH. Mr. President, I thank the Senator from Georgia for his valuable contribution. I strongly agree with his statement that the enactment of an increase in the statutory debt limit should not be a matter of perfunctory action on

the part of the Senate. I say that because I think on the question of developing a stable growth economy, and by stable I mean a growth economy that is not accompanied with inflation, it is important that we spend considerable time considering what the appropriate action is today.

Much of our action in the Senate, or in the Congress for that matter, is based on how much more money should we spend as part of the Federal budget. I would say far and away the majority of our time is directed toward that end. I think it is important that we make it crystal clear to the American public, whose confidence we must have if we are going to overcome the problems facing our Nation, that we view this problem of deficit spending with the gravest concern, that we intend to take action to bring it under control, and that we are not going to continue past error in the future.

Again, to highlight the importance of holding down spending I would like to read at this time a statement by George P. Shultz, Director of the Office of Management and Budget, in his appearance before the Committee on Finance:

Secretary Connally has explained the need for an increase in the statutory debt limit. I want to support the request for the increase. My remarks will focus primarily on the implications of the current budget estimates for fiscal years 1972 and 1973.

#### THE BUDGET OUTLOOK

Although the outstanding debt and the debt limit depend on the receipts and outlays of Federal funds—a concept similar to the old administrative budget—the unified budget, including the trust fund transactions, is more closely related to the impact of the Federal Government on the national economy.

On a unified budget basis, the budget that was sent to the Congress on January 24 estimated that there would be deficits of \$38.8 billion in 1972 and \$25.5 billion in 1973.

These deficits, which will play a vital role in providing the stimulus needed to expand production and reduce unemployment, represent our confidence in the economy's ability and capacity to respond to sensible stimulation.

Because of the size of these deficits, we are ever more watchful of the rise in Federal outlays. Reflecting the careful scrutiny of Federal programs, the budget for 1973 is held to full-employment balance. This will diminish stimulation as prosperity takes hold and act as a barrier against the renewal of inflationary pressure.

The 1972 budget is expected to be \$8 billion in deficit on a full employment basis. The size of this deficit is a potent danger signal, for the lessons of the late 1960's clearly warn that large full-employment deficits in both 1972 and 1973 would lead to the risk of renewed inflation. Both the Congress and the Executive Branch must, therefore, hold a tight rein on the growth of outlays.

In the formulation of the President's 1973 budget that discipline has been imposed on the growth of outlays. Spending is expected to rise only \$9.7 billion, only about a 4% increase from 1972 to 1973. This compares with average annual increases in outlays of 17% from fiscal year 1965 to fiscal year 1968 and about 9% from fiscal year 1969 to fiscal year 1972. Between fiscal year 1972 and fiscal year 1973 receipts are estimated to increase by \$23 billion, primarily because of increased economic activity. As a result, the present



estimate is for the 1973 budget deficit to be substantially less than the 1972 deficit—about \$25.5 billion.

To make certain that the 1973 budget does not breach the full employment principle, the President has proposed to the Congress that a rigid ceiling on 1973 spending be established before any 1973 appropriations bills are passed.

I consider that sentence to be perhaps the heart of Mr. Shultz' statement, when he said that:

To make certain that the 1973 budget does not breach the full employment principle, the President has proposed to the Congress that a rigid ceiling on 1973 spending be established before any 1973 appropriations bills are passed.

It seems to me perfectly obvious that now is the logical time, both from the legislative point of view and from the standpoint of meeting this standard, to attach such a rigid ceiling on 1973 spending to the debt ceiling. As I indicated in my earlier statement, the debt ceiling has, in fact, failed in its purpose of being disciplinary on both congressional and executive action. It is essential that we develop new tools or new techniques to help bring into control deficit spending. Therefore, one of the most important things Congress can do this year is to adopt the very rigid ceiling that the President himself requested.

To go back to Mr. Shultz' statement:

The outlays of \$246.3 billion proposed by the President in his fiscal year 1973 budget are sufficient to provide the stimulus needed by the economy. We must remember that this stimulus will occur at a time when we believe we will be making substantial progress toward full employment. Indeed, the economic indicators are already registering encouraging progress. For that reason, it is essential that we assure ourselves now, by putting a statutory ceiling on spending, that the stimulation we provide through the 1973 budget will not be excessive.

The spending ceiling the President requests is simple, straightforward, and all inclusive. Past experience indicates that such a ceiling will be necessary to hold the budget outlays and the debt subject to limit within present estimates.

Mr. President, the amendment I propose to offer at a later time is a simple spending ceiling; it is straightforward, all-inclusive, applying to all expenditures, controllable or noncontrollable.

As Mr. Shultz indicates such a ceiling is necessary to hold the debt limit within the present limits. At a later time during the day I intend to show by actual figures how we have failed to hold down budget outlays, how we have been inaccurate in our predictions of revenue and expenditures.

I might say that this has been a blow to both Democratic and Republican administrations. Everyone will have to share the blame. Both branches of government, the executive, of course, and certainly the legislative, have to take a large part of the blame for failing to demonstrate the self-discipline that is going to be necessary if we are going to work our way out of the economic problems faced by our Nation.

Mr. Shultz continues:

On a Federal funds basis, the basis that determines the debt subject to the statutory limit, the budget totals are set forth below:

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# FEDERAL FUNDS RECEIPTS AND OUTLAYS

[Fiscal years, in billions]

	1971 actual	1972 estimate	1973 estimate
Outlays (by agency):			
Department of Defense military functions and military assistance	\$75.5	\$75.8	\$76.5
Department of the Treasury:			
Interest on the debt	21.0	21.4	22.7
Revenue sharing		2.2	5.0
Other	.1	.6	.1
Department of Health, Edu- cation, and Welfare	21.3	26.1	26.4
Veterans Administration	9.5	10.7	11.6
Department of Agriculture	8.6	11.6	11.0
Allowance for civilian agency pay raise		.3	.8
All other	27.7	33.8	32.7
Total	163.7	182.5	186.8
Receipts	133.8	137.8	150.6
Deficit	29.9	44.7	36.2

Note that on a Federal funds basis, total outlays in the fiscal year 1973 are estimated to rise by \$4.3 billion, compared to an increase of \$18.8 billion in 1972.

## THE UNIFIED BUDGET

This is the fifth year that the budget has been presented on the so called "unified, comprehensive" basis. Prior to the adoption of the unified budget, several competing concepts were commonly used. The resulting confusion made it very difficult for outside experts, as well as the general public, to keep abreast of the Government's financial affairs. A bipartisan Presidential commission studied the matter in 1967, and concluded that a unified, comprehensive accounting that embraced both Federal and trust would be the best single measure of the budget. Since that time, the unified budget has been used by the President in transmitting his budget proposals to the Congress.

Mr. President, later on in presenting my amendment, I will make reference to this so-called comprehensive accounting. It is true that in certain particulars this method can be helpful in analyzing the impact on the economy, but I think, unfortunately, the incorporation of trust funds has the adverse effect of minimizing the actual Federal deficit.

As you well know, Mr. President, trust funds are collected for a particular purpose, and that is the only use to which they can legally be put. These trust funds are established by congressional mandate, and, of course to try to claim that we are spending less money because of the off-setting surplus in these funds is indeed, in my estimation, budgetary gimmickry. This practice, I say, has been used in both Democratic and Republican administrations and it can serve certain useful purposes, as I have already indicated, but on the whole the impact of it is to make it appear that deficit spending is actually less than it really is.

Mr. Shultz points out that:

The unified budget effectively indicates how the budget carries out its basic functions of resource allocation and economic stabilization. It shows the total spending by the Federal Government, rather than just the spending from the Federal funds. Similarly, it reports the total amount of taxes collected from the American people for whatever purpose. To include just the Federal funds portion of the unified budget and ignore the finances of the trust funds would present an incomplete picture from the standpoints of economic analysis and full disclosure to the American people. This is

why we believe that the unified budget is the most useful measure of the Government's finances.

## FEDERAL DEBT SUBJECT TO LIMITATION

The concept of Federal debt subject to limitation is roughly consistent with the "administrative budget" concept that was used until the 1969 budget. It is also generally similar to the Federal funds part of the unified budget. For this reason, changes in the Federal debt subject to limit are more closely related to the Federal funds surplus or deficit than to the unified budget surplus or deficit.

## FEDERAL FUNDS FINANCING AND CHANGE IN DEBT SUBJECT TO LIMIT, 1971-73

[Fiscal years, in billions]

Description	1971 actual	1972 esti- mate	1973 esti- mate
Federal fund surplus (—) or deficit	\$29.9	\$44.7	\$36.2
Means of Federal funds financing other than debt:			
Increase (—) or decrease in deposit fund balances	-.9	.1	1.5
Seigniorage on coins (—)	-.4	-.5	-.5
Increase or decrease (—) in cash balances and other means of financing (net)	-3.6	.6	.4
Total, means of financing other than debt	-5.0	.2	1.4
Increase or decrease (—) in Federal funds investment in Federal debt	2.0	1.4	-.2
Decrease or increase (—) in other Federal debt not subject to limit (net)	-.8	.2	-1.5
Change in debt subject to limit	26.1	46.5	35.9

It is repeatedly said that the budget deficit would be much bigger if we did not use the trust funds surplus to reduce it. Actually, the trust funds have a surplus only because of very large payments by the Federal funds to them. These payments are mainly interest on the Federal securities held by the trust funds, the Federal Government's contribution as employer to its employees retirement fund, and Federal contributions for such groups as the elderly and the long-term unemployed. As the following table shows, trust fund payments to the public exceed trust fund income received directly from the public.

## BUDGET SURPLUS OR DEFICIT (—) BY FUND GROUP

[Fiscal years, in billions]

Description	1971 actual	1972 estimate	1973 estimate
Federal funds:			
Transactions with the public	-\$18.5	-\$31.8	-\$23.3
Transactions with trust funds	-11.4	-12.9	-12.8
Total	-29.9	-44.7	-36.2
Trust funds:			
Transactions with the public	-4.6	-7.0	-2.2
Transactions with Federal funds	11.4	12.9	12.8
Total	6.8	5.9	10.7
Budget total:			
Federal funds	-29.9	-44.7	-36.2
Trust funds	6.8	5.9	10.7
Total budget surplus or deficit (—)	-23.0	-3.88	-25.5

As I have indicated, the facts are that while there are surpluses in these trust funds, these surpluses, by and large, are mandated for a specific purpose such as the Director has indicated, for the Federal Government's contribution to

Federal employees' retirement or for contributions to funds such as for the elderly and unemployed. The fact remains that they cannot be used for other purposes, and to borrow them for ordinary expenditures and try to assert that they must not be paid back for the purpose for which they were collected is indeed misleading.

Mr. Shultz continues:

#### CONCLUSION

Secretary Connally has discussed the need for the proposed increase in the statutory Federal debt ceiling. I fully support his recommendations and wish to underscore the continuing need for prudent management of our public finances.

Adjustment of the debt ceiling is consistent with, and necessary to, meeting the national objectives that have been acknowledged by both the Congress and the Administration. At the same time, we recognize that an increase in the debt ceiling brings with it the need for greater fiscal responsibility. We, therefore, intend to maintain a disciplined vigil on spending in order to insure that our limited financial resources are employed in a prudent and effective manner. That is why the President proposed a rigid ceiling on outlays.

Mr. President, I think at this stage it might be worthwhile to give a brief history of public debt limitation and some of the arguments for and against it. As I stated earlier, on February 17, 1971, John B. Connally, Secretary of the Treasury, accompanied by George P. Shultz, Director of the Office of Management and Budget, appeared before the Ways and Means Committee, House of Representatives, U.S. Congress, to present the administration's request to raise the public debt limit by \$40 billion to an overall ceiling of \$435 billion.

This increase was the largest single increase requested in the debt limit since the period of World War II, when the debt ceiling was raised four steps from \$65 billion in February 1941 to \$300 billion in April 1945.

The House Ways and Means Committee favorably reported the bill, H.R. 4690, House Report No. 92-13, on February 22, 1971, to increase the public debt limit.

However, in H.R. 4690, the Ways and Means Committee did not favorably report the overall increase to \$435 billion requested by the administration. Instead the bill (H.R. 4690) provided for an overall increase of \$35 billion to a total of \$430 billion. The permanent debt limitation was raised from \$380 billion to \$400 billion. The temporary addition to the public debt limit was increased from \$15 billion to \$30 billion, the temporary increase to be effective from enactment of the legislation to June 30, 1970. Thus the overall debt limitation was increased by \$35 billion to a total of \$430 billion from date of enactment of H.R. 4690 to the end of fiscal year 1972. Effective July 1, 1972, the debt limit will drop to \$400 billion if further action is not taken in the interim.

On March 3, 1971, the House of Representatives, by a vote of 227 to 162, approved the bill (H.R. 4690) providing for an overall increase in the public debt to \$430 billion. Also included in the debt

limit bill was a provision that permits the U.S. Treasury to sell long-term U.S. obligations in an aggregate amount not exceeding \$10 billion without regard to the statutory 4.25 percent limitation on the interest rate on long-term bonds. This limitation on the rate of interest that can be paid on long-term public debt securities has forced the U.S. Treasury to resort to short-term financing entirely to refinance the portion of the public debt maturing annually since the mid-1960's. This provision of the bill was approved separately in the House of Representatives from the debt limit provision on a teller vote of 211 to 180.

The bill (H.R. 4690) was then referred to the U.S. Senate. On March 9, 1971, the Senate Committee on Finance favorably reported H.R. 4690 (Senate Report No. 92-28). The Senate approved H.R. 4690 on March 12, 1971. The President signed into law H.R. 4690 (Public Law 92-5) on March 17, 1971.

This act raised the permanent public debt limit from \$380 billion to \$400 billion. Also contained in the act is a proviso to temporarily increase the public debt limit by \$30 billion effective on date of enactment to June 30, 1972. This would have the effect of setting the temporary public debt limit at \$430 billion.

Since 1954, the question whether to raise or not to raise the public debt limit has become an almost annual debate confronting Congress and the American people. This question generates considerable discussion each time it comes up for consideration. Congress has passed bills to raise the public debt limit four times during the past 4 years.

Mr. President, I do not think there is any record that demonstrates more fully the complete lack of financial discipline that has been shown by our Federal Government over the years. In fact, since World War II we have seen that time and again the practice has been for the Federal Government to spend more than it receives in revenue. I think it is most regrettable that it has been absolutely necessary for Congress to raise the public debt limit four times during the past 4 years.

For the first 128 years of our national existence, there was no statutory limit as such on the amount of Federal securities that could be outstanding. There was, however, statutory authorization for each issue of securities. A statutory limitation on the amount of debt outstanding was started in 1917, when really large-scale borrowing became necessary in World War I.

Borrowing since the first limitation was established has increased the debt by more than \$400 billion, about 130 times its pre-1917 amount, and many upward adjustments of the debt limit have been made to accommodate or control the World War II and postwar financing of the Federal Government.

In the light of these facts, is there any justification for a national debt limit? Should Congress establish a permanent debt limit, and refuse to adjust it upward except in case of a national emergency? What would happen if Congress simply refused to raise the ceiling on the

Federal debt? Does the debt ceiling exercise any influence on the level of the public debt? Is the raising of the debt ceiling the cause of an increase in the national debt, or is it rather the effect of an increase?

Some people have termed the public debt limit a hallmark of fiscal integrity, and the last hope for control of Federal expenditures. Others have gone to the opposite extreme, and dubbed it an invitation to costly and misleading fiscal maneuvers. Some contend that it is ineffectual as a limitation on the Federal debt, and only serves to create inefficiency in management of the national debt.

The public debt limit is a statutory ceiling or maximum limit established by legislation on the total amount of Federal Government securities that may be outstanding at any one time. The Constitution grants to Congress the authority to control Federal indebtedness, to appropriate money, and to provide for the collection of revenue. It provides that:

SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .

To borrow money on the credit of the United States;

This is provided in article I, section 8 of our Constitution. In article I, section 9, it continues:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Prior to World War I, as I have indicated, Congress took an active role in the management of the public debt by establishing the interest rates that could be paid, and specifying the type and often the maturity dates of Federal Government securities to be issued. However, due to the large scale financing and the increasingly complex financial structure of the economy, and in part to simplify matters, Congress enacted a Second Liberty Bond Act in 1917. This was the original legislative basis of our present debt limit statute.

This law pulled together some of the enacted borrowing authority from previous acts. It authorized the Treasury to issue bonds "not exceeding, in the aggregate, \$7,538,945,460." In addition, Congress authorized the Treasury to issue certificates of indebtedness up to the amount of \$4 billion at any one time.

During World War I, as Government expenditures exceeded Government revenues and substantial deficits were incurred, Congress followed the simple procedure of amending the Second Liberty Bond Act whenever new authority was needed. This authorized the Treasury to issue whatever securities were deemed necessary to provide the funds to finance the war effort. Through this means, the authorized debt limit increased with each enactment, and the debt of the U.S. Government grew to \$26.9 billion before the end of World War I.



This amendment procedure has been followed ever since. However, until 1941, Congress authorized a public debt limit in various amounts specified for bonds, for bills, for certificates, and for notes. On February 19, 1941, the public debt limit authority was consolidated in one total figure for all types of Government securities outstanding. This was set at \$65 billion.

Mr. President, I should like at this time to read a statement by the distinguished junior Senator from Tennessee (Mr. Brock):

Mr. President, there are few subjects which Congress has talked about more and done less on than federal spending. Congress now has this opportunity to take action by passing the Roth amendment—

It is an amendment which I intend to offer later—

The nation is looking to Congress for some consistency of action. In the closing months of the 1st session of the 92d Congress, we voted continuation of the wage and price control authority. The purpose of this action was to confirm the intention of Congress that inflation must be stopped. This action shored up some Americans sagging suspicions about Congress' sincerity of intentions to stop inflation. This action said to the American housewife Congress was serious when it promised to stop the inflation; Congress will do all in its power to keep private wage and price actions in reasonable limits, to protect the nation's purchasing power.

Congress must now redeem the pledge and keep faith with the American public by placing a limit on its own spending.

The past three years reveal a cumulative deficit of \$87 billion the effect of which no amount of full employment rhetoric can undo. For the period FY '71 through '73 the gross federal debt will increase by \$110 billion to \$493 billion. The national debt held by the public will swell by 30 percent for the same period.

In FY 1972 the projected full-employment budget vanished into an \$8.1 billion full-employment deficit. Although we have a forecast surplus for FY 1973, it is imperative that Congress and the Executive be restrained by a specific, air-tight limitation on spending.

The situation has been severely complicated by a combination of factors, especially additional spending programs authorized by Congress far in excess of available revenues.

Every year the President has been in office the Congress has appropriated far more than the budget request. The first year in office the President was given new legislative authorities by Congress \$4.7 billion in excess of budgetary requests and outlays for new programs of \$1.4 billion. During the second year of this administration, Congress showed some restraint by overspending the budget requests by slightly more than \$1.3 billion. At the close of the first session of the 92d Congress, Congress had overspent the budget by \$3.8 billion.

President Nixon has recommended the Congress establish the statutory ceiling for FY '73 contained in the Roth Amendment.

Further, he has emphasized that such a ceiling will apply equally to the Congress and the Executive. In support of the spending limitation concept, he has urged the Congress to enact a rigid ceiling on expenditures before it considers any appropriations measures. Such a ceiling will insure that this government will not continue to overspend itself.

Mr. BENNETT. Mr. President, will the Senator from Delaware yield at that point?

Mr. ROTH. I yield.

Mr. BENNETT. Does the Senator from Utah understand correctly that the Senator from Delaware is considering an amendment to reduce the figure from \$20 to \$15 billion?

Mr. ROTH. This Senator, at a later time, may offer such an amendment. We have made no firm decision on it.

Mr. BENNETT. Does not the Senator realize that means, instead of coming back on the first of July, the Treasury will have to come back about the 15th of May and we will be facing the same problem that came up earlier?

Mr. ROTH. Yes. The Senator from Delaware is aware of that problem.

Mr. President, support of the pending Roth amendment is essential to our economic health. The debt limit has not been an effective discipline on Federal outlays. It has now been amended 54 times in its history and, if the Roth amendment is not adopted, we will surely be faced with extending the allowable debt in the near future.

Every Member of this body must recognize that, without such realistic restraints, the plague of inflation will continue its stealthy raids on the pocket-books of every American.

I feel sure the collective conscience of the Senate will see the wisdom of this amendment and hope that it will prevail when the matter is brought to a vote.

Mr. President, earlier I yielded, with unanimous consent to obtain the floor again, to the chairman of the Finance Committee. At that time I was discussing some of the arguments pro and con of the so-called public debt limit legislation. I was pointing out from an historical point of view that until 1941 the Congress authorized a public debt limit in various amounts specified for bonds, bills, certificates, and notes.

On February 19, 1941, the public debt limit authority was consolidated in one total figure for all types of Government securities outstanding. This was set at \$65 billion. That has been the procedure followed since—to place a ceiling on all securities that may be outstanding at any given time. The public debt limit was raised to \$300 billion on April 3, 1945. On June 26, 1946, it was decreased to \$275 billion. This was considered a permanent debt ceiling. However, six upward adjustments have been made to the permanent debt limit which now stands at \$400 billion. Many increases in recent years have been termed "temporary" increases as they have been authorized for a specific period of time only. Our present public debt limit is a \$400 billion permanent ceiling plus a temporary additional limit of \$30 billion through June 30, 1972. Thus, if no other action is taken, the public debt limit will drop from \$430 billion to \$400 billion on June 30, 1972.

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

Mr. ROTH. I would be happy to yield for a question.

Mr. BENNETT. If that happens, is it not true then that we would have to issue no new debt until our outstanding debt had been reduced to the \$400 billion level?

Mr. ROTH. If Congress did not take further action, that would be correct.

Mr. BENNETT. If Congress were to reject the pending bill today and then take no further action, we would have the very difficult problem of paying off any debt above the \$400 billion ceiling that would come into effect next July 1.

Frankly, I do not see how on earth we could do it. I do not know what we would have to sell. We could not go out in the market and borrow money. And I do not think that we could add enough in taxes fast enough to take care of the situation.

Mr. ROTH. What this Senator in any event is hoping is that the Congress will combine an increase to the debt limit with a spending limitation.

As I have, of course, pointed out, the amendment that will be offered later is completely in accord with what the administration itself has said was desirable, that if we are to show fiscal responsibility, that if we are going to be able to show that we are trying to bring the budget into balance, that we are interested in regaining the confidence of the American people by imposing discipline on both the executive branch and Congress, we should follow through now with what the President himself has requested.

In any event, what started out as a simple measure to give the Treasury the authority to borrow the funds necessary to meet expenditures authorized for the national security, defense, and other purposes of World War I, has now grown into a definite and well-entrenched part of our Federal fiscal system. It has become a rallying point for those who hope to restrain the growth of Government expenditures and the influence of the Federal Government over the private affairs of the people. It is regarded by some as virtually the law of the land that expresses national devotion to the idea of thrift and to economical management of the fiscal affairs of the Federal Government. Others consider it wasteful and at the very least insist that it should be high enough to permit the most efficient management of the public debt.

#### TRENDS IN NATIONAL DEBT

Providing restraint or limits on government spending and the level of the national debt is a primary object of the debt limit statute. It is therefore pertinent to take a brief look at the historical pattern of the U.S. Federal Government debt.

Our Federal Government started off with a national debt of \$78 million when it was formed in 1789. Primarily, these were unpaid costs of waging the Revolutionary War. Generally this debt was reduced on a very gradual basis to a low point of \$53 million by 1810. The War of 1812 led to another increase in our public debt. After that war the debt was gradually reduced until it reached the all-time low point of \$37,500 outstanding in 1835. Actually, the entire public debt was paid off, except for those securities which were not presented for payment, and there was a surplus of several million in the Treasury—much more than would have been needed to pay off all indebtedness. However, the financial panic of 1837 led to an increase in the public debt of more than \$10 million by 1838. Thereafter, the debt gradually in-

creased to a level of \$65 million by the beginning of the Civil War. The demands of this war caused Government expenditures to increase rapidly and the United States accumulated an outstanding debt of \$2,756 million by 1866. After the Civil War, the Government followed a policy of gradually reducing the debt through surpluses in most of the years. Debt reduction created economic problems; it reduced the national bank note circulation while many geographic areas were complaining of the scarcity of money. Proposals to reduce the Treasury surplus by lowering tariffs—the principal source of Federal revenue—induced protectionists to counter with demands for higher rates and to publicize the concept of permanent protection of American industry.

By 1893 the debt was down to \$961 million. It has never been that low since. The depression of the 1890's, which resulted in reduced Federal Government revenue, plus the demands of the war with Spain, increased our national debt to nearly \$1.5 billion. This was gradually reduced to \$1.2 billion by 1915. However, with our entry into World War I Federal expenditures shot up rapidly and we proceeded to reach the level of \$26.9 billion. After World War I, there was a sustained effort on the part of the Federal Government, especially under the leadership of Secretary of the Treasury Mellon, to reduce the national debt. In this period, income tax effective rates were reduced four times. There was a reduction in the national debt each year until 1930 when it reached a low point of \$16.2 billion. However, since 1930 there has been an increase in the Federal debt at the fiscal year end for every year except 1947, 1948, 1951, 1956, and 1957. Our present debt amounts to approximately \$416 billion, the greatest portion of which resulted from the financial burden of World War II, during which time we spent more than \$211 billion in excess of what we took in. Naturally, our public debt limit had to be raised substantially during this period. It went up from \$49 billion at the beginning of 1941 to \$300 billion by April 1945. Also there has been a significant increase in our public debt during the Vietnam conflict. From June 1969 to August 1971 our public debt has increased from \$357 billion to \$416 billion.

Mr. President, I ask unanimous consent that without losing my right to the floor, I may yield to the junior Senator from Virginia.

#### AMENDMENT NO. 993

Mr. SPONG. Mr. President, I send to the desk a proposed amendment to H.R. 12910 and I ask unanimous consent that the text be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

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

#### AMENDMENT NO. 993

Insert the following at the end of the bill:  
That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by

any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

- (1) the amount of funds impounded,
- (2) the specific projects or governmental functions affected thereby, and
- (3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each House.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

- (a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

- (b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

- (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

- (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

- (2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated—, Senate (House) Document numbered—."

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

- (c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order

to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

Mr. SPONG. Mr. President, this proposed amendment to the pending business is almost verbatim S. 2581 introduced last year in September by the distinguished Senator from North Carolina (Mr. ERVIN) with 24 cosponsors including myself. Hearings on this proposal have been conducted by the Senator from North Carolina's Subcommittee on Separation of Powers, a subcommittee of the Committee on the Judiciary.

The amendment would require the President to notify Congress whenever he impounds funds or authorizes the impounding of funds, and provides a procedure under which the Senate and House must approve the President's action within 60 days or the President would be required to cease such action.

This amendment is offered on behalf of myself and the Senator from North Carolina (Mr. ERVIN).

At this time I ask unanimous consent that remarks made by the Senator from North Carolina on introducing the initial legislation be printed in the RECORD, as well as an Office of Management and Budget memorandum dated January 25, 1972, entitled "Budgetary Reserves and 'Impoundments'" listing in detail more than \$12 billion that have been impounded or are being held in reserve.

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

#### THE IMPOUNDMENT PROCEDURES BILL

Mr. ERVIN. Mr. President, I introduce for appropriate reference, a bill to require the President to notify the Congress whenever he impounds or authorizes the impounding of appropriated funds, and to provide that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress shall approve his action by concurrent resolution.

The bill also establishes a procedure whereby the Senate and the House of Representatives can approve each impoundment reported by the President.

The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings in March of this year on the constitutional issues raised by the practice of Executive impoundment of appropriated funds. The bill which I introduce today is, I believe, the most practical and reasonable solution to the issues raised during the subcommittee's hearings.

Earlier this year I introduced a similar bill, S. 2027, which provides that the Congress can disapprove an impoundment with-



in 60 calendar days after the President reports his action to the Senate and the House of Representatives. This new legislation, while retaining many features of S. 2027, would provide that the President must cease a specific impoundment unless he receives the approval of the Congress. The difference is one of negative and affirmative approval, which is all the difference in the world.

The new bill requires the President to notify each House of the Congress by special message of every instance in which he impounds funds or authorizes such impoundment by an officer of the United States. Such a special message must specify the amount of impounded funds, the specific projects or governmental functions affected by the impoundment, and the reasons for such impoundment of funds.

The bill further provides that the President shall cease the impounding of funds set forth in each special message within 60 calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with a procedure set forth in the bill.

Finally, the bill provides that the approving concurrent resolution shall be privileged business, and it specifies rules of procedure which will provide for ease of consideration and a reasonable period of debate. The concurrent resolutions would not be referred to committee.

This bill would establish effective congressional oversight of Executive impoundment, which is yet another in a long line of developments in the operation of our National Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this Nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantic choice—is not a new concept, and when undertaken for lawful purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic uncertainty, passes appropriations as nothing more than ceilings or expenditures, leaving it to the executive branch to expend part or all of the funds at its discretion. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, unfortunately impoundment often occurs under circumstances where the executive branch, for reasons of its own, desires to avoid expending funds which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation of powers principle.

Neither I nor my colleagues in the Congress who are concerned over this problem desires that the executive branch expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem, for impoundment has occurred under Democratic and Republican administrations. It is as objectionable under one as under the other.

Perhaps the most disturbing feature of this Executive practice is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify

completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary. The bill I introduce today will in effect give the Congress a chance to override this illegal type of veto.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the executive branch to carry out the laws it passes.

#### BUDGETARY RESERVES AND "IMPOUNDMENTS"

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Under these and other, related conditions the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democrat Administrations as a customary part of financial management. Amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed. Thus, the total amount held in reserve usually reaches a low point at the end of the fiscal year.

At the end of fiscal years 1959 through 1961, the funds held in reserve ranged from 7.5% to 8.7% of total unified budget outlays. At the end of fiscal 1967, the comparable percentage was 6.7%, and a range in the neighborhood of 6% has been normal in recent years. Currently, the fiscal year 1972 percentage is 5.1% and the total amount held in reserve is expected to decline during the remainder of the fiscal year.

It is apparent that most reserves are, in fact, temporary deferrals and their need or wisdom is not usually questioned. In other cases, however, the affected reserves have been criticized as "impoundments" of funds.

Thus, the term "impoundment" has generally been applied to funds which could or might be used (i.e., obligated) during the apportionment time period, but which have not been apportioned because of the Executive's responsibility to (1) help keep total

Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

The items in the list below have been reserved for one or more of the reasons set forth in the preceding paragraph. On the basis of past experience changes in this listing may occur—to take account of changing conditions—before the fiscal year 1972 ends. The list itself is consistent with the estimates in the 1973 budget transmitted on January 24, 1972.

Description:	Million
Reserves established pursuant to President's August 15, 1971 directive to curtail previously planned Federal employment levels.....	<sup>1</sup> \$280
Additional reserves established so that the funds will be available for later use:	
Department of Agriculture Farmers Home Administration Sewer and water grants.....	\$ 58
Rural Electrification Administration—Loans.....	\$ 107
Department of Commerce Regional Action Planning Commissions (less than \$500,000)	
Department of Housing and Urban Development	
Rehabilitation loans.....	\$ 53
Grants for new community development assistance.....	\$ 5
Basic water and sewer grants.....	\$ 500
Department of Transportation	
Federal-aid highways.....	623
Rights-of-way for highways.....	50
Urban mass transportation.....	<sup>4</sup> [300]
Atomic Energy Commission.....	18
NERVA-Nuclear Rocket.....	(17)
Plowshare.....	(1)
National Aeronautics and Space Administration	
NERVA-Nuclear Rocket.....	24
National Science Foundation	
Educational and institutional support.....	\$ 21
Graduate traineeships.....	\$ 10
Total.....	1, 748

<sup>1</sup> Consists primarily of funds that had been appropriated prior to the President's directive. Excludes the comparable savings in trust fund and public enterprise accounts and the corresponding savings reflected in appropriation actions of the Congress after August 15, 1971. Includes accounts transferred to economic stabilization activities pursuant to the First Supplemental Appropriations Act, 1972. The accounts being reserved are currently under review, and in many cases they are likely to be released and apportioned to cover part of the cost of the Federal pay raise that took effect early in January 1972.

<sup>2</sup> This amount is planned to be used for continuation of the water and sewer grant program in fiscal years 1973 and 1974.

<sup>3</sup> Apportionment of entire amount is planned on July 1, 1972, consistent with program and financial plan in the 1973 budget.

<sup>4</sup> This item is listed here only because of public and congressional interest. It is not counted in the total below because its planned use is consistent with congressional intent. The Congress provided a total of \$3.1 billion of contract authority for the five-year period of 1971-1975. Executive Branch apportionments will result in \$1.0 billion of this amount having been used by June 30, 1972, another \$1.0 billion (including this \$300 million) will be apportioned July 1, 1972, for fiscal 1973, leaving \$1.1 billion, or \$550 million per year for the fiscal years 1974 and 1975. The \$300 million shown is the difference be-

tween the \$600 million apportioned for 1972 and the \$900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than \$900,000,000* in fiscal year 1972." (Italics supplied.)

\* Apportionment awaiting NSF review of how these funds can be used effectively without worsening the current unemployment among scientists and engineers.

*Budgetary reserves for routine financial administration*

[In thousands of dollars]

Funds appropriated to the President:	
International development assistance: Prototype desalting plant	20,000
Apportionment awaits development by the agency of approved plans and specifications.	
Philippine education program.	1,282
Apportionment awaits development by the agency of approved plans.	
Executive Office of the President: Council on Environmental Quality	140
Apportionment awaits development of proposals for contract studies of environmental problems.	
National Security Council	318
Apportionment awaits development by the agency of approved plans.	
Department of Agriculture: Farmers Home Administration: Farm labor housing grants	2,963
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Mutual and self-help housing grants	729
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Animal and Plant Health Service	3,500
This amount is in excess of current estimate of 1972 needs. The funds will be apportioned, if needed, for animal and pest control.	
Agricultural Research Service: Construction	70
Residual amount appropriated but not required for planning. Apportionment awaits additional appropriation for construction.	
Special foreign currency program	352
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Cooperative State Research Service: Payments and expenses	4,600
As provided by the 1972 Appropriation Act, funds are to be held in reserve pending determination of "qualified and necessary projects."	
Extension Service: Payments and expenses	2,000

Funds are available for use by land-grant colleges of 1890 and Tuskegee Institute as soon as project guidelines are developed and necessary personnel available.

Consumer and Marketing Service: Consumer protective, marketing, and regulatory programs

1,011

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Perishable Commodities Act Fund

14

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Food and Nutrition Service: Food stamp program

198,516

Funds appropriated by Congress in excess of estimated need under food stamp regulations announced earlier. These funds will be apportioned if and as needed to meet the cost of revisions in the regulations announced January 15, 1972.

Foreign Agricultural Service: Salaries and expenses, special foreign currency program

3,087

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Forest Service: Expenses, brush disposal

13,170

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Restoration of forest lands and improvements

6

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Forest fire prevention

115

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Forest protection and utilization:

Cooperative range improvement

1,910

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Forest roads and trails

401,869

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Department of Commerce:

Bureau of the Census: 19th Decennial Census

11,028

These funds are to be used for printing costs and will be apportioned when needed for this purpose.

Promotion of Industry and Commerce: Inter-American Cultural and Trade Center

5,448

Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.

Trade adjustment assistance

50,000

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

National Oceanic and Atmospheric Administration: Promote and develop fishery products and research pertaining to American fisheries

257

Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.

Research, development, and facilities

564

These funds are for disaster relief to fisheries. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.

Research, development, and facilities: Special foreign currency program

411

Apportionment awaits development of research contracts with foreign organizations.

National Bureau of Standards: Plant and facilities

1,495

Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.

Maritime Administration: Ship construction

14,804

Funds are for engineering changes and contract cancellation contingencies.

Department of Defense—Military: Shipbuilding and conversion

1,388,946

For use in subsequent years; these projects are fully funded when appropriated.

Other procurement programs

46,020

For use in subsequent years; these projects are fully funded when appropriated.

Research, development, test, and evaluation, Air Force

25,000

This balance of unobligated 1971 appropriations was set aside by Appropriations Committees to meet potential 1972 requirements. Will be released and apportioned if and as needed.

Military construction and family housing

839,107

Apportionment awaits development by the agency of approved plans and specifications.

Special foreign currency program

5,506

Apportionment awaits development by the agency of approved plans and specifications.

Civil defense programs

1,080

Amount is in excess of currently estimated needs. It will be used, as needed, in subsequent fiscal years.



Department of Defense—Civil:		The 1972 appropriation is available for use in 1972 and 1973; the amount reserved is being allocated among cities to cover obligations to be made early in 1973. Thus, each city will have in advance a target figure against which to plan.		Funds are being held in reserve pending completion and review of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.
Wildlife conservation.....	529			
Includes estimated receipts not needed for current year program. Will be used in subsequent years.				
Corps of Engineers: Construction, General:				Department of State:
Lafayette Lake, Indiana.....	183	Interstate land sales, special fund	1,468	Educational exchange fund (earmarked proceeds of payment by Finland on World War I debt).....
Funds are being held in reserve because of local opposition to initiation of construction of the project.		Amount shown here is in excess of current estimates of 1972 needs. Fee collections are used to cover part of the costs of operating the interstate land sales registration program. Because of the unpredictability of fee collections, there is a substantial lag between collection and use. Thus 1971 fee collections are planned for use in 1973, and are carried in reserve in 1972.		Appointment awaits development by the agency of specific plans for the exchange students.
Lukfata Lake, Oklahoma.....	450			Department of Transportation:
Funds are being held in reserve because the State of Oklahoma is considering designating one of the streams to be inundated as a wild and scenic stream.				Coast Guard: Acquisition, construction, and improvements.....
New York Harbor Collection and Removal of Drift.....	80			Funds are for equipment or improvements and will not be needed until construction on seven projects is in advanced stage. They will be released when needed.
Funds are being held in reserve because, although the project initiation and partial accomplishment must await approval of the Secretary of the Army and the President. The Secretary of the Army has neither approved the project nor sent the project report to the President.		Department of the Interior:		Retired pay.....
Department of Health, Education, and Welfare:		Bureau of Land Management:	16,694	Appropriation is in excess of needs due to a lag in voluntary retirements.
Food and Drug Administration:		Public lands development, roads and trails.....		Federal Aviation Administration:
Building and facilities.....	13,545	Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.		Facilities and equipment.....
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.		Bureau of Indian Affairs: Road construction.....	53,941	Facilities and equipment (Airport and Airway trust fund).....
Health Services and Mental Health Administration: Medical facilities construction.....	4,928	Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.		Operations (Airport and Airway trust fund).....
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.		Bureau of Outdoor Recreation: Land and Water Conservation Fund.....	30,000	Research and Development (Airport and Airway trust fund).....
Building and facilities.....	2,158	Consists of 1972 annual contract authority which the 1973 budget shows as not being obligated. This contract authority, which was made available annually through FY 1989 by P.L. 91-308, approved July 7, 1970, is not being used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases and the budget proposes appropriation of the full \$300 million annual authorization for the Fund, of which about \$98 million is for Federal land purchases in 1973.		Operation and maintenance, National Capital Airports.....
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.				Safety regulation.....
Indian health facilities.....	1,312			Research and Development.....
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.				Funds for these accounts have not been apportioned for the fourth quarter of 1972. Apportionment is awaiting agency development of a financial plan for the remainder of the year.
National Institutes of Health: Buildings and facilities.....	5,702			Grants-in-aid for airports (Airport and Airway trust fund).....
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.				Construction, National Capital Airports.....
Gallaudet College.....	516			U.S. International Aeronautical Exposition.....
Congress appropriated \$616 thousand to Gallaudet College for a national continuing education program for the deaf. Funds are being withheld pending the development of a plan for the effective use of the funds, including any necessary coordination with the other Federal and non-Federal parties that might be involved.		Bureau of Sport Fisheries and Wildlife: Construction.....	9,075	Civil supersonic aircraft development termination.....
Department of Housing and Urban Development: Model cities programs.....	105,000	Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization.		Apportionment of the above FAA accounts awaits development of approved plans and specifications.
		Bureau of Mines: Drainage of anthracite mines.....	3,623	Federal Highway Administration:
		Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications.		Federal-aid highways:
		National Park Service: Parkway and road construction.....	79,051	(1) Contract authority intended for use in 1973.....
		Reserve reflects amounts of available contract authority above the obligation program that was financed by the appropriation Congress enacted to liquidate the obligations.		(2) Remaining balance from prior reductions to meet outlay ceilings and abate inflation.....
		Bureau of Reclamation: Construction and rehabilitation.....	1,055	Territorial Highways.....
				New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although \$4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have just begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about \$93,000.
				Darien Gap Highway.....

Apportionment awaits development of approved plans and specifications. Reserve will be released as soon as the agency has organized field offices requiring these funds.

#### Urban Mass Transportation Administration:

Urban mass transportation<sup>1</sup> 300,000

The Congress provided a total of \$3.1B of contract authority for the five-year period 1971-1975. Executive Branch apportionments will result in \$1.0B of this amount having been used by June 30, 1972, another \$1.0B (including this \$300M) will be apportioned July 1, 1972, for fiscal 1973, leaving \$1.1B, or \$550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the \$300M shown is the difference between the \$600M apportioned for 1972 and the \$900M upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than \$900,000,000 in fiscal year 1972." (Italic supplied.)

#### Treasury Department: Construction, Federal Law Enforcement Training Center.....

Apportionment awaits development by the agency of approved plans and specifications.

#### Atomic Energy Commission: Plant and capital equipment:

Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs.....

Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects.....

Funds held in reserve for cost overruns and other contingencies.....

Operating expenses: Funds held in reserve for the liquid metal fast breeder reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Co. and TVA.....

#### Biomedical research:

Funds held in reserve pending development of a plan for effective utilization.....

#### Environmental Protection Agency: Operations, research and facilities.....

Awaiting completion of: (1) EPA study of requirements for Cincinnati laboratory (\$28.0M)

and other laboratory facilities (\$7.294M); and (2) CEQ-EPA contract study on technology and reports leading to the development of criteria for selection of projects for use of resource recovery (solid waste) demonstration grants (\$11.5-M).

#### General Services Administration: Operating expenses, Property Management and Disposal Service.....

Amount shown here is in excess of the current estimate of 1972 needs for stockpile disposals. If conditions change and the funds are needed, apportionments will be made.

#### Operating expenses, Public Buildings Service.....

Amount shown here is in excess of the current estimate of 1972 needs. It reflects revised estimates of utility costs and rent receipts from the Postal Service. If conditions change and the funds are needed apportionments will be made.

#### Construction, public buildings projects.....

San Antonio, Texas, project awaiting OMB and Congressional approval of revised prospectus—\$7,402 thousand.

Philadelphia project awaiting appropriation of additional funds needed to permit letting contract—\$23,033 thousand.

\$10,803 thousand to be reprogrammed upon enactment of pending legislation authorizing private investment financing.

\$4,273 thousand is reserved to meet possible contingencies that might arise in the course of construction.

#### Sites and expenses, public buildings projects.....

Reserved to meet possible contingencies or for use in subsequent years—\$10,380 thousand.

Projects involving space for Postal Service are being restudied—\$4,286 thousand. Apportionment awaits the completion of this study for the effective use of the funds.

#### National Aeronautics and Space Administration: Research and development (Space Shuttle program).....

Although the decision has been made in the fiscal year 1973 budget to proceed with the development of the Shuttle, final plans and schedules have not yet been completed by NASA. After NASA has selected the booster option and issued its request for proposals (RFP) to the contractors, it is anticipated that the \$25 million will be released.

#### Veterans' Administration: Grants to States for extended care facilities.....

State plans and requests for funds have not been presented to the extent originally expected.

#### Appalachian Regional Commission: Appalachian Regional Development Program.....

Apportionment awaits development by the agency of approved plans and specifications.

#### Cabinet Committee on Opportunities for Spanish-Speaking Peoples.....

The obligation rate has been lower than anticipated because of operation under continuing resolution for two quarters.

#### District of Columbia: Loans to D.C. for capital outlay.....

Reserves represent prior appropriations not required to finance the planned fiscal year 1972 capital outlay program.

#### Federal Communications Commission: Salaries and expenses, (construction).....

These funds are intended for replacement of a monitoring station. They cannot be used until the Congress raises the current limitation on FCC's 1972 construction program. It is expected that this will take place before the end of fiscal year 1972.

#### Foreign Claims Settlement Commission: Payment of Vietnam and Pueblo prisoner of war claims.....

Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.

#### Salaries and expenses.....

Apportionment awaits development by the agency of approved plans.

#### Selective Service System: Salaries and expenses.....

Since enactment of the 1972 appropriation, the expected number of inductions into the Armed Forces has declined, permitting this amount to be reserved for savings. The reserve would be released in the unlikely event that the declining trend of inductions should be reversed.

#### Smithsonian Institution: Salaries and expenses, Woodrow Wilson International Center for Scholars.....

Reserved for contingencies. Will be apportioned if and when needed.

#### Temporary Study Commissions: Aviation Advisory Commission.....

Funds in 1972 reserve will be used in 1973 to carry Commission through its expiration date of March 1973.

#### Commission on Highway Beautification.....

For completion of Commission's work in 1973.

#### Commission on Population Growth and the American Future.....

A small contingency amount is set aside to cover any increases in contracted costs after the Commission completes its work and disbands in May 1972.

#### National Commission on Consumer Finance.....

For terminating the Commission in 1973 after the report is completed.

#### United States Information Agency:

Salaries and expenses (special foreign currency program).....

Special international exhibitions.....



Apportionment of the above accounts awaits development of approved plans and specifications.

Total ----- 10,558,778

<sup>1</sup> Similarly (for background information), the Congress established the same limitation at \$600M in 1971. The Administration used \$400M in 1971. The difference of \$200M is being applied to the years after 1971.

#### ARGUMENTS IN FAVOR OF A PUBLIC DEBT LIMIT

Mr. ROTH. Mr. President, in view of the fact that in the decades since we have had the debt limit in operation our national debt has increased by more than one hundred times, the question naturally arises: Should we have a public debt ceiling or not? Does it serve a useful purpose? What are some of the arguments in favor of maintaining a statutory public debt limit?

Supporters of a public debt limit contend that Federal expenditures have become so large and the Government so complex that removing the debt limit would open the door to wasteful and nonessential expenditures. These people feel that maintaining a statutory debt limit is essential if we hope to maintain fiscal integrity of the Federal Government.

Some claim that Congress has lost much of its legal control over various types of Federal spending, and that annual control over expenditures is practically impossible. Appropriations carried over from one year to another give the executive department a wide latitude in expenditures. Under the present legislative procedure on appropriation bills Congress exercises relatively little control over annual expenditures. It acts only on new appropriations, a large part of which are for expenditures in future years. It cannot control expenditures from the balances remaining in prior years' appropriations.

#### QUORUM CALL

Mr. ROTH. Mr. President, without losing my right to the floor, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

#### [No. 85 Leg.]

Allen	Hollings	Montoya
Allott	Hughes	Pearson
Boggs	Javits	Roth
Brooke	Jordan, Idaho	Scott
Byrd, Va.	Long	Spong
Byrd, W. Va.	Mansfield	Talmadge
Case	Mathias	Young

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senator.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Dominick	Nelson
Anderson	Fannin	Pastore
Bayh	Fong	Pell
Beall	Fulbright	Proxmire
Bennett	Gambrell	Randolph
Bentsen	Gravel	Schweiker
Bible	Gurney	Smith
Burdick	Hruska	Stevens
Cannon	Inouye	Stevenson
Chiles	Kennedy	Symington
Church	Magnuson	Tunney
Cooper	McGee	Weicker
Curtis	Metcalf	
Dole	Mondale	

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. McCLELLAN), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Wisconsin (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and the Senator from Louisiana (Mr. ELLENDER) are absent on official business.

I also announce that the Senator from Connecticut (Mr. RBICOFF) is absent because of illness in the family.

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senators from Oregon (Mr. PACKWOOD and Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is detained on official business.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). A quorum is present. The Senate will be in order.

Mr. ALLEN. Mr. President, I have an amendment at the desk. I ask that it be called up and stated by the clerk.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 1, line 4, strike out "1972" and insert "1973".

On page 1, after line 8 insert the following: Section 2(a) of Public Law 92-5 is amended by striking out "1972", and inserting in lieu thereof "1973".

Mr. ALLEN. Mr. President, the limit on the national debt now stands at \$430 billion. The interest on the national debt runs more than \$21 billion a year. That amounts to \$40,000 a minute.

Mr. President, since the Senate has been in session this morning, the interest on the national debt up to this moment, from 10 o'clock up to this time, has amounted to more than \$10 million. For that reason, I favor the amendment that is to be offered possibly in the next legislative day by the Senator from Delaware (Mr. ROTH) that would seek to put a limitation—and a very generous limitation—on the amount of expenditures by the Federal Government during this fiscal year, that amount being set at \$246.3 billion, which is the exact amount recommended by the President of the United States in his budget message for the coming fiscal year.

The purpose of the amendment offered at this time, and on which there will be a vote very shortly, is to accept the \$20 billion increase in the debt ceiling proposed by the bill.

Mr. President, the permanent debt limit permitted by Federal law is \$400 billion.

There is a temporary limit at this time in addition to that \$400 billion of \$30 billion, making the total authorized debt \$430 billion.

Now, according to table 6 of the committee report we are very close to that limit at this time. The actual debt on February 29, just several days ago, which is at the time of publication of this report, was estimated at \$427 billion. On March 15 of this year it would be up to \$435 billion.

Mr. President, the bill would increase the temporary additional amount by \$20 billion, so that as the bill is passed the authorized debt ceiling would be \$400 billion permanent, \$30 billion temporary carryover authorized up to July 1 of this year, and then the \$20 billion provided by the bill. It would raise the authorized debt ceiling from now up to the 1st of July to \$450 billion.

On July 1 \$50 billion of that limit will lapse so that we go back to the lower debt limit of \$400 billion, which would necessitate action by Congress prior to July 1. Since our debt is now \$427 billion, obviously some action would have to be taken before the 1st of July to increase the debt limit to take care of the indebtedness because on July 1, unless action is taken, the debt would be \$400 billion, which is some \$27 billion below what it is now.

Mr. President, as the debt now is approximately \$430 billion and the debt limit is \$430 billion, then the bill itself would authorize the incurring of additional indebtedness between now and July 1 of \$20 billion. From now until then there would be incurred bonded indebted-

ness at the rate of \$5 billion a month—during that 4-month period—which is at the annual rate of \$60 billion a year.

Now, the reason for the amendment is to provide for the extension to July 1 of 1973 of the present \$30 billion temporary and the extension to July 1, 1973, of the additional \$20 billion, that the bill would seek to add to the temporary lending.

So the overall figure would not be changed at all. If the amendment is agreed to and if the bill passes as amended, the overall amount would not be changed. It would still be \$400 billion permanent, \$50 billion temporary, and the only difference would be that the temporary amount would not lapse or cease to be in existence, or the temporary authorization would not be in existence beyond July 1, 1972, so that it could delay action on the necessity of action by Congress beyond July 1 of this year.

Mr. President, bringing it just a little closer to home, it is somewhat like we might have a teenager in the family on some sort of allowance, and if we said, "Now, this \$20," and we will use that figure since that is the figure in the bill, only it is not in dollars, it is billions of dollars—"is to last you for 2 weeks," that would have the effect of the present bill. But under the amendment it would be the same as saying, "Here is \$20 to last you, if you make it last, for a whole month, instead of just 2 weeks."

It might encourage the Treasury or the administration to cut some corners and not come in as it of necessity would have to under the bill as proposed, prior to July 1, 1973. It might save a month and it might save 2 months. It might wait 3 months to ask for the debt ceiling to be raised. It does not hamper the Treasury at all. As a matter of fact, it is of benefit to the Treasury.

Mr. President, at this time, while we have a sufficient number of Senators in the Chamber, I would like to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Mr. ALLEN. Mr. President, since I have been in the Senate, which has been only a short time, starting in January 1969 there have been three raises in the debt ceiling. The first raise was \$12 billion; then it jumped up to \$18 billion; then the next year it jumped to \$35 billion. I might say that has been this debt ceiling.

Mr. President, you can tell what the deficits are, and there is no mumbo jumbo and no mixing of figures, or taking out of this pot and putting into that pot when it comes to the amount of the debt ceiling. That tells you how your Federal funds received compare with Federal funds expended. The use of trust funds does not come into play.

That demonstrates how you are sitting financially in the National Government. It was \$12 billion the first year I was here, \$18 billion the next year, and then \$35 billion, for a total of \$65 billion we have slipped back in the short time the junior Senator from Alabama has been a Member of the Senate.

Mr. President, the administration wanted an additional \$50 billion of temporary debt ceiling, whereas the committee came in with a much more acceptable figure of \$20 billion. But the use of the \$20 billion between now and July 1, 1972, would certainly set this country on a course of spending in excess of receipts by some \$5 billion a month. So this \$45 billion deficit we are going to have for the year we are in now, ending July 1, is going to fall into insignificance when we contemplate the upcoming deficit if we continue to fall back at the rate apparently envisaged by this bill. So all the amendment does is to accept the \$20 billion temporary increase proposed by the bill and says, "Let us let this limit reached by the increase stay on just a little bit longer." It does not handicap the administration one bit. As a matter of fact, it helps the administration by providing that it does not have to come to Congress between now and July 1 to get an increase in the debt ceiling, because this temporary increase in the debt ceiling is carried forward for 1 additional full fiscal year.

It would be my hope that the administration could postpone that request of the Congress to increase the debt limit into September of this year, possibly, rather than, as the bill would of necessity require, ask the Congress to increase the debt limit prior to July 1 of this year. That makes for sound fiscal policy. It might encourage the administration to postpone increasing the debt ceiling.

Mr. President, I hope that we will have a vote on this amendment shortly. I hope, as a matter of fact, that the distinguished manager of the bill, the able chairman of the Finance Committee, the Senator from Louisiana (Mr. Long), would accept the amendment, because it does no violence whatsoever to the need that he is seeking to meet with the bill. However that may be, I do think it is entitled to a favorable vote at the hands of the Senate.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. LONG. Mr. President, the Senate will not be in session in the first part of July because of the Democratic National Convention, and then, based on the Treasury's own projections, we would be over the debt limit by the time we get back into session because, on July 17, the projected spending would put us at a debt level of \$453 billion.

In any event, Mr. President, regardless of how it works, whether we have the Senator's amendment or do not have the amendment, we are still going to have to increase the debt limit later on this session.

So about all that could be said for the amendment would be that it offers the opportunity to confer with the House for purposes that would be very limited indeed. It would seem to the Senator from Louisiana, that in every event we are going to get the debt limit that is much like that in the bill and then we are going to have to pass another debt limit bill later this year.

So the Senator from Louisiana does not see any purpose for the amendment. I do not think it will help with the problem of controlling expenditures and, in view of the fact that we are going to have to pass another debt limit bill later this year, it seems to me nothing is to be achieved by the amendment.

For that reason, I hope the amendment will not be agreed to.

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

Mr. LONG. I yield.

Mr. ALLEN. Does the amendment prevent the Congress from acting at exactly the same time as it would be required to act in the bill that is before the Senate?

Mr. LONG. No, it does not.

Mr. ALLEN. The present bill would require the debt ceiling to be raised prior to July 1. Is that correct?

Mr. LONG. Yes, that is correct.

Mr. ALLEN. But the amendment would permit a raise prior to July 1, but would not require it. Is not that about the size of it?

Mr. LONG. Senator, all that this amendment would accomplish is to require us to have a conference with the House.

Mr. ALLEN. Where is that provided?

Mr. LONG. That would be the effect of your amendment since there would then be a difference between the House bill and the Senate bill. Without an amendment, we would not have to have a conference. The matter could go immediately to the President's desk.

The way things are going, the Senator knows that his amendment is not the only amendment that is going to be offered to the bill. Other amendments will be offered. The Senator from Louisiana is led to believe that this bill may not be passed until Tuesday or perhaps later next week. While it is not urgent that we pass the bill today, by the time we get around to passing the bill it might be urgent.

In view of the fact that the amendment offers us no relief from the ultimate responsibility of having to pass a further increase of the debt limit this year, I can only say that the bill before us is adequate for the problem we face now. In addition we are going to have to pass another debt limit increase later on this session, if the Government is to continue to pay the salaries of its employees and meet its other obligations. This amendment will not prevent that sad necessity in any event. In any case, we are still going to have to pass two bills, and what the House was willing to do in this bill is adequate until we do consider the next bill.

Mr. ALLEN. I thank the Senator, but when he suggests that adoption of this amendment might call for a conference with the House, he seems to be prejudging the fate of the other amendments he speaks of. May they not cause a conference with the House as well?

Mr. LONG. I hope they are not agreed to, either.

Mr. ALLEN. In other words, the Senator is against all amendments. Is that correct?



Mr. LONG. Well, I am against every amendment I am aware of.

Mr. ALLEN. Irrespective of its merits, if any. Is that correct?

Mr. LONG. Let us say I am not aware of their merits, if any.

Mr. ALLEN. I see. I believe I understand the Senator. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, I want to say, in regard to procedure, that I concur fully with the distinguished majority leader when last evening he refused to set aside the pending legislation at the request of a Senator. I feel the majority leader was correct in doing this. The leadership cannot schedule legislation based on who may or who may not be present at any one particular time.

Mr. President, so far as the Senator from Virginia is concerned, I want to speak in regard to our financial situation. I have no objection to staying in session late tonight, if it is the desire of anyone to vote on the proposals today. I want an opportunity to make my views known.

The record will show that before any amendment at all to the bill came up, 2 weeks ago today, in a colloquy with the distinguished minority leader, the Senator from Pennsylvania, at the same time the majority leader was in his seat, the Senator from Virginia stated he would not agree to any time limitation involving the vital matters of Government finances. I think these are matters that should be fully debated and fully discussed. This country is on an unsound basis financially, and when we talk about raising the debt ceiling, I think we ought to take adequate time to discuss it.

In regard to the amendment offered by the distinguished and able Senator from Alabama, it seems to me that is an amendment which can in no way do violence to the proposal before us. The only thing it can do is to be helpful to it. It cannot hurt it in any way. It merely says the Government has a permanent debt ceiling today of \$400 billion, plus a \$30 billion temporary ceiling which ends June 30 of this year, plus the amount provided in the bill before us, which is for another \$20 billion, which will end June 30 of this year.

The amendment of the Senator from Alabama provides that those two temporary figures, totaling \$50 billion, will not expire June 30 of this year, but will expire June 30 of next year.

So in no way can that do violence to what the pending legislation seeks to accomplish. The only disadvantage of it from the point of view of those who advocate the pending legislation is that it must go back to the House of Representatives through a committee of conference, for consideration by the other body, because the House, of course, did not incorporate in its legislation the amendment offered by the distinguished Senator from Alabama.

But on the merits of the amendment, I do not see how those who favor the pending legislation could oppose the amendment. As I say, it actually gives the executive branch of the Government more leeway than they have under either

the present legislation or the proposed legislation. I think the amendment proposed by the Senator from Alabama is a rather ingenious amendment, and I certainly support it. It appears to me that it would be a sound proposal for the Senate to adopt.

Mr. ROTH. Mr. President, I shall be very brief, as I do not wish to delay the vote on this amendment; but I, too, would like to state my support of the amendment offered by the Senator from Alabama. I believe that it is an improvement over the committee bill in the sense that it does offer some incentive to the executive branch of the Government to try to bring about closer discipline on Federal spending. I think any step we take in that direction, no matter how minute, is important in these serious fiscal times.

I would also like to say that I do not feel that the fact that it may require a conference should be an obstacle, as there is sufficient time for such a conference. I think the important thing for us to do is to attempt to enact in the Senate the best possible legislation under the circumstances.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Massachusetts (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and the Senator from Louisiana (Mr. ELLENDER), are absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

On this vote, the Senator from North Carolina (Mr. ERVIN) is paired with the Senator from Washington (Mr. JACKSON).

If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from

Minnesota (Mr. HUMPHREY), would vote "nay."

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senators from Oregon (Mr. PACKWOOD and Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Texas would vote "nay."

The assistant legislative clerk called the roll.

The result was announced—yeas 8, nays 50, as follows:

[No. 86 Leg.]

YEAS—8

Allen  
Allott  
Bentsen

Burdick  
Byrd, Va.  
Gambrell

Metcalf  
Roth

NAYS—50

Aiken  
Anderson  
Bayh  
Beall  
Bennett  
Bible  
Boggs  
Brooke  
Byrd, W. Va.  
Cannon  
Case  
Church  
Cooper  
Curtis  
Dole  
Dominick  
Fannin

Fong  
Fulbright  
Gravel  
Gurney  
Hruska  
Hughes  
Inouye  
Javits  
Jordan, Idaho  
Kennedy  
Long  
Magnuson  
Mansfield  
Mathias  
Mondale  
Montoya  
Nelson

Pastore  
Pearson  
Pell  
Proxmire  
Randolph  
Schweiker  
Scott  
Smith  
Spong  
Stevens  
Stevenson  
Symington  
Talmadge  
Tunney  
Weicker  
Young

NOT VOTING—42

Baker  
Bellmon  
Brock  
Buckley  
Chiles  
Cook  
Cotton  
Cranston  
Eagleton  
Eastland  
Ellender  
Ervin  
Goldwater  
Griffin

Hansen  
Harris  
Hart  
Hartke  
Hatfield  
Hollings  
Humphrey  
Jackson  
Jordan, N.C.  
McClellan  
McGee  
McGovern  
McIntyre  
Miller  
Moss  
Mundt  
Muskie  
Packwood  
Percy  
Ribicoff  
Saxbe  
Sparkman  
Stafford  
Stennis  
Taft  
Thurmond  
Tower  
Williams

So Mr. ALLEN's amendment was rejected.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, while awaiting the arrival of the distinguished minority leader, I ask unanimous consent that the pending business be laid aside temporarily.

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

## PORTUGUESE BASE AGREEMENT

Mr. MANSFIELD. Mr. President, the appropriate Senators have been contacted relative to Calendar No. 600, which is, in effect, a sense of the Senate resolution, having to do with agreements with Portugal or Bahrain.

Pending the arrival of the distinguished minority leader, I ask unanimous consent that Senate Resolution 214 be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent further, that there be a time limitation of 1 hour, the time to be equally divided between the distinguished Senator from New Jersey (Mr. CASE) and the majority leader, or whomever he may designate.

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

Mr. MANSFIELD. Mr. President, this is subject to the approval of the minority leader when he arrives in the Chamber.

Mr. President, I suggest the absence of a quorum because I see the minority leader coming into the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending resolution.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that time not begin until I make another unanimous-consent request.

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

Mr. SCOTT. Mr. President, I want the RECORD to show that I have agreed with the distinguished majority leader that there be a vote no later than 4 p.m. today on Senate Resolution 214.

## PUBLIC DEBT LIMITATION

## UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to ask the distinguished Republican leader to remain in the Chamber for a moment, as well as the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Virginia (Mr. BYRD), the chairman of the

Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), as well as the ranking minority member.

Mr. President, I ask unanimous consent that, on Tuesday next, March 7, 1972, during further consideration of H.R. 12910, the measure which has temporarily been laid aside, that the distinguished Senator from Delaware (Mr. ROTH) be recognized to offer his amendment and that amendments to that amendment be in order; and that no later than 4 p.m. on Tuesday next, if the Roth amendment has not been disposed of, the Senate will then proceed to vote on that amendment and any amendment to that amendment; provided further, that motions to table be in order and that further amendments to the pending measure will be in order after disposal of the Roth amendment.

Mr. SPONG. Mr. President, reserving the right to object, may I ask the distinguished majority leader if this means that no amendment that is not an amendment to the Roth amendment, or the Roth amendment itself, will be considered prior to 4 o'clock on Tuesday next?

Mr. MANSFIELD. That is right, unless unanimous consent is granted for that request.

Mr. SPONG. I thank the Senator very much.

Mr. MANSFIELD. I do not anticipate that will be done.

Mr. ROTH. Mr. President, reserving the right to object, would it be possible for a time limit on the amendments in the second degree?

Mr. MANSFIELD. One-half hour?

Mr. ROTH. Yes.

Mr. MANSFIELD. Mr. President, I modify the unanimous-consent request accordingly, to one-half hour on amendments in the second degree, on motions and appeals and whatnot—the usual formula.

Mr. SPONG. Mr. President, reserving the right to object, may I ask one more question: Does the majority leader's unanimous-consent request allow for any amendment offered as a substitute for the Roth amendment?

Mr. MANSFIELD. Yes, indeed.

Mr. SPONG. I thank the Senator very much.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

## MILITARY BASE AGREEMENTS

Mr. MANSFIELD. I ask unanimous consent that the Senate again turn to the consideration of the resolution.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

S. Res. 214, relative to the submission of any Portuguese base agreement as a treaty.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Com-

mittee on Foreign Relations with an amendment to strike out all after the resolving clause and insert "That any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent."

The amendment was agreed to.

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

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. CASE. Mr. President, it has become apparent that the overwhelming majority of the Senate favors the reestablishment of the congressional role in the making of foreign policy.

Several weeks ago this body voted 81 to 0 in favor of my bill which requires the executive branch to submit copies of all Executive agreements to the Congress within 60 days of their conclusion. The administration had opposed this legislation on the grounds that informal arrangements could be worked out to accomplish the same ends. But the Senate unanimously disagreed.

Similarly, the Senate will soon be voting on a bill which will define and limit the President's war powers. A consensus has clearly developed on this matter among Senators of varying ideological persuasions, as the cosponsorship of Senators JAVITS, STENNIS, EAGLETON, and SPONG indicates. I am confident that a large majority of the Senate will vote for a war powers bill, again because of the need to reestablish the constitutional responsibility of the Congress in the national security area.

The two bills I have mentioned deal with the broad institutional structure of American foreign policy. Today we come down to the specific.

The question before us is whether without the advice and consent of the Senate, the United States should enter into major agreements with the Governments of Portugal and Bahrain.

The Constitution is explicit in requiring the advice and consent of the Senate before a treaty can be entered into force. The Constitution does not define the term "treaty." Yet, it seems clear that the Founding Fathers intended any agreement with a foreign country on a matter of substance to be embraced within the term. Certainly they did not intend that the President would be required to get Senate approval only of routine minor agreements with other nations.

Yet, the practice has grown up within successive administrations—not just this one, by any means—to use the device of executive agreements to settle international matters of great importance.

Particularly in the post-World War II area, the treaty-making process has steadily declined in importance. Successive administrations have found it expedient to use the device of the executive agreement to put into effect pacts that fundamentally affected the national security of the United States. We have heard it said that since it feared that Senate approval might not be forthcoming for a particular deal, the administration in power did not choose to use the



treaty process—as if the matter were one for the administration to decide whether or not to use the treaty-making process. We have heard that some agreements were simply too sensitive to be debated in the Halls of Congress. We have heard that foreign governments did not want their relations with the United States discussed publicly.

Any of these arguments may have validity in terms of short-range political expediency. They are not valid in our constitutional system of law.

Mr. President, the Senator from Virginia (Mr. BYRD) put the question in perspective in a hearing before the Committee on Foreign Relations which later unanimously reported this resolution and recommended its passage by the Senate.

Senator BYRD of Virginia said:

I believe that important principles are involved in this resolution, principles concerning the American system of checks and balances and the constitutional role of the Senate in foreign policy.

The issue, as I understand it, is whether should the line be drawn as to whether agreements with foreign nations should be executive agreement, which does not require Senate action, or by treaty, which does require Senate approval.

I am frank to say that I find difficulty in delineating a precise formula.

Some issues are clear cut, others are borderline.

The agreements governing U.S. bases in the Azores and Bahrain possibly fall in the latter category. But, in my view, the doubt should be resolved in favor of the legislative process.

I agree with Senator BYRD. The agreements with Portugal and Bahrain are simply too important to be left to an exchange of diplomatic notes.

The resolution I have introduced concerns two recent agreements entered into by the executive branch without the use of the treaty-making process. The first was with Portugal. It provided for continued American use of military bases in the Azores in return for the United States providing Portugal with about \$435 million in credits and assistance. The second was an agreement with Bahrain for the establishment of an American military base in that country.

Both of these agreements represent significant foreign policy moves. They both involve the stationing of American military forces abroad. As we have learned in the past, this can lead ultimately to war.

In the case of Portugal, we would be furnishing large amounts of assistance to a country which is presently involved in three separate colonial wars in Africa. Despite our ties to Portugal through the NATO alliance, our Government has imposed an embargo on shipments of arms to Portugal for use in Africa. Many Americans have raised the question—and I am among them—whether providing such large amounts of assistance to Portugal would not be contrary to the stated U.S. Government position of supporting self-determination for the peoples living in Portugal's colonies.

The Bahrain agreement is significant in that it provides for a permanent American base in an area where we have never before had our own installation. Despite

a State Department spokesman's statement that "all we are doing is changing landlords," the establishment of an American base in a foreign country is a very serious matter. Moreover, a base in the Persian Gulf could potentially entangle us in the bitter dispute now raging among Iran, Iraq, Saudi Arabia, and several other States over territorial claims. The recent Iranian occupation of islands at the mouth of the Persian Gulf only points up the volatility of that part of the world. The Shah of Iran has now gone on public record in opposition to our presence in Bahrain.

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

Mr. CASE. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 2 minutes.

Mr. CASE. Mr. President, if these agreements with Portugal and Bahrain are not important enough to be considered treaties, then just what is a treaty?

I fully realize that the administration claims there is no need for a treaty with Portugal on the Azores bases. In hearings before the Foreign Relations Committee, Under Secretary of State Johnson said that, in effect, the Senate lost its right to pass on future agreements with Portugal when it approved the NATO treaty 23 years ago. The State Department reasoned that the new agreement with Portugal is authorized under the implementing provisions of the NATO treaty. In the case of Bahrain, there is no previous treaty, but the lack of Senate participation is justified by the fact we had earlier used the facilities on an informal basis and that the number of American personnel involved is comparatively small. I do not find the Department's arguments persuasive in either case.

I think it is only fair to say that much of the blame for the reduced state to which the Senate has come in this matter of agreements with foreign countries rightly belongs to the Senate itself. We have acquiesced for many years in the increasing encroachments made on our constitutional responsibilities by the executive branch. To a considerable degree, also, this tendency was encouraged by the substantial weight of academic opinion. I am happy to say that the sentiment in both these areas seems to have changed in recent years.

More and more students of government and international affairs have made clear their concern at the aggrandizement of the Presidency and the diminution of Congress. And within the Senate itself there is increasing sentiment for the reassertion of our proper functions and the reassertion of our constitutional responsibilities.

Twenty-nine Senators have joined as cosponsors of my resolution. I appreciate their support.

Now I urge the Senate as a whole to approve this measure which represents another step in the reassertion of the Senate's powers in the making of foreign policy.

Mr. President, I reserve the remainder of my time.

Mr. SYMINGTON. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, as a cosigner of the resolution introduced by the distinguished senior Senator from New Jersey (Mr. CASE), I support without reservation the wisdom of the contents of his resolution. It should be noted, as the able Senator has already noted, that the general idea of the resolution has already been passed upon unanimously by the Senate. It is only advisory, but if we continue to so advise, perhaps the administration will pay more attention to the thought behind it; namely, the right of the Senate to participate.

The chairman of the Armed Services Committee has often stressed as the reason for our military budget being as high as it is, justifying that height on the basis of our commitments all around the world.

We are discussing in this resolution two major additional commitments. One of the leading figures in the Military Establishment of today recently made the statement that the existence of a base sometimes is a better commitment on our part than a treaty. Under the circumstances and conditions in which the world finds itself today, I commend the senior Senator from New Jersey for his resolution.

Again, it is nothing more than a specific interpretation of the resolution the Senate passed unanimously only a few days ago. I hope therefore the Senate endorses today in this resolution the two specific items having to do with Portugal and Bahrain.

Mr. CASE. Mr. President, I yield myself 1 minute for the purpose of thanking the Senator from Missouri for his very kind remarks today and also for his support in this specific matter in committee. He has been in the forefront of the whole effort that the Senate has been so wisely making to reassert its constitutional responsibilities and authorities in the field of foreign policy.

Mr. SYMINGTON. Mr. President, I thank the distinguished Senator from New Jersey. It has been wise on my part to follow him in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CASE. Mr. President, I yield as much time as necessary to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I support the resolution offered by the distinguished senior Senator from New Jersey. It seems to me that this addresses itself to a vitally important question, and that is the reassertion by the Senate of its appropriate role in foreign policy.

Over the years the Senate has permitted the Chief Executive, whoever it may have been, to assume greater and greater authority in the field of foreign affairs.

This resolution seeks to correct that. It calls on the executive branch of the Government to submit to the Senate agreements which have been made, with Portugal on the one hand and with

Bahrain on the other, for the establishment of American military bases in those countries.

It seems to me that both Congress and the executive branch would be much better off in the long run were this to be done.

As an example, I refer to the case of the agreement for U.S. bases in Spain. The agreement with Spain was an executive agreement. It was not submitted to the Senate. Testimony before the Subcommittee on General Legislation of the Committee on Armed Services by high-ranking military officials brought out that the Spanish were under the impression that in return for these bases they would be lent certain ships of the U.S. Navy for a period of 5 years, with the option to renew for another 5 years.

The House of Representatives, in handling the legislation dealing with this ship loan, cut the period to 4 years with no provision for renewal of the loan. So, on the calendar today in the Senate is legislation reported by the Committee on Armed Services seeking to meet some of the requirements of the Spanish base agreements and some of the provisions of the House of Representatives.

Mr. President, I cite that as evidence that when the administration acts on its own in matters of this type, and where Congress has the responsibility of legislative followthrough and appropriations, it results in confusion. Moreover, I think it results in matters being handled in a way that is not in the best interest of our country.

I fully support the resolution offered by the Senator from New Jersey. I hope if it is approved by the Senate that the executive branch will take it to heart and submit these agreements promptly to the Senate.

I thank the Senator from New Jersey. Mr. CASE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. Mr. President, I appreciate very much what the Senator from Virginia said. I owe him a great debt; I think we all do. It was the Senator from Virginia who in the last session dealt with a similar problem in a similar manner concerning the reversion of Okinawa. For a long time, there was doubt as to whether the administration would unilaterally conclude an executive agreement with Japan or submit the question to the Senate. Senator BYRD introduced in the Senate a resolution which passed overwhelmingly with the effect that the Senate expressed its will that the treaty process should be used.

The example he furnished at that time, and the action we took under his leadership, afford an excellent precedent for us in these matters.

Mr. President, I have no further requests for time on this side. If the acting majority leader is prepared to yield back his time, I am prepared to yield back my time.

Mr. KENNEDY. Mr. President, I am pleased to express my support for Senate Resolution 214. I supported the resolu-

tion as it was originally introduced by the Senator from New Jersey, December 16, 1971; I also support the resolution as amended January 17, 1972. I fully agree with the thrust of that resolution which focuses attention on recent U.S. agreements with Portugal.

In addition, I concur with the conclusions of the Committee on Foreign Relations, that the executive agreement with Portugal raises important foreign policy questions which deserve the closest possible scrutiny by the U.S. Congress. And further, I support the committee's belief that the submission of this agreement as a treaty, subject to the advice and consent of the Senate, is the best and most appropriate way of obtaining that objective in consonance with our long-established constitutional procedures.

It is appropriate for each Member of the Senate to reinforce the details of Senate Resolution 214 because the distinguished Senator from New Jersey has correctly perceived the latest action by the administration regarding Portugal as one that may lead the United States into an untenable posture. I believe that the nature of that action is so far-reaching that the Congress is obligated to provide the American people with a clear assessment of the issues.

The real substance of the issue is not simply a matter of which bases in the world are vital to the interests of the United States, but rather, the recent agreement with Portugal seems to reflect changes in official U.S. policies regarding the countries of Africa.

Although the United States has probably never addressed the issues confronting Africa with the seriousness those issues deserve, at least there were efforts in the early sixties to make positive approaches toward black African governments. The State Department and the White House, at that time, recognized the importance of bringing newly emerging African governments into full swing with the world's family of nations.

But today, in the early seventies, the mood has changed. Africa's interests are not our interests. And American diplomacy shifts to the support of colonial regimes who persist in denying basic human rights to their own people.

Last December the administration agreed to guarantee Portugal half a billion dollars for projects that may ultimately go to support their colonial wars in Angola, Mozambique, and Guinea-Bissau.

Five days after Mrs. Nixon returned from a tour of black Africa, the administration announced a \$48.6-million loan guarantee for South Africa to purchase locomotives from the General Motors Corp.

No response has emanated from our Government in the wake of blacks' protests against Southern Rhodesia's settlement with Britain that insures their slavery for decades to come.

After the Congress voted to lift the ban against chrome imports from Southern Rhodesia, in violation of our United Nations obligations, the Treasury Department decided that 72 commodities, formerly banned, would be allowed to come

through U.S. ports, and the first shipment of Rhodesian chrome is scheduled to dock in the United States on March 15.

Not one official word has been announced in response to the violence in Southwest Africa's dispute that has shut down an American-owned diamond mine.

This list just begins to suggest the drastic tilt of the United States in favor of the white minority regimes ruling the countries of southern Africa—a policy that may be termed the second "southern strategy."

I believe the details of our December agreement with Portugal, therefore, deserve full disclosure by this Congress because of apparent shifts in our relations with the Government of Portugal.

Early in the Kennedy administration U.S. officials encouraged Portugal to establish a goal of self-determination among the peoples of the Portuguese colonies. We had begun to set policies for using our nonmilitary resources to nudge Portugal toward a program of rapprochement.

Since then it appears that the United States has moved further and further away from efforts to persuade Portugal to take steps leading to self-government in its African territories.

Instead of appealing to Portugal's sense of justice and human dignity, we are contributing more to their war machine.

Instead of seeking amelioration we are providing support for the repressive policies of minority rule, in countries where half a million whites dominate the lives of 14 million blacks. Why do we ally our resources with Portuguese interests? Since 1969 U.S. activity with Portugal has increased substantially.

Early in 1971 the sale of Boeing transports—707's and 747's—added to the Portuguese fleet of troop carriers going to the African wars; the United States sold five Bell helicopters for use in Mozambique.

The United States trains Portuguese Armed Forces, both in this country and in Europe.

We provide over \$1 million in grant military aid to Portugal each year.

We annually put a substantial portion of the operation costs for the Azores base into the Portuguese economy.

On December 13, 1971, President Nixon's meeting with the Portuguese Prime Minister in the Azores followed a massive new agreement for the use of military bases in the Azores. It is this last step that particularly dismayed those of us who were already troubled by the earlier sales to Portugal. And now, we believe it is imperative that American-Portuguese relations receive careful scrutiny.

As the Foreign Relations Committee clearly emphasized in its hearings last month, the December agreement with Portugal authorizes the United States to guarantee to the Portuguese Government a package amounting to a minimum of \$436 million including:

First, \$30 million in loans under the Public Law 480 program for the purchase of agricultural commodities;

Second, free use of the hydrographic vessel, U.S.N.S. *Kellar*;

Third, \$1 million for education de-



velopment projects from the Defense Department budget;

Fourth, an unlimited amount in drawing rights—a minimum of \$5 million—for the purchase of nonmilitary excess equipment from Defense Department stocks; and

Fifth, \$400 million in loan guarantees from the Export-Import Bank to finance development projects for airports, highways, railroads, harbors, bridges, electric power stations, schools, hospitals, and town planning in metropolitan Portugal.

The United States has offered all of that for the use of military facilities in the Azores.

I believe that the State Department and the Department of Defense should fully explain to the Senate why the Azores warrants a rental of nearly half a billion dollars in 1971, when, in the past, the United States has never paid for these facilities.

Why, after 30 years of using the Azores without official payment does the United States find it necessary to rent it at this time?

Mr. President, these are the basic reasons why I share the concern of the Senator from New Jersey that the Senate deserves to fully participate in decisions involving the continued agreement arranged between this country and the Government of Portugal.

Our Government must begin now to pay more concerted attention to the problems of southern Africa in order to help bring an end to the heritage of fear that is the plight of all the people living in that subcontinent. That is why I feel so strongly about the importance of Senate Resolution 214 as it applies to the Government of Portugal. That was the key last year to my objection to the inclusion of a quota for South Africa in the Sugar Act. To resolve these issues, it is up to the Congress to take the lead and to show the way.

U.S. Government funds should not be used to facilitate, subsidize, or in any way promote commerce between this Government and Portugal or South Africa until these nations have caught up with the 20th century. The racial policies of each of these governments are anathema to all that we in this country profess to represent. Yet the United States is in an excellent position to encourage such regimes to abandon their inhumane policies. The recently concluded negotiations with Portugal is an example. But we chose to ignore that.

In 1962, Portugal was seriously dissatisfied with U.S. pronouncements regarding Portuguese Africa. That is why both governments permitted the Azores base agreement to expire.

The world can only view this latest agreement as an indication that Lisbon no longer has reason for dissatisfaction with the United States. If that is the case then the December agreement with Portugal should be described for what it is.

If that is the case the nations of the world should know that the United States approves of Portugal's violent response to demands for freedom. Few in this country realize that by Portugal's own account, 215 Africans and eight Por-

tuguese were killed, and 53 Portuguese were wounded last year during one Christmas-week battle in Portuguese Guinea.

Few of us realize that Portugal fears its empire might crumble, based on its own domino theory—once they lose Guinea, Angola and Mozambique will also fall.

Few in this country realize that by the State Department's own admission the Soviet Union maintains a constant naval combat presence off the coast of the Republic of Guinea. Few of us realize that Portugal claims that Portuguese Guinea is a "priority target" of Soviet activity in Africa and that the Soviets are stepping up their arms supplies to the African liberation forces.

And, in Addis Ababa, the United Nations Security Council debates last month between Russia and China indicate the active competition for the "hearts and minds" of Africa.

But the deeper Portugal is mired in its own colonial troubles the more Portugal demonstrates the need for "friends who are now also allies."

Thus, not only can our recent actions be viewed as supporting the Portuguese wars—it can also be said that our recent deal with Lisbon is a good deal only for the Portuguese.

If we believe the Azores facilities are worth half a billion dollars, why did we not extract a long-term agreement? Why did we not obtain from Portugal a commitment for Premier Caetano to begin peace negotiations with the leaders of Mozambique, Angola, and Guinea?

Why was this executive agreement for the use of military bases authorized for just a 2-year period? How often has the United States signed 2-year base leases in the past?

These questions can be raised at a glance. Surely there are many more. Although I am not prepared to make an exhaustive list let me just mention four other reasons for questioning that agreement:

First. Why is the provision in the December agreement covering "nonmilitary excess equipment" so vague? In his letter to the Portuguese Minister of Foreign Affairs, Secretary Rogers offered the Portuguese Government \$5 million in "drawing rights" at new acquisition value of any nonmilitary excess equipment which may be found to reach Portuguese requirements. According to Secretary Rogers:

The figure of \$5 million is to be considered illustrative and not a ceiling—so that we may be free to exceed this figure if desired.

We have a lot of excess equipment piling up as a result of our involvement in Vietnam. Just exactly how much of it are we going to shovel off to Portugal for free in the name of noninvolvement in Portugal's colonial wars? Why did we not obtain from Portugal a commitment that would prevent the direct use of any equipment obtained from that agreement from being used in Africa? Last April, Rui Patricio, the Portuguese Foreign Minister, said:

If I buy an American car, can America tell me how I can use it? If I want to drive it in Africa, I will drive it in Africa.

Second. What are the Pentagon's intentions with respect to the Portuguese port facilities in Angola and Mozambique? The U.S. Navy has continued using the port facilities in Mozambique's capital city despite decisions in 1966 by the Johnson administration to prevent the continued use of South African ports.

Portugal is now developing two more ports in Mozambique. Will U.S. generosity emanating from the credits for harbor projects in metropolitan Portugal ultimately also assist the construction of new ports in Mozambique? Can we soon expect American naval vessels to "show the colors" in the Indian Ocean on behalf of the Portuguese Government?

Third. Portuguese Foreign Minister Rui Patricio visited the United States for 10 days beginning November 9, 1970. Portuguese-led forces invaded the Republic of Guinea on November 22. On December 8 of that year, the United States abstained when the Security Council condemned Portugal's attack on the Republic of Guinea. Did Mr. Patricio inform the United States of Portugal's intentions during his visit? If he did not inform the United States, then why did the United States abstain during the Security Council vote? And if he did inform us, is the United States-Portugal alliance even more binding than we realize? Is the United States so badly in need of exports that we must abandon our ideals and concerns for human dignity?

Fourth. Finally, I have a longstanding concern about the use of the Export-Import Bank as a political instrument. For many years the United States used political reasons to avoid trading with the Communists, and the Export-Import Bank operated within that framework. Now, again for political reasons, we do want to trade. So Export-Import Bank facilities are made available.

I just cannot believe that our recent loans to Portugal and South Africa are not for political reasons. As I stated earlier, I do not believe in subsidizing these colonial regimes in any way.

Moreover, I do not subscribe to the view that Export-Import Bank credits cannot fairly be considered as aid. If they were not aid, then why would people be so eager to have them?

After the U.S. agreement with Portugal was settled, Dr. Caetano, in a TV fireside chat to the Portuguese people triumphantly announced the good deal just concluded with America. He said:

Unfortunately the times of the "fat cow" had passed for America. The great American economy has enormous resources and I am certain that within a short time it will energetically regain its economic health and external financial equilibrium . . . for that reason, the agreement for economic aid which we began to negotiate had an arduous road and it is not at all what we would like . . . the accord concerning the Azores base was negotiated for a short period. There will be an opportunity for renewal in 1974. In the meantime I have faith that the American economy will be restored and that new cooperative arrangements between both countries will be possible.

Mr. President, I think this is a clear statement that, for Portugal, the December agreement provides much needed aid

and that the Government of Portugal has every intention of returning to "milk" the American cow as often as possible.

In summary then, I protest in the strongest possible terms, the failure of our Government to properly direct U.S. resources toward the goals of peace and freedom.

I believe this may be one of the most important foreign policy disasters committed by the Nixon administration.

The President agreed to resume negotiations with Portugal only 2 weeks after he entered the White House. For nearly 3 years he has had opportunities to conclude more acceptable and binding agreements negotiated in private away from the stress of a rapidly changing crisis situation. I think it is fair to conclude the quietly and privately negotiated executive agreement with Portugal is, for its wholly calculated nature, the most grievous possible insult in international diplomacy.

Indeed, if this administration were really a friend of Portugal, the United States would be willing to tell Dr. Caetano the hard truth—that Portugal's continued presence as a colonial power in Africa is not only embarrassing to NATO, but also jeopardizes the development of Portugal's ties with the European community and its African associates. In fact, probably the only way Dr. Caetano can "lose" any or all of his African colonies without probably losing his own job to rightwing militarists is to blame the world's superpowers. Credible pressure from the United States, from China or from the U.S.S.R. could be a viable scapegoat for Caetano's purposes.

I think that such credible public pressures would be one gift the United States could gladly extend to Dr. Caetano. Our Nation can bear up under the scorn of Portugal's rightwing in order to give the Portuguese Government an excuse to negotiate. Last December the United States carelessly jettisoned its leverage in return for the Azores base, a base, I am told, that is merely a watering hole with an extremely attractive golf course and described as a "loafer's paradise."

I believe the Senate should do all in its power to overturn this agreement and to instruct the President to reopen negotiations with Portugal in order to produce an agreement that the American people can accept: An agreement that does not put us on the wrong side of another series of wars of "freedom and independence"; one that does not, under the guise of export promotion, pave the way for a victory for adventurous Soviet and Chinese diplomacy. Meanwhile, no deal is better than this deal. The United States is under no obligation to subsidize colonialism in Africa.

Morally, it is indefensible for the United States to deal with nations that subjugate the basic rights of mankind.

Strategically, it has not been concluded that Portugal's facilities in the Azores are vital to the security of the United States.

Politically, the United States has rendered itself unable to explain to black Americans or to black Africans why we fail to support the forces of self-determination.

I can see no reason for us to seek a deal like the December agreement,

whether it is a treaty, or an executive agreement, unless we are prepared to do the right thing—we must get a commitment from Portugal to end the slaughter in Africa. If we are not prepared to do the right thing, then there is no reason to do anything.

Mr. President, I strongly urge the Senate to adopt Senate Resolution 214 because of the need for the Senate to fully review this enormous agreement with the Government of Portugal.

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

Mr. CASE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the resolution as amended.

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 Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and the Senator from Louisiana (Mr. ELLENDER) are absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. SCOTT. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senators from Oregon (Mr. PACKWOOD and Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY), the Senator from Maryland (Mr. MATHIAS), the Senator from Vermont (Mr. STAFFORD), the Senators from Ohio (Mr.

SAXBE and Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 50, nays 6, as follows:

#### [No. 87 Leg.]

#### YEAS—50

Alken	Cooper	Mondale
Allen	Curtis	Montoya
Allott	Fong	Nelson
Anderson	Fulbright	Pastore
Bayh	Gambrell	Pearson
Beall	Gravel	Pell
Bennett	Gurney	Proxmire
Bentsen	Hughes	Randolph
Bible	Inouye	Roth
Boggs	Javits	Smith
Brooke	Jordan, Idaho	Spong
Burdick	Kennedy	Stevens
Byrd, Va.	Long	Stevenson
Byrd, W. Va.	Magnuson	Symington
Cannon	Mansfield	Talmadge
Case	Metcalf	Tunney
Church	Miller	

#### NAYS—6

Dole	Fannin	Scott
Dominick	Schweiker	Young

#### NOT VOTING—44

Baker	Harris	Mundt
Bellmon	Hart	Muskie
Brock	Hartke	Packwood
Buckley	Hatfield	Percy
Chiles	Hollings	Ribicoff
Cook	Hruska	Saxbe
Cotton	Humphrey	Sparkman
Cranston	Jackson	Stafford
Eagleton	Jordan, N.C.	Stennis
Eastland	Mathias	Taft
Ellender	McClellan	Thurmond
Ervin	McGee	Tower
Goldwater	McGovern	Weicker
Griffin	McIntyre	Williams
Hansen	Moss	

So the resolution (S. Res. 214) as amended was agreed to.

The preamble was amended.

The preamble, as amended, was agreed to.

The resolution, as amended with its amended preamble, reads as follows:

Whereas the Constitution states the President of the United States must have the advice and consent of the Senate in order to make treaties;

Whereas an agreement with Portugal, which would provide for the stationing of American troops overseas and which would furnish Portugal with large amounts of foreign aid, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty;

Whereas an agreement with Bahrain, which would provide for the establishment of a new American military base on foreign territory and the stationing of American troops overseas, is clearly a matter of sufficient importance to necessitate its submission to the Senate as a treaty: Now, therefore, be it

Resolved, That any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent.

The title was amended, so as to read: "Resolution relative to the submission of any base agreement with Portugal or Bahrain as a treaty."



## THE BUDGET AND NATIONAL DEBT

Mr. BYRD of Virginia. Mr. President, in connection with the debate on Government finances and on how much the national debt has increased, I want to put into the record a few facts.

First, I invite the attention of the Senate to a colloquy I had with the Director of the Office of Management and Budget, Mr. Shultz, which took place at a meeting of the Committee on Finance a week ago this past Monday. I ask unanimous consent that a portion of that colloquy which appears beginning on page 33 be printed in the RECORD.

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

Senator BYRD. Mr. Shultz, the budget is based on the full employment concept of what revenues might be if—if—we were to have full employment. How do you determine that revenue figure?

Mr. SHULTZ. First, making an assumption about what you consider to be full employment and full use of resources, and then, given that assumption, calculating the gross national product that would be attained, and calculating from that the various components, particularly estimating corporate and personal income, and from that, you estimate receipts that would be associated with that level of gross national product.

Senator BYRD. Well, then, the current estimate is based, the full employment estimate is based on what it says, full employment or zero unemployment.

Mr. SHULTZ. No, sir. The convention that we have used is a level of operation of the economy roughly consistent with a 4 percent unemployment level. Of course, when it comes to calculating receipts for the Federal Government, it is not so much the unemployment level as the human resources that you are looking at as it is the gross national product and the amount of personal income and corporate income that is generated from which you calculate the receipts. But we use that level.

Senator BYRD. So it is not a full employment budget but it is a four percent unemployment or 96 percent employment budget, is it not?

Mr. SHULTZ. If you want to express it that way, that assumption of about four percent being the equivalent of full employment has been used a lot in the past and we have adopted it.

Senator BYRD. And the unemployment rate now is what percent?

Mr. SHULTZ. 5.9, I believe, is the most recent reading.

Secretary CONNALLY. That is correct.

Senator BYRD. What was the unemployment rate a year ago? Do you have that?

Mr. SHULTZ. Approximately the same. I do not happen to have that number right in my head, but we have had a period of about a year in which the unemployment level has stayed at roughly in the neighborhood of six percent.

Senator BYRD. I was reading yesterday, I guess it was, where one of the economists says that the unemployment rate is slightly higher now than it was when the recession ended in November of 1970. Is that approximately correct?

Mr. SHULTZ. I do not happen to have the November figure on this chart.

Senator BYRD. In any case, there has been no fundamental change?

Mr. SHULTZ. It has stayed, as I said, roughly in the vicinity of six percent for about a year.

Mr. BYRD of Virginia. I ask unanimous consent that, following that, another part of the colloquy beginning on page 64 be printed in the RECORD.

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

Senator BYRD. Now, I understand from Mr. Shultz's reply to one of my earlier questions that the present full employment budget is based on a four percent unemployment rate. Am I correct in that?

Mr. SHULTZ. Yes, sir.

Senator BYRD. So we start off, assuming that the Secretary of the Treasury is correct, we start off with an unbalanced budget insofar as full employment is concerned?

Mr. SHULTZ. It is balanced insofar as full employment is concerned but unbalanced in actuality.

Senator BYRD. In other words, it is unbalanced under any conception that we are now working on? It is unbalanced on a federal fund concept, unbalanced on a unified concept, and unbalanced on the full employment concept.

Mr. SHULTZ. No sir, it is balanced on a full employment concept.

Senator BYRD. Well, maybe I had better state it this way, then: it is balanced on a full employment concept, namely, a 4 percent unemployment rate, but you do not expect to attain a 4 percent unemployment rate?

Mr. SHULTZ. That is correct.

Mr. CONNALLY. That is correct.

Mr. BYRD of Virginia. Mr. President, this colloquy brings out that the Federal budget for the new fiscal year will show a very large Federal funds deficit. It will show a very large deficit under the unified concept, if one wishes to take that, and it will show a deficit also under the so-called full employment concept.

In my colloquy with the Director of the Budget, he stated that the full employment budget is based on its being balanced if there is full employment, namely, a 4-percent unemployment rate. But under questioning, both Mr. Shultz and the Secretary of the Treasury, Mr. Connally, stated that they do not expect full employment, namely, an unemployment rate of 4 percent. Secretary Connally says he hopes that it will get down to 5 percent by the end of the year. So it is obvious from the start that even under the full employment concept, the budget in fact will end up badly out of balance.

I do not agree with the full employment concept. I think it is a fictitious budget. It is a fictitious figure. It is pulled out of the air. But even if you want to take the full employment figure of our fiscal leaders, Mr. Shultz and Mr. Connally, even if you take the figure which they submitted to Congress and based their budget on, you will have a budget deficit.

But if you take the real figure, the proper way to construe the budget, namely, the Federal funds budget, you will find by their figures that the Government, for the upcoming fiscal year, is left with a Federal funds deficit of at least \$36 billion.

Mr. President, what I am pointing out is that regardless of what budget concept one uses, one finds that our country is badly and deeply in the red. The nor-

mal way of figuring budgets historically, up until 1968 or 1969, was the administrative budget concept. Then, under the administration of President Johnson, in order to make the deficits appeal less, the Government went to the so-called unified budget. Then when the present administration came in, and after 2 years found that the deficits even under the unified concept were too large, they developed a new concept called the full employment budget; and we find that even under that new concept, the deficit for the current fiscal year will be at least \$8 billion, and there will be a substantial deficit for the upcoming year.

To me, Mr. President, this is very alarming. Earlier in the day, in a colloquy with the distinguished chairman of the Finance Committee, there was a discussion of the amount of the Federal debt held by private investors and by individual investors. I think it is interesting and significant to put into the RECORD that in December 1946 individuals held 24.8 percent of the total gross public debt. By December 1966, this figure had been reduced to 22.6 percent, and in October of 1971 it had been further reduced to 18.8 percent, which is to say that of the total gross public debt as of October 1971, which totaled \$411.9 billion, individuals held \$77.6 billion, or 18.8 percent. That suggests to me that the individuals in our Nation are having less interest in buying U.S. Government bonds.

During the period December 1966 to October 1971, while there was a substantial decrease in the percentage of the gross debt held by individuals, the individuals increased by 50 percent the amount of their savings accounts in savings and loan associations.

If we take all private investors, we find this to be the case: In 1946, the amount of the gross public debt held by all private investors—individuals, commercial banks, mutual savings, and so forth—represented 80.4 percent of the total. By December, 1966, this had been reduced to 66.6 percent, and in October of 1971 this had been further reduced to 58.5 percent.

That is further evidence, I think, that the private sector is displaying less and less desire to purchase these Federal Government securities.

Mr. President, I ask unanimous consent to have printed in the RECORD a table I have prepared, "Deficits in Federal Funds and Interest on the National Debt, 1954-73, Inclusive."

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

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (-)	Debt interest
1954----	62.8	65.9	-3.1	6.4
1955----	58.1	62.3	-4.2	6.4
1956----	65.4	63.8	+1.6	6.8
1957----	68.8	67.1	+1.7	7.2
1958----	66.6	69.7	-3.1	7.6
1959----	65.8	77.0	-11.8	7.6

## DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE—Continued

	Receipts	Outlays	Surplus (+) or deficit (-)	Debt interest
1960----	75.7	74.9	+ .8	9.2
1961----	75.2	79.3	-4.1	9.0
1962----	79.7	86.6	-6.9	9.1
1963----	83.6	90.1	-6.5	9.9
1964----	87.2	95.8	-8.6	10.7
1965----	90.9	94.8	-3.9	11.4
1966----	101.4	106.5	-5.1	12.0
1967----	111.8	126.8	-15.0	13.4
1968----	114.7	143.1	-28.4	14.6
1969----	143.3	148.8	-5.5	16.6
1970----	143.2	156.3	-13.1	19.3
1971----	133.7	163.7	-30.0	20.8
1972 <sup>1</sup> ----	137.8	182.5	-44.7	21.2
1973 <sup>1</sup> ----	150.6	186.8	-36.2	22.3
20-year total..	1,916.3	2,141.8	225.5	241.5

<sup>1</sup> Estimated figures.

Source: Office of Management and Budget and Treasury Department.

## DEATH OF BILL LAWRENCE

Mr. JAVITS. Mr. President, I advise the Senate, with sorrow, that a very good friend of many of us, one with whom many of us were associated, he as a reporter and we as legislators, has suddenly passed away at a relatively young age. I refer to William H. Lawrence, national affairs editor for the ABC network.

I have known Bill for well over 25 years. I knew him when he was a reporter for the New York Times, as I came back from the war and got into politics, and then saw him through his long period of service at the Times and subsequently when he was with ABC.

He was a great reporter. He covered World War II from Moscow and the Pacific. He was also a Nebraska boy, a rather traditional American, from a State heavily involved in agriculture.

He was a very earthy and persistent reporter, but also had a sweetness which was often shown even though he tried to exhibit a rough and ready exterior.

He was a friend of many of the leading Americans of his time, quite deservedly; and the Nation, which he served so effectively in his chosen work, has lost a fine and effective reporter.

My wife joins me in extending most profound condolences to his family, and they have every reason for great pride in this truly brilliant reporter.

Mr. President, I ask unanimous consent to have printed in the RECORD an article about the death of Bill Lawrence which was published in today's Washington Post.

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

BILL LAWRENCE, ABC NEWSMAN, DIES

(By Ron Shaffer)

William H. Lawrence, a gravel-voiced television news commentator who for two decades had been regarded by his contemporaries as the dean of national political reporters, died after a heart attack last night in New Hampshire. He was 56.

Mr. Lawrence, a reporter for 40 years, had been national affairs editor for the American Broadcasting Company, which he joined in 1961. He had been a reporter for The New York Times for 20 years and was a past president of the National Press Club.

He was discovered in his hotel room in Bedford, N.H., last night by an ABC associate, Virginia Sherwood, who had become concerned that he had not answered his telephone. He was pronounced dead at Manchester's Notre Dame Hospital at 7:50 p.m.

Although he had recently told other newsmen that he was not well, Mr. Lawrence had traveled again to New Hampshire to cover the presidential primary, as he had every year since 1952.

He was known among his contemporaries not only for demanding, persistent reportorial skills that enabled him to be first to reveal major stories, but also for his irascible, dominant personality that contained a sentimental streak he could not hide.

One of his best known triumphs was his prediction in December, 1966, that President Lyndon B. Johnson would not run for reelection in 1968. He had said he predicted his forecast on Mr. Johnson's "health, Vietnam frustrations and desire to preserve his 1964 landslide record. Mr. Johnson announced he would not seek re-election on March 31, 1968.

Mr. Lawrence had often said that he would be a wealthy man had he accepted all the bets made against him when he made the prediction.

In 1965, he received the George Foster Peabody Award, considered by many in the industry to be the most prestigious in broadcasting reporting, for his coverage of the 1964 election.

As a reporter for the New York Times, Mr. Lawrence's assignments took him throughout much of the world and to Washington, where he was White House correspondent.

He joined the Times in 1941 and covered World War II from Moscow; from the Pacific, where he was one of the first newsmen to report the effects of the atomic bomb dropped on Nagasaki, and from Germany, where he was the first American correspondent to file an eyewitness account of a liberated concentration camp.

He also covered the United Nations, the Korean War and the presidential elections from 1948 through 1960 for the Times.

Mr. Lawrence was born in Lincoln, Neb., and attended the University of Nebraska. He began his journalistic career at 16 as a reporter for the Lincoln Star. He went on to report for the Associated Press, the Omaha World Herald and United Press before joining the Times.

During his years at ABC, Mr. Lawrence was the network's White House correspondent and political commentator before becoming national affairs editor, a position in which he covered various areas, including sports.

Colleagues in New Hampshire recalled last night that Mr. Lawrence was so dominating in his approach to newsgathering that he would shout at anyone who got in the way of his story, whether a secretary or major government official.

Several reporters said that despite his gruff manner, Mr. Lawrence frequently went out of his way to compliment young reporters, and others said they became close friends of his after meeting him first in argument.

"He was a person who cuffed ears lovingly," said Douglas Kiker, correspondent for the National Broadcasting Company. "I can't think of another reporter in the United States who would elicit such grief from all of us."

ABC officials said that Mr. Lawrence was known to have had a heart condition for the last four years. He lived in the Van Ness apartments at Van Ness Street and Connecticut Avenue NW.

Mr. Lawrence was married and divorced twice. He is survived by a son, William E., of Detroit; a daughter, Ann E. of New York; a sister, Mary Jane Johnson, and a brother, Edward, both of Lincoln, Neb. His second

wife, the former Constance McGregor, lives in Washington.

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

Mr. JAVITS. I yield.

Mr. PELL. Mr. President, I should like to associate myself with the views and thoughts of the Senator from New York.

Bill Lawrence was an old friend of mine from 1946, when we used to serve together, he for the New York Times and I for our Government, in Eastern Europe. Through the years, my wife and I have considered him a good, a close, and a warm personal friend. We mourn his loss in a personal way as well as mourning the death of a truly great, objective, and thorough newsmen.

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

Mr. JAVITS. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator.

Mr. President, a great many Nebraskans have followed the career of Bill Lawrence with interest and with pride. He was a good reporter; I would say a great reporter. He brought credit to himself and to those institutions in the news world that he represented.

It has been some time since he has resided in the State of Nebraska. Nevertheless, he has many friends there, friends who have followed his career and have admired him and have appreciated his accomplishments.

It was not my privilege to know Mr. Lawrence intimately. I have had the opportunity to visit with him a time or two. It was always a very pleasant occasion.

His untimely death is indeed sad; and in behalf of his many friends in Nebraska, I wish to express my condolences and my sincere sympathy to the members of his family.

Mr. JAVITS. I thank the Senator.

## PRESIDENT NIXON'S HEALTH MESSAGE

Mr. JAVITS. Mr. President, the President's health message to the Congress carefully and properly enumerated why the famous Dicken's quotation—"It was the best of times. It was the worst of times"—is so appropriate in describing America's health care. There is much that is good about health care in America, but as the President indicated, there is need not only to expand the supply of doctors, dentists, nurses and other health professionals, but also, most importantly, to alter the existing supply and distribution of doctors, nurses, hospitals and other health resources.

I have introduced the National Health Insurance and Health Services Improvement Act of 1971 (S. 836), the Local Comprehensive Health Services Systems Act of 1971 (S. 837), and the administration's Health Maintenance Organization Assistance Act of 1971 (S. 1182), the President's national health strategy to achieve these purposes. In addition, I contemplate joining in the introduction of an even more extensive HMO bill—based in large measure upon the testimony received at a series of hearings by the Health Subcommittee of the Senate



Committee on Labor and Public Welfare, of which I am ranking minority member, and detailed organizational questions put to all witnesses by the subcommittee chairman and me—which will enable us to take a comprehensive approach to the development and funding of HMO's.

I share the expressed concern by the President that we "capitalize on existing strengths," provide "equal access for all to health care," assure "balanced supply and demand," and bring "efficient organization" to our health care system, and I will continue to work to achieve these objectives.

The President's stated interest in heart disease, cancer, alcoholism, drug abuse, sickle cell disease, and venereal disease, are most gratifying. I am pleased to have had an active role in authorizing and supporting these legislative initiatives, some of which have been enacted into law.

I will soon join in the introduction of a National Heart, Blood Vessel, Lung and Blood Act of 1972—which I believe should have administration support—which will allow us to achieve for America's No. 1 killer, heart disease, what was done for cancer.

The initiatives the President suggests, to apply science and technology in a new Federal partnership with the private sector of our economy, can, I feel, have their foundation in provisions in legislation I authored in Public Law 91-296 and Public Law 92-157; and also in legislation now pending before the Labor and Public Welfare Committee which I support.

The President chose to emphasize the bipartisan efforts of the administration and the Congress to attain better health care for all Americans. I strongly agree with the President's closing words, which bear repeating:

If the Administration and the Congress continue to act together—then the 1970's will be remembered as an era in which the United States took the historic step of making the health of the entire population not only a great goal but a practical objective.

Mr. President, I think there is more ground for optimism than for a long time in this statement.

#### ORDER FOR RECOGNITION OF SENATOR PEARSON ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday after the two leaders have been recognized under the standing order, the distinguished Senator from Kansas (Mr. PEARSON) be recognized for not to exceed 15 minutes.

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

#### PROVISION FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that following the remarks of the distinguished Senator from Kansas (Mr. PEARSON) on Monday, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

#### PUBLIC DEBT LIMITATION

Mr. BYRD of West Virginia. Mr. President, for the record, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. FANNIN). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 12910, an act to provide for a temporary increase in the public debt limit.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

#### PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m.

After the two leaders have been recognized under the standing order, the senior Senator from Kansas (Mr. PEARSON)

will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

On Monday the Senate will proceed to the consideration of the various committee funding resolutions, and if past experience is to be a lamp unto our feet, we may be absolutely sure that there will be rollcall votes on Monday.

Further consideration of H.R. 12910, the debt limit bill, will be deferred until Tuesday.

#### ADJOURNMENT TO 10 A.M.

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 10 a.m. on Monday next.

The motion was agreed to; and at 4:02 p.m. the Senate adjourned until Monday, March 6, 1972, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate March 3, 1972:

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Jack O. Horton, of Wyoming, to be a member of the Joint Federal-State Land Use Planning Commission for Alaska; new position.

NATIONAL CREDIT UNION BOARD

O. Louis Olsson, of Connecticut, to be a member of the National Credit Union Board for a term expiring December 31, 1977, vice John J. Hutchinson, term expired.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1972:

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1978:

Melvin E. Sims, of Illinois.

E. Riddle Lage, of Oregon.

## EXTENSIONS OF REMARKS

### DRUG COUNSELING AIDS YOUTH AND PARENTS

HON. GLENN M. ANDERSON  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  
Thursday, March 2, 1972

Mr. ANDERSON of California. Mr. Speaker, as a coauthor of the Drug Abuse Education Act of 1969, which is now Public Law 91-528, I have long felt that educating our youth on the problems and dangers of drugs was a necessary complement to other programs designed to curb drug abuse.

South Gate, Calif., has taken the lead in proving the efficacy of such programs to educate our children on the effects of drugs.

On the recommendation of the mayor of South Gate, Frank Gafkowsky, Jr., the city council approved a counseling program for first offenders under the auspices of the South Gate Police Department.

The program, conducted by law enforcement officer Ron George, has been a success, not only in informing the children about drugs and drug abuse, but also in educating the parents.

Officer George, a recognized expert on drugs, considers himself a "counselor," not a teacher, and the results of his consultations speak for themselves: Of the 27 youths who have attended the "rap sessions," none have been convicted of a second offense.

In order to encourage other cities to follow the excellent example set by South Gate, I ask unanimous consent to

place at this point in the RECORD an article which appeared in the February 5, 1972, South Gate Press, written by Ann Gaff, describing the drug counseling program.

The article follows:

DRUG COUNSELING AIDS YOUTH AND PARENTS  
(By Ann Gaff)

"Everything You've Always Wanted to Know About Drugs and Drug Abuse and Were Afraid to Ask" might well be a sub-title for juvenile counseling initiated Dec. 4 by South Gate City Council to aid first time offenders.

Although 27 youths have been scheduled to appear for Saturday counseling, 107 young persons and their parents have attended sessions which are conducted by Officer Ron George.

George, with South Gate Police Dept. for five years, has worked in the narcotics division with Sgt. Al Knox and Sgt. Jim Reed,