at all to having a listing in the phone book. Clearly it would make the job of the telephone operators easier if more people made this decision. I hope, therefore, that the phone companies realize this, and are willing to support your bill fully. It seems to me that there would have to be some kind of substantial penalties for infringement of the rule—probably the mere printing of a "no solicitors" sign would be overlooked by some zealous phone salesmen.

Please let me know if there is any way in this bill. If you have a list of committee which I can be of help in the passage of members who might want to hear opinions on the bill, please forward it to me.

Sincerely yours,

———. ———.

SENATE—*Friday, March 17, 1972*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

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

Eternal Father, as we dedicate this day's labor to Thee, may the memory of Thy servant, Patrick, move us to nobler living and more selfless service. Show us the life that serves Thee in the quiet discharge of each day's duty, that ennobles all our toil, however rewarding or irksome, by doing it as unto Thee. Give us Thy power, that we may become a power for righteousness. Give us Thy love, that our affections be not diverted to lesser things. May we find Thy power, Thy love, and Thy life in all mankind, and thus know Thee as our Father-God.

Through Him who revealed Thy life in man's life. 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 17, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGES RECEIVED FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of March 15, 1972, the Secretary of the Senate received the following messages from the House of Representatives:

On March 15, 1972:

That the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 12910. An act to provide for a temporary increase in the public debt limit; and

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

On March 16, 1972:

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

The PRESIDENT pro tempore, on March 15, 1972, signed the above-mentioned enrolled bill and joint resolution.

THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 15, 1972, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3054) to amend the Manpower Development and Training Act of 1962, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. DANIELS of New Jersey, Mr. MEEDS, Mr. QUIE, and Mr. ESCH were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10390) to extend the life of the Indian Claims Commission, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 9615. An act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes;

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes;

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 550. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex; and

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report No. 92-911.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 9615. An act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day"; to the Committee on the Judiciary.

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes; to the Committee on Commerce.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 550. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex; and

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report 92-911.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MOSS. 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.

EXECUTIVE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination 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 nomination on the executive calendar, under New Report, will be stated.

NATIONAL CREDIT UNION BOARD

The second assistant legislative clerk read the nomination of O. Louis Olsson,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of Connecticut, to be a member of the National Credit Union Board for a term expiring December 31, 1977.

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

Mr. MOSS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MOSS. 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. Under the previous order the distinguished Senator from Illinois (Mr. PERCY) is now recognized for not to exceed 15 minutes.

RADIO LIBERTY AND RADIO FREE EUROPE

Mr. PERCY. Mr. President, it is gratifying that the Senate-House conference has now voted to continue the work of Radio Liberty and Radio Free Europe through fiscal 1972 and that the conference committee has reached a clear understanding that further legislation will be considered before the end of the fiscal year. This is in line with a resolution introduced by Mr. HUMPHREY and myself and cosponsored by 63 other Senators. This brings the number of Members of the Senate to 67 that clearly have indicated their support for Radio Free Europe and Radio Liberty.

I would also like to express my appreciation to the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), for entering into the CONGRESSIONAL RECORD reports on RL and RFE prepared at his request by the Congessional Research Service. Mr. FULBRIGHT is not entirely satisfied with the report and, as is his privilege, has asked for further study of certain aspects of the operations of those two stations.

The reason for making these further remarks today is prompted by the comments made on separate occasions by two of our colleagues who asked me whether I had seen the report entered by the Senator from Arkansas (Mr. FULBRIGHT) into the RECORD, which they assumed, because of the tremendous volume of the report, and because it had been entered by the chairman of the Committee on Foreign Relations, had raised serious questions about the funding of these two radio outlets. They had simply assumed that the material prepared in the reports was critical. I, therefore, read with great interest and in detail the complete reports; and it is for this reason I feel it to be in order to summarize the reports and that it would be desirable, for the benefit of my colleagues, to pass this summary on to them.

The conclusions of the Congressional Research Service which are available in draft in the Senate Foreign Relations Committee were not entered into the RECORD, presumably because the chairman has asked the Congressional Research Service to do further work on them.

Mr. President, if we need further examination of the radios' role, as Mr. FULBRIGHT suggests, then by all means, we should facilitate it. In the resolution introduced by Mr. HUMPHREY and myself and now cosponsored by nine of the 16 members of the Foreign Relations Committee and by a total of 67 Members of the Senate, we call for continued funding of the stations while, and I quote:

> The methods for future support are carefully examined within the framework of United States foreign policy objectives.

However, as we plan to examine further the role of Radio Liberty and Radio Free Europe, I want to compliment the Congressional Research Service for the thorough job it has done at the behest of the chairman of the Foreign Relations Committee. A careful reading of the versions of the two reports which appeared in the CONGRESSIONAL RECORD of March 6, indicates that the eminently qualified researchers assigned to the project, Dr. Joseph Whelan for RL, and Mr. James Price for RFE, spent weeks interviewing those involved in setting the policies and preparing the programs of the two stations in Munich and New York. They personally examined many hours of broadcasts which were translated at their direction. They spent months of hard work studying everything that has been written about the two radios over the two decades that they have supplied people in the eastern part of Europe with a unique source of information and ideas. If anyone should question this thoroughness, I invite him to examine the sections on methodology on pages 7055 and 7056 of the RECORD for RFE, and 7091 for RL.

RL and RFE came into existence in the early 1950's, at the height of the cold war. However, there is evidence, as Mr. Price writes, that as early as 1952, RFE policymakers had become wary of the "liberation" approach. During the discussion of "containment" versus "liberation" at the time of the 1952 presidential campaign, RFE issued a special guidance for broadcasts on "liberation" which said, and I quote:

> Not one word in these statements (on liberation) can be used to encourage militant anti-communists to go over from passive to active resistance in the expectation that such resistance will be supported by western elements.

Already in 1953, the report says, after the abortive uprising in East Berlin following Stalin's death, RFE switched from being an exponent of "liberation" to "liberalization" instead. During the Poznan riots in Poland in June 1956, the report says:

> RFE conducted its operation in a manner that received virtually no criticism from responsible observers.

There were criticisms of RFE Hungarian broadcasts during the Hungarian uprising later that year. According to the report:

> The Western German Government reviewed all of the tapes of broadcasts from RFE to Hungary during the period in question and concluded that there had been no incitement and no promises of Western aid to the rebels. Adenauer added, however, that some of the broadcasts had contained "remarks subject to misinterpretation."

RFE took the criticism, mild as it was, very seriously, instituting appropriate changes in both policy and personnel. The report documents the evidence that its broadcasts were models of restraint during the Czechoslovak events of 1968 and the workers' riots in the Baltic cities of Poland late in 1970. Mr. Price sums up the current view at RFE as follows:

> Here at Radio Free Europe there are no illusions about sudden changes in governmental forms in Eastern Europe. The Soviet Union has convincingly demonstrated, most recently in 1968 in Czechoslovakia, that there continue to be limits to what will be tolerated. Communist regimes are likely to remain in power for the foreseeable future regardless of the wishes of the East Europeans. But the pace of change in today's world will not bypass East Europe and modifications are taking place. Thus, within the framework of the Communist system, positive evolution can be encouraged, and we try to do this. At the same time, we try to discourage actions which could intensify trends toward greater repression.

Mr. Price describes the quality of RFE's programs as "thorough, objective, and reasonably dispassionate in its coverage of even highly controversial subjects. The personal convictions of individual script writers loom rather small unless they can be validated by RFE's substantial and scholarly expertise in East European affairs." Mr. Price states—

> The people of East Europe are thirsty for news, information and lively discussion and that approximately half of the population over the age of fourteen, despite jamming attempts, regularly listen to RFE broadcasts. Although the communist regimes in the area resent this uncensored information competing with their own controlled media, Mr. Price was unable to find any instances in which the broadcasts had "constituted significant obstacles to meaningful negotiations and agreements.

Mr. Price concludes:

> RFE broadcasts have contributed substantially to preserving the reservoir of good will toward the United States originating from the events of World War II and the fact that many East Europeans have relatives living in the United States. RFE is apparently viewed by many in this audience as tangible evidence of American interest in East European peoples.

Mr. President, I will not dwell at length on Dr. Whelan's report covering Radio Liberty. First of all, Radio Liberty has never been a target of criticism comparable to that leveled at FRE's broadcasts to Hungary during the 1956 revolution. Second, like RFE, it abandoned the "liberation" concept early in favor of "liberalization."

Dr. Whelan gives particular attention to RL's handling of samizdat—uncensored documents, usually circulated in typewritten form, of which some 2,000 have now reached the RL archives. This remarkable phenomenon, which has

grown over the past 6 or 7 years, provides evidence of the formation of a liberal public opinion in the Soviet Union, led by such men as the great physicist, Andrey Sakharov, and the Nobel Prize winning novelist, Alexander Solzhenitsyn, Dr. Whelan writes:

Though it claims no special credit beyond that of being one of the many forces contributing to internal changes toward liberalization within the Soviet Union, still there seems little doubt that RL's role has been most significant. According to (Policy Director) Mr. Van der Rhoer, "samizdat has opened up a new dimension to RL's activity. It represents a welling up of a generation of new ideas from within the country." "RL has always believed," he continued, "that it could not impose views of one country upon another. Now it sees these new ideas coming forth and sees also the need to disseminate them among the Soviet people."

Among other things, samizdat—and Radio Liberty—have helped to publicize the plight of Soviet Jews, one factor leading to increased emigration to Israel.

Radio Liberty, as an important center for the study of current developments in the U.S.S.R., is very widely known among scholars, journalists, and Government experts specializing in Soviet affairs. Dr. Whelan quotes them at length and notes that their praise of RL would sound self-serving were it not for the fact that "many of the scholars making these assessments are leading and respected specialists in Soviet affairs in the Western World; thus their judgments have validity; they carry the weight of authority."

Other evidence upon which to judge RL's general audience impact, Dr. Whelan writes, are the favorable assessments of former Soviet citizens now living in Israel and the West who had been listeners while still in the U.S.S.R.

Whereas the jamming of certain RFE broadcasts has been intermittent, the Soviet regime has attempted to blot out all RL broadcasts nonstop since the station went on the air almost two decades ago. This goes not only for Russian, which is broadcast around the clock, but also for programs beamed in 19 other languages for that half of the population of the U.S.S.R. which is non-Russian. Ukrainian programs, on the air 8 hours a day, now regularly carry Ukrainian samizdat; RL is the only Western station reaching the vast area of Soviet Central Asia, with its population of 33 million, in the languages of the indigenous peoples mostly Muslims speaking Turkic languages.

In view of Dr. Whelan's report, one can only conclude that the Soviet regime dislikes Radio Liberty because its broadcasts allow the peoples of the U.S.S.R. to hear news and thought not covered by the official media.

Mr. President, if the judgments in these reports ordered by the chairman of the Foreign Relations Committee are confirmed by further investigation, as I feel confident that they will be, then there is every reason to expect that the Congress will soon take action to continue the work of Radio Liberty and Radio Free Europe in fiscal 1973 and beyond.

In this connection, I would like to express my strong preference for separate fiscal 1973 legislation which would provide for further study of the Radios' future. Moreover, the prospect for obtaining partial funding from sources other than the U.S. Government will be enhanced if we maintain the independent posture of the Radios. The closer the Radios are tied to the Department of State and the U.S. Information Agency, the more difficult it will be to obtain supplemental funding elsewhere.

I believe that a good start has now been made to save Radio Free Europe and Radio Liberty, and I am pleased that I have been able to play a role in this effort.

I am grateful to the Senator from Minnesota (Mr. HUMPHREY) for joining me in this effort and to the 67 Members of the Senate who have clearly indicated their strong support for these broadcasts which are for millions and millions, an estimated 31 million, of Eastern Europeans, the only objective news and the only truthful news they receive about what is happening in the world. I see no evidence whatsoever that our continued support of these stations has jeopardized our ability to have a negotiating posture rather than a confrontation posture with the Soviet Union.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, under the previous order, I now request that the Senate proceed to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with a limitation of 3 minutes on each Senator being recognized.

The Senator from Virginia is recognized.

RADIO FREE EUROPE

Mr. BYRD of Virginia. Mr. President, the Baltimore Morning Sun this morning published an excellent editorial on Radio Free Europe and Radio Liberty. The editorial quotation from the Manchester Guardian reinforce the arguments that have been made by the distinguished Senator from Illinois (Mr. PERCY).

Mr. President, I ask unanimous consent that the editorial from today's Baltimore Sun entitled "More on Radio Free Europe" be printed in the RECORD.

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

MORE ON RADIO FREE EUROPE

"Coexistence, or detente, or whatever it happens to be called at the moment, must not be misunderstood to mean an end to the conflict of ideologies. Communism uses the press and broadcasting to manage public opinion in the interests of the state. One of the fundamentals of a free society is that people should be free to think and say what they want, and should have the communications media open to them to do so. There should be no yielding here."

The lines above are taken from an editorial in the Manchester *Guardian* weekly suggesting that the United States should continue the operation of Radio Free Europe and Radio Liberty, transmitting news and opinion from a free society into the closed society of Eastern Europe and the Soviet Union. Government funding of the stations now is hung up in a conference committee in Congress; the proposal of the Nixon administration and the House of Representatives to appropriate money to maintain the stations is being resisted by the Senate members of the conference committee led by Senator Fulbright.

Mr. Fulbright and the senators who share his position hold that the broadcasts, which in the past were covertly financed by the CIA, are relics of the cold war and irritants in the way of better relations with the Soviet Union. The *Guardian* puts the subject in a truer perspective when it says:

"To silence these stations would indeed remove an irritant, but it would confirm and condone the suppression of free speech in Russia and the rest of the Soviet bloc. No wonder the Soviet leaders are using such diplomatic levers as they have at hand to bring this about."

AFTER THE NIXON VISIT: THE UNITED STATES, CHINA, AND JAPAN

Mr. JAVITS. Mr. President, President Nixon's visit to China was an act of greatness at a time when our Nation and the world were so deeply in need of just such creative statesmanship.

In my judgment, the characterization of the visit by the ultraright as a "disastrous adventure" is completely wrong.

There were many overtones to the President's visit. Perhaps the most important of these was the way in which the visit dramatized the truth that our national greatness lies in peacemaking and reconciliation—rather than in thermonuclear might. In the President's visit to Peking there was a tacit acknowledgment that the United States has on occasion been wrong in its perceptions of and responses to events in Asia over the past 25 years. There was also an expression of determination to seek a future of peace and understanding in Asia. The American people wholeheartedly support both of these essential aspects of the President's visit.

But the great unanswered question in Asia remains Japan. Mainland China and most of Asia have a deep fear of Japan. Yet Japan is the most productive nation of Asia and could redeem all of Asia from poverty—knowing what to do and how to do it. If Japan cannot win trust by declarations, it can win confidence by performance and by fidelity to the U.S. alliance. As a vital first step toward a China-Japan settlement, there is an urgent need for President Nixon to visit Japan.

The new perception of China and the new conception of the U.S. role both, in my judgment, evidence a greater sophistication and maturity on the part of U.S. policymakers. A high price has been paid for our greater sophistication and maturity in Asia. They derive in large measure from the tragedy of our Vietnam experience.

The fundamental shift away from confrontation in the United States-China relationship has enormous implications for the rest of Asia because the basic thrust of U.S. efforts in Asia since 1950 has been to construct and perpetuate a coalition to "contain" Communist China.

During these same 20 years, we have seen a prostrate and devastated Japan arise from the ashes of defeat and destruction. Japan today is an economic

superpower, a close trading partner of the United States and, in President Nixon's words, ". . . our most important ally in Asia."

The new orientation in United States-China relations inevitably has had a deep impact on the United States-Japan relationship. Initially, the boldness and the secrecy of the Nixon-Kissinger moves has had an unsettling effect in Tokyo. It would have been better if this could have been avoided, for there is surely no anti-Japanese motivation behind the new United States-China policy—but it obviously could not. The Japanese recognize this, but their sense of uneasiness is unmistakable and also very understandable, in the light of Asia history.

The greatest remaining piece of unfinished business from World War II in Asia is a settlement and reconciliation between Japan and China. It is bound to be a difficult process. And it is likely to be especially painful in a psychological sense to the Japanese, for Japan has much to atone for in China and the legacy of bitterness is still deep in the Chinese mind.

In an interview with James Reston of the New York Times last August, Premier Chou En-lai went out of his way to vent his distrust of Japan and to accuse the United States of rekindling Japanese militarism. Chou, who has a reputation for choosing his words carefully, described Japan in emotional language. He said:

> It was the U.S. Government which after the war strengthened Japanese reactionaries. And when they have developed to the present state they are bound to develop militarism—economic expansion is bound to bring about military expansion.

Nonetheless, in the final analysis China and Japan will have to come to a settlement between themselves despite the propensity of both to view their relationship in a triangular perspective—with the United States as the third party. More than studied detachment will be required on our part. To pay our inescapable role creatively will require a sensitivity to the historical nuances of Asia which we have not shown for the past 20 years.

Triangular nature of United States-Sino-Japanese reconciliation emerges most concretely with respect to the future of Taiwan. Taiwan is the most complex and delicate issue dividing Peking from both Washington and Tokyo. There are some indications, in my judgment, that the Nixon administration may be tempted to seek shortcuts in its efforts to cut that Gordian knot. In the long run quick and simplistic measures could deserve only to complicate and prolong the achievement of a viable solution.

In his joint communique with Chou En-lai, President Nixon has apparently accepted Peking's view that Taiwan is an integral part of China and that the disposition of Taiwan is an internal Chinese affair to be resolved between Mao Tse-tung and Chiang Kai-shek. For more than 20 years previously, the United States' legal position has been that Taiwan's ultimate status was an unsettled, international question.

In shifting to Peking's view of the status of Taiwan in international law, the U.S. statement of position in the communique rather disingenuously argues that Peking's view is shared by Chiang Kai-shek's government. But this argument is disingenuous for three reasons.

First, we never previously agreed with Chiang Kai-shek on this point over the past 20 years despite his best efforts to get us to do so during the height of his influence in this country.

Second, Chiang's government has denounced and repudiated the Nixon-Chou communique in very intemperate language. In this regard, I draw your attention to the February 28 official statement of the Nationalist Chinese Government declaring the Nixon-Chou communique "null and void." Taipei's statement in part says:

> The "joint communique" touched upon the so-called "question of Taiwan." The Government of the Republic of China wishes to declare solemnly that the Chinese Communist regime is the public enemy of all the people of China and it is the source of troubles for Asia and the entire world. . . Our question can be solved when the Government of the Republic of China, the sole legitimate government elected by all people of China, has succeeded in its task of the recovery of the mainland, the unification of China and the deliverance of our compatriots. There is definitely no other alternative.

Third, the new U.S. position on Taiwan's status ignores the rights of the indigenous peoples of Taiwan, who constitute 85 percent of the population of the island and whose right to self-determination has been denied by the mainland "remnant" which escaped there to exile with Chiang in 1949.

Since the President's return, administration spokesmen have emphasized that the United States intends to maintain its diplomatic ties with Taipei and to honor the mutual defense treaty of 1954. In at least a hypothetical way, new complications may have been created respecting the mutual security treaty by the shift in the U.S. position on Taiwan's status contained in the Nixon-Chou communique. This is especially so following Peking's admission to the United Nations as the sole legitimate government of China, and Taiwan's expulsion.

Theoretically, under present circumstances, the mutual defense treaty now commits us to thwart efforts by a member of the United Nations Security Council from establishing its authority in an acknowledged province of that nation's own territory. It could be argued that such interference is contrary to the United Nations charter and in violation of international law. Obviously we will not take any such position.

Clearly, there is no simple solution to the question of Taiwan. And, in addition to the factors I have already cited, there is an inextricable Japanese angle to the question of Taiwan. China ceded the island in perpetuity to Japan by treaty in 1895. In the United States-Japan Peace Treaty of 1951, and later in the Japan-National China Peace Treaty, Japan renounced all claims to and rights in Taiwan. However, as our State Department lawyers used to emphasize, those rights and claims were not ceded to any other government—thus creating an anomalous situation.

Taiwan's geographic contiguity to Japan, and especially Taiwan's location astride the sealanes between Japan and Southeast Asia, inevitably leads to a Japanese strategic concern regarding Taiwan. In recent years, the Japanese Government has asserted the position that Taiwan is an area of "vital security interest" to Japan.

Japan's security anxieties respecting Taiwan can be expected to exacerbate Peking's anxieties respecting a revival of militarism in Japan. I do not believe that the United States can, in effect, wash its hands of Taiwan and walk away from the situation. Such a course could be fraught with grave dangers to the peace.

The initial secrecy and surprise regarding the President's China visit now being over, the followthrough should clearly be on a tripartite basis with Japan—which has to be made to feel a sense of partnership in the results. This is best for all three parties and for Asia and it extends to economics, culture and education and maintenance of peace. The U.S. policy should be designed accordingly.

If the President's visit to China did not convincingly open the way to a settlement of the dispute over Taiwan, the implication of the visit for the war in Vietnam are major and hopeful. Optimism in this respect clearly does not arise from the words of the communique itself—for in the communique there is a ritualistic repetition of the public negotiating demands of the United States and of North Vietnam.

Rather, such hopefulness derives from the broader implications of a reorientation of United States-China relations. In a situation of "peaceful coexistence" and "equality and mutual benefit"—which the two sides pledged to seek—the whole rationale for and significance of the Vietnam war evaporates. The Vietnam struggle may come into focus as a minor war—civil or otherwise—of marginal international consequence.

Once the Vietnam war is deprived of its "ideological" overcoat—as the alleged focal point of a global struggle between monolithic communism and the free world—the residual international significance of the outcome of the struggle between Hanoi and Saigon is diminished to the relatively inconsequential framework of "balance of power" considerations within the Southeast Asia peninsula.

Ironically, in this context it may emerge that the United States and China share an interest in thwarting Hanoi's drive for hegemony throughout Indochina. At some point, China's careful nourishing of the distinct identities of the separate Laotian and Cambodian ethnic communist parties—in the face of Vietnamese Communist domination of the fighting in all three countries of Indochina—might converge with U.S. efforts to sustain anticommunist regimes in Vientienne and Phnom Penh, as well as Saigon. This is a tenuous hope, but a possibility.

The important thing for U.S. policy in Southeast Asia is to reverse the momentum of what I would call the "counterflow" of deepening involvement in Laos and Cambodia which has accompanied the U.S. drawdown in South Vietnam.

Equally important, the United States should reverse its apparently inertial drift of support for reactionary and counter revolutionary regimes in southern Asia.

Taking their cue from U.S. acquiescence in General Thieu's uncontested "reelection," the U.S.-supported regimes in Thailand and Cambodia moved quickly to disband even the semblance of democratic institutions. And our ties with Indonesia seem to have deepened as the military government in Jakarta continued its drift to the right.

The United States has got to get back on the side of social and economic reform in Asia. If we do not, we may soon find ourselves stuck with a half dozen new Chiang Kai-sheks. Regional and international economic development institutions are the best vehicles for long-term U.S. support of modernization and reform in Asia. The alternative to development and reform is bloody and disruptive revolution, with its attendant threats to the broader peace in Asia and the world.

The brilliance and creativity of the President's China policy has been unnecessarily offset by the clumsiness, rigidity, and insensitivity of U.S. policy in the Indian subcontinent. Bangladesh's successful struggle for independence has resulted in a significant new geopolitical equation in the subcontinent that is bound to have important consequences for the future of Asia as a whole. Unfortunately, U.S. diplomacy was not alive to the basic trends in the subcontinent. We now find ourselves needlessly at odds with India, and poorly positioned to influence the working out of the consequences of a war which has revolutionized the power equation in a geographic area containing 700-million people.

Undoubtedly the preoccupation at the highest policy levels of our Government with the China initiative contributed to mistakes of our policy in the subcontinent. There has been some evidence, following the publication of the Anderson papers, of a determination to put things right. Our setback in the subcontinent has been major but not irretrievable.

I have purposely left until last my discussion of the most important by-product of the new course in United States-China relations: Its effects on United States-Soviet relations. President Nixon has quite rightly emphasized on numerous occasions that there is nothing inherently anti-Soviet in the improvement of United States-China relations, and he has pledged to try to have better relations with Moscow as well as Peking. He has disavowed suggestions that the United States seeks to exploit Sino-Soviet tensions, stating: "We will not do so because it would be self-defeating and dangerous."

It is nonetheless clear that a United States-China rapprochement would have an important impact on the evolution of United States-Soviet relations, as well as on Sino-Soviet relations.

There is a general feeling that, in some undefined way, better United States-China relations will help both countries in their relationship with the Soviet Union. The Kremlin seems to share this expectation—with visible discomfort.

Further discussion of this grand theme of global geopolitics, it seems to me, must await the outcome of President Nixon's upcoming visit to Moscow.

In conclusion, I wish to emphasize my conviction that the President's trip to China was an inspired act of statesmanship which has opened the possibility for many creative developments in Asia and the world. There is reason to believe that beneficial consequences of the China initiative, if properly followed through, can do much to offset the enormous damage inflicted on the U.S. role and prestige in the world by the tragically improvident and miscalculated war in Vietnam.

(The remarks Mr. JAVITS made at this point on the submission of Senate Concurrent Resolution 69 are printed in the RECORD under Submission of a Concurrent Resolution.)

SHOULD THE UNITED STATES DRASTICALLY REDUCE ITS FORCES IN WESTERN EUROPE?

Mr. MANSFIELD. Mr. President for some time now a number of broadcasts have been made on various subjects under the title "The Advocates." In a recent panel discussion on January 14, 1972, on WDR, Munich, Germany, the topic under consideration was "Should the United States Drastically Reduce Its Forces in Western Europe?"

I am in receipt of a communication from Mr. Peter S. McGhee, executive editor of WGBH-KCET, Boston, Mass., which collaborates, I believe, with the German station. His letter reads as follows, and I read it only in part:

On the first question—should the United States drastically reduce its troop strength in Europe—more than 2600 viewers across the country—

That is, the United States—

wrote to express their opinion. 2,116 viewers or 80 percent favored troop withdrawal. 524 or 20 percent, were opposed. In only one State did those polled show a majority as opposed to troop reduction and there the count was "0" in favor of reduction and 1 opposed, hardly conclusive.

Mr. President, I ask unanimous consent that this letter, a statement issued by the sponsors of "The Advocates" on February 24, 1972, which indicates the breakdown on the question of a drastic cut of U.S. troops in Europe, by States, along with the panel discussion itself, as well as an article and editorial from the Christian Science Monitor, be incorporated at this point in the RECORD, so that the Senate will have the benefit of the results of this most important discussion.

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

THE ADVOCATES,
WGBH/KCET,
Boston, Mass., March 7, 1972.

The Honorable MICHAEL J. MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In January of this year The Advocates devoted two special ninety-minute broadcasts to the subject of the global defense posture of the United States.

On the first question—Should the United States drastically reduce its troop strength in Europe—more than 2600 viewers across the country wrote to express their opinion. 2116 viewers or 80% favored troop withdrawal. 524, or 20%, were opposed.

On the second question—Should the United States terminate its defense treaty with Japan—more than 1500 viewers responded. 788 or 52% were opposed to terminating the treaty; 692 or 46% were in favor.

Although it is not our custom to write to individual Congressmen and Senators about the results of our programs, because these were special programs and because you have long been identified as having a special interest in this subject, I am taking the liberty of writing and forwarding transcripts of these programs for your information.

Sincerely yours,

PETER S. MCGHEE,
Executive Editor.

DRASTIC CUT FOR U.S. TROOPS IN EUROPE VOTED BY VIEWERS OF ADVOCATES

Strong sentiment for drastic cutbacks of U.S. armed forces in Europe was expressed in the 2,657 votes received following a recent debate by The Advocates.

A total of 2,116 viewers voted for massive reductions in American troops stationed in Western Europe. The program which probed the issue was produced from Cologne, Germany with the cooperation of Westdeutscher Rundfunk.

The Advocates is seen each week over most of the 219 stations of the Public Broadcasting Service (PBS).

State breakdown of mail response:

State	Pro	Con	Other
Alabama	2	2	0
Alaska	15	4	0
Arizona	32	7	1
Arkansas	4	3	0
California	389	102	5
Colorado	39	6	0
Connecticut	22	8	0
Delaware	4	0	0
District of Columbia	9	8	0
Florida	110	19	0
Georgia	4	3	0
Hawaii	12	3	0
Idaho	3	2	0
Illinois	93	15	0
Indiana	24	14	0
Iowa	15	3	0
Kansas	7	1	0
Kentucky	3	1	0
Louisiana	9	3	0
Maine	12	3	0
Maryland	18	2	0
Massachusetts	167	49	0
Michigan	35	12	0
Minnesota	46	7	1
Mississippi	7	2	0
Missouri	0	1	0
Montana	6	0	0
Nebraska	11	3	0
Nevada	6	1	0
New Hampshire	21	7	0
New Jersey	66	18	0
New Mexico	11	2	1
New York	210	47	2
North Carolina	39	7	1
North Dakota	1	0	0
Ohio	40	9	1
Oklahoma	26	10	0
Oregon	76	13	0
Pennsylvania	135	31	1
Rhode Island	11	6	0
South Carolina	6	0	0
South Dakota	9	0	0
Tennessee	11	7	0
Texas	63	22	0
Utah	5	0	0
Vermont	3	0	1
Virginia	26	16	0
Washington	90	28	2
West Virginia	12	2	0
Wisconsin	58	6	2
Wyoming	4	1	0
Unknown	88	8	0
Foreign	1	0	0

This is an unofficial public service transcript. The Advocates is not responsible for errors of omission or commission.

Topic: Should the United States drastically reduce its forces in western Europe?

January 14, 1972 on WDR, Germany.

January 25, 1972 at 8:30 p.m. EST on PBS.

Participants: *David Schoenbrun (pro)*:

U.S. Rep. Les Aspin (D.-Wisc.), member of Armed Services Committee and of NATO Subcommittee.

General André Beaufré, retired French general.

Samuel Pisar, international lawyer.

Senator Fred Harris (D.-Okla.).

Howard Miller (con):

Kenneth Nash, Assistant Secretary-General of NATO.

Doctor Hans Wieck, Director of the planning staff of the Ministry of Defense of the Federal Republic of Germany.

Francois Duchene, Director of the Institute of Strategic Studies in London.

Adam Yarmolinsky, Professor of Law at Harvard Law School, former Deputy Assistant Secretary of Defense.

Moderator: *Victor Palmieri.*

For WGBH: Executive Producer: Greg Harney; Executive Editor: Peter McGhee; Producer-Director: Russell Morash.

For WDR: Producer: Jorg Zorer; Editor: Michael Eickhoff; Supervising Director: Hans Scholz; Unit Manager: Erick Nacken.

This Public Broadcasting Service (PBS) program originated at WDR, Cologne, Federal Republic of Germany.

ANNOUNCER. (Translated from German) Tonight, from Cologne, West Germany, The Advocates, with David Schoenbrun and Howard Miller. And the moderator, Victor Palmieri. (applause)

PALMIERI. Good evening and welcome to The Advocates. Every week at this time, The Advocates looks at an important public issue in terms of a practical choice. Now tonight's broadcast comes to you through the facilities of West German Broadcasting in Cologne, Germany, where it is being carried for German viewers in simultaneous translation. This is the first of two special ninety-minute Advocates programs focusing on the global defense policy of the United States, in Europe tonight and next week in Asia. Now it's fitting that Cologne provide the background for this first program. Devastated in World War II, Cologne today is typical of Western Europe—modern, prosperous and thriving. It is a monument to the successful partnership and reconstruction between the United States and Europe begun a quarter of a century ago. Tonight, approaching the twenty-fifth anniversary of the founding of that partnership, we seek to explore its future and the future role of the United States in Europe. And specifically, our question is this: Should the United States drastically reduce its forces in Western Europe? And our guest advocate, Mr. David Schoenbrun, says "yes."

SCHOENBRUN. NATO has helped make Europe more secure and prosperous. We think the time has now come to also help make America more secure and prosperous. Now we'll argue the many ramifications of this case with a group panel of very distinguished gentlemen beginning with Congressman Les Aspin of Racine, Wisconsin, French Général d'Armée, Général Beaufré, Paris international attorney Sam Pisar, and the Honorable Fred Harris, United States Senator from Oklahoma. (applause)

PALMIERI. But advocate Howard Miller disagrees. He says "no."

MILLER. Tonight's proposal for a unilateral withdrawal of over 80% of the American troops in Europe is the surest way to distrust, suspicion and a major confrontation with our best ally. It grows out of a new mythology of self-centeredness, as dangerous in its own way as the old mythology of fear. With me tonight to oppose this proposal are Mr. Kenneth Nash, Assistant Secretary-General of NATO, Doctor Hans Wieck, Director of the planning staff of the Ministry of Defense of the Federal Republic of Germany, Mr. Francois Duchene, Director of the International Institute of Strategic Studies in London and Adam Yarmolinsky, formerly Deputy Assistant Secretary of Defense and today, Professor of Law at the Harvard Law School. (applause)

PALMIERI. Gentlemen, thank you very much. We'll be back to both of you for your arguments in a moment. For background on tonight's question, we turn to a distinguished historian, the Chancellor of Brandeis University in Waltham, Massachusetts, Doctor Abram Sachar.

SACHAR. (film) The problem of the continued American military presence in Europe and West Germany is a legacy of World War II and the cold war that followed. In World War II, Russia was a valued ally united in blood and fate with Britain, France and the United States. After the war, with the common enemy defeated, the coalition fell apart and Russia, under Stalin, expanded into Europe and made satellites out of the Baltic States and the Balkan States and a large part of Eastern Germany. Winston Churchill gave us that superb phrase that an "Iron Curtain" had fallen which was separating East and West Europe, and the Allies were fearful now that a resurgent Russia would overwhelem what was left of Europe through military takeover and infiltration. So, the United States rushed economic and military assistance in the billions through the Truman Doctrine and the Marshall Plan and of course, NATO. Well, twenty-five years have passed and the diplomatic climate of Europe has completely changed. The western nations, including West Germany have recovered their strength and their capacity to survive. A hundred and seventy million people have created regional partnerships—the Coal and Steel Condominium, Euratom, the Common Market—and yet, to many, in Europe and in the United States, the fear of Russia still remains a factor. For though Russia is now diverted by a nuclear-powered Red China on its eastern flank, it has not slowed down the dynamism of its objectives and it's already a formidable power in the Mediterranean and the Middle East. And so the West Germans want the Americans to remain, not only for their continued military protection, but as a caution to Russia, that isolationism has not again engulfed America and encouraged its flight from responsibility. But, in the United States a rising tide of protest over the cost of the American commitment has come. Three hundred thousand men and almost as many dependents has created a serious problem of the balance of payments. And even more, there's disenchantment with the European nations that seem to have shown so little concern for the American problem. Maybe that should have been expected—no good deed ever goes unpunished. So, the issue hangs on whether Russia is now less dangerous today than it was when it had such a reflexive genius to rush into power vacuums, or can the United States now leave it to Europe to take up its own defense burden if, if the direct interests of the United States are no longer threatened. Senator Mansfield has introduced legislation to cut back the American commitment drastically not only to rectify the balance of payments, but to establish the principle that the American job of serving as the main global policeman is now ended. (end of film)

PALMIERI. There are two hundred and seventy-one thousand American troops in Europe and tonight, we consider a proposal to withdraw all of these fifty thousand within twelve months. We'll hear arguments in a moment, but let me introduce first our Guest Advocate tonight, Mr. David Schoenbrun. Mr. Schoenbrun is both a news correspondent and a historian. He was a combat correspondent in the Second World War, he was the first American to reach the Rhine, and for fifteen years he was the Paris Bureau Chief for CBS. He is now Senior Lecturer at Columbia University School of International Affairs. Mr. Schoenbrun, tell us why the United States should drastically reduce its troops in Western Europe.

SCHOENBRUN. When the architects of the NATO treaty drafted it in the Spring of 1949, they provided for a twenty-year period leading to its full construction. After that, it was subject to annual review and any member could leave with a one-year notice. No one has left NATO, although France has set up a separate national command. We hope that no one will break away for this is a grand alliance of a half a billion diverse peoples with so much to offer each other at every level of civilization. Our commitment to this alliance, to its broadening and to its deepening, is steadfast. However, we recognize that twenty years of crises have frozen this alliance into the rigid mold of the cold war, a mold that is not made of equal parts and that is insensitive to the many changes that have taken place since its inception. For example, at the very height of the worst crisis of NATO, we sent some four hundred thousand troops over here to Europe. Now, after almost a decade of stability, with no clear crisis in sight, we are still maintaining almost three hundred thousand men here in Europe. Indeed, the total personnel that we retain here adds up to five hundred and ninety-three thousand. That includes two hundred and ninety-one thousand troops along with their two hundred and seventeen thousand dependents, plus eighty-five thousand employees. This has created all kinds of problems for the American treasury and problems of morale for the American people. It is also a very costly establishment. Indeed, it represents more than one third of our global defense budget which is seventy-two billion dollars and that more than one third is twenty-five billions—and that goes to Europe alone, the one place where there is no war and really, no imminent danger of war. Perhaps this is due, certainly it is due, in great part to NATO itself, which has been a success. Well, we ought to recognize that success and draw from it its full consequences. We set out to help make our European friends independent. Well, they are. If there's any place in the world where we have good, solid, strong allies who will stand up with us, why it's right here in Europe. We think that it's time that they do stand up with us, and for themselves, and that they stop expecting Uncle Sam to nurse them, exhort them and to lead them. We have too much respect for them to continue to do that. We're going to stand with them, but not ahead of them. Simply we're going to be firmly behind them. The commitment is mutual and equal, but the prime responsibility is Europe's. I would like to ask as my first witness to speak to that question, Congressman Les Aspin. (Applause.)

PALMIERI. Congressman, welcome to The Advocates.

SCHOENBRUN. Congressman Aspin is a member of two very important committees of the House of Representatives—the Armed Services Committee and the Sub-Committee on NATO which refers directly to the problem of tonight. Congressman, could you tell us this: Can we actually reduce our forces in Europe without cutting our commitment to Europe?

ASPIN. Yes, I think the answer to that is very clearly yes. We have a commitment to NATO, I think that that's very clear. We have said that an attack on one of our NATO allies is an attack on the United States and I think that that's still maintained. But our commitment is not for a specific number of troops, our commitment is not to dominate the alliance, our commitment is not to be policemen of the world—and I think that's what we want to change—those are the things we want to change.

SCHOENBRUN. But Congressman, how about those who say that there's a real threat from the Warsaw Pact against NATO. How can we counter that if we are reducing forces?

ASPIN. I think that what we want to do is to have the amount of troops that we have in a particular situation, such as Western Europe, reflect the threat that they face, and that when the threat increases we ought to increase the number of troops. When the threat decreases we ought to decrease the number of troops.

SCHOENBRUN. You don't think the Soviet threat is right now imminent or very credible?

ASPIN. I think that clearly the threat has changed an awful lot in the last few years. After all, the Soviets have got a lot of problems with their Chinese border, they've got problems within their own country, with their Eastern European countries, their satellite countries. They've got problems domestically with pressure there for more domestic goods. I think that that's all changed and I think that what has changed is the nature of the threat. You see, threat depends not only upon capability but on intent, and I think intent has changed. There's a lot more places in the world where there could be trouble. There's a lot of trouble spots in the world—the Middle East, the Far East, the Indian Subcontinent, and whatnot. The last place in the world where there is trouble right now, the least likely place for a war is Western Europe. And that's where we have most of our forces committed, that's where we have most of our defense budget aimed toward.

SCHOENBRUN. Well what do you think will happen with our allies? What will their reaction be? What can they do to replace our troops if we pull most of them out?

ASPIN. Well I think that that's not a decision that we can make and I don't know what they would do. It depends really on themselves. That's not a decision that we can make for our allies, nor is it a decision really that we should prevent them from making by keeping our forces there. If our allies are in fact going to withdraw their forces, reduce their forces, then I think it better that we know about it now rather than later.

SCHOENBRUN. Well now you're talking about their intent. How about their capability? Are our allies capable?

ASPIN. Our allies have very definite capabilities to increase their forces. They could easily take up the slack of a departure of two hundred and fifty thousand American troops. There is no question about it. They are spending less of their gross national product on defense than we are for example. They have less conscription than we have. We have twenty-four months of conscription, they have less conscription. They have less percentage of their population in the armed forces than we have. They clearly have the capability to take up the slack if they so desire.

SCHOENBRUN. And there are just as many of them as there are Americans and Russians.

ASPIN. One third more.

SCHOENBRUN. Thank you, Congressman.

PALMIERI. All right, now for cross-examination.

MILLER. Congressman Aspin, you say the last place there's a threat is where we have most of our forces. That may be indeed why it's the last place there's a threat, isn't that right?

ASPIN. I think that one time the number of troops had something to do with diminishing the threat. But I think that in the long run what we want to do is have a carrot and stick effect. I think that when the threat increases we want to increase the response. But when the threat decreases, we ought to give it a carrot and encourage the decrease, the lessening of tensions, encourage the detente, by actually withdrawing our forces, making a gesture——

MILLER. Why not negotiate for a detente? Why not talk about a negotiation in which there would be balanced reductions? Don't we throw away all chance for a balanced reduction by this withdrawal?

ASPIN. We've had that red herring thrown up for us, Mr. Miller, every time that subject——

MILLER. Red herring! But if the intentions, if the threat of less than the Russians——

ASPIN. No way. The problems of a mutual and balanced force reduction, both sides reducing, are so immense and so complicated, and much more complicated than negotiations on strategic forces, much more complicated than anything we've ever done. And it's just complicated and it's just thrown up every time we talk about reducing troops.

MILLER. Far more complicated than our unilaterally and by ourselves informing our allies that we are withdrawing 80% of our troops.

ASPIN. Exactly.

MILLER. Right. Let me ask you about the nature of the American interest in Europe. Let's talk about this business of Europe and America, this difference that's posed. Today, how many Americans beside our troops are in Europe?

ASPIN. I don't know.

MILLER. About 150,000 including tourists and residents; between the Spring and the Fall on any given day there may be over half a million Americans in Europe. What's the total United States investment in Europe? It's over twenty billion dollars. In fact the United States has greater investment in every European country, every major country, than any of those countries have in the other. In fact, Congressman Aspin, isn't the United States by ties of ethnic bind, by investment, by relationship, just as a country, closer to each major country in Europe than any of those countries are to each other?

ASPIN. That could very well be true. We're not giving up our commitment.

MILLER. Well what's this talk though about Europe and America. I mean that's a peculiar view of geography. In the twentieth century the Atlantic Ocean is really the English Channel isn't it?

ASPIN. All right. I agree——

MILLER. And you're——

ASPIN. Would you let me finish? What we're trying to do is to make a realistic commitment. We're not abandoning our commitment to Europe, we've already stated that——

MILLER. Well why are you——

ASPIN. Just let me finish. We're not abandoning our commitment to Europe, we're making our commitment a credible commitment. Our commitment now is not credible, it's not credible to think that in the long run the United States is going to spend more on defense of Europe than Europe is going to spend on her own defense. It's not credible to think that in the long run we're going to commit one third of our defense budget to the defense of a part of the world where crises are not going to occur. What we should do is develop a commitment which is credible and fifty thousand troups is a credible commitment.

MILLER. Now, it's your testimony that the commitment is more credible with a unilateral withdrawal of 85% than it is with maintaining our troops. Doesn't the unilateral nature of the decision itself say to every European country, make them ask the question "what are we going to do next?"

ASPIN. No, because what we are doing is we are bringing the number of troops down to a level which is a credible level. If we are to take out twenty thousand or thirty thousand they'd say "Oh yes, sure, maybe that's the first step, the thin end of the wedge. Next week it'll be more." But let's make the drop, let's make it to where we can sustain it. Let's put it down to a level of fifty thousand. There's a level that we can sustain and we can make them believe that we are going to sustain it.

MILLER. What about the troops in Berlin? Do you want to remove any of those?

ASPIN. We have a few troops in Berlin. They should stay there probably.

MILLER. They should stay. Well, I don't understand why they should stay in Berlin but not stay in all of Europe.

ASPIN. Well we have to have some of our troops in Europe, in some parts of Europe. So why not have those that stay be partly in Berlin?

MILLER. Why even leave the fifty thousand behind? Certainly fifty thousand is no credible conventional force. There is no thought that fifty thousand men compose a credible conventional force. Why not remove them all?

ASPIN. No, I think that what we want to do is maintain that base because we may want to build upon it in the future. If the threat increases, we may of course want to put troops back. We may want to go back up to four hundred and fifty thousand as we've done before, and if we have that base, if we have that base on which we can build, then we've got something with which to do it. If we don't have any troops then we don't have any base. I think a very important part of our commitment is to keep at least that many there.

MILLER. So if you're wrong about Russian intentions, if the threat increases because we remove our troops, then of course we immediately bring them back.

ASPIN. We can bring them back, yes.

PALMIERI. Congressman, thank you.

ASPIN. Thank you very much. (applause)

PALMIERI. Mr. Schoenbrun.

SCHOENBRUN. We'd now like to examine the troop question by a troop commander, Monsieur le Général, André Beaufré. (applause)

PALMIERI. General, we're very pleased to have you on our program.

SCHOENBRUN. General Beaufre has had a very long and distinguished military record for more than thirty years, not only in the service of his country, but in the service of the Alliance. He has served on the policy planning staff of SHAPE and has also served in one of the highest positions of NATO as a member of the permanent NATO standing group in Washington. General, may I ask you to examine with us this question of shall we reduce from three hundred thousand to fifty thousand men. Please tell us your view on this.

BEAUFRE. Well, I wouldn't take these figures for myself. These are American figures. But I think the reduction, whatever it is, is certainly a logical move. But also I think this is very important.

PALMIERI. General, I have to interrupt. We are talking tonight, specifically about a drastic reduction. Are we agreed on that?

BEAUFRE. I agree, and it's a drastic reduction—I wouldn't take a position on fifty thousand rather than fifty-one thousand.

PALMIERI. Well that's just just enough of a difference to bring us together. (laughter)

SCHOENBURN. Or possibly forty-nine.

BEAUFRE. Possibly forty-nine. This is theoretical, I am speaking in principle. I think that the problem in Europe is now to take for granted that first we can deal with less American troops because the danger is not what it has been, and second because the problem is not a problem of the number of men, it's a quite different problem.

SCHOENBRUN. Why do you say it's not a problem of numbers of men, General? Do you mean that the three hundred thousand men do not impress you much more than the fifty thousand men?

BEAUFRE. Well, in the present set-up, it is considered as being a part of a conventional defense. A conventional defense with the present forces, even with the two hundred and fifty thousand Americans, makes no

sense. The problem of the defense of Europe, from my own point of view, as far as I can know, is a nuclear problem.

SCHOENBRUN. Oh, now I see your point General. In other wrods, if we were to fight a conventional war, then you would say to the other side, give me another million troops.

BEAUFRE. If you would deal with a conventional war, you would need about the figures, which have been defined in Lisbon in 1951.

SCHOENBRUN. 1954, yes, 1954. Well, what is the nature of the nuclear problem, General?

BEAUFRE. These figures were fifty-two divisions only for this part of Germany.

PALMIERI. We only have time for one more question and that seems like a very important one.

SCHOENBRUN. Pretty important. Would you explain your view on the nuclear question, General.

BEAUFRE. Well, I think that we are at the end of the twentieth century and I think that the concept of a conventional war makes no sense. The problem is not to fight a conventional war but to avoid it and therefore the problem is a problem of deterrents. This is the present problem in the world, especially in Europe. If we do not manage to keep strong and credible deterrents in Europe, we may face the terrible dilemma of surrender or open a nuclear war.

PALMIERI. General, I'm going to have Mr. Miller explore that with you further—I think he wants to.

MILLER. Does that mean, General, that if there is this withdrawal the European army will have to develop their own tactical nuclear weapons under their own control?

BEAUFRE. Probably.

MILLER. Well then, is it your position that the threat is not great enough to warrant conventional forces—it's small enough simply to warrant a nuclear defense? Is that what you're telling us?

BEAUFRE. Well, you know——

MILLER. I want to understand why we need the tactical nuclear weapons if the threat has diminished.

BEAUFRE. No, we need—I don't say that the threat is diminishing. I think that what we need in Europe is to provide for a balance for the enormous military power of the Russians, which in fact is not aiming at Europe, as you know, but aiming more to the Far East, aiming more for the Middle East, than for Europe. But anyway, a Europe which would not have a military power would certainly be unbalanced and I think that this balance can be restored. It cannot be restored by two hundred and fifty thousand men more or less.

MILLER. But in your assessment of what we call the presence of Russia, Europe needs a defense bolstered by the tactical nuclear weapon?

BEAUFRE. Yes.

MILLER. Now, tell me how that's going to come about—will it come about as part of a united Europe—how are we to know that those nuclear weapons will be developed by a united Europe? Or will they simply be developed individually by each country, France with its own tactical weapons, England with its own.

BEAUFRE. Well, I think that, as you know, Europe doesn't exist today. I think also that Europe is going to exist rather soon, much sooner than we had hoped for. And we have now to think of what will be Europe when it exists, but we mustn't wait for that time to make the first steps.

PALMIERI. Yes, I think it would be good to know what you mean exactly when you say Europe does not exist. What is Europe for the purposes of that statement.

BEAUFRE. Well, the word "Europe" is a confusing word because the Russians pretend that they are in Europe, but in fact I am speaking of Western Europe.

PALMIERI. When you say Europe does not exist, you mean a united, a politically united—

BEAUFRE. A political entity called Europe doesn't exist. Also a European sovereignty doesn't exist which could take the decision of using nuclear weapons or even to go to war.

MILLER. I think you are right, General, and the question in terms of peace and stability is, do you think that it's a safer world with each European country that has the capacity developing its own tactical nuclear weapons, under its own control, or a safer world with the defense balance the way it is today?

BEAUFRE. Your question is a little twisted.

MILLER. The answer can be straight. (Laughter.)

BEAUFRE. Yes, it's your job anyway! (Laughter.) You know, I think that in the present Europe you have France and Great Britain who have nuclear weapons. Well, they can develop what they have in the present set-up. Of course, in the future set-up, this situation may be changed and I think that it's not without interest to have something done in Europe because what we need now is something in Europe. If Europe has no nuclear power, it has no political possibility.

MILLER. Well I want to be sure then of your image of the future of Europe. Your images of what's necessary are independent European armies with their own tactical nuclear weapons, as you say, not as part of a sovereign Europe, and that presents to you a picture of a world more stable than our current alignment with American troops and nuclear weapons in Europe?

BEAUFRE. Yes, my answer is yes.

MILLER. I'm happy to end on that note.

BEAUFRE. We could develop that——

PALMIERI. I'm bound to ask one more question—for that purpose you mean that West Germany should have independent nuclear capability.

BEAUFRE. I think that in a theoretical world it should have, but in a practical world where Russia exists, it's an impossibility for now.

PALMIERI. Thank you very much for your appearance. (applause) Mr. Schoenbrun.

SCHOENBRUN. We have heard two witnesses, a political representative and a military strategist tell us that we have been playing a numbers game here, that the two hundred and fifty thousand men more or less do not matter. What matters is a real world and in that real world we are saying that Europeans and Americans ought to be in a very close partnership. We make no distinction, as Mr. Miller suggested, between Europe and America, we do not make the distinction about the Atlantic Ocean becoming the Channel, that's just playing with words. As a matter of fact, Europeans and Americans are very very different, just as Texans and New Yorkers are very different, but we are bound together with common purposes, common faith, and this alliance is very important. But this alliance cannot endure as the ward of one power and we have sufficient faith and trust in our European allies to think they can carry their weight with us as equals. And we hope to develop that even further with our witnesses later on. Thank you.

PALMIERI. Mr. Schoenbrun, we're going to come back to you and give you every chance to develop it. Now to Mr. Miller and the case against this drastic reduction that we are suggesting in American troop strength in Europe.

MILLER. I'm happy to accept General Beaufre's prediction and analysis of the future and balance the fact that we do need a deterrent, the image of independent nuclear deterrents, tactical as well as strategical by each of the major European countries, against the current situation we have today. Because of course, one of the purposes of NATO is that kind of unified deterrent and preventing the kind of chaos that might develop with independent nuclear tactical capacity. What are we talking about when we ask "can Europe defend herself?" Why the distinction, "can Europe defend herself?" Have we become so angry and felt so much pain over the Vietnam tragedy that we simply want to withdraw from every place? In fact, what this proposal does, it assumes the worst intentions of our friends and the best intentions of those who oppose us. Of course the world has changed, but common decency has not changed so much that we can take this unilateral step against the interest of every one of our allies. And as far as the intention of those who oppose us goes, there is a simple way to test it. If in fact Russian intention has changed, let's negotiate for mutual reduction. If those negotiations succeed, then the assessment of Russian intentions having changed would be correct. If those negotiations fail, then it will test the conditions of the changed Russians' intention. So therefore, why not simply negotiate and find out if the rosy predictions of a lessened threat are true. To talk to us about why this proposal for unilateral American reduction ought to be opposed, I've asked to join us tonight, Mr. Kenneth Nash. (Applause.)

PALMIERI. Good evening, Mr. Nash, and welcome to the Advocates.

MILLER. Mr. Nash is Assistant Secretary-General of NATO. Mr. Nash, is peace, the peace you've seen in Europe the last twenty-five or six years, the natural order of things in Europe?

NASH. No, indeed. I should think there must be very many people, young people around today, if I may be allowed to call anyone under thirty young, there must be millions of people, who think it is. But of course, it isn't, it's well on the way to being an all-time record for Europe, and I think the reason why we've had twenty-five, twenty-six years of peace is not because human nature is changing, nor is it because somebody has invented atomic nuclear weapons, although of course, that was a major factor for a time while America had the monopoly of them, I think it's because we've got an alliance and we've found wtihin it a peacekeeping formula that has been absolutely first-class.

MILLER. Let's talk about the capacity of Russia and the Warsaw Pact for military action. Does it have substantial capacity?

NASH. A very great capacity, certainly, and a constantly increasing capacity, constantly strengthening. Defense expenditure, for example, in the Soviet Union itself has gone up by 5% per year in real terms ever since 1965 right up to 1970 inclusive. Big spending. And if we take a comparison of the conventional forces involved in the present confrontation, because they're the clearest example, the Warsaw Pact has three tanks to NATO's one, three battle tanks, and two combat aircraft to NATO's one, and significantly outguns NATO.

MILLER. Well, let me move from capacity to intention, because there are people who say that it's not simply the capacity but the intention. Have the Russians demonstrated an intention to use military power for political goals?

NASH. Oh yes, indeed. It seems to me that one can detect no recent change in the Russian policies in that regard. It seems to me that in recent years we've seen the backing of foreign policy by military power on the part of Russia in Czechoslovakia, in the Sudan and in Egypt, in the Balkans, in Yugoslavia, not to mention the other satellite countries of Eastern Europe.

MILLER. Tell me about negotiations for balanced force reduction. Is there any hope at all to have a mutual force reduction if the United States simply unilaterally withdraws all these troops?

NASH. I think that would deal a shattering blow to the prospects of having successful negotiations which must, I think, be worked from a basis of solidarity of the alliance, as they have been hitherto.

MILLER. You mention solidarity. Let me ask you about that. Does any government in Europe favor this kind of withdrawal and what would happen to the cohesiveness of the alliance if the United States acted unilaterally in this way?

NASH. Not one government, I think I can firmly say not one government in NATO favors such a withdrawal. And I believe that it would take the heart out of the allies, the European allies if this occurred and would be regarded as a clear indication of a loss of interest by the United States in its role in Europe and in the world.

PALMIERI. Now to Mr. Schoenbrun for cross-examination.

SCHOENBRUN. Mr. Nash, you say that peace is not the natural order of things in Europe. Indeed, that's true. I myself have experiences in three wars that have affected my family. But among whom were these wars fought in Europe?

NASH. I don't think I entirely understand your question.

SCHOENBRUN. Well, you're talking about war and the difficulties of war in Europe. I want to know who these war-like people are in Europe that we must be so worried about.

NASH. Oh, I think there is no doubt of that. People like you and me, and everybody here.

SCHOENBRUN. Not just the Russians. Therefore, you don't conceive of the fact that if the Americans actually lower their forces that the French and Germans might set upon themselves all over again?

NASH. Well, I'm glad to think that the French and the Germans and also thirteen other nations are part of an alliance which is holding together and which is very solid and I believe that a great deal of that solidarity stems from the leading American contribution to it.

SCHOENBRUN. Yes indeed. The United States is one of the strongest among all of the nations of the NATO alliance, but I think you will admit that all of the NATO nations together are as large and just about as strong as the United States of America. Don't you think it's sapping of the self confidence, the initiative, the independence of the European people that they should so badly need the American cover?

NASH. I honestly don't think, Mr. Schoenbrun, that that does justice to the nature and the size of the European contribution to NATO, which is much more substantial, I suggest, than you imply.

SCHOENBRUN. Oh, I'm not implying anything. You're the one who is telling me that NATO would be denuded and weakened and Lord knows what terrible things would happen if we unsubstantial Americans would leave.

NASH. No, it would be weakened. Certainly, it would be weakened by an American withdrawal and I suppose that if one tries to put figures on the American contribution to NATO in Europe at this time, one might say that something like 10% of the armies of NATO is American. One might say that 20% of the navies, of the naval forces in Europe is American. And one might say as much as 25% of the airforces is American.

SCHOENBRUN. Well what is your view of the American nuclear umbrella, sir.

NASH. My view of it, Mr. Schoenbrun?

SCHOENBRUN. A good thing?

NASH. A good thing.

SCHOENBRUN. And you'd agree with the General that American nuclear weapons are necessary for the defense of Europe?

NASH. I do.

SCHOENBRUN. Fine. Would you believe that the British and the French were less to be trusted with a nuclear weapon than the Americans?

NASH. No, I would believe they're far, far less capable for many years of producing an effective deterrent, even between them.

SCHOENBRUN. Well, Mr. Miller referred to the fact that you have created in your NATO organisation a unfied deterrent. I've never heard—I've covered NATO as a reporter since 1949—I've never heard of a unified deterrent. I know there's an American deterrent, but the American finger alone is on that trigger. America alone can decide whether or not to use a nuclear weapon in Europe, and of course, if it does, it can either turn Europe into a nuclear battle ground and destroy it completely as we've destroyed so much of Vietnam, or very possibly, America won't be able to use a nuclear weapon at all because of Russia's ability to reply. What is your view on that?

PALMIERI. Last answer.

NASH. I think Mr. Miller was speaking of the overall deterrent right across the board exerted by the NATO forces, both the nuclear strategic, the nuclear tactical and the conventional. In that sense there is, I think, a unified and overall deterrent which one should not confuse in discussion with the purely nuclear deterrent.

PALMIERI. Mr. Nash, with that, let me thank you very much. (Applause.)

MILLER. It's the confidence in the alliance that would be to use the word denuded literally, confidence stripped bare if the United States took this kind of individual and unilateral action.

Let's talk realistically about the nature of the partnership and the varying contributions. Let's hear from Doctor Hans Wieck. (Applause.)

PALMIERI. Doctor Wieck, welcome to the advocates here in your own country.

MILLER. Doctor Wieck is Director of Planning for the Ministry of Defense for the Federal Republic of Germany. Doctor Wieck, we've heard about the United States defending Europe. What is the kind of contribution that's being made in Europe by the United States?

WIECK. The contribution of the United States to the defense of the alliance, of the alliance partners is very important, it is very important because of the strategic implications and the equation in the balance of forces upon the world-wide scale vis-a-vis the other world power, the Soviet Union, but by no means is the European contribution unimportant. Sometimes people think that it's the United States defending Europe and Europe earning the money in the meantime, which is not true. The truth, however, is the Europeans are contributing to the defense in a very impressive manner, although usually one is not speaking of it because there is no Western European defense institution, but individual contributions as such. There was reference made here to the effect that twenty-five billion dollars were contributed to Europe from the United States. I won't argue too much with it but I refer only to the fact that the U.S. Government says it is fourteen billion.

MILLER. What is the value of the European contribution?

WIECK. The value of the European contribution is thirty billion dollars, or more than two point six or seven men, and it contributes to the present-day forces about three fourths of all the forces in Europe, land air and naval forces.

MILLER. So over three fourths of all the forces in Europe today that's part of this alliance are European?

WIECK. Yes. Now, I would like to make one further remark in this respect. We're talking about Western Europe being within the balance of forces between East and West and we must recognize the fact that the Soviet Union contributes about 60% to 70% of the actual Warsaw Pact military structure in Eastern and Central Europe. Whilst, on the other hand, the Europeans contribute as much as I indicated and the American contribution, as I said also, about 25% or less, which is a very important thing.

PALMIERI. One more quick question.

MILLER. Let me ask you, we've heard a lot in Europe and the United States about German foreign policy, Chancellor Brandt's *Ostpolitik* and other negotiations, what would be the effect of this unilateral withdrawal on the ability of the government of Germany to continue its current foreign policy?

WIECK. I think it would be a harming effect because the basis of the foreign policy of the Federal Republic is the alliance and is the European community, and a blow of the unilateral withdrawal of the kind discussed here would have very uncomfortable reaction.

PALMIERI. Mr. Schoenbrun.

SCHOENBRUN. If you will permit before I go on with the cross-examination Doctor Wieck, I would like to refer to two remarks that have both been made on the same subject, questioning a figure that we used and it may perhaps be puzzling to the audience. We have said the American contribution to NATO is twenty-five billion. Mr. Miller, at one point said it was fourteen billions according to official American figures and our German colleague has just quoted American official figures as saying it is fourteen billion. Let's clear this up. The American official figure given by the Government in 1968 was, in fact, fourteen billion as Mr. Miller and Mr. Wieck said. But let me point out that the fact that the United States said that was the figure does not necessarily mean it is correct. (laughter)

WIECK. I have no doubt in the statement made by the American Government.

SCHOENBRUN. Sir, I am an American and less polite than you. I frequently doubt what my Government says, particularly when it says it was not at war in Laos when it was at war in Laos. But I don't want to pursue that, I merely tell you there are two figures. One was put down in a report by a highly reputable——

PALMIERI. Mr. Schoenbrun, let me interrupt, there's a certain intriguing quality as to whether you will ask a question, if so, what it will be. (laughter)

SCHOENBRUN. Well, fine.

PALMIERI. We have just a little time left and I'm certain you want to ask Doctor Wieck a question.

SCHOENBRUN. Yes I do, but I thought it was very important to clear up the point on which both of them had placed very great stress. Doctor Wieck, do you think that the alliance is in very good shape economically and politically and diplomatically, as well as militarily?

WIECK. You're never in very good shape, but you are in a shape to cope with problems before you and the alliance has shown over the years the most important thing, solidarity on important issues that they had to face. These issues are referring to defense and stability in order to maintain parity or sufficiency in military terms and, to the dialogue with the Soviet Union and other Eastern European countries to find the areas of mutual agreement.

SCHOENBRUN. Inside NATO we have a unified military command and we are proposing to upset it terribly by a unilateral American action. Tell me, did Mr. Brandt ask for and get the permission of the United States of America when he decided to have his opening to the East and go to Moscow and speak to the Russians and submit the foreign policy of Germany to an American decision?

WIECK. I don't think that this is related to the subject we are discussing here, but I

would like to say that there is a very very close consultation within the alliance in particular on these questions of detente and understanding and cooperation with the Soviet Union. And so, you can assume that the German government could have consulted their friends in the alliance very closely. And the evidence of this is that the three Western powers who carried special responsibility for Berlin have negotiated in the Berlin Agreement with the Soviet Union. I don't think without consultation you could achieve that.

SCHOENBRUN. And the relations are so good and the German government and America are so confident with one another that Mr. Brandt had to go to Florida, where I had the very great honor of seeing him, in order to have Mr. Nixon assure him that there'd be no deals made behind his back when Mr. Nixon got to Moscow?

WIECK. I don't think that assumption of yours was the desire to go to Florida and to see, like other Western States and the Japanese Prime Minister to see the U.S. President at this angle of time. Apart from that Florida is a nice place to see——

PALMIERI. I'm afraid we only have time for one more question.

SCHOENBRUN. One more question. I would like, perhaps if I could make a statement, for so many have been made here today and I was trying not to, but it's forced upon me. We've been talking about the great contribution that NATO is making of the European component, much greater than the American. According to the information that I have from official government sources, as well as from others, the United States is giving 8.4% of it's gross national product to NATO defense, whereas I find countries here giving 3.9%, countries giving 5%. Let me see, France has 4%—

WIECK. May I just correct one point, 8.4% of your G.N.P. is directed to defense. You imply to NATO defense which is not, by the way, exactly the same. Let us stick with twenty-five billion or fourteen billion and that is about 2.0% or 3.4% The average in NATO is 4.5–6%—(applause)

PALMIERI. Doctor, thanks for being our guest. Sorry to interrupt but we do have to go. (applause) Will you take a very short wrap up.

MILLER. Thank you so much. The figures are difficult. They become essential though when a whole argument on what American policy should be is based on them. We can't say at the one hand that the U.S. contribution is twenty-five billions, which is 8% of the gross national product of the United States because that would make the gross national product about a third of what it really is. In fact, the figures are lower and in terms of the fourteen billion, you may disagree with the American Government, but in a letter to this television show from John Morris, Deputy Assistant Secretary of Defense, the cost for NATO is set at fourteen billion. Have we forgotten so soon the lessons of Czechoslovakia and the Russian investment in Egypt that we are willing to assume this new vision of world defense which presumably means nuclear proliferation of tactical weapons in Britain and France and further development of strategic weapons. Which is the safer world? I think it's the one we live in now.

PALMIERI. All right Mr. Miller. Thank you. We're going to come back to you. Let's go to Mr. Schoenbrun. He has a witness to discuss the non-military aspects of tonight's question. As for any other issues about the dollar investment, let's save that for another program. It might make a good one.

SCHOENBRUN. All right. May I call now on Mr. Sam Pisar. (applause)

PALMIERI. Welcome Mr. Pisar.

SCHOENBRUN. All of our witnesses are very extraordinary, very interesting and very important men. This particular witness is a rather unusual man because his personality relates very much to this program and what we're all worried about. Mr. Pisar is a Doctor of Law from Harvard University and from the Sorbonne, the University of Paris. He is an American citizen, but he wasn't born in America. He was born in Poland and he suffered great agonies in his youth when his family was destroyed in the war and he himself was sent to the slave labor, to Dachau and to Auschwitz. And he was there between the years of twelve and sixteen and managed to survive. He made his way to America and then became an advisor on East-West trade to Dag Hammarskjold in the United Nations and to George Ball in the United States Department of State. A very remarkable career, and one that I believe is symbolic of in fact that we're talking about in Europe. A man who is now an American, who was born and raised a European, certainly a perfect symbol of the alliance and the thing we hold in common together. A man who lived in a death camp and is now a very successful lawyer just as Europe has come out of the ruins. And I'd like to ask a man of this particular calibre to tell we what he thinks is the relationship between the military question of an American presence here in Europe and the opening up of a new vista, a hope, as you wrote about in your book "Co-Existence in Commerce" of peace through new trade relations.

PISAR. Mr. Schoenbrun, there is a definite relationship, we cannot look at this subject in strictly military terms. The economic and the military are intertwined, the relationship is part of the entire package and I would even go as far as to say that the relationship exists both on the Russian side and on the American side.

SCHOENBRUN. Well, that's strange. How can American businessmen be affected by the presence of American soldiers?

PISAR. Very simply Mr. Schoenbrun. Bear in mind that the American businessman who has to decide whether or not to trade with Poland, Russia, Czechoslovakia and so on, has constantly to keep in the back of his mind that there are three hundred thousand American boys in Western Europe facing the communist enemy. Now the American businessman is a very patriotic man. He is a family man. He is concerned about this human issue. Should he go out and do business, should he trade at a time when he is told that American boys are sitting there and waiting to defend the western world against the communist menace. In short, he tightens up, he is confused.

SCHOENBRUN. Do you have any specific case of a businessman who in fact had difficulties with that kind of a problem?

PISAR. The most remarkable case and the best known perhaps, is the case of Henry Ford. You will remember some time ago Mr. Ford was invited to Russia and was asked to build a truck factory. But when he returned home, ready to make plans, he was attacked by the American Secretary of Defense, Melvin Laird, who didn't want any such venture in the Soviet Union. Now if Mr. Ford, the capitalist of capitalists, patriotic American who is wrapped in the flag, will not trade, how will the normal American businessman?

SCHOENBRUN. Well, Mr. Ford can't sell these trucks because he was stopped for defense reasons. How about our German, French and English friends? Are they selling trucks?

PISAR. Well, I have great respect for my European friends and, as you've pointed out, I often feel that I am part-European even though I am an American. The Europeans, Mr. Schoenbrun, have a very good thing going. They have it made. There are three hundred thousand American boys plus the nuclear umbrella defending Western Europe. But while Mr. Ford cannot enter a venture to make a profit for his corporation, European companies are falling over each other for the very same contract. Daimler-Benz of Germany, Leyland Motors of England and Renault of France. I ask you, is this justice, is this competition, is this part of the American tradition? We must release the businessman to enter into ventures of this type and to do his thing.

SCHOENBRUN. Thank you, Mr. Pisar.

PALMIERI. Mr. Miller.

MILLER. Mr. Pisar, let me ask you, do you support this proposal tonight for the unilateral withdrawal down to fifty thousand troops?

PISAR. I do.

MILLER. Tell me, the fact that there would still be an American strategic deterrent aimed at Russia would have no consequences to trading with Russia, is that right?

PISAR. That is right.

MILLER. And if one of the consequences of American withdrawal of two hundred and fifty thousand troops were that the number of men, say, were taken up, as they very well might be, by an additional one hundred thousand men from the army of the Federal Republic of Germany, would that increase or decrease the tensions that might affect trade in Europe?

PISAR. It would help the trade, it would help trade in this sense Mr. Miller. It's a question of climate. When the Americans go to trade with the Poles, the Hungarians, the Russians, and I can tell you this from personal experience because I have gone there and I have seen it happen, they are told "Your army is sitting there and you treat us as enemies." The German, the Dutchman, the Frenchman doesn't have quite the same problem. He can point to the Americans and say "it's them."

MILLER. And you think that if this unilateral withdrawal had been accomplished a year ago Secretary Laird would not have prevented Mr. Ford from building his truck factory?

PISAR. I think that was an entirely different issue because it has to do with Vietnam——

MILLER. What you are really asking for, and it's something that's not necessarily this proposal, is a new attitude in the climate of trade between the United States and Russia. It's quite possible for governments in that position to have major trade without ever touching this issue.

PISAR. I am asking for much more than that, Mr. Miller. I am not only asking for more trade. Consistant with our national security and with the security of the western world of course, I am asking for a change in the climate, for de-emphasis on the military, and for the construction of a piece that is based on human instincts, and business is part of those instincts.

MILLER. And the vision of the world that's been presented to us alternatively by General Beaufre with the development of tactical nuclear weapons by France and Great Britain and further development of strategic weapons, the substitution of further German, French and British troops for the American troops, you think that world would be so different that trade would magically increase?

PISAR. That world must remain this way because it is essential that we remain strong. The question is how are we strongest? Are we strongest by keeping these costly troops in Europe and creating the problems that this arises, or are we strongest by measuring our mobilization and giving ourselves an opportunity to act the way Americans normally act. Trade, business, science, technology, this is our tradition.

MILLER. Why didn't the fact that France and Germany in 1914 had the largest percentage of trade between them of any countries in the world prevent World War I?

PISAR. Because you understand that the Nazi ideology——

MILLER. World War I.

PISAR. In World War I?

MILLER. 1914. Enormous trade between France and Britain.

PISAR. I would give you a very surprising answer on that. I don't think we even knew what the war was at that time. Statesmen were toying at the strange game in 1914 and 1918. Today everyone is aware of the dimensions. A nuclear war you are talking of.

PALMIERI. One more question.

MILLER. Let me ask you—the nuclear deterrent, the nuclear threat, of course, not only remains, but in fact is developed by other countries. Let me ask you in terms of bargaining for troop reduction. You are an international lawyer. A person comes to you for advice and he's part of a partnership. Do you advise him to make a decision without the concurrence of his partners to give away what he wants to sell in the hopes that he'll be treated better?

PISAR. I will tell you how I advise them occasionally. I tell them "don't leave it up to your partners entirely, get together with your partners and give them a little bit of a push also, because it's time that they grew up and acted their age."

MILLER. Get together with your partners?

PISAR. Yes.

MILLER. Make the decision together.

PISAR. Mr. Miller, let us make this point very carefully. The idea is to say to our partners, after twenty-five years, you have become full partners and it is now time for you to take over your responsibility in an area where the problems are reduced.

MILLER. And the way to do that is to unilaterally withdraw these troops?

PISAR. Yes.

PALMIERI. Mr. Pisar, thank you very much. (Applause.) Mr. Schoenbrun, we'll come back to you—you have a final rebuttal witness later as I understand it. Now, Mr. Miller has a chance to complete his presentation of the case against this drastic American troop withdrawal.

MILLER. In fact, Mr. Pisar's assumptions about the alliance being more than political, military, and this having great military significance is correct. The alliance and all relationships are political, military and economic and what we must focus on are the overall consequences for the alliance of this kind of individual action. We can talk about the hope, trade with the Soviet Union. We know the reality of trade between the United States and Europe and the current tensions and difficulties of trade and other negotiations as the recent currency negotiations. Let's see what the overall affect on the alliance would be if we entered into this individual action. I've asked to join us tonight Mr. Francois Duchene. (Applause.)

PALMIERI. Welcome, Mr. Duchene.

MILLER. Francois Duchene is Director of the International Institute of Strategic Studies in London. Mr. Duchene, is the alliance simply military?

DUCHENE. No, indeed not. I think one of the great achievements of the alliance has been to create the beginning of an economic community that is partly in Europe, partly between Europe and America and, what is very important, not just European, not just East and West, but involving Japan and potentially with affects that could be world-wide. And the important thing that we want to do is to extend the area of cooperation.

MILLER. Tell us what the affect of the action that's proposed tonight would have on the United States-European, for example, trade relations.

DUCHENE. Well, I think that a unilateral act could be disastrous. I think Mr. Schoenbrun has quite rightly said how many steps have been taken towards interweaving the United States and Western Europe as part of this larger process I was discussing, but the opposite of that is to take major unilateral actions that provide major shocks to the whole psychological fabric of this common effort. And I think that it wouldn't only have affects, which we could discuss, in security, I think it would also have affects in trade. For instance, in the dollar crisis that we've just had, just like the very difficult negotiations to lower trade barriers earlier in the sixties, we'll call the "Kennedy Round", there was a great deal of illtempered bargaining but the final results were very positive and in the latest case, the Europeans have agreed, including France for instance, that there ought to be trade negotiations following up on the monetary agreements. Now, I think there's very little doubt that on the side of the Europeans the fact that the United States is terribly important to them for security reasons has been a very important factor in being prepared to go forward with trade discussions which might seem less necessary from the European point of view than the American.

MILLER. Well that's looking at our relationship with our allies. Now, how about the Soviet Union? Mr. Pisar has told us that if these troops were withdrawn there would be greater trade with the Soviet Union.

DUCHENE. Well, I think that Mr. Stans who's just been, the Secretary of Commerce, who's just been in Moscow, seems to have been doing very well before the troops have been withdrawn. And it seems to me the difficulty is not the confrontation, in which people believe much less now than they did before, the difficulty is partly, in the short run, that the East Europeans haven't got very much to sell. But in the longer run it's much deeper and more political. It's that it would transform Russian society if Russia were to build up lots of consumer goods of the kinds that the Europeans could build plants for.

PALMIERI. All right Mr Duchene, let's hear from Mr. Schoenbrun on cross examination.

SCHOENBRUN. Mr. Duchene, it would of course be something we would all welcome if Russian society were to be transformed in that fashion?

DUCHENE. I think that the aim of our policies together ought to be to transform Russia from a state into a society and for that, the maintenance of the security aspects of our policy along with our cooperation side of our policy is absolutely necessary including the strength of the American-West European relations.

SCHOENBRUN. Well we agree at least on the first part of that. Don't you believe that there are many people in the Soviet Union who, like here in the western world, are concerned about the fact that their own Pentagon budget is too heavy, their own military budget, and that they would like to have more emphasis on civilian and peaceful and useful goods, and that they could perhaps work against their generals if there were an American reduction; so that they could say "Look here, there really isn't an American threat against Russia. It really isn't necessary for us to maintain such a large military budget." Is it conceivable that such an argument could take place in the Soviet Union?

DUCHENE. I think the will to negotiate with the West is a thing on which we can hope that there are people, constituencies in Russia, just as there are very strong feelings in that direction in the West. One sees it in the arms limitations talks for instance at the present moment. But that's not an argument for not negotiating and for acting unilaterally in the western alliance.

SCHOENBRUN. One keeps talking about a unilateral action. Does that assume that America really does not have the power or right to undertake any action in so far as the use of its troops are concerned, and that our sovereign decision must be subject to a NATO consent vote?

DUCHENE. No, I think that it means that there must be a process and an interrelationship between the allies over time and also relationship to negotiations with the East.

SCHOENBRUN. Oh, we agree very much on that, for I think it ought to be made clear that none of us, myself or my witnesses, has been proposing that the United States decide by itself, without consulting its allies and drops a letter in the box and informs them, "We're taking off!" That's never been the proposition and I think it would be unfair to let it be thought as such. You've mentioned the fact that the alliance is much greater than military. I quite agree with you—economic and whatnot—but we've been talking about NATO, and I think you will agree that the emphasis in NATO is military.

DUCHENE. It is on security which is a political balance in Europe as elsewhere, it is not just military. Military is part of the technical side of it. The political aim is security.

SCHOENBRUN. Right. And under that screen of security, you and I have both seen the growth of very exciting movements, such as the Common Market, Euratom, in which we've worked together. Do you think that that movement towards a greater European unity might possibly be encouraged if Europe took greater initiatives for her own defense instead of depending upon an American cover?

DUCHENE. I think that Europe should take greater initiatives for her own defense. The problem is that we are talking of Europe and America as if they are two units. Europe is still a very large number of vigorous countries which have to overcome all sorts of problems that the United States, the Thirteen States, had to overcome initially, and it's going to take time to do this. And you won't be able to do it in great leaps—it's not going to be kangaroo leaps, they are going to be moved forward. If you take moves on the United States side and require of the Europeans to compensate for them that they take kangaroo leaps in their own organization among themselves and they federate straight away, then I think you are likely to put the Europeans in front of a problem they cannot meet in that time scale.

PALMIERI. Would one of those problems be the possibility of West Germans assuming a nuclear capability on their own?

DUCHENE. I think that the West Germans would not want to, for their own policy, to have a nuclear capability, a national nuclear capability on their own. They would have no trust in French and British nuclear capability and that is why for them, there is no alternative for a long time to come to the American nuclear umbrella. This would divide the Europeans among themselves.

SCHOENBRUN. Then probably you're outlining a rather dismal picture, one that saddens me in any case, about a lack of trust of Europeans towards each other with the greater trust of each European towards the United States and that would certainly impede for a very much longer time than I would have thought the growth of a greater European unity.

PALMIERI. Mr. Duchene, I'll have to treat that as a statement rather than as a question. Thank you very much for your appearance. (applause)

MILLER. There's been a play on words here. Every European government opposes this withdrawal and it's the proposal tonight that the United States nevertheless go ahead and withdraw on its own despite that opposition. Let's find out why that would destroy the kind of confidence among every one in the alliance that makes it function. I've asked to join us tonight Mr. Adam Yarmolinsky. (applause)

PALMIERI. Professor, we're glad to have you with us.

MILLER. Adam Yarmolinsky is now a Professor of Law at the Harvard Law School. He was formerly Deputy Assistant Secretary of

Defense and he also was one of the authors of the Poverty Program in the United States and today is the director building a major new town on Welfare Island in the East River in New York. Professor Yarmolinsky, if we want to reduce our defense budget, does it make sense to do it this way by withdrawing our troops from Europe?

YARMOLINSKY. No, it really doesn't make sense at all to me, Mr. Miller. I'm not prepared to yield points to anyone on the need to cut back on our defense spending. I've recently written a book that has something to say about it and it's my view that our defense spending is substantially too high. But I can't conceive of a defense budget which has any reasonable possibility of being adopted by an enlightened administration, an enlightened Congress, which would not still be consistent with a force structure that would put substantially the number of men in Europe that we have today. The presence of those men does not, in fact add a penny to the cost of our military establishment, in fact I think it is generally conceded that it would cost a little bit more if those men were based in the United States. Now, you may say why not demobilize them? Well, why not demobilize the people in the United States now?

MILLER. Tell me, Professor Yarmolinsky, if one of the reactions to an American withdrawal and lower troop level, for example, were an increase in the troop strength in the Federal Republic of Germany, would that lead to greater stability in Europe and enhance the detente?

YARMOLINSKY. Well, Mr. Miller, we're here in the Federal Republic this evening and it does seem to me that our German hosts would be among the last group who would want to increase the size of their military force in proportion to other European forces, despite the fact that they are the closest among all the major nations of Europe to the East-West front.

MILLER. Why do we have this proposal for such a drastic withdrawal?

YARMOLINSKY. I don't think it's very hard to see the explanation for it. It relates directly to the tragedy in Vietnam. One of the many lessons that we don't seem to have learned quite yet, but that I hope will penetrate our collective intelligence in the United States, is that we cannot help a country which is not able to help itself. But by the same token, it seems to me, that we have an obligation to help countries which, together with us, share a common defense problem.

PALMIERI. Well that provides the right setting I think for Mr. Schoenbrun's questions.

SCHOENBRUN. Well Mr. Yarmolinsky, we certainly have a common defense program with the Europeans.

YARMOLINSKY. Yes.

SCHOENBRUN. Do you think that the Europeans are the outstanding example of people who are able to help themselves among our allies?

YARMOLINSKY. I would suppose that the Europeans were as much able or as able to help themselves as others, but I don't believe that that goes to the issue of a unilateral withdrawal of the great bulk of our forces which are sharing in that common defense.

SCHOENBRUN. Does that mean, if I understand you, that your side believes there ought to be a permanent force of three hundred thousand Americans in Europe.

YARMOLINSKY. I suppose nothing is permanent in this world, Mr. Schoenbrun, except death and taxes. My own hope would be that the example that our forces are setting in Europe might provide a kind of rough model for the sort of function I would hope for when we approach the millenium, when military forces are for peacekeeping and not for fighting wars.

SCHOENBRUN. Would you care to speculate at all on how long the present NATO set-up ought to remain the way it is. I mean should we Americans really be budgeting for three hundred thousand men whether it's twenty-five or fourteen billion a year or——

YARMOLINSKY. Mr. Schoenbrun, let me, I really think that conveys a gross misunderstanding. I think that the United States is unlikely to reduce its military budget below either twenty-five billion or fourteen billion for quite a while, and I therefore think that we are going to keep that number of troops somewhere and I think that keeping that proportion in Europe in the absence of mutual and balanced force reductions has zero effect on the cost of our defense. Now, I have high hopes for a mutual and balanced force reduction. I believe that can be accomplished and I think the one way to frustrate that possibility is to pull out now without going through with those negotiations in a vigorous way. We need more vigor, we don't have it, we need it.

SCHOENBRUN. What do you base your high hopes on for getting through so complicated a process as getting Russians to agree with us on equivalent movements of men?

YARMOLINSKY. Well, I suppose I base it in part on a kind of general feeling that if there is a problem that's got to be solved we fellow members of the human race are going to find some way to solve it. I don't see that taking the position you advocate is going to do us any good in that respect.

SCHOENBRUN. Well I thought it would but I'm not going to repeat my position since I'm cross-examining yours. But your outline seems to me to be telling the American people and the Europeans: "Well, its going to take a long time, things are going to stay pretty much the way they are, there isn't going to be any change."

YARMOLINSKY. No, sir. I would not like to have the listeners read that implication into what I am saying. I think things could move very fast once they begin to move on mutual and balanced force reductions. I don't know, none of us have that gift of prophesy. It could happen and I don't see this as a permanent situation, and again I say, the only way to frustrate it, the only way to keep it from happening, it seems to me quite clear, is to pull the troops out now.

SCHOENBRUN. You won't accept the fact that if the troops are pulled out now and the European force is created that this may create a feeling of security in the eyes of certain Russians and indeed, in effect, on Eastern Europe?

YARMOLINSKY. I cannot understand how either the substitution of European troops for American troops in the alliance would have that affect or, what I think more likely, a kind of unravelling in some of the rather cataclysmic possibilities that General Beaufre outlined. If those were to occur, I think we would be in real danger.

SCHOENBRUN. Could it not lead to an unravelling, not unravelling, but a great pressure of the satellite peoples of Europe upon the Soviet Union to start withdrawing their forces?

YARMOLINSKY. I would not suppose so. I believe that, unhappily, is a police problem, not a military problem, and that is one of the tragedies of the situation.

PALMIERI. Professor Yarmolinsky, thanks for being on The Advocates. (applause)

MILLER. It's a curious proposition that getting the Russians to agree with us on mutual force reductions is so difficult, but if only we act by ourselves we can trust that the doves in Russia will take over and they too will act in our interest. Of course, the way to test this proposition is to negotiate. If Mr. Schoenbrun is right on the Russian intentions, and I hope he is, there will be an agreement. If there is no agreement then he will be wrong in his estimate of the Russian intentions. That's the way to deal with detente and changed conditions in the world. By negotiating, we act in concurrence with our allies and in the interests of our allies, and we test our assumptions about change in Russia.

PALMIERI. Mr. Miller, thank you. That completes your case. Mr. Schoenbrun has a final rebuttal witness. Will you proceed, sir.

SCHOENBRUN. May I call upon Senator Harris. (Applause.)

PALMIERI. Welcome, Senator.

SCHOENBRUN. Senator Harris has been a candidate for the presidency of the United States, a Senator from Oklahoma, and the chairman of the Democratic Party. I don't suppose it's true, is it Senator, that one of the reasons you want to reduce the budget and bring the boys back home is to pay the Democratic Party's telephone bill?

HARRIS. Not a bad idea (Laughter.)

SCHOENBRUN. Senator, you've covered many NATO meetings over the year and had Senate briefings on it, you've heard this argument before I presume, where do you feel it stands now?

HARRIS. I was here in Germany in 1966 and everybody there was saying what everybody here is saying, that Europe must become more self-reliant and there's got to be greater integration militarily and politically in Europe, but not now—we have to wait, we have to wait. Now here we are all these years later, some five or six years later and people are saying the same thing. And the other funny thing to me is that back then it was just after France had pulled its troops out of NATO and we said: "Now is not the time for the United States to move because NATO is too weak." Now they say: "Now is not the time to move because NATO is too strong!" When is the time? I think the time is now.

SCHOENBRUN. What sort of pressure do you feel upon you as a United States Senator to consider this particular problem in the general context of your responsibilities?

HARRIS. Well, another thing in regard to that time in 1966 talking about NATO, shortly thereafter, as some here know, I was appointed by President Johnson on the National Advisory Commission on Civil Disorders to look into the tragic riots we had in our cities in 1967. Now all these years later, most of the countries of Europe are in every way stronger and better. Their social problems have improved, their economy has improved, but all these years later, as John Lindsay and I as co-chairmen of the Commission on the Cities in the seventies just reported, in virtually every way the United States three years later is worse off. It's worse off in unemployment, it's worse off in health and taxed to death for the wrong reasons. He is paying more than his fair share of costs, and for the wrong things, and yet he can't pay for health care. Now here in West Germany itself, unemployment is only about a fourth as much as it is in the United States and here in Germany, crime is a third less than it is in the United States. That is a tremendous risk and it is a great risk to our alliance partners not to let us get back to those kind of basic problems at home.

PALMIERI. One more question.

SCHOENBRUN. You feel, sir, then—what you are saying is that if America is weakened, divided and not strong at home, then our three hundred thousand soldiers are not going to do much good over here.

HARRIS. That's right, and the Russians know that. I think it's very important to notice that just when we were about to pass the Mansfield Amendment to make the President, and a lot of Senators have problems with that even though they are for the resolution, to make him withdraw a bunch of these troops whether he wants to or not, the Russians said: "Let's negotiate." I think that ought to raise the question: do the Russians want us to withdraw? Wouldn't that put some pressure on them in Eastern Europe to withdraw some of their troops from those countries that don't like them very

well, but that are nevertheless in their orbit? And wouldn't that raise the spectre of a much more integrated and stronger Europe politically and militarily—and isn't that what the Russians worry about? I think that our credibility now, with our economic problems and all our social problems at home, people in Europe, our own allies know that, and Russia knows it, I think we'd be much more credible to get this down to something we can manage and get on about these terrible problems at home.

SCHOENBRUN. Thank you, Senator.

PALMIERI. All right, Mr. Miller. I sense some disagreement to the Senator's position with you. (laughter)

MILLER. I sense the entire presidential platform. (laughter) Senator Harris, the problem isn't the fourteen or whatever billion dollars in Europe, is it really? I mean, we've come to that. The problem is the forty or so billion a year we spend in Vietnam, that's why we couldn't meet those problems.

HARRIS. No, I disagree with you and Mr. Yarmolinsky who said all this is just a fallout from Vietnam. That's not true. When Senator Mansfield first introduced this amendment in the United States Senate——

MILLER. We are not talking about the Mansfield Amendment——

HARRIS. Oh yes we are! We're talking about a drastic unilateral reduction of troops against the President's will, even. Now that amendment was—Senator Mansfield had that amendment co-sponsored by every single member of the democratic policy committee which included a good many like the late Senator Richard Russell who supported our effort in Vietnam. It's not Vietnam it's trying to get some common sense into our foreign military commitments.

MILLER. Well, sir, you don't think, despite the categories of evils in the United States which I take it you think would be changed by another administration, you don't think that if we didn't spend this money in Europe——

HARRIS. I certainly do think that——

MILLER. Whatever I'm going to say—— (laughter)

HARRIS. All I want is the opportunity to say that I think we have to turn the country around and changing Presidents would help do that.

MILLER. And I completely agree with you about that, I completely agree with you about turning the country around and despite the equal time problem now that the President has announced for re-election I agree with you about that too.

HARRIS. Well you don't have to worry about that because I'm not a candidate——

MILLER. But this is not the way to do it. You're not seriously telling us that if we weren't spending this money in Europe we would cure our problems of unemployment and inflation, health care and education, are you?

HARRIS. Well, we can't do it without it. It's silly to say, as Mr. Yarmolinsky did, that it's going to cost the same if we bring these troops out of Europe. The truth is, we've got to cut down on troops and military budget generally and you cannot do that until you cut out this unnecessary occupation force—I think that's an insult to Europe to continue occupying after all these years.

MILLER. Well those who are here where the troops are, do not consider it so.

HARRIS. Well, I wouldn't either. They can go off to the Soviet Union, talk about widened trade and nice things, and the reason why they can do it is because they have this nuclear umbrella and the American forces. Why would they give that up so long as the American taxpayer would pay for it?

MILLER. Now, you don't suggest removing the nuclear umbrella?

HARRIS. Well, that's not involved here tonight.

MILLER. You don't suggest ending our basic commitment to Europe?

HARRIS. That's not even the problem. I certainly do not suggest that.

MILLER. You certainly do not suggest that, and for good reasons. You don't suggest that with Europe itself, as we heard from Doctor Weick, contributing over thirty billion dollars a year, more than the United States is contributing, that that's somehow wrong, that the United States is contributing too much. Is that what you're saying?

HARRIS. If we're contributing so little then, why would it upset things so much, it won't! (laughter)

MILLER. It will upset things so much, Senator Harris, because we will be acting against what our allies would consider to be their interest. Isn't this a decision we should make with our allies? That's why it will upset things.

HARRIS. Listen, if you were West Germany—I'm a lawyer and I would advise my client, hold out as long as you can. If the other fellow will pay, and keep his troops here while you make your own deals and you sell into Roumania and Poland and Czechoslovakia and the Soviet Union, which the United States is not doing which it should do—I'd just go right ahead——

MILLER. If you were a lawyer advising the United States Government of the prospects of balanced force reduction with Russia, you'd suggest to them, sell out immediately too, instead of negotiating for balanced force reduction?

HARRIS. I would say it is silly, after twenty-five years, with the Russians not really worrying about reducing their troops whether we do or not, but really worrying about what's happening on the Chinese border, what's happening in the Middle East, what's happening in Eastern Europe, those are the things that are going in the Soviet Union's cards.

MILLER. Aggressive every place in world——

HARRIS. Mr. Miller, do you think there is any chance that the Russians are going to try to agree with us on a proportionate reduction of our troops in East and West, so long as they have their problems in Eastern Europe—certainly not.

MILLER. I certainly think they will, but the question is shouldn't we find out before we unilaterally withdraw?

HARRIS. But everybody has been saying that for twenty-five years.

MILLER. They haven't been saying it for twenty-five years and you know it.

HARRIS. They've been saying it for at least the last five or s'x. (Laughter.)

MILLER. Senator Harris, you have to consider the prospects they were right then and they are right now. For example——

HARRIS. Let me say this, that's wrong Mr. Miller. Because you say what about the spectre of a newly militarized Germany if America withdraws?

MILLER. I didn't even ask you that question.

HARRIS. Ah, yes, but you've been asking it elsewhere. (Laughter.) If the Russians fear that, wouldn't, by your own logic Mr. Miller, they be more willing to negotiate after we withdraw than they are now?

MILLER. No, because by negotiating now, they negotiate on block with the entire—all the forces——

HARRIS. Oh, when have they?

MILLER. When have they? They have in SALT, they've just entered into an agreement over Berlin——

HARRIS. They haven't agreed in SALT.

MILLER. We're in the process of negotiation and making significant progress, and you know it—and that's where our major battle is over strategic arms——

PALMIERI. Gentlemen, it's now my turn—I knew I had one round here somewhere. (Laughter.) Mr. Miller, I said you had one last question and the Senator asked it. (Laughter.) Thank you very much Senator. (Applause.) Mr. Schoenbrun, you have one minute to summarize your case.

SCHOENBRUN. I've listened with interest . . . and a little bit of disappointment in the presentation of our distinguished friends and allies on the other side. It seems to me their main point is that Europe really desperately needs Uncle Sam. That's really strange because for years, as a reporter in Europe, I used to hear them say: "Yanks, go home!" And the minute we start to go home, they say: "For God's sakes, don't leave us!" We've been here a long time and the purpose of NATO was really to provide a shield behind which the community of Europe would grow, the economic community Francois Duchene spoke about, all of the communities. We have in fact, succeeded. But we are so fond of the status quo that we're afraid to really shake the boat. Now I have more respect for the Europeans maybe, than my adversaries have. I don't think they'll panic, I don't think they'll run to Moscow, I don't think they'll fall apart, I believe they are quite capable, two hundred and fifty million peoples of Western Europe, of forming their community in a very close alliance with the United States. I hope that will come about.

PALMIERI. Mr. Schoenbrun, thank you. Mr. Miller, you also have a minute to summarize.

MILLER. Respect for the Europeans means not taking this kind of individual action. You'll notice that nothing has been said about having to withdraw our troops to solve a balance of payments problem. I mention that because it is often raised and in fact it's not any substantial reason for withdrawing. What we've heard here is the rhetoric of the false hope of detente but the act will, in fact, cause chaos. What we have done is assumed the worst intentions of our friends and the best intentions of those who oppose us. We talk of Europe and America, as though they were two. But they are not two, they are one and they are one by the Atlantic Alliance and the contributions of the joint defense today are equitable. They are one. And as Benjamin Franklin, an American whose wisdom revered in Europe, said long ago in a similar kind of situation between Europe and America: "We had better hang together for we shall surely hang separately."

PALMIERI. Thank you Mr. Miller. Well, ladies and gentlemen, now it's your turn. Both our viewers at home and here in West Germany, we're going to ask you now to act and to send in your views to us on tonight's question. Now for those of you who are seeing this program here in Europe, our address is this: The Advocates, West Deutcher Fernsehen, Cologne, Germany, P.O. Box 101950. On a letter or a postcard send us your "yes" or "no" vote on this question: "Should the United States drastically reduce its troops in Europe?" And we particularly urge our German viewers to send us their votes. They'll be totalled and reported with the American vote. Write the Advocates, West German Broadcasting, Cologne, Germany, P.O. Box 101950. For our viewers in the United States, our address is the same as usual: The Advocates, Box 1972, Boston 02134. We want the same letter or postcard, the same "yes" or "no" vote. Remember the question: "Should the United States drastically reduce its troops in Europe?" What do you think? We want to hear from every one of you. The address again in Europe: The Advocates, West German Broadcasting, Cologne, Germany, P.O. Box 101950. Will you send us your views and your comments on this program. Every one of your votes is important—it will be counted. Thanks to our advocates, now, to our witnesses, ladies and gentlemen. Thanks to our staff and the management of WDR in Cologne who have been such a help, our hosts for this broadcast. I'm Victor Palmieri. Thanks to you and goodnight. (Applause.)

[From the Christian Science Monitor, Mar. 15, 1972]

BERLIN TREATY APPROVAL KEY TO ACTION: EUROPEAN ARMED FORCES CUTS FACE DELAY

(By George W. Ashworth)

WASHINGTON.—Prospects have dimmed considerably for any immediate move toward balanced East-West reductions of armed forces in Europe.

A ticklish matter to begin with, the concept of mutual and balanced force reductions (MBFR in administration parlance) has been running into further difficulties in recent weeks.

Latest troubles are those over Berlin and the treaties worked out by German Chancellor Willy Brandt with the Soviets in Poland. The Soviets now are pressuring Mr. Brandt to get his political forces in line and get those treaties signed, and the heavy-handed tactics have created some stir in Germany.

Germany is considered the key to an eventual agreement on conventional arms reductions between the Western allies and the Warsaw Pact nations. If Germany goes sour, it is most likely that the other agreements now envisioned on the road to détente in Europe also could go sour.

Germany already has indicated that it may find it necessary to reduce its own NATO commitment if the United States reduces American forces in Europe. There is concern here that other NATO nations may be similarly inclined.

VARIETY OF COMPLICATIONS

As a result, there are many ifs facing the allies as they attempt to thread the path to broad agreements:

The present Russian hard-line attitude could cause Mr. Brandt difficulties. His parliamentary margin is thin enough as it is. And there remains the unpleasant prospect that the German parliament might decide not to go along with the treaties, which would throw the Berlin agreement into limbo.

If Berlin cannot be worked out, there is no telling when the allies might again be able to reach agreement. Although there are notable concessions from the initial allied position in the final agreement as hammered out in general with the Soviet Union and in specific between the two Germanys, by and large it is considered a fair arrangement for the opposing sides.

NIXON FAVORS PULLBACK

Beyond Berlin and the Polish and Soviet treaties is the question of balanced force reduction. The new U.S. defense budget includes money to keep the U.S. commitment in Europe level for yet another year, at least until mid-1973.

But it is no secret that the Nixon administration hopes very much to move toward a pullback from Europe. Sources now are saying there is slim chance that any firm progress could be made before the President's trip to Moscow in May, although something may be worked out then, given favorable developments on the Berlin question and the treaties.

Even then, however, it is unlikely that serious talks on force reductions could begin before next year. Not so many months ago, sources here were hopeful that Western diplomats could get down to business with their Eastern counterparts this year. That hope has about vanished.

CONFERENCE STILL SOUGHT

The final step now envisioned would be the Moscow-sought conference on European security, which could take place next year. However, the United States has made it clear that the Berlin matter must be settled agreeably before the U.S. can support such a conference.

It is possible that the all-European conference could be a forum for working out steps to be taken on the question of balanced force reductions. Earlier they had been thought of separately; now it seems that they may have to go hand in hand.

The U.S. has been busily trying to assure its NATO allies that American reductions in Europe will not be unilateral. And the NATO nations are working together now to figure out a reasonable means to effect the cuts.

Apparently, sources here say, most of the allies are prepared to go along if the cuts seem to them reasonable and not endangering. In addition, however, the allies want to have guarantees that the U.S. would look favorably upon some reductions later by the European nations.

GAPS CALLED POSSIBILITY

There is concern here lest an American departure cause a European collapse, as the Germans have hinted may be possible. The idea of American reductions, as seen from the vantage point of Washington, is that gaps in the line would be filled by America's increasingly prosperous and capable European allies.

Still, there is the continuing possibility, as one source put it, that "What will happen is that we will leave and our allies not only will not fill the gap but will create new gaps of their own."

These problems would be mitigated, if not removed, if the Warsaw Pact has similar reductions. However, it is clear that the two sides are not even close to understanding on what form acceptable cuts might take. The Americans want the Warsaw Pact to pull back more because of their proximity to the potential scene of conflict. The Soviets are adhering to the argument that reductions should be equal. That does not seem balanced to the United States.

[From the Christian Science Monitor, Wednesday, Mar. 15, 1972]

AT THE CROSSROADS FOR EUROPE

The angle which disturbs us about the parliamentary perils of German Chancellor Willy Brandt's *Ostpolitik* is not the what but the who.

The policy itself is in trouble, we think regrettably. Herr Brandt's effective margin is down to 250 for the crucial vote on what has become the keystone of his foreign policies. And he needs 249 votes to slide through a winner. He may or may not make it. We hope he will.

But our concern is not so much for the policy itself as over what defeat would mean in the general political spectrum of Western Europe today.

We are getting close now to the moment when actions taken in Germany, even more importantly in Britain, and in other West European countries will decide whether the countries of Western Europe will move toward a closer union among themselves.

A more closely knit Western Europe has been the goal of Europe's best statesmen for half a century. It has been the central driving purpose of American policy toward and for Europe from World War II. Its achievement would, we think, be to the economic advantage of all; would prevent for all time another civil war in the European heartlands of Western civilization; and bring into being in Western Europe that "third force" in world affairs which would balance off the present power of Russia.

Herr Brandt's *Ostpolitik* is not directly a part of the great project of a unified Western Europe, but it is not incompatible with it. And its opponents are opposing for nationalist, not for European, reasons. A defeat for the Brandt policies would mean a defeat for him and for a German share in the progress toward a unified Europe.

What concerns us is the danger of Europe backsliding into a cockpit of fragmented and quarreling nationalisms. The nationalists in Germany are opposed to the *Ostpolitik* just as the nationalists in Britain are opposed to British entry into the European Common Market.

It is merely one of the oddities of European political life of today that the nationalists in Germany are on the right while in Britain they are on the left. Harold Wilson's anti-common marketeer Socialists in the British Labour Party make strange bedfellows for the last of the German junkers. Yet the two incongruous types are united in resisting the idea of binding Europe more closely together.

The cause of a closer Europe could probably survive a defeat for Herr Brandt's *Ostpolitik* if the matter were to stop there. But he has put so much of his political credit into the policy that his government probably could not survive the defeat of the policy. That would be unfortunate.

Prime Minister Heath may well at this moment be through the worst of his troubles. We profoundly hope so. The great cause of a stronger Europe depends absolutely on his success or failure on the Common Market issue. It will be helped or hurt by what happens to Herr Brandt in his own moment of crucial testing in Germany. The two men are both "good Europeans" in the best sense of the phrase. They need each other and each other's success. We wish it to both of them.

NATIONAL PRESIDENTIAL PREFERENCE PRIMARIES

Mr. MANSFIELD. Mr. President, on December 2, 1913, in his state of the Union address, President Woodrow Wilson had the following to say about a national primary:

I turn to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose their nominees for the Presidency without the intervention of nominating conventions. [Applause.] I venture the suggestion that this legislation should provide for the retention of party conventions, but only for the purpose of declaring and accepting the verdict of the primaries and formulating the platforms of the parties; and I suggest that these conventions should consist not of delegates chosen for this single purpose but of the nominees for Congress, the nominees for vacant seats in the Senate of the United States, the Senators whose terms have not yet closed, the national committees, and the candidates for the Presidency themselves, in order that platforms may be framed by those responsible to the people for carrying them into effect.

Mr. President, this is most interesting in the context of going back to 1913, when the need of such a change was already noted in the circumstances of that time, and coming now to 1972, when the situation is rapidly getting out of hand.

Before I close I want to thank the distinguished Senator from Alabama (Mr. ALLEN) for calling this to my attention. While I do not know what his feeling is on this matter, I do appreciate the courtesy, and I am delighted to have it brought to the attention of the Senate.

The ACTING PRESIDENT pro tempore. Is there further morning business?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 658 and 663.

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

EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES

The bill (S. 2700) to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under such terms and conditions as he shall determine and consonant with the purposes of this Act, the President is authorized to extend, or to enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

DISCLAIMING U.S. INTEREST IN CERTAIN LAND IN TAOS COUNTY, N. MEX.

The bill (S. 2674) to remove a cloud on the title to certain lands located in the State of New Mexico was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the opinion, findings of fact, and conclusions of the trial commissioner of the United States Court of Claims in Congressional Reference Case Numbered 4–69, Richard Grainger and Margaret N. Grainger, his wife; Patrick W. Hurley and Elois A. Hurley, his wife; Robert Kennaugh and Betty W. Kennaugh, his wife; John F. McGill and Phyllis McGill, his wife; Mrs. Mary J. (Leon) Pierce, a widow; and William Turbett and Cynthia A. Turbett, his wife, against the United States, filed September 16, 1971, the United States hereby disclaims any right, title, or interest in or to the following described tract of land situated within the Carson National Forest, New Mexico, such tract of land being more particularly described as follows:

A tract of land containing 67.68 acres, more or less, beginning at corner numbered 1, which is located on the northerly line of the Antoine Leroux grant, as shown on official survey plat approved by the United States Surveyor General on August 25, 1909, whence corner numbered 69 of the Leroux grant survey bears south 79 degrees 45 minutes west, 20.14 chains;

thence north 79 degrees 45 minutes east, 6.06 chains (400 feet) to corner numbered 2, which is identical with the Leroux grant corner numbered 70 and located at the confluence of South Fork Canyon and the Rio Hondo;

thence north 61 degrees 30 minutes east, 4.20 chains (277.20 feet) to corner numbered 3 which is identical with corner numbered 71 and mile corner numbered 13 of the Leroux grant survey;

thence north 61 degrees 30 minutes east, 4.20 chains (1,828.20 feet) continuing along the northerly line of the Leroux grant survey to corner numbered 4;

thence north 09 degree 47 minutes east, 22.73 chains (1,500 feet) to corner numbered 5;

thence south 51 degrees 23 minutes west, 36.36 chains (2,400 feet) to corner numbered 6;

thence north 11 degrees 15 minutes west, 22.73 chains (1,500 feet) to corner numbered 1, the point of beginning.

(b) The Secretary of the Interior is authorized and directed to prepare and execute without consideration such instruments as may be appropriate to carry out the purposes of subsection (a).

AUTHORIZATION FOR FOREIGN SALE OF CERTAIN PASSENGER VESSELS—REFERENCE TO COMMITTEE ON COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calender No. 543 (H.R. 11589) a bill to authorize the foreign sale of certain passenger vessels, be referred to the Committee on Commerce.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL PRESIDENTIAL PREFERENCE PRIMARIES

Mr. ALLEN. Mr. President, I appreciate the friendly reference by the distinguished majority leader to an excerpt from a state of the Union address by President Woodrow Wilson that I handed to him, having to do with national presidential preference primaries.

I handed it to the distinguished majority leader for his information, not to indicate any support by the junior Senator from Alabama of his national presidential preference primary proposal. The junior Senator from Alabama will have to oppose the proposed presidential preference primary for many reasons.

In the first place, it would be a further federalization of the election process in this country. Already the Federal Government is taking over elections and nationalizing and federalizing the election process in this country. Just the other day the Senate, in its wisdom, killed a further effort by some Senators to nationalize and federalize the voter registration process, for it killed the registration by postcard bill. Certainly, we are hopeful that that bill will not emerge again on the floor of the Senate.

The presidential preference primary would be a primary for the rich. It would be a primary for television personalities. It would make it virtually impossible for a man of modest means to run for the Presidency.

How could any man of modest means, on his own, conduct a national election campaign? It would be impossible for him to do so. In the general election, the expense is not a personal expense, it is an expense of the party, and many millions of dollars can be spent. But how could one man, no matter how able, run for President in a national presidential preference primary?

Also, there would be too much politics in this country. The country would be surfeited with politics in presidential election years.

So the junior Senator from Alabama, when the time comes, will have further remarks to make with regard to this bill providing for a national presidential preference primary, because he feels that it would be ill-advised for us to make provision, by constitutional amendment or otherwise, for a national primary.

It should be noted, Mr. President, that for the very first time there would be injected into the Constitution of the United States the words "political parties." You do not see those words in the Constitution of the United States at all. It would make it possible for dozens of people to get their names on the ballot all over the country. It would be an easy process, by petition, to get your name on the ballot. Then it would put upon the President of the Senate, the Vice President, the duty of ascertaining whether the required percentage of qualified voters appeared on the petition. How in the world would the Vice President of the United States be able to canvass those petitions and see whether electors in sufficient numbers qualified in their respective States were on each petition?

As I say, the junior Senator from Alabama will oppose, at the proper time, this proposal for a national presidential preference primary.

I might say that under the present system, it would seem that primaries in the various States serve more as political graveyards than they do as springboards to the Presidency. I agree with the sentiment expressed by the distinguished majority leader the other day that it might be well for some of the Members of this body to spend more time here in the Senate Chamber, conducting the Nation's business, than conducting campaigns in presidential preference primaries throughout the country.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. 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. ALLEN. 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.

THE PRESIDENT'S STUDENT TRANSPORTATION POLICY

Mr. ALLEN. Mr. President, I wish to commend the President of the United States on his address to the Nation last evening. I am delighted that for the first time he is recommending specific legislative proposals with regard to forced busing of schoolchildren in this country, rather than merely staking out a political

position. I commend him for stressing the fact that we should be more concerned with the education of our children than with making provisions for forced mass busing of those children hither and thither throughout the cities and counties, or for that matter a combination of counties as in the Richmond case.

I am delighted, too, Mr. President, that the President seems to contemplate that this policy he is advocating—namely—a moratorium on busing decrees, be a nationwide policy. If so, Mr. President, that will be the very first time in the public policy of this country—that is, since 1954—that we have had a uniform policy in the United States for the desegregation of the public school systems in this country, because at the present time we have one policy in the South and an entirely different policy in other sections of the country—the southern policy requiring immediate forced desegregation of the public schools, and the other policy fostering and encouraging continued segregation in the schools.

Apparently the President plans that the new policy of a moratorium on busing will apply throughout the country. I am anxious to see the actual proposal. I want to see whether the moratorium on busing will apply to past decrees as well as future decrees, because the public school system in the South has been well-nigh ruined by existing busing decrees. Let us give some relief from the busing decrees that have already been entered by the Federal courts, and not just have a moratorium on future decrees.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The Senator's time has expired, and all time for the transaction of morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 9 minutes.

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

Mr. BYRD of West Virginia. And I yield my 3 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the Senator.

Mr. President, it is more than a coincidence, in the judgment of the junior Senator from Alabama, that the President has taken this position at this time, hard on the heels of the Florida primary. I was not in the State of Florida during the campaign, other than at the time that the Governor of Alabama filed as a candidate in that primary, but I am told that Governor Wallace had billboards there in the State saying, "Send them a message."

He was talking about sending a message up here to the Washington crowd on the feeling of the people with regard to forced busing, that the people are opposed to it. I believe that message was received. I believe it was understood. I believe it is being acted upon.

I also recall reading, in news accounts, that Governor Wallace said in the campaign that if the people of Florida named him as their choice for the Democratic nomination, the President would put a stop to busing the next day. Well, he has not put a stop to busing the next day, but he has taken action in that direction.

Mr. President, some reference has been made to the fact that a moratorium on busing would be unconstitutional. It would not. Actually, that was what was provided by the Griffin amendment—the withdrawal of jurisdiction from Federal courts to enter busing decrees; and the President's proposal apparently is to have a moratorium, a stoppage, for a definite, fixed length of time. Since the Federal courts below the Supreme Court are the creatures of Congress and Congress defines their jurisdiction, Congress has the right to limit the jurisdiction of the lower courts and for that matter has the right to limit the appellate jurisdiction of the Supreme Court.

Mr. President, on February 28, 1972, while the Griffin amendment was under discussion in the Senate, I sent the President a telegram calling upon him to announce his support of the Griffin amendment. Had he done so, that amendment would have been adopted in the Senate, in my judgment, because it failed by only one vote. I believe that the President's influence would extend to far more than one vote.

I ask unanimous consent to have the telegram printed at this point in the RECORD.

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

FEBRUARY 28, 1972.

The PRESIDENT,
The White House,
Washington, D.C.:

Respectfully urge you to endorse Griffin amendment to higher education bill now pending in the Senate. The amendment withdraws from the courts the jurisdiction to order busing for creating racial balance in our schools. Of all pending amendments this amendment seems most likely to be effective in putting an end to mass forced busing of schoolchildren. I am sure that you share my feelings that education of children, not transportation of children should be our paramount concern. With your help the amendment will probably pass in the Senate. In view of your repeated opposition to busing to create a racial balance. I respectfully submit that your support of the Griffin amendment will translate words into actions.

Respectfully submitted,
JAMES B. ALLEN,
U.S. Senator.

Mr. ALLEN. Mr. President, in effect the President's proposal is the Griffin amendment. If the President had supported the Griffin amendment, it already would have been approved by the Senate, would be in conference, and we could, in just a few days, in all likelihood have had that the law of the land. Now we may have to have an independent bill; and, whereas the Griffin amendment was attached to the higher education bill, which had to pass in the Senate, a new measure will not have that great leverage. Perhaps the conference of the higher education bill might include the President's proposal in their report.

But it will certainly be the purpose of the junior Senator from Alabama to support any bill in the direction of declaring a moratorium on past busing, present busing, or future busing of young children to create a racial balance in our public schools.

I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, as always. I have listened with interest to what the distinguished Senator from Alabama has said about this subject, as I do on any subject about which he speaks.

It appears to me that there is not a great deal more that the courts can do, and it may be true perhaps that in some instances they have gone entirely too far. It appears to me that there is not much more that the President can do, by Executive order or otherwise, than he has done on the basis of his talk to the American people on radio and television last night, what he will say in his message which will be delivered around noon today, and what he said to the leadership of both Houses this morning, along with the ranking members of the Committees on the Judiciary, Education, and Labor of both Houses.

Therefore, something has to be done, and it appears to me that the place to do it is in Congress. We have in conference at the present time a higher education bill which contains differing amendments relative to busing, on the part of both the House and the Senate; but we have at last a Presidential message and some Presidential proposals which will be before the Senate shortly relative to what his recommendations are as President of the United States.

This is the most difficult and the most perplexing issue which has come before the Senate in my years in this body. It is not a black-and-white issue—if I may be pardoned for using that designation. It is an issue with many ramifications, and it is tied not so much to busing as it is to education, quality education, the uplifting of schools which are now poor in content and in faculty and in substance.

It also appears to me that, while I have some grave doubts about certain aspects of the President's proposals, there is a possibility that what he is recommending may be considered by the House and Senate conferees now meeting in conference on the higher education bill.

It appears to me, also, that perhaps there is enough contained substantively within the measures passed by both bodies to give due consideration to the proposals advanced by the President of the United States, having to do not with busing but rather with quality education.

I see the ranking Republican member of the Senate conferees in the Chamber at the present time. He also was at the White House this morning. It would be my hope that the conferees would give consideration to the President's proposals immediately and that as much as could be done on the foundation he has suggested could be built on by the conferees representing both Houses. I think it is time to face up to this issue.

While the President did not indicate that he was against a constitutional amendment, he did bring out the fact—as many in this body have—that a constitutional amendment would take a long time, because of the need for a two-thirds majority in both Houses and because of the need for ratification by three-quarters of the States.

The time for action is now. Regardless of how we feel individually about

this subject. I think we should face up to it and reach a decision—and the place to reach a decision, in my opinion, is in the Congress of the United States. Had it not been for what the President said yesterday and what he has proposed today, it is my very strong belief that there would be no education bill this year, because of the divergencies in a related field between the House and the Senate. I think the possibility is good that out of this conference may come something which will bring about an amalgamation of some of the proposals of the President of the United States and some of the proposals which Congress, in its wisdom, has passed in recent months.

So I commend the President for showing leadership, but there are some questions in my mind about certain aspects of his proposal. Nevertheless, he has spoken; he has acted; and now I think it is up to us.

Mr. President, I ask unanimous consent that the time be extended for not to exceed 10 minutes.

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

Mr. JAVITS. Mr. President, I should like to associate myself with the Senator's very fine statement.

I believe that we can act creatively in the conference. I certainly shall do my utmost to see that we do. It is not necessary to endorse the President's proposals in order to make that pledge to the Senate.

I believe that there is enough in the bills in the House and the Senate, respectively, to make them susceptible of positive action respecting all elements of education which are involved in the President's proposals—to wit, more financing, and passage of the emergency school aid authorization which is $1.5 billion, and other matters; so that I believe the bills also are susceptible to resolving the busing issue including a moratorium on new busing where major issues of law remain unsolved for the interim period of time to which the Senate is looking forward—to wit, until July 1, 1973. The President, although he would go further than we have with respect to a moratorium, has also chosen that date.

So, Mr. President, without in any way committing myself to what should be done with respect to my own views, I thoroughly agree with the distinguished majority leader that we have an opportunity to fashion a measure which should go far toward removing the issue from the highly emotional condition in which it is presently cast.

May I say, too, Mr. President, that the emotion involved here is infinitely greater than is deserved by the substance of what is involved. Twenty million young students are being bused now. A substantial majority of our children here have used transportation to get to school and are being bused in the main. The question is, how many will be bused because of desegregation orders. There is far more fear than actuality with respect to the busing issue, but it is a real fear and tends to interfere with the pursuit of educational excellence and a decent opportunity for children of all races and ethnic groups to receive an equal break in education. That interference is most deplorable and unfortunate but is an excellent motivating cause for us to try to dispel the fear by taking positive action now, to assure that desegregation will go forward while legitimate concerns of parents are met.

The greatest contribution the President made was in refusing to endorse a constitutional amendment which would embroil, exacerbate, and materially delay any solution.

Thus, I consider it an honor and a privilege to join the distinguished majority leader. I pledge my utmost efforts to produce from the conference a positive result.

Mr. ERVIN. Mr. President, the deplorable mess in which the schools of the Nation find themselves at this moment is due to the fact that the Supreme Court of the United States has misinterpreted the equal protection clause of the 14th amendment. That clause, Mr. President, contains one of the simplest and soundest principles embodied in the Constitution. It provides that no State shall deny to any person within its jurisdiction the equal protection of the laws. The meaning of that clause has been interpreted by the Supreme Court in hundreds of cases. All that clause means is that a State is forbidden to treat in a different manner persons similarly situated.

It is as clear as the noonday sun in a cloudless sky that the decision of the Supreme Court upholding busing is a violation of the equal protection clause of the Constitution. That is true for two reasons. In the first place, when a Federal court enters a busing decree for integration purposes, it says to a school board, "You cannot treat the children of your school district in like manner as the 14th amendment requires you to do. You must treat them differently. You must say to one group of children that they can attend their neighborhood schools and you must say to the other group of children that they cannot attend their neighborhood schools."

Oceans of judicial sophistry cannot wash out the plain truth that that is treating children similarly situated in a different manner and, hence, is a flagrant violation of the provision in the Constitution which states that a State cannot treat persons similarly situated in a different manner.

A court decree requiring busing for integration purposes violates the equal protection clause in another way. The court says to the school board, "The reason why you cannot permit some of the children residing in your school district to have the same rights as other children residing in the school district to attend their neighborhood schools is that you must bus them to schools in other areas, either to decrease the number of children of their race in the neighborhood schools or to increase the number of children of their race in the schools elsewhere."

Oceans of judicial sophistry cannot wash out the plain truth that that is denying children who are bused admission to their neighborhood schools solely on account of their race. And the Brown case holds that denying a child admission to any school solely on the basis of his race violates the equal protection clause.

Mr. President, I listened to the President's speech last night. Many Southern schools are now operating under drastic busing decrees. Northern schools are not. It seems to me that the proposal is to continue the status quo, that is, to treat the South in one way and the rest of the Nation in another. In other words, the President recommends a moratorium to prevent school busing decrees in the North, where they have not yet been rendered or have not yet been heard on appeal, and to leave the tyrannies that have been practiced on little children under the decrees of Federal courts in Charlotte, N.C., and other places in the South, in full force and effect.

The President asked for a moratorium. If busing children to achieve racial balance is wrong, it should be uprooted forever and thrown upon the scrap heap of history.

Mr. ALLEN. Mr. President, I ask unanimous consent that an additional 10 minutes be allowed for the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, the proposal that we have a moratorium instead of a total end to busing our little children to achieve racial balance reminds me of the story of the man who wanted a short-tailed dog. To that end, he cut off his dog's tail just a little bit at a time for the purpose, as he said, to keep from hurting the dog too much.

Mr. President, if the dog's tail—that is, the busing of children for integration purposes—should be cut off, it should be cut off all at once—we should not leave the question to be debated and argued again in 1973.

If busing to achieve racial balance is wrong—and I say it is not only wrong, it is not only a great tyranny practiced upon helpless little children but a violation of the equal protection clause itself—then I say, that policy should be ended once and for all, and ended now.

From reading the decisions of the Supreme Court in Greene against New Kent County Board of Education, in New Kent County, Va., and Swann against Charlotte-Mecklenberg School Board, it is clear that the Supreme Court Justices have piled so much intellectual rubbish on top of the equal protection clause that they cannot see what the equal protection clause really says and means.

Mr. ALLEN. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. The distinguished Senator from North Carolina knows that the junior Senator from Alabama concurs with his views with regard to the moratorium on busing, and he also concurs with his views and has fought shoulder to shoulder with the distinguished Senator from North Carolina to have established a uniform policy for the Federal

Government in the desegregation of the public schools of the country.

The junior Senator from Alabama is curious as to just what the President is going to propose with regard to the moratorium.

Would it merely be a moratorium for future desegregation orders or could it reach back to past orders? The junior Senator from Alabama earlier today stated that he is opposed to the present busing under past decrees and busing under future decrees. I might state that I understand the President's message is coming in at about 12 o'clock. I was informed by a distinguished member of the Judiciary Committee a moment or so ago that a provision in the President's proposal is to the effect that after the enactment of the legislation, any local educational agency covered by a busing decree could apply to have the case reopened in order that the decree be made to conform to the act we are discussing.

It is to be hoped that it is to be the intent of the President to make the legislation—that is, the moratorium—apply not only to the busing at present, but to busing under past decrees as well.

Mr. ERVIN. Mr. President, I say to the Senator from Alabama that I am delighted to hear that. I based my remarks on what I heard the President say. I have not yet had an opportunity to see his written message. However, I would welcome putting an end to evil temporarily, if an end cannot be put to it permanently. However, if the message comes in here with a moratorium provision, I for one expect to offer an amendment to put a perpetual end to the evil practice of busing children, black and white, for integrating purposes and to put an end to the way in which the Constitution is being perverted in these cases.

Mr. ALLEN. Mr. President, is not the President's proposal, the best we can understand it without seeing it, a first cousin to the Griffin amendment which would have withdrawn jurisdiction from the Federal courts with respect to busing orders for the purpose of creating racial balance?

Mr. ERVIN. The President stated in Charlotte, N.C., in 1968, that he was opposed to busing. He reiterated his position in Asheville, N.C., in 1970. It seems to me that the President could have put an end to busing easily if he had asked one or two Republicans to support the Griffin amendment. However, at the time when he should have spoken, he was silent.

Mr. ALLEN. Mr. President, is it not correct that the Griffin amendment lost by one vote?

Mr. ERVIN. The Senator is correct.

Mr. ALLEN. And if the President had spoken, we might have had an entirely different complexion on the legislation at this time.

Mr. ERVIN. I think that if the President had spoken at that time, he could have persuaded one other Republican Senator to do the right thing with respect to the amendment.

Mr. ALLEN. Does the Senator feel that the results of the Florida primary had something to do with the President's announcement last evening?

Mr. ERVIN. I cannot believe that the President was entirely ignorant of what happened in Florida.

Mr. ALLEN. So the Senator feels that there is a causal connection between the two events then?

Mr. ERVIN. I think so.

Mr. ALLEN. I thank the Senator from North Carolina.

The PRESIDING OFFICER. Is there further morning business?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF FARM CREDIT ADMINISTRATION

A letter from the Governor, Farm Credit Administration, Washington, D.C., transmitting, pursuant to law, a report of that Administration, for the fiscal year 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON PROPERTY, SUPPLIES, AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies and commodities provided by the Berlin Magistrat, for the first two quarters of fiscal year 1972; to the Committee on Appropriations.

PROPOSED TRANSFER OF SUBMARINE

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the submarine U.S.S. *Runner* (IXSS-476) to the Saugatuck Marine Museum, Douglas, Mich.; to the Committee on Armed Services.

REPORT OF NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the National Industrial Reserve, for the calendar year 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ENTITLED "CIVILIAN HEALTH AND WAR-RELATED CASUALTY PROGRAM IN VIETNAM—1 YEAR LATER"

A letter from the Comptroller General of the United States, transmitting, for the information of the Senate, a report entitled "Civilian Health and War-Related Casualty Program in Vietnam—1 Year Later" (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Attaining Integrity in Welfare Programs", Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated March 16, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

A letter from the Chairman, American Revolution Bicentennial Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the year 1971 (with an accompanying report); to the Committee on the Judiciary.

FINAL REPORT OF PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

A letter from the Chairman, Plymouth-Provincetown Celebration Commission, Plymouth, Mass., transmitting, pursuant to law the final report of that Commission (with an accompanying report); to the Committee on the Judiciary.

THIRD-PREFERENCE AND SIXTH-PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to the granting of third preference and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

PART 1 OF NATIONAL HIGHWAY NEEDS REPORT

A letter from the Secretary of Transportation, transmitting, pursuant to law, Part 1 of the National Highway Needs Report, dated March 1972 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 1034

"A concurrent resolution memorializing the Congress of the United States to continue the federal highway trust fund on a permanent basis for highway development with none of its money diverted to other purposes

"Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature of the state of Kansas respectfully petitions the Congress of the United States to continue the federal highway trust fund on a permanent basis for highway development with none of its money diverted to other purposes.

"Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Kansas delegation in the Congress of the United States."

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE UNITED STATES SENATE TO ENACT H.R. 1, THE SO-CALLED SOCIAL SECURITY AMENDMENTS OF 1971

"Whereas, A person becomes a welfare recipient for lack of job opportunities, lack of sufficient education, family breakup or insufficient pensions especially as a senior citizen; and

"Whereas, Until the causes for becoming a welfare recipient are resolved, welfare will be a major government service; and

"Whereas, The Commonwealth of Massachusetts spends four hundred and forty-nine million dollars of its own revenue and three hundred and sixty-eight million dollars of reimbursed federal monies to meet its welfare obligations and meet the needs of approximately six hundred thousand recipients; and

"Whereas, Welfare is not a problem limited to one region nor to one state but involves a national scope of issues and solutions; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the United States Senate to forthwith act on National Welfare Reform and enact H.R. 1, commonly known as the Social Security Amendments of 1971; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding

officer of the United States Senate and to the members thereof from the Commonwealth."

Resolutions of the Legislature of the Commonwealth of Massachusetts to the Committee on Labor and Public Welfare:

"RESOLUTIONS URGING THE UNITED STATES SENATE TO ADOPT THE GRIFFIN AMENDMENT, SO-CALLED, RELATIVE TO SCHOOL BUSING

"Whereas, There is pending before the United States Senate the Griffin Amendment, so-called, which would bar federal courts from requiring school busing to end segregation; and

"Whereas, The rights of a parent to send his child to a school of his choice is one of the most cherished rights; and

"Whereas, Federal funds for education should be used for the improvement of education, for better teaching facilities, for better methods and advanced educational materials and for the upgrading of the disadvantaged area of the community rather than buying buses, equipment and gasoline to transport young children from neighborhood schools; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the United States Senate to adopt forthwith the Griffin Amendment, so-called; and be it further

"Resolved, That copies of these resolutions be sent by the Secretary of the Commonwealth to the presiding officer of the United States Senate and to each member thereof from the Commonwealth."

A joint resolution of the Legislature of the State of Vermont; to the Committee on Veterans' Affairs:

"J.R.S. 47

"Joint resolution relating to the establishment of a national cemetery

"Whereas, President Abraham Lincoln said: 'We must care for him who shall have borne the battle and for his widow and orphan'; and

"Whereas, the national pledge that every veteran has the right to be buried in a national cemetery reasonably close to home has not been fulfilled as far as the needs of Vermont's veterans are concerned; and

"Whereas, there are approximately 60,000 veterans in Vermont who are entitled not as a matter of need, but as a matter of right, to be buried in a national cemetery; and

"Whereas, these veterans served to preserve our country, thereby earning our respect and thanks; and

"Whereas, in spite of this need there is no national cemetery in or near Vermont for the burial of Vermont veterans and their comrades in arms who offered themselves for the protection and defense of this great nation: Now, therefore be it

"Resolved by the Senate and House of Representatives, That the General Assembly supports the efforts of Governor Deane C. Davis and Vermont's congressional delegation in seeking to establish a national cemetery in this state and calls upon the federal government to bring about the establishment of an expanded and improved national system which will include finding and dedicating a parcel of land in Vermont to be consecrated as a national cemetery which shall be dedicated to the cause of world peace; and be it further

"Resolved, That the Secretary of State is hereby directed to forward copies of this resolution to the President of the United States, to the Vice President of the United States, the Speaker of the U.S. House of Representatives, the Chairmen of the U.S. Senate and House of Representatives Committees on Veterans' Affairs and Vermont's congressional delegation."

A joint resolution of the Legislature of the State of Washington; to the Committee on the Judiciary:

"HOUSE JOINT MEMORIAL NO. 4

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, More than one hundred years ago the United States and Great Britain were in bitter disagreement as to the location of the true water boundary between Canada and the United States as it affected the San Juan Islands in the northwest corner of the State of Washington; and

"Whereas, Open conflict between the two great nations became imminent as each gathered troops and vessels of war to enforce its claim to these lovely islands; and

"Whereas, The will of the great leaders of our country of that day wished to avoid senseless bloodshed and, therefore, proposed to establish a joint occupation of the key island of San Juan pending peaceful negotiation; and

"Whereas, October 21, 1972, is the centennial anniversary of the final, peaceful settlement of the dispute through arbitration under Emperor Wilhelm I, which eminent historians have termed 'the greatest triumph of arbitral methods that the world has witnessed' and 'an event of cardinal importance in the history of the relations of the two English speaking powers'; and

"Whereas, This centennial anniversary is now being celebrated by the people of the San Juan Islands and the State of Washington; and

"Whereas, The President and Congress of the United States recognized the significance of this great event by the authorization, September 9, 1966, of the San Juan Island National Historical Park for the preservation and interpretation of the events associated therewith and sometimes referred to as the "Pig War";

"Now, therefore, Your Memorialists respectfully pray that the President and Congress of the United States, by appropriate resolution, commemorate the historic events that occurred from 1853 to 1872 in connection with the final settlement of the Oregon Territory by recognizing the centennial celebration now taking place on this tiny dot of earth in the beautiful waters separating Canada and the United States, which will always be a reminder that senseless wars over insignificant causes do not need to happen.

"And be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Department of Health, Education and Welfare, and to each member of Congress from the State of Washington."

A joint resolution of the Congress of Micronesia; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT RESOLUTION NO. 74, H.D. 1

"A House joint resolution requesting the United States Congress to enact legislation making the Trust Territory eligible for central community facilities for safe water and the elimination or control of water pollution under Section 113 of S. 2770 or any other amendments enacted by the Congress to the Federal Water Pollution Control Act

"Whereas, the problems of providing safe water and eliminating water pollution are becoming increasingly more difficult in the Trust Territory, particularly in the District Centers, which contain heavy concentrations of population; and

"Whereas, present demographic statistics indicate that the problems resulting from such concentrations of population will increase at an accelerating rate; and

"Whereas, with the increased concentration of population in the District Centers, the problems associated with the pollution of our waters and the lack of safe, fresh water threaten to become unmanageable, and represent a serious potential hazard to the lives, health, and well-being of the people of the Trust Territory; and

"Whereas, the Trust Territory is without sufficient resources, either financial or technical, to implement and support a comprehensive program for central community facilities for safe water and the elimination or control of water pollution; and

"Whereas, the United States Government by law has provided support for such programs, but the Trust Territory is not eligible therefor under the terms thereof; now, therefore,

"Be it resolved by the House of Representatives of the Fourth Congress of Micronesia, Second Regular Session, 1972, the Senate concurring, that the United States Congress be and it hereby is respectfully urged and requested to enact legislation making the Trust Territory of the Pacific Islands eligible for assistance in developing central community facilities for safe water and the elimination or control of water pollution under Section 113 of S. 2770 or any other amendments enacted by the Congress to the Federal Water Pollution Control Act; and

"Be it further resolved that certified copies of this House Joint Resolution be transmitted to the President of the United States, to the Speaker of the House of Representatives and President of the Senate of the United States Congress, to the Secretary of the Interior, to the Director of the United States Environmental Protection Agency, to the High Commissioner, to the Director of Health Services, and to the Chairman of the Trust Territory Environmental Early Warning Committee."

A resolution adopted by the Tidewater Veterans Association of Virginia, Inc., Norfolk, Va., expressing opposition to the granting of a general amnesty to draft-dodgers and deserters of the Vietnam war; to the Committee on the Judiciary.

A resolution adopted by the Fairfield Ruritan Club, Sandston, Va., expressing opposition to the forced removal of any school system from local autonomy; to the Committee on Labor and Public Welfare.

Mr. ANDERSON. Mr. President, the second session of the 30th Legislature of the State of New Mexico recently passed a joint memorial requesting the Congress of the United States to enact legislation controlling television advertising of certain drugs and medicine.

I ask unanimous consent that the memorial be printed at this point in the RECORD.

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

The memorial which was referred to the Committee on Commerce, reads as follows:

SENATE JOINT MEMORIAL 1

A joint memorial requesting the Congress of the United States to enact legislation controlling television advertising of certain drugs and medicines

Whereas, drug abuse constitutes one of the nation's major problems; and

Whereas, the attitudes conducive to drug abuse are widespread, as President Richard Nixon noted when he stated that ". . . we

have produced an environment in which people come naturally to expect that they can take a pill for every problem—that they can find satisfaction and health and happiness in a handful of tablets or a few grains of powder . . ."; and

Whereas, television "mood'" advertising of over-the-counter drugs and medicines having a stimulant, depressant or tranquilizing effect on the central nervous system, including calmatives, sleeping aids and caffeine stimulants, has tended to encourage people in false expectations similar to those castigated by the President, and thus has fostered a climate of drug misuse and abuse;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that the Congress of the United States be respectfully requested to enact legislation controlling or eliminating television "mood" advertising of drugs and medicines having a stimulant, depressant or tranquilizing effect on the central nervous system; and

Be it further resolved that copies of this memorial be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives and to the members of the New Mexico delegation in Congress.

Mr. ANDERSON. Mr. President, the New Mexico Senate at the second session of the 30th legislature passed a memorial urging the Federal Government to take appropriate steps for the preservation of what is known as "Camel Rock" situated on the Tesuque Indian Pueblo on U.S. Highway 285 near Santa Fe, N. Mex.

I ask unanimous consent to have this memorial printed at this point in the RECORD.

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

The memorial which was referred to the Committee on Interior and Insular Affairs, reads as follows:

SENATE MEMORIAL 18

A memorial relating to the preservation of Camel Rock

Whereas, Camel Rock is situated on Tesuque Pueblo Indian land on U.S. highway 285 and is one of the best known landmarks in New Mexico; and

Whereas, this unique sandstone rock has been eroded by nature into a remarkable resemblance of a camel; and

Whereas, many New Mexicans and visitors to the state have admired and enjoyed viewing this unique natural phenomenon; and

Whereas the sheer number of people, increasing yearly, who visit the rock are causing it to seriously disintegrate; furthermore, a few unprincipled people have vandalized and have even attempted to destroy Camel Rock; and

Whereas, it is imperative that immediate steps be taken so that Camel Rock can be preserved for the future;

Now, therefore, be it resolved by the Senate of the State of New Mexico that it respectfully requests that all possible avenues be explored to effect the preservation, restoration and continuing protection of Camel Rock; and

Be it further resolved that copies of this memorial be sent to the President of the United States, the Secretary of the Department of the Interior, the Commissioner of the Bureau of Indian Affairs, the New Mexico congressional delegation and the New Mexico Economic Development Administration.

Mr. ANDERSON. Mr. President, the second session of the 30th Legislature of the State of New Mexico recently passed a joint memorial requesting the U.S. Postal Service to issue a stamp commemorating the 60th anniversary of New Mexico statehood.

I ask unanimous consent that the memorial be printed at this point in the RECORD.

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

The memorial, which was referred to the Committee on Post Office and Civil Service, reads as follows:

SENATE JOINT MEMORIAL 13

A memorial requesting the President, Congress and the U.S. Postal Service to issue a stamp commemorating the 60th anniversary of New Mexico Statehood

Whereas, 1972 marks the sixtieth anniversary of New Mexico statehood; and

Whereas, a beautiful graphic presentation of an eight cent United States postage stamp has been completed by Keith Albee, graphic art director of the Department of Development and a member of the Statehood Commission; and

Whereas, the graphic presentation of such a stamp is based upon a painting donated by the renowned Vladan Stiha depicting the three cultures of the great state of New Mexico; and

Whereas, efforts to obtain a commemorative stamp were initiated by Governor King;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that the president, Congress and United States postal service are requested to provide for issuance of an eight cent commemorative stamp, commemorating the state of New Mexico's sixtieth anniversary of statehood; and

Be it further resolved that such a commemorative stamp be based upon the graphic presentation of Mr. Keith Albee; and

Be it further resolved that a copy of this memorial be transmitted to the president of the United States, New Mexico's congressional delegation, the director of the United States postal service and Governor Bruce King.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. EASTLAND), from the Committee on Agriculture and Forestry, with amendments:

S. 1379. A bill to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes (Rept. No. 92-696).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

S. 764. A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile (Rept. No. 92-697);

S. 773. A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile (Rept. No. 92-698); and

S. 3086. A bill to authorize the disposal of nickel from the national stockpile (Rept. No. 92-699).

ANNUAL REPORT OF THE SUBCOMMITTEE ON THE NATO STATUS OF FORCES TREATY (SENATE REPT. NO. 92-695)

Mr. ERVIN. Mr. President, the Subcommittee on the NATO Status of Forces Treaty has submitted to the full Committee on Armed Services its annual report covering the operation of article VII of the treaty, together with the other criminal jurisdictional arrangements relating to our Armed Forces abroad. This report, which covers the 1 year between the period December 1, 1969 through November 30, 1970, has been approved by the full committee and I submit this report and ask unanimous consent that it be printed with illustrations.

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

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Michael H. Moskow, of New Jersey, to be an Assistant Secretary of Labor.

Mr. BENTSEN. Mr. President, from the Committee on Armed Services I report favorably the nominations of 15 flag and general officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

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

The nominations placed on the Executive calendar are as follows:

Col. Charles Van Loan Ella, Veterinary Corps, U.S. Army, for appointment in the Regular Army of the United States, to be brigadier general;

Vice Adm. David C. Richardson, U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Rear Adm. George C. Talley, Jr., U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Robert L. J. Long, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Judson L. Smith, and sundry other officers of the Naval Reserve, for temporary promotion to the grade of rear admiral.

Mr. BENTSEN. Mr. President, in addition, I report favorably 158 appointments in the Army in grade of colonel and below; 524 appointments and promotions in the Navy and Naval Reserve in grade of captain and below; 506 appointments in the Marine Corps and Marine Corps Reserve in grade of colonel and below; and 256 appointments in the Air Force and Air Force Reserve in grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD in order to save the expense of printing on the Executive calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations ordered to lie on the desk are as follows:

Royal E. McShea, and sundry other persons, for reappointment in the active list of the Regular Army of the United States;

Kevin M. Alaspa, and sundry other Naval Reserve Officers' Training Corps candidates, for permanent assignment in the Navy;

John R. Carlson, and sundry other persons, for appointment in the Regular Air Force;

Robert W. Abel, and sundry other officers of the Reserve of the U.S. Navy, for temporary promotion;

Frederick W. Chapman, and sundry other officers, for promotion in the U.S. Navy; and

Dorsey J. Bartlett, and sundry other officers of the Marine Corps Reserve, for appointment in the Marine Corps.

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. TAFT:

S. 3368. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 3369. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the first $500 of interest on savings accounts received each year by individuals who have attained age 65. Referred to the Committee on Finance.

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

S. 3370. A bill to improve judicial machinery by amending title 28, United States Code, to authorize the recall of retired commissioners of the United States Court of Claims for temporary assignments. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 3371. A bill for the relief of Chief Master Sergeant Donald E. Rudy, U.S. Air Force. Refered to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3372. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

By Mr. BROCK (for himself, Mr. BENNETT, Mr. BEALL, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. GURNEY, Mr. PACKWOOD, Mr. TAFT, and Mr. TOWER):

S. 3373. A bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McGEE (for himself, Mr. COOPER, Mr. JAVITS, Mr. MOSS, Mr. FONG and Mr. MONDALE):

S.J. Res. 217. A joint resolution to create an Atlantic Union delegation. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 3368. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. TAFT. Mr. President, today I introduce the Vocational Rehabilitation Amendments of 1972 to extend and improve assistance to our Nation's handicapped workers. There is no group of people in our Nation more deserving of the opportunity to train and help themselves. Training and employment for the disabled is a good investment in the future of the country as well as in the enrichment of the lives of these people.

Unfortunately, our laws have too frequently failed to recognize the great capacity which people have for self betterment. Our welfare laws have been generally structures simply to feed people and keep them alive, rather than renewing their lives and regenerating their productive abilities. The programs of the Federal Government in assisting handicapped Americans are closely related to the philosophy behind our efforts at welfare reform. We must focus on the rehabilitation of people, enabling them to renew their lives and to give them hope for a better tomorrow.

The bill which I am introducing today would continue and expand the program of general support grants to the States. The State plan requirements are amended in order to emphasize local administrative options and to expand the opportunity for comments and advice from citizens and professional groups, as well as from the disabled people who are the recipients of the services provided. In order to improve local delivery of vocational rehabilitation services, the bill would also provide for more flexibility in joint funding and joint administration at the community level where services are provided to disabled people.

The bill would also increase the amount which the Secretary could set aside for evaluation of programs carried out under the act in order to enable States to better evaluate their programs of services for disabled people.

Equity between States and the outlying areas in qualifying for Federal resources would be achieved under the amendments. Minimum allotment provisions would be extended to the outlying areas and American Samoa and the Trust Territory of the Pacific Islands would be included in the general support program. A reallotment provision, similar to that now in section 3 of the act, would also be added to section 2 in order to achieve better utilization of available Federal resources by the States.

The bill would also add a provision for planning and initiating programs to provide vocational rehabilitation services to those with spinal cord injuries and for low achieving deaf individuals. In addition, the bill would authorize advance funding which would help the States with respect to fiscal planning for their vocational rehabilitation programs.

Finally, Mr. President, the bill would authorize the Secretary to establish regulations limiting the income range in which, and the extent to which, State agencies could require recipients of vocational rehabilitation services to contribute to the cost of these services. The problem with the current situation is that within the States that presently have contributory programs, the standards for determining the ability of the individual to contribute very greatly and therefore result in gross inequities. In some States a disabled person with a family of four must contribute to the cost of his rehabilitation if family income is above $3,500, while in other States an individual is not required to contribute until his income is over $11,000. The proposal in this bill would simply empower the Secretary of the Department of Health, Education, and Welfare to promulgate reasonable and equitable rules based on ability to pay, to guide States in establishing requirements for contribution by individuals to the cost of their vocational rehabilitation.

The authorization levels in this bill for fiscal 1973 are exactly the same as for fiscal 1972. While I have worked very closely with the Department of Health, Education, and Welfare on this bill, I want to make it clear that the administration would prefer authorizing such sums as may be necessary to carry out the provisions of the act.

Mr. President, I am hopeful that this very important legislation will receive prompt action in the Senate. I ask unanimous consent to have printed in the RECORD the text of the bill.

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

S. 3368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Rehabilitation Amendments of 1972".

EXTENSION OF APPROPRIATIONS AUTHORIZATIONS

SEC. 2. (a) Section 1(b) of the Vocational Rehabilitation Act is amended to read as follows:

"(b) (1) For the purpose of making grants to States under Section 2, there are authorized to be appropriated $710,000,000 for the sums as may be necessary for each of the next two fiscal years.

"(2) For the purpose of carrying out Section 4, there are to be appropriated $140,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years.

"(3) For the purpose of carrying out Section 12, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years.

"(4) For the purpose of making grants under Subsection (a), Subsection (b), and Subsection (c) of Section 13, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years.

"(5) For the purpose of carrying out Section 15, there are authorized to be appropriated $100,00,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each of the next two fiscal years."

(b) Section 7 of such Act is amended by striking out subsection (d) thereof.

(c) Section 10 of such Act is repealed.

(d) Section 12 of such Act is amended by striking out subsection (1) thereof and redesignating subsection (j) as subsection (1).

(e) Section 13 of such Act is amended by striking out subsection (f) thereof.

(f) Subsection (a) of section 15 of such Act is amended by striking out paragraph (2) thereof and redesignating paragraphs (3) and (4) thereof as paragraphs (2) and (3), respectively.

INCLUSION OF PROGRAMS FOR THE LOW-ACHIEVING DEAF AND SPINAL CORD INJURED IN SPECIAL PROJECTS PROVISION

SEC. 3. Subsection (a) of section 4 of the Vocational Rehabilitation Act is amended by striking out "and" at the end of clause (2) (C) and by inserting before the period at the end of clause (2) (D) the following: ", and (E) make grants to public or nonprofit private agencies for paying part of the cost of planning, preparing for, and initiating programs to provide vocational rehabilitation services to individuals with spinal cord

injuries or to low-achieving deaf individuals."

INCLUSION OF SERVICES FOR MIGRATORY AGRICULTURAL WORKERS IN SPECIAL PROJECTS PROVISION

SEC. 4. (a) Subsection (a) of section 4 of the Vocational Rehabilitation Act, as amended by section 3 of this Act, is further amended by striking out "and" at the end of clause (2)(D) and by inserting before the period at the end of clause 2(E) the following: ", and (F) make grants to any State agency designated pursuant to a plan approved under section 5, or to any local agency participating in the administration of such a plan, for paying part of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who, as determined in accordance with regulations prescribed by the Secretary of Labor, are migratory agricultural workers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of any such individual and members of his family where necessary to the rehabilitation of that individual. Maintenance payments under clause (2)(F) of that first sentence of this subsection shall be consistent with any maintenance payments made to other handicapped individuals in the State under a State plan approved under this Act. Grants under such clause shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit private agencies having special skills or experience in the provision of services to migratory agricultural workers or their families. In administering the program authorized by clause (2)(F) of the first sentence of this subsection, the Secretary shall, for the purpose of achieving appropriate coordination, periodically consult with other Federal officials who administer programs for migratory agricultural workers under other provisions of law, including title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963".

(b) The Vocational Rehabilitation Act is further amended by striking out section 17 thereof.

REALLOTMENT OF STATE GRANTS

SEC. 5. Section 2 of the Vocational Rehabilitation Act is amended by adding at the end thereof the following new subsection:

"(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he may make such amount available for carrying out the purposes of this section to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year."

MODIFICATION OF ALLOTMENT PROVISIONS

SEC. 6. (a) Subsection (a) of section 2 of the Vocational Rehabilitation Act is amended by striking out "authorized to be appropriated by paragraph (1) of section 1(b) for meeting the cost of vocational rehabilitation services" in the first sentence and inserting in lieu thereof "appropriated for grants to States under this section", by striking out the second sentence of such section, and by striking out 'two sentences wherever it appears in the third sentence of such section and inserting in lieu thereof "sentence".

(b) Subsection (a) of section 2 of such Act is further amended by striking out "$1,000,000" and inserting in lieu thereof "an amount equal to one quarter of one per centum of the amount appropriated for such year for grants to States under this section".

(c) Paragraph (1) of section 15(a) of such Act is amended by striking out "authorized to be appropriated by paragraph (2) of this subsection for meeting the costs described in paragraph (3) of this subsection" in the first sentence and inserting in lieu thereof "appropriated for payments under this section".

PROVISIONS FOR OUTLYING AREAS

Extension of Minimum Allotment to Outlying Areas

SEC. 7. (a) Subsection (a) of section 2 of the Vocational Rehabilitation Act is amended by striking out "(other than the Virgin Islands, Puerto Rico, and Guam)".

Inclusion of American Samoa and Trust Territory of the Pacific Islands in State Programs

(b) Subsection (f) of section 11 of such Act is amended by striking out "and Guam; and, for purposes of section 4, 7, 12, and 13 only of this Act, American Samoa and the Trust Territory of the Pacific Islands, and for such purposes" and inserting in lieu thereof "Guam, American Samoa, and the Trust Territory of the Pacific Islands; for American Samoa and the Trust Territory of the Pacific Islands".

Application of Minimum Allotment Percentage

(c) Clause (B) of section 11(g)(1) of such Act is amended by inserting "the Trust Territory of the Pacific Islands, American Samoa," following "Guam,".

PROVISION TO ALLOW SOLE STATE AGENCY TO SHARE FUNDING WITH ANOTHER PUBLIC AGENCY

SEC. 8. Clause (ii) of section 5(a)(1)(A) of the Vocational Rehabilitation Act is amended by inserting "or any other public agency" following "another agency of the State".

TAKING INTO ACCOUNT OUTSIDE VIEWS

SEC. 9. Subsection (a) of section 5 of the Vocational Rehabilitation Act is amended by striking out "and" at the end of clause (13), by striking out the period at the end of clause (14)(C) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(15) provide satisfactory assurance to the Secretary that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of, among others, individuals who are recipients of vocational rehabilitation services, individuals who represent citizen groups; individuals who represent professional groups, and individuals who are providers of vocational rehabilitation services."

INCREASE IN TRAINING ALLOWANCES

SEC. 10. Paragraph (B) of section 13(a)(2) of the Vocational Rehabilitation Act is amended by striking out "$25" and inserting in lieu thereof "$30".

INCREASE IN AMOUNT FOR EVALUATION

SEC. 11. Subsection (e) of section 7 of the Vocational Rehabilitation Act is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

PARTICIPATION IN THE COST OF SERVICES

SEC. 12. Subsection (a) of section 5 of the Vocational Rehabilitation Act, as amended by section 9 of this Act, is further amended by striking out "and" at the end of clause (14)(C), by striking out the period at the end of clause (15) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(16) provide, in any case in which an individual is able to participate in the cost of his rehabilitation under the State plan, for such participation in accordance with regulations prescribed by the Secretary in the light of such ability."

TIME LIMITATION ON WORK EXPERIENCE

SEC. 13. Subsection (a) of section 5 of the Vocational Rehabilitation Act, as amended by sections 9 and 12 of this Act, is further amended by striking out "and" at the end of clause (15), by striking out the period at the end of clause (16) and inserting in lieu thereof "; and", and by adding at the end of such subsection the following new clause:

"(17) provide that where an individual participates in a program of work experience under the State plan, such participation shall not exceed one year in duration."

ALLOWING STATE AGENCY FOR THE BLIND TO ACT AS STATE EVALUATION AND WORK ADJUSTMENT AGENCY

SEC. 14. Paragraph (1) of section 15(c) of the Vocational Rehabilitation Act is amended by striking out "(other than the State blind commission or other agency providing assistance or services to the adult blind)".

INCLUSION OF INNOVATION IN REGULAR STATE PROGRAM

SEC. 15. (a) The Vocational Rehabilitation Act is amended by striking out section 3 thereof and redesignating sections 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, and 18, and all references thereto, as sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 17, respectively.

(b) The Vocational Rehabilitation Act is further amended by striking out—

(1) "(except for expenditures with respect to which the State is entitled to payments under section 3)" in section 2(b);

(2) "and section 3" in section 2(c);

(3) "or 3" wherever it appears in the section redesignated as section 4(c) by subsection (a) of this section;

(4) "or 3" in the first sentence of the section redesignated as section 5 by subsection (a) of this section; and

(5) "and 3" in the section redesignated as section 14(d) by subsection (a) of this section.

(c) Subsection (b) of Section 2 of such Act is amended by inserting, "including the innovation of such services," immediately following Vocational Rehabilitation Services wherever that phrase appears in such subsection.

ADVANCE FUNDING

SEC. 16. The Vocational Rehabilitation Act is amended by inserting after the section redesignated as section 14 by section 15(a) of this Act the following new section:

"ADVANCE FUNDING

"SEC. 15. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance under this Act, appropriations for carrying out this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of appropriations for each of two consecutive fiscal years."

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 17. The Vocational Rehabilitation Act is amended by inserting after section 15 thereof, as added by section 16 of this Act, the following new section:

"APPLICATION OF PROVISIONS OF FEDERAL LAW

"SEC. 16. An individual who, as a part of his rehabilitation under a State plan ap-

proved under section 4 of this Act, participates in a program of work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compension, and Federal employee benefits."

EFFECTIVE DATE

SEC. 18. The amendments made by this Act shall become effective with respect to appropriations for fiscal years beginning after June 30, 1972.

By Mr. MOSS:

S. 3369. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the first $500 of interest on savings accounts received each year by individuals who have attained age 65. Referred to the Committee on Finance.

TAX EXEMPTION FOR ELDERLY

Mr. MOSS. Mr. President, I have taken the Senate floor many times during my tenure in the Senate to focus on the multiple problems which confront our senior citizens. The recent White House Conference on Aging placed many of these problems in perspective and Congress now has the responsibility for carrying out the recommendations of that Conference.

I am sure that it was no surprise to those concerned about the elderly to learn that inadequate retirement income was marked as the principal difficulty facing our older Americans. Older Americans are more than twice as likely to be poor as younger persons; one out of four individuals 65 years of age and older—in contrast to one in nine younger persons—may be classified as poor. But the story cannot be told strictly in terms of statistical poverty. Aged Americans, on the average, live on less than one-half the income of those under age 65. Only about one-third of the aged in 1968 had incomes large enough to provide what the Bureau of Labor Statistics defines as a "moderate" level of living for a retired couple.

Since publication of the 1968 report, a new 10-percent increase in social security benefits has taken effect and the chairman of the House Ways and Means Committee has recently held out the prospect of a dramatic 20-percent increase in social security benefits.

I have announced support for this important increase in social security benefits, particularly since we have been assured that it can be granted without increasing payroll taxes.

Handsome as this increase sounds, it is not the total answer to the income needs of our elderly. We must attack the problem from other directions.

For example, I have proposed increasing the amount of money that individuals can earn without forfeiting social security benefits from $1,680 a year to $2,520 a year, or $210 a month. H.R. 1, now before the Senate Finance Committee, will raise the amount that can be earned above $1,680 but the final amount must ultimately be resolved in House-Senate conference. I hope that my bill fixing the limit at $210 a month will be the minimum that is accepted by the conferees.

I have also suggested a program of rewards and incentives calling for senior citizen discounts on buses, trains, and on the airlines. I hope there will be progress in the near future on my bill, S. 1808, which would provide reduced fares for senior citizens on the airlines.

I believe we should encourage merchants to provide senior citizen discounts in a variety of consumer settings. There is ample evidence that this can be done successfully and even resulting in economic gain for the merchant.

Another approach to providing our senior citizens with more adequate retirement income is to lessen the burden of taxation. My bill, S. 3088, will provide relief against real estate taxes which are becoming confiscatory in many States.

Today I am introducing yet another bill which would amend the Internal Revenue Code to allow the first $500 in interest on savings accounts exempt from gross income for individuals who are 65 and over.

Some critics may suggest that there are not many seniors who have roughly $10,000 in the bank and, therefore, would not receive interest payment of $500 in a single year. Nevertheless, the few dollars which represent interest on savings up to this limit should be exempt from taxation as a matter of basic equity.

I would urge the adoption of this bill and the others that I have enumerated today as part of a larger approach to the devastating problem of indequate retirement income which is the key to so many of the other problems confronting our elderly.

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

S. 3370. A bill to improve judicial machinery by amending title 28, United States Code, to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments. Referred to the Committee on the Judiciary.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments.

Mr. President, I am pleased to be joined in this effort by the distinguished chairman of the Senate Judiciary Subcommittee on Improvements in Judicial Machinery, Senator QUENTIN BURDICK. This bill is identical to legislation already introduced in the House of Representatives by House Judiciary Committee Chairman EMANUEL CELLER. Chairman CELLER held a hearing on his bill, H.R. 12979, on March 1, 1972.

The U.S. Court of Claims is a busy place. It has original jurisdiction to render judgment upon any claim against the United States founded upon the Constitution, any act of Congress, any executive regulation, any Federal contract and for any damages other than tort claims. In the last year alone, the number of plaintiffs on the court's trial division dockets has increased from 7,262 to 9,095. Additionally, the court has been given certain renegotiation cases, congressional reference cases and cases arising pursuant to the Alaska Native Claims Settlement Act.

The bill I am introducing today would help to meet this increased caseload by authorizing the Court of Claims to recall a retired commissioner for continued service for set periods of time. The cost of the proposal is minimal since the commissioners would already be receiving their annuities, and their salaries would reflect the difference. In the interest of an improved judicial system, I urge the enactment of this bill.

Mr. President, I ask unanimous consent to place in the RECORD testimony offered by the Honorable Wilson Cowen, chief judge of the U.S. Court of Claims, during the recent hearings before the House Judiciary Committee on this proposal.

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

STATEMENT OF WILSON COWEN

On behalf of the United States Court of Claims I thank the Committee for this opportunity to appear in support of Chairman Celler's bill, H.R. 12979, introduced on February 7, 1972. If enacted this bill would, simply stated, authorize the court to recall a retired commissioner for continued service, with his acquiescence, for such periods as the court deems necessary.

There is really nothing novel or new about this proposal. It is akin, in principle, to 28 U.S.C. § 294 which authorizes the designation of retired federal judges (senior judges) to perform such judicial duties as they are "willing and able to undertake." All of the reasons which make this a wise provision with respect to judges apply to the commissioners, and there are additional reasons which are peculiar to the Court of Claims. Our court has long recognized this but the idea has not been implemented by law.

After it had first been approved by the Judicial Conference, the proposal now before you was passed by the House on October 1, 1962 (H.R. Rep. No. 2484 on H.R. 11086, 87th Cong., 2d Sess.). The companion measure, S. 3070, was favorably reported by the Senate Judiciary Committee in September 1962 but did not reach the Senate for a vote that year because it came too late in the session. It was reintroduced in the 88th Congress, 1st Session, as S. 102 and passed the Senate on October 16, 1963, but did not reach a vote in the House that year. On those occasions, the proposal was a part of a larger package which also provided improved retirement benefits for the commissioners of the court. In this bill the retirement features have been omitted altogether, leaving only the provisions for recall of commissioners.

I believe that this committee, because of its knowledge of the Court of Claims, is well aware of the importance of the commissioners to the work of the court. The commissioners are our trial judges. They handle all the pretrial and procedural motions, hear the cases, find the facts and write recommended conclusions of law which are appealable to the full bench of seven judges. Since our court has jurisdiction over any claim against the United States for money damages, except under the Federal Tort Claims Act, we are a busy court. Most of our cases are large claims, tax refunds, contract cases, military and civilian pay cases, taking cases, patent and copyright infringement cases, and transportation claims.

In the past 12 months the number of plaintiffs on the docket of the Trial Division has gone up from 7262 to 9095. On July 1, 1971, the Congress transferred the jurisdiction of the Tax Court over renegotiation cases to the Court of Claims. The commissioners now have 110 of these new cases, all large and complex.

From the time the court was created in 1855, and until more than 100 year thereafter, the Court of Claims conducted hearings and rendered advisory opinions to Congress on private bills which were referred by either the House or the Senate. However, as a result of the decision of the Supreme Court in *Glidden Co.* v. *Zdanok*, 370 U.S. 530 (1962), the judges of the court were compelled to discontinue any participation in these congressional reference cases. In order to meet this situation, Congress enacted Public Law 89–681 on October 15, 1966 (28 U.S.C. § 2509) under which all congressional reference cases are now referred to the Chief Commissioner, who assigns another commissioner to hear the case and make findings of fact and conclusions. After a review of his report by a panel of three commissioners, the report is transmitted by the Chief Commissioner to the appropriate House of Congress. The congressional reference cases involve disputed questions of fact and contested issues of law. Normally, as much time is required for the disposition of a congressional reference case as for a regular case in the court.

Also, in December 1971 Congress passed the Alaska Native Claims Settlement Act. In that Act Congress appropriated 2 million dollars to pay the fees and expenses of attorneys and consultants for services rendered in connection with that statute and also appropriated a fund of 600 thousand dollars to pay the expenses incurred by any bona fide association of Alaska natives in connection with the Act. Congress also provided that all of these claims are to be filed with the Chief Commissioner, who is authorized to utilize the services of other commissioners and personnel of the court in determining the amount to be paid the claimants. Like the congressional reference cases, these are not regular court cases. Since there are more than 200 of the Alaska native villages, we anticipate that the commissioners of the court may have to devote a considerable amount of time in hearing and determining the amount due the claimants under that Act.

The court is happy, as it always has been, to assist the Congress with these matters. However, it is now apparent that our trial commissioners cannot carry the increase in the regular caseload, plus the additional work mentioned, without falling behind and building up a backlog which would be unsatisfactory to the judges of the court as well as to the Congress. We therefore urge the approval of the bill before you as an efficient and economical means of assisting our commissioners to keep abreast of their work, believing it to be a desirable alternative to increasing the number of active commissioners.

There are several types of cases which commissioners who would be recalled pursuant to the pending bill would be especially well suited to handle. For example, we have pending now one congressional reference case in which about 6 million dollars is claimed. According to present estimates it will take 5 or 6 weeks just to hear the testimony in that case. The docket of the commissioner who tried it will necessarily suffer during the time he devotes to that case, much of which will be tried outside Washington, D.C. Thus, this would be an ideal case to assign to a recalled commissioner.

Another commissioner has 836 household goods cases, which are transportation claims. Each of these has to be individually processed and the time required for that purpose necessarily reduces the time the commissioner has for handling other cases. I could give several other examples, but I think these illustrate the types of cases in which judicial administration would be improved by assigning them to experienced commissioners recalled for that purpose.

Finally, at a time when every effort is being made to reduce Government expenditures, it appears to me that this bill presents an appealing proposition. Our commissioners receive a salary of $36,000 a year and their retirement is governed by the provisions of the Civil Service Retirement Act. A commissioner recalled under this bill would receive only the difference between his earned retirement annuity and the salary of an active commissioner. Thus, the court would be able to obtain the services of an experienced commissioner at a bargain rate. A commissioner retired on his full annuity of 80 percent of his salary would be working for 20 percent of the salary of the position. I would also emphasize that the total amount of additional cost involved would in any event be insubstantial. It is probable that we would not at any time have more than three or four commissioners working on a recall basis and some of these would work for only 6 months of the year. The court does not contemplate recalling a commissioner under this bill unless he has the physical and mental capacity to perform his duties efficiently and with dispatch. The recall of a retired commissioner would not provide any increase in his annuity, and his supplemental pay would be subject to the income tax.

In summary, Mr. Chairman, we considered that this measure will greatly assist the court in handling the cases within its statutory jurisdiction and is needed at this time in order to enable our trial commissioners to discharge their judicial duties and to perform the additional work which Congress has assigned to them. Measured against the results which we hope will be achieved, the cost of the bill would be minimal. We think that it offers the best vehicle for meeting our present needs as well as those that can be reasonably anticipated in the foreseeable future.

By Mr. BELLMON:

S. 3372. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, I introduce, for appropriate reference, a bill to permit the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving income taxes.

The Internal Revenue Code and the regulations which govern its implementation are complicated and complex. These are rarely understood by the average citizen and as a result taxpayers are compelled to obtain professional legal and accounting services when differences with the Internal Revenue Service arise. Such services required when the Internal Revenue Service makes a determination on an individual's tax return are expensive. Many times taxpayers who are innocent of wrongdoing find it cheaper to pay the amount of the alleged shortage than to contest unfair Internal Revenue rulings in the courts. As a result, there is a great temptation for the IRS to resort to tactics which frequently border on extortion.

During the consideration of the Tax Reform Act of 1969, I offered this legislation as an amendment to that bill. During the preparation of this amendment, I had several discussions with officials of the Internal Revenue Service, which were most revealing.

The present system works to the disadvantage of the taxpayer. When there is disagreement regarding the amount of tax owed, the Internal Revenue Service communicates with the taxpayer and tells him that he has improperly filed his return and that he owes the Government of the United States a certain sum of money. Upon receipt of this communication, the taxpayer has two alternatives.

One, he can pay the IRS the amount which the agency claims is due. Or, he can begin the long and expensive struggle to try to prove that the amount claimed is not due. He may ultimately become involved in extensive and expensive litigation. Even if the citizen does prevail in a legal action, he really has not won because he is still burdened with the attorney's fees and other costs incident to the litigation. It is even possible to have a situation where the expenses involved exceed the actual amount of additional tax claimed by the Internal Revenue Service.

Every citizen of this country must pay the full and fair amount of tax due under the law. With that responsibility, the taxpaying citizen must also have adequate protection against unfair taxation. This bill help assure an innocent citizen that he cannot be coerced by an agency of the Federal Government into paying unfair taxes. By allowing the citizen who successfully contests an IRS ruling in court to recover reasonable attorneys' fees as a part of a judgment of costs entered by the tax court, the taxpayer can then defend his position assured that if he proves his innocence he will not be penalized by high court costs.

Mr. President, I ask that the complete text of the bill be printed in the RECORD at this point.

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

S. 3372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of subchapter C of chapter 76 of the Internal Revenue Code of 1954 (relating to Tax Court procedure) is amended by adding at the end thereof the following new section:

"SEC. 7465. RECOVERY OF COSTS.

"(a) IN GENERAL.—In any proceeding before the Tax Court for the redetermination of a deficiency, the prevailing party may be awarded a judgment of costs to the same extent as is provided in section 2412 of title 28, United States Code, for civil actions brought against the United States.

"(b) JUDGMENT.—A judgment of costs entered by the Tax Court shall be treated, for purposes of this subtitle, in the same manner—

"(1) as an overpayment of tax, in the case of a judgment of costs in favor of the petitioner, and

"(2) as an underpayment of tax, in the case of a judgment of costs against the petitioner.

No interest or penalty shall be allowed or assessed with respect to any judgment of costs."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7465. Recovery of costs."

(2) Section 2412 of title 28, United States Code, is amended—

(A) by inserting "(a)" before "Except", and

(B) by adding at the end thereof the following new subsection:

"(b) In any civil action which is brought by or against the United States for the collection or recovery of any internal revenue tax, or of any penalty or other sum under the internal revenue laws, and in which the United States is not the prevailing party, a judgment for costs may include reasonable attorney's fees."

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply only with respect to civil actions and proceedings for the redetermination of deficiencies commenced after the date of the enactment of this Act.

By Mr. BROCK (for himself, Mr. BENNETT, Mr. BEALL, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. GURNEY, Mr. PACKWOOD, Mr. TAFT, and Mr. TOWER):

S. 3373. A bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

UTILIZATION OF IMPROVED TECHNOLOGY IN FEDERALLY ASSISTED HOUSING

Mr. BROCK. Mr. President, on behalf of myself and Senators BENNETT, BEALL, DOLE, DOMINICK, FANNIN, GURNEY, PACKWOOD, TAFT, and TOWER, I am today sending to the desk for proper reference proposed legislation which represents an enormous step toward reducing the exorbitant cost of housing construction.

Mr. President, this proposal is identical to the amendment I offered on the floor March 2, during the debate on the 1972 Housing and Urban Development Act. I withdrew the amendment at the request of the distinguished chairman of the Banking, Housing and Urban Affairs Committee (Mr. SPARKMAN) who offered public hearings during the month of May.

In essence, the bill will provide a civil remedy for individuals adversely affected by the enforcement of restrictive codes or agreements which prevent the use of improved techniques or materials in the construction of federally assisted housing. I honestly believe that only with the utilization of industrialized housing techniques can this Nation overcome a current housing shortage and at the same time bring the costs of homes back within the range of the average American family.

When I cast the lone dissenting vote against the omnibus housing bill, I expressed my deep concern that the average family finds it virtually impossible to own its own home without some sort of public subsidy. The bill this body passed on March 2 recognizes that condition and provides a Federal subsidy for every family whose income is at or below the median income. How paradoxical. The bulk of our Federal revenue comes from this same average family. Yet now we must turn around and support with their own tax dollars those who desire to acquire shelter.

I am dismayed with our own inability to seek alternatives to the many problems in the housing area we have created over the years through our own altruistic endeavors with taxpayers' money. We must focus attention on these problems and begin seeking some solutions. How?

First, we must bring the cost of housing construction down. My bill confronts this vexation head on by challenging the validity of the bewildering array of local building codes or work practices, described for years as anachronistic, conflicting, and unnecessary to safe and healthful working conditions. The salient points of the legislation are as follows:

First, the bill provides a remedy for any person, including a builder, contractor or manufacturer, who, in any federally assisted housing program, is adversely affected by restrictive codes or agreements.

Second, through a civil court action, such an aggrieved party may prevent the enforcement of any local code, law, ordinance, or work rule that is unrelated to health or safety and restricts the use of new techniques or materials in construction or rehabilitation.

Third, relief may be obtained by the person suffering the injury. No action by a Government agency is required.

Fourth, the remedy does not apply if the restrictive code or work practice is required to protect the health and safety of working or living conditions. If this defense is raised, a new product or technique will be presumed to meet the required tests by conforming to standards established by any nationally recognized standard setting or testing agency—designated by the Secretary of Housing and Urban Development—and qualified and equipped to perform suitable tests and evaluations. Similar standards are widely used in local building codes.

Fifth, a court may order equitable or preventive relief and damages although damages may not be assessed against a local governmental body.

Sixth, the safety and health issue and all other questions under the statute will be decided by a local, State, or Federal court.

It is important to note that my bill does not provide the means for establishing national building standards since the court action is initiated by a private party and is determined by a local court, all without the involvement of a Federal agency. I believe this point should be emphasized since under my proposal a Federal agency does not prescribe what should or should not be included in local building codes and ordinances.

The Secretary of Housing and Urban Development has set as a goal the construction of 26 million new housing units during the decade ending in 1978. If we are to come close to meeting this goal and insure that a major proportion of the housing units will be available to our lower income citizens, immediate steps must be taken to curtail spiraling construction costs. My bill is a necessary first step.

I refer my colleagues to my remarks on March 2, starting on page 6572 of the CONGRESSIONAL RECORD and ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 3373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any provision or requirement in any building code or other local law or ordinance, or in any contract or agreement, or any practice or other restraint which interferes with or restricts the use of new or improved techniques, methods, or materials or the use of preassembled products in connection with any development, construction, rehabilitation, or maintenance activity assisted under any program administered by the Secretary of Housing and Urban Development shall be unlawful with respect to such activity except where such provision, requirement, practice, or restraint is determined to be necessary to assure safe and healthful working or living conditions, except that any such technique, method, material, or product that conforms to appropriate standards adopted by any nationally recognized standard setting or testing agency (1) approved by the Secretary of Housing and Urban Development, and (2) qualified and equipped to perform suitable tests or evaluations, shall, in the absence of clear and convincing contrary evidence, be presumed to have no adverse effect on such working or living conditions.

(b) Any person who is aggrieved because of any provision or requirement in any building code or other local law or ordinance, or because of any contract, agreement, practice or other restraint unlawful under subsection (a) of this Act may bring a civil action in any appropriate United States district court notwithstanding any other provision of law and without regard to the amount in controversy, or in any appropriate State or local court of general jurisdiction to obtain equitable or preventive relief for violations of this section, or for appropriate damages, and may request such relief, or enter a claim for such damages, in any court whenever relevant in connection with a defense to, or counterclaim in, any suit or action brought against such person in that court, except that damages shall not be awarded where the person bringing the action under this section is aggrieved by reason of any provision or requirement in any building code or other local law or ordinance.

By Mr. McGEE (for himself, Mr. COOPER, Mr. JAVITS, Mr. MOSS, Mr. FONG, and Mr. MONDALE):

S.J. Res. 217. A joint resolution to create an Atlantic Union delegation. Referred to the Committee on Foreign Relations.

Mr. McGEE. Mr. President, today I am introducing a Senate joint resolution calling for a convention of delegates from the United States and the North Atlantic community to explore the possibility of forming an Atlantic Union.

The resolution would create an Atlantic Union delegation from the United States, composed of 18 eminent citizens. Six of the delegates would be appointed by the Speaker of the House, after consultation with the House Committee on Foreign Affairs; six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations; and six by the President of the United States.

The U.S. delegation would be authorized to organize and participate in a convention made up of similar delegations from the North Atlantic parliamentary democracies desiring to join in exploring the feasibility of forming an Atlantic Union. All members of the U.S. delegation would be free from official instructions and free to speak and vote individually at the convention.

The formation of an Atlantic Federal Union is an idea whose time has come.

What this convention would explore is the possibility of applying the genius of our own U.S. federal system to the broader Atlantic community.

It is true that Western European nations are focusing their attention to the strengthening and enlargement of European institutions. However, this process is not one which demands a weakening of our relationship and ties with Europe. This process is a necessary step toward the strengthening of our partnership with Europe.

Western European nations have been successful, to a great degree, in breaking down many age-old psychological barriers to greater unity. They have shown that progress toward political amalgamation can be practical politics. However, our allies are the first to realize that even in unity, Europe is still too small to deal alone with many modern problems.

Another factor in our pursuit of an Atlantic Union is the historical relationship between the United States and Europe. America's destiny has always been tied to that of Europe's. We share a common heritage, ideals, and interests. We are thus in a better position collectively to maintain peace and freedom than any other universal grouping of nations.

Our Founding Fathers realized that, in establishing a Federal Union over the Original Thirteen Colonies, this unity was the source of their strength. The same can be said of our relationship with the North Atlantic community. A federation of the major nations of Western civilization would be formidable indeed and would result in a political institution large enough to deal successfully with the supranational problems now confronting us.

This raises a very critical question for not only the United States but also the Atlantic community. Our social, economic, and political problems are supranational in scope. Scientific and technological development is no respecter of national boundaries. Neither is world economic development as evidenced by our own Nation's recent monetary crisis. Poverty and disease are not confined to national boundaries. The environmental problems associated with air and water pollution can be found in every Western nation.

The choice before the NATO countries is whether we face each of these social, economic, and political problems individually in a piecemeal fashion as limited by the requirements of the nation-state, or if a common approach is much more practical and feasible. Without supranational institutions to deal with these supranational problems, societies cannot expect to continue functioning with any efficiency whatsoever.

The Federal answer to our supranational problems, even as promising and time-tested as it is, has not been explored at all with any other nation to this date. It is strange that we have not yet done so when we look at our own experience with the alliance system—witness the Articles of Confederation—and the great strength found in our own Federal system.

The proposed Atlantic convention is exploratory in nature. Mr. President, this resolution does not commit anyone to forming or entering an Atlantic Union Federation or any type of organization or agreement. It commits us and the other participating nations to only exploring. The only requirement is that the delegates to the convention report the findings of the convention to their respective nations. The Government and the peoples of the participating nations could then approve or reject the findings of the convention.

The resolution would have us explore the Federal answer to the challenges which face us and explore it by the Federal convention approach. It would have us look for solutions in the system of Federal Union which our Founding Fathers developed—a system which has proved effective in the heart of Europe.

The time has come for those of us who live in the North Atlantic community to begin exploring ways in which we may jointly tackle the burgeoning problems which are rapidly becoming too great for any one nation to deal with alone. We are all aware of the regional problems of defense and economics which now face us. These will become even greater unless new and more efficient political institutions are developed.

The world is confronted with ever-increasing numbers of people, ever-increasing depletion of natural resources, and an ever-increasing degradation of a common environment. As no one country is solely responsible for these problems, it is obvious that no one country can make even a major contribution to the solution of this international dilemma.

It is obvious that the North Atlantic countries are interdependent in many ways. The great preponderance of all our international trade is with each other. However, if any one of our NATO allies were to take all of the costly measures required to clean up its own water and air, and its neighbors did not choose to follow suit, that country would find itself at a great competitive disadvantage compared to its neighbors. If the industries in one country are required to assume many additional costs to abate pollution, it might well be that their products would not be competitive with those of another country which still permitted unlimited pollution. If one country is to undertake the expense of ending pollution, its trading partners must be required to do likewise. This is impossible to do under any international arrangements or institutions now existing.

Those of us around the North Atlantic, without question, can do many things together far better than we can do them alone. We can do them cheaper and with increased efficiency if we act with a unity of purpose.

The economic and foreign policies of the United States and Western Europe are so inextricably intertwined that to withdraw from participation in one area would only invite disaster in the other. Yet, we are faced with a growing isolationism in this country. The Atlantic Union resolution counters this strong isolationist tendency.

Economically, our relationship with Western Europe is one of complex interdependence. Witness, for example, the General Agreement on Tariffs and Trade, the Organization for Economic Cooperation and Development, the World Bank, enactment of legislation which led to the International Monetary Fund, the the Kennedy round of drastic tariff reductions.

Yet, the Atlantic community has suffered severe setbacks in recent years. The monetary crisis continues. England is now a member of the Common Market which threatens the loss of valuable U.S. trade markets. NATO is in difficulty with France out of the integrated command of this alliance. Most of Europe is uneasy about the U.S. commitment on the Continent. People are asking: "Where do we go from here?"

Mr. President, the Atlantic Union resolution is forward looking in that it is aimed at developing better institutions for dealing with all of these problems. It provides the only effective way to deal with multinational problems of defense, economics, pollution, and many others.

The Atlantic Union concept has been endorsed in the past by many notable figures who have served, at one time or another, as elected officials of our Government. On April 26, 1951, Gen. Dwight Eisenhower stated in an interview:

> I do not see how anyone can get away from it—in union there is strength—I believe that if we got effective political union in the Atlantic we could cut our defense costs by half.

In 1966, President Nixon, then acting as a private citizen, gave a very articulate endorsement of the Atlantic Union resolution then pending before Congress. The President stated that:

> Although the accomplishment of the ultimate goal of the resolution may well be impossible to attain for many years, recent events of history and numerous scientific and technological advances of the past 20 years point the way in this direction. It would be foolish for us to ignore the fact that science and history are even now fatefully combining to accomplish the same goal. Perhaps by anticipating the further shrinking of the world, the dialogue which this resolution contemplates will provide a resourceful tool for coping with the problems of a world which in 20 years will have undergone even more drastic changes than have occurred since World War II.

Many other public figures have expressed similar support for the Atlantic Union concept. It is also interesting to note that the State Department has no objection to this resolution.

The text of my Atlantic Union resolution is the same as that of House Joint Resolution 900 which has more than 100 cosponsors and which, just yesterday, was reported favorably to the floor of the House by a vote of 22 to 9 in the House Committee on Foreign Affairs.

ORDER FOR STAR PRINT OF S. 3311

Mr. CRANSTON. Mr. President, on March 7, 1972, I introduced S. 3311, the Public Service Employment Act of 1972, for myself and other Senators.

Upon receipt of the printed copy, I noticed an error of substance.

On page 10, line 2, the word "twelve" should appear before the word "months."

I ask unanimous consent that S. 3311 be star printed in the same special quantity as originally printed, in order to rectify this error.

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

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 687

At the request of Mr. BOGGS, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 687, the Opportunities Industrialization Assistance Act.

S. 2219

At the request of Mr. CRANSTON, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2219, the proposed "Veterans' Administration Health Manpower Training Act of 1971."

S. 2245

At the request of Mr. PEARSON, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 2245, a bill authorizing the issuance of a special series of savings bonds, the interest on which would be protected against increases in the cost of living, for purchase by individuals who have attained age 65.

S. 2909

At the request of Mr. PERCY, the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 2909, the National Blood Bank Act.

S. 2939

At the request of Mr. BROCK, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2939, a bill to establish a National Commission on Corrections.

S. 2956

At the request of Mr. JAVITS, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Hawaii (Mr. INOUYE), the Senator from Florida (Mr. CHILES), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 2956, the War Powers Act.

S. 3063

At the request of Mr. BYRD of West Virginia for Mr. MUSKIE, the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Tennessee (Mr. BROCK), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from North Carolina (Mr. ERVIN), 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 Minnesota (Mr. HUMPHREY), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from North Dakota (Mr. YOUNG), were added as cosponsors of S. 3063), to amend the Internal Revenue Code to permit tax-exempt organizations to engage in communications with legislative bodies.

S. 3067

At the request of Mr. JAVITS, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3067, a bill to eliminate racketeering in the sale and distribution of cigarettes and for other purposes.

S. 3125

At the request of Mr. JACKSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3125, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program.

S. 3142

At the request of Mr. MUSKIE, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 3142, a bill to provide $85 million for assistance to Soviet Jewish refugees in Israel.

S. 3152

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

S. 3156

At the request of Mr. PERCY, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 3156, a bill to establish Federal policy concerning the selection of funds and individuals to perform architectural, engineering, and related services for the Federal Government.

S. 3302

At the request of Mr. PEARSON, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 3302, a bill to amend the Airport and Airway Development Act of 1970, in order to make certain airports where the landing area is owned by the United States or an agency thereof eligible for assistance under such act.

SENATE JOINT RESOLUTION 215

At the request of Mr. AIKEN, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 215, proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of President and Vice President of the United States.

SENATE CONCURRENT RESOLUTION 69—SUBMISSION OF A CONCURRENT RESOLUTION TO REVISE THE FORMULA FOR DISTRIBUTING SPECIAL DRAWING RIGHTS

(Referred to the Committee on Foreign Relations.)

Mr. JAVITS. Mr. President, I submit a concurrent resolution to alter the formula for distributing special drawing rights—SDR's—and allocate a larger proportion to developing countries.

This concurrent resolution has been submitted in the other body by Representative HENRY S. REUSS, of Wisconsin, the chairman of the Subcommittee on International Exchange and Payments of the Joint Economic Committee, of which I am the ranking Republican member.

As the resolution states:

> The U.S. should favor review and revision of the formula and process for distributing SDR's to insure that they are promoting maximum economic welfare for all IMF member countries by (a) assuring an appropriate supply of international liquidity; (b) facilitating economic growth in low-income countries; and (c) expanding the exports of the United States and other industrial countries, with a beneficial impact on employment.

Under the current distribution formula, industrial countries receive 73 percent of the SDR's and poor nations obtain only 27 percent in the initial allocations. This disparity, the two sponsors emphasized, tends to exacerbate, rather than diminish, the income gap between industrial and developing nations.

The bulk of newly allocated SDR's will eventually find their way into the reserve balances of industrial nations regardless of the distribution formula, JAVITS and REUSS pointed out. The issue that arises, therefore, relates to the transitional impact on wealth and real incomes of any particular distribution formula. The question is not whether the world needs a special drawing rights mechanism—it does—or even how many SDR's should be distributed during a given period—an overwhelming majority of IMF members must agree on a particular amount. The issue is one of equity.

The present distribution formula, as the resolution explains, constrains low-income countries from increasing imports of capital goods and other items essential to development as much as they would like. Consequently, exports of these products from industrial nations, including the United States, are curtailed. We thereby forgo a strengthening of the U.S. trade balance and additional jobs for Americans that could come from a revised formula for distributing SDR's.

Aside from the objections of developing countries about the current distribution formula, the SDR facility will probably require amendment as the out-

come of coming negotiations to diminish the reserve-currency role of the dollar and to immobilize excess outstanding dollar reserves. Thus, the time is appropriate for also revising the SDR distribution formula. Giving a larger proportion of SDR allocations to developing countries and thereby enabling industrial nations to export more would ease a conflict on trade balances that is likely to arise among industrial countries. Each of the latter desires to have a zero trade balance at worst and prefers a surplus. Multilateral agreement on international monetary reform is therefore likely to come more easily and speedily if the wealthy countries are willing to allocate a larger percentage of SDR distributions to the poorer nations of the world.

The text of the concurrent resolution follows:

S. CON. RES. 69

Whereas the International Monetary Fund (IMF) in July 1969 approved a program to create $9.4 billion of Special Drawing Rights (SDRs) over an initial three-year basic period; and

Whereas the distribution of SDRs under the initial schedule has been completed, and the first three-year basic period closes as of December 31, 1972; and

Whereas agreement will therefore be necessary this year to establish the duration of the next basic period and the quantity of special drawing rights to be issued; and

Whereas the purpose of the SDR program is to assure an adequate supply of national liquidity and thereby encourage countries to (a) follow sound economic policies; (b) avoid unnecesary barriers to trade; and (c) stimulate conomic growth; and

Whereas forthcoming negotiations to reform the international monetary system are likely to require amending the Articles of the IMF, including the special drawing rights facility; and

Whereas the current distribution formula—under which special drawing rights are allocated to members in proportion to their IMF quotas—has the chief disadvantage of giving 73 percent of the SDRs to industrial countries and only 27 percent to developing nations so that the latter are constrained in their purchases from industrial countries of capital goods and other imports essential for economic development; and

Whereas a revised mechanism that (a) allocated more of the benefits of SDR creation to developing nations; and (b) enabled industrial countries, including the United States, to earn SDRs by exporting to low-income countries would reduce the above disadvantage. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the U.S. should favor review and revision of the formula and process for distributing SDRs to insure that they are promoting maximum economic welfare for all IMF member countries by (a) assuring an appropriate supply of international liquidity; (b) facilitating economic growth in low-income countries, and (c) expanding the exports of the United States and other industrial countries, with a beneficial impact on employment, and be it further

Resolved, That in negotiating an agreement to reduce excessive official reserve balances of dollars and sterling—perhaps by exchanging them for a supplementary issue of SDRs—the President should consider favorably an agreement respecting Special Drawing Rights that will also place additional funds at the disposal of developing countries via the International Development Association and/or the regional development banks.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PEARSON, the Senator from Tennessee (Mr. BROCK), the Senator from Hawaii (Mr. FONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

SENATE RESOLUTION 281—SUBMISSION OF A RESOLUTION RELATING TO THE USE OF ENVIRONMENTAL OR GEOPHYSICAL MODIFICATION ACTIVITIES AS WEAPONS OF WAR

(Referred to the Committee on Foreign Relations.)

WEATHER MODIFICATION SHOULD NOT BE AN INSTRUMENT OF WARFARE

Mr. PELL. Mr. President, I am today submitting a resolution expressing the sense of the Senate that the United States should seek negotiation of a treaty to prohibit the use of environmental or geophysical modification activities, or research directed thereto, as weapons of war. Joining me in sponsoring this resolution are Senators CASE, COOPER, CRANSTON, HART, HUGHES, HUMPHREY, JAVITS, KENNEDY, MCGOVERN, MONDALE, NELSON, TUNNEY, and WILLIAMS.

Mr. President, the enormous power and capricious behavior of the environment has amazed and terrified man throughout the ages. Its vast and destructive powers have launched him on a relentless search for an effective method to harness its overwhelming forces. Once achieved, this ability to control and manipulate the environment will provide him with a means to wreak untold and indiscriminate damage upon his fellow human beings.

Although our present understanding and development of deliberate environmental change makes it difficult to imagine a world in which geophysical warfare is practiced, substantial progress within the environmental sciences is rapidly overcoming this gap between fact and fiction.

The progress is particularly evident in the field of weather modification.

Beginning in 1921, various scientific proposals were made and numerous experiments were conducted throughout the world in an effort to produce or augment rainfall. In 1930, the first successful experiments were conducted in the Netherlands by seeding clouds from an airplane. Shortly thereafter, in 1931, the Soviet Union established the Artificial Rain Institute at Moscow with branches at Leningrad, Odessa, and Ashkhabad. Also, during this period, field tests were being conducted in the United States under the auspices of the U.S. Army Signal Corps.

In 1946, a research team of the General Electric Co. achieved the first laboratory verification of the process of atmospheric ice crystal formation, and conducted the first scentific field demonstrations of the large-scale modification of supercooled clouds.

It was during this period of 1947–51, that the General Electric Co., under the sponsorship of the Defense Department, initiated Project Cirrus which was to develop the basic technology used in weather modification today.

These techniques have been utilized successfully by the Department of Defense on several occasions.

A dramatic example was the project entitled Gromet II. This operation was the direct result of a severe drought in the Philippine Islands during 1968 and 1969. In an effort to alleviate this situation, the Government of the Philippines requested the Defense Department to conduct an extensive rainmaking project. After only 2 months of actual cloud seeding, it was estimated that the project had produced more than 12 million acre feet of rainfall and increased the value of the sugar crop by approximately $43 million. The project was so successful that the Philippine Government conducted similar operations in 1970 and 1971, and has subsequently taken steps to acquire an independent capability to annually augment its rainfall.

At the present time, the Department of Defense is conducting a climate modification project entitled Nile Blue. Under this project, a large and very powerful computer called the Iliac IV is being developed in order to predict the effects of various modifications that man might make in the environment. The Department has received $1.4 million for this project in fiscal year 1971, $2.587 billion in fiscal year 1972 and is requesting $3.09 million for fiscal year 1973. During the Senate appropriations hearings, Dr. Stephen J. Lukasik, Director of ARPA, submitted the following description of this project:

Since it now appears highly probable that major world powers have the ability to create modifications of climate that might be seriously detrimental to the security of this country, the Nile Blue subproject was established in FY 70 to achieve a U.S. capability to: (1) evaluate all consequences of a variety of possible actions that might modify the climate, (2) detect trends in the global circulation which foretell changes in the climate either natural or artificial, and (3) determine, if possible, means to counter potentially deleterious climatic changes.

These developments in the field of weather modification indicate the extent and proficiency of the military's ability to modify the environment. In view of these developments, I have been very much concerned about the unofficial and unconfirmed reports that the United States has utilized weather modification techniques in Southeast Asia as a weapon of warfare.

As chairman of the Foreign Relations Subcommittee on Oceans and International Environment, I wrote to the Pentagon on September 23, 1971, requesting specific information about such activities. After 4 months of correspondence—which I made public on the floor

of the Senate on January 26, 1972—the Defense Department declined to publicly answer my questions on the basis that such replies would threaten the national security. In effect, this response seems to confirm my fear that some form of weather modification warfare is being conducted or has been conducted in Southeast Asia.

In my own view, any attempt to use environmental modification as an instrument of warfare would be extremely shortsighted. The use of rainmaking as a weapon of war can only lead to the development of vastly more dangerous environmental techniques whose consequences may be unknown and may cause irreparable damage to our global environment. This is why the United States must move quickly to ban weather, climate, and geophysical modfication from the international arms race.

In the past, although the United States has vigorously urged increased international cooperation on basic atmospheric research, we have not been anxious to promote increased international cooperation specifically in weather modification activities. On the few occasions when proposals have been made for some kind of international endeavor, the United States response has generally been cautious. For example, in 1965 Bulgarian Prof. L. Krastanov introduced a proposal before the World Meteorological Organization's Advisory Committee which urged the world community to cooperate in its weather modification research. In response to this proposal, the United States moved that further study be conducted on the procedural questions involved, thereby effectively quashing any progress in that direction.

There have, however, been numerous indications that many U.S. policymakers favor some kind of international agreement in this field.

In June 1965, then Assistant Secretary of State Harlan Cleveland stated that—

> We won't want other nations modifying our weather, and so we will certainly have to accept some restraints on our freedom to modify theirs.

Also in 1965, the late John von Neuman, the noted scientist and member of the Atomic Energy Commission commented that—

> Present awful possibilities of warfare may give way to others even more awful. After global climate control becomes possible, perhaps all our present involvements will seem simple. We should not deceive ourselves; once such possibilities become actual, they will be exploited. It will, therefore, be necessary to develop suitable new political form and procedures.

In 1966, the Committee on Atmospheric Sciences in its final report to the National Academy of Sciences urged that recognition be given to the international implications of weather modification activities. It asserted that the development of political and social control over the power to modify the atmospheric environment would be necessary, both internationally and nationally, in order to limit its use to constructive purposes.

Similarly, Secretary of State William P. Rogers stated on January 26, 1971, that—

> We are anxious to apply weather modification technology, as it becomes operational, to the problems of developing countries. We are also alert to the need to consider international arrangements to deal with the applications of this new phenomenon.

At this point in time, I find myself in agreement with this line of thinking. The United States must make every effort to insure that all environmental techniques will be used only for peaceful purposes. As I stated on the floor of the Senate on December 15, 1971—

> The United States should consider all possible preventive courses of action. As opposed to its official silence, or actions condoning a gradual drift into environmental warfare, the administration should explore both the advantages of a renunciation of such operations and the possible benefits stemming from an initiative for a multilateral "no first use" agreement. Experience in arms control has demonstrated that a distinct barrier is best accomplished by a blanket prohibition of activities likely to lead to the development of a new weapons category. In the absence of such a ban, the way is left open to the planning, development and eventual prosecution of some form of deliberate environmental warfare. It is imperative that restraint be exercised early in the developmental stages before irretrievable precedents are set.

Therefore, I urge, as I did on December 15, that the President make an announcement dedicating all geophysical and environmental research to peaceful purposes. I also hope that the United States, as cochairman of the United Nations Disarmament Committee, will take the initiative in framing and introducing a broad treaty imposing a ban on all forms of geophysical and environmental warfare. By doing so, the United States would enhance world order and stability, and encourage a greater sense of openness in the application of new technologies to the environmental problems of global concern.

In order to further this objective, I am today submitting a resolution setting forth a draft treaty on this subject. I hope that this resolution will generate discussion and action in this area.

I ask unanimous consent, Mr. President, that the text of my resolution be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PELL. The treaty proposed in this resolution is brief and straightforward. Under the agreement, nations would undertake to prohibit and prevent any environmental or geophysical modification activity as a weapon of war, or any research or experimentation relating to development of these activities as weapons of war.

I would add, in conclusion, that I hope the question of environmental modification as a weapon of war will be considered by the United Nations Conference on the Human Environment to be held in Stockholm in June.

EXHIBIT 1

S. RES. 281

Whereas there is vast scientific potential for human betterment through environmental and geophysical controls;

Whereas there is great danger to the world ecological system if environmental and geophysical modification activities are not controlled or if used indiscriminately;

Whereas the development of weapons-oriented environmental and geophysical modification activities will create a threat to peace and world order; and

Whereas the United States Government should seek agreement with other governments on the complete cessation of any research, experimentation, or use of any such activity as a weapon of war: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should seek the agreement of other governments to the following treaty providing for the complete cessation of any research, experimentation, and use of any environmental or geophysical modification activity as a weapon of war:

"The Parties to this Treaty,

"Recognizing the vast scientific potential for human betterment through environmental and geophysical controls,

"Aware of the great danger to the world ecological system of uncontrolled and indiscriminate use of environmental and geophysical modification activities,

"Recognizing that the development of weapons-oriented environmental and geophysical modification techniques will create a threat to peace and world order.

"Proclaiming as their principal aim the achievement of an agreement on the complete cessation of research, experimentation, and use of environmental and geophysical modification activities as a weapon of war,

"Have agreed as follows:

"ARTICLE I

"(1) the States Parties to this Treaty undertake to prohibit and prevent, at any place, and environmental or geophysical modification activity as a weapon of war;

"(2) the prohibition in paragraph 1 of this article shall also apply to any research or experimentation relating to the development of any such activity as a weapon of war;

"(3) the States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

"ARTICLE II

"In this Treaty, the term 'environmental or geophysical modification activity' includes any of the following activities:

"(1) any weather modification activity which has as a purpose, or has as one of its principal effects, a change in the atmospheric conditions over any part of the earth's surface, including, but not limited to, any activity designed to increase or decrease precipitation, increase or suppress hail, lightning, or fog, and direct or divert storm systems;

"(2) any climate modification activity which has as a purpose, or has as one of its principal effects, a change in the long-term atmospheric conditions over any part of the earth's surface;

"(3) any earthquake modification activity which has as a purpose, or has as one of its principal effects, the release of the strain energy instability within the solid rock layers beneath the earth's crust;

"(4) any ocean modification activity which has as a purpose, or has as one of its principal effects, a change in the ocean currents or the creation of a seismic disturbance of the ocean (tidal wave).

"ARTICLE III

"Five years after the entry into force of this Treaty, a conference of Parties shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments in order to determine whether the definition in Article II should be amended.

"ARTICLE IV

"1. Any Party may propose an amendment to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference to which they shall invite all the Parties, to consider such amendment.

"2. Any amendment to this Treaty shall be approved by a majority of the votes of all the Parties to this Treaty. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties.

"ARTICLE V

"1. This Treaty shall be of unlimited duration.

"2. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

"ARTICLE VI

"1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

"2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, , and which are hereby designated the Depositary Governments.

"3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty.

"4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

"5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

"6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from Pennsylvania (Mr. SCHWEIKER) 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.

SENATE RESOLUTION 272

At the request of Mr. PERCY, the Senator from California (Mr. TUNNEY), the Senator from Washington (Mr. MAGNUSON), the Senators from Alabama (Mr. SPARKMAN and Mr. ALLEN), the Senator from Kansas (Mr. PEARSON), the Senator from Idaho (Mr. JORDAN), and the Senator from Connecticut (Mr. WEICKER) were aded as cosponsors of Senate Resolution 272, relating to the continued funding of Radio Free Europe and Radio Liberty.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 1052 THROUGH 1058

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

Mr. ERVIN submitted seven amendments intended to be proposed by him to the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT—AMENDMENT

AMENDMENT NO. 1059

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

Mr. BOGGS submitted an amendment intended to be proposed by him to the bill (S. 2760), to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

RESCHEDULING OF HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES ON VICTIMS OF CRIME

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Arkansas (Mr. MCCLELLAN), I wish to announce that the hearings on bills relating to the general subjects of compensation for victims of violent crimes and group life insurance programs for persons engaged in law enforcement and related fields, will be held on Monday, March 27, 1972, in room 2228, New Senate Office Building, beginning at 10 a.m. The bills to be included in the hearings were listed in the RECORD of February 29, 1972, at page 5903.

ADDITIONAL STATEMENTS

IN COMMEMORATION OF THE 25TH ANNIVERSARY OF THE FOREIGN SERVICE INSTITUTE

Mr. MANSFIELD. Mr. President, I think it is in order today to pay tribute to one of the most important, effective, and least well known of schools dedicated to the advancement of foreign affairs training. It is in a high-rise office building in Rosslyn rather than on a rolling campus but the educational job which it does in extraordinary.

Twenty-five years ago, the Foreign Service Act of 1946 established the Foreign Service Institute—

To furnish training and instruction to officers and employees of the (Foreign) Service and of the (State) Department and to other officers and employes of the Government for whom training and instruction in the field of foreign relations is necessary, and in order to promote and foster programs of study incidental to such training.

The Institute was by no means the first attempt of the U.S. Government, or even the State Department, to organize training in foreign affairs for its Foreign Service employees. Indeed, institutional training in foreign affairs began as long ago as 1826, with selective language training in Turkish, Arabic, and Berber, among others.

The special significance of the present Foreign Service Institute is that in line with the expanded postwar role of the United States in world affairs, the Foreign Service Institute provides training not only for diplomatic personnel but also for the personnel of all U.S. agencies with overseas responsibilities. This broadened student body and a broadened curriculum of study has had an immense valuable impact on the character of the conduct of all of our official relations with other nations.

The Foreign Service Institute is not a constant, unchanging establishment with a rigid program of study and an inflexible organization chart. It has been responsive to the changing positions of the United States in an ever-changing world. It has shifted to meet the ever-changing needs of the Nation's foreign operations.

The basic goals of the Institute, however, remain unchanged. As outlined in 1960, they were: First, to provide a general introduction and orientation to the Service and its operations for all new officers; second, to prepare officers when necessary in the language and culture of their next country of assignment; third, to prepare officers for the next assignment by training them in the particular duty they will perform; fourth, to broaden an awareness of the world around them for mid-career officers; fifth, to deepen the understanding of national security affairs and policy information for selected officers at the senior level; sixth, to enable a person to continue his education throughout his professional career.

One measure of the increasing importance of the Foreign Service Institute has been the enrollment which has risen from a handful in 1946 to several thousand full and part-time students in fiscal 1971. The Institute was once a kind of stepchild of the foreign affairs community to be housed wherever a vacant room could be found. Its present facilities are designed with great specificity to provide the linguistic and other specialized training which is offered. Language studies, with 53 percent of the enrollment, remain the focus of the Institute. It is interesting to note that when the President went to China, he could draw instantly on an ample corps of excellent Chinese linguists and other specialists in

Chinese affairs most of whom had received training at the Institute. That is the kind of alert and anticipatory management which has characterized this institution throughout its history.

The last few years have witnessed a dramatic increase in the area of professional studies, with economics and administration major new fields of importance. Several other attempts to broaden and deepen the background of Foreign Service officers are also noteworthy. For example, speakers from the Nation's major universities constitute over half of the guest lecturers in courses offered in country and area studies, the senior seminar, and the national interdepartmental seminar. The American campuses provide consultants to the Institute and nearly 1,200 Foreign Service Institute students are taking courses or acting as scholars in residence in many of our Nation's leading colleges and universities.

The Foreign Service Institute has also been a forerunner in the development of in-depth training courses for its mid-level officers in several fields. A new technique of total immersion in subjects such as economics enables Foreign Service officers to obtain the equivalent of an undergraduate degree in less than a year. And the methods of applying the new techniques of language study, which have often been pioneered and developed by the Institute have been widely admired and copied both in this country and abroad.

The Foreign Service Institute has provided 25 years of top quality, readily available, and relevant educational services to meet the ever-expanding needs of international intercourse—diplomatic, economic, and cultural. This is a time to commend the directors of the Foreign Service Institute who over these years have wisely directed the course of this outstanding training Institute, as well as the Department of State, for giving it increasing support, and the Congress which has registered a continuing faith in the undertaking.

The Institute is headed during the present period of rapid and unpredictable change by Howard E. Sollenberger. Mr. Sollenberger has been associated with the school since its beginnings. He happens to be both an educator and a foreign affairs specialist. His outstanding experience in both fields, moreover, is associated with China. He is, himself, an exceptional Chinese linguist. It is a most fortuitous coincidence that Mr. Sollenberger is heading the Institute at a time when the President has initiated a new era of contact with the Chinese Government. In meeting the requirements of that situation, as well as in many others, there is every reason to expect that the Foreign Service Institute will continue to serve and to grow as the creative institution which it has been for the last 25 years.

ROLE OF THE PATENT OFFICE IN A CHANGING SOCIETY

Mr. SCOTT. Mr. President, U.S. Patent Commissioner Robert Gottschalk recently addressed the Philadelphia Patent Law Association detailing the Patent Office's role in a changing society. As the ranking Republican member of the Judiciary Subcommittee on Patents, I read Commissioner Gottschalk's remarks with great interest. I ask unanimous consent that his speech be printed in the RECORD.

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

THE PATENT OFFICE IN A CHANGING WORLD

(Text of an address by the Honorable Robert Gottschalk, Commissioner of Patents).

INTRODUCTION

I am very pleased to be here this evening and to have the opportunity to share with you my views of the challenges and demands facing the Patent Office and the patent system, now and in the years ahead. I thought this topic would be especially appropriate in a state where a real concern for the future of the patent system has recently been evidenced by positive action.

We know that the founders of this nation, with rare wisdom and foresight, provided in the Constitution for a patent system "to promote the progress of the useful arts."

We know they were right—and that our patent system has made a tremendous contribution to the development of our country—to its industry and economy, its military strength, and the dignity and well-being of all our people.

We know that we face today, at home and abroad, what may be the greatest challenge in a century to our national stature, our industrial strength, our standard of living, and our social progress.

We know that our patent system can and must play a vital role in meeting that challenge.

We know that the very heart and soul of a sound patent system lies in a sound and effective Patent Office—one which understands its mission and performs it well.

Yet we know, too, that the office today is not as sound or effective as it can and must be to meet that challenge.

Where does this leave us?

What do we have to do?

How do we go about it?

Clearly, we must do the very best job we can—all of us, in every way we can.

But still, how do we begin?

By taking a hard look at ourselves—a long and careful look, analytical and free of bias, grounded in the experience of our history but free of its restraints and inhibitions—to see how we measure up—to see where we are falling short and to develop a sense of direction and purpose, of urgency and need.

And we must do this not only as a group, but as individuals who must carry part of the load with a sense of personal commitment, responsibility, and mission.

We in the Patent Office are doing just that. And along with Janus—the ancient Roman God of all new beginnings—we are looking in more than one direction.

We are looking to our past, as an aid to understanding the present, and preparing for the future.

We are looking outside ourselves, to the public we serve, the better to serve their needs; the nation and the world, the better to relate to the context within which we must function; and the fast-moving changes in technology and trade, the better to keep pace with the demands they make upon us and the new opportunities they afford.

And we are looking within, as well, to appraise our competence and performance; identify faults and failures; and ready our staff, our tools, our methods, our attitudes, and our will—for the tasks at hand and those that lie ahead.

Let me share with you the picture that I see, beginning close to home with the Patent Office itself.

Service operations

Most of you know me well enough by now to realize that I have not come here to tell you that the Patent Office is operating smoothly and efficiently, and that all of our problems are behind us. It was in recognition of the many problems the Patent Office faced last fall that I asked a number of leading patent law associations throughout the country to assist the Patent Office in identifying its problems and needs.

In doing this, I stated that our goal was to make every effort to restore Patent Office operations to an acceptable level of efficiency and effectiveness. This applied particularly to matters involving direct contact with and services to the public—such as furnishing filing receipts, patent copies, certified copies, and the printing and mailing of original patents.

The response from the bar was overwhelming; it was factual and to the point. As I stated in an address to the American Patent Law Association last October, they "told it like it was" and provided far more help and guidance than one might have expected.

The facts were enlightening, if not embarrassing: For example, it was often taking as long as 3 months or more to return filing receipts to applicants advising them of the serial numbers of their applications; orders for certified copies of patents and applications were taking at least 3 weeks to fill.

The call to action was clear and loud. And in response, a number of special programs were initiated. For example, we established a Customer Relations Center to assist the public in obtaining copies of patents and other documents previously ordered and not received. Many positive comments—as, "It's the best thing that ever happened at the Patent Office"—have convinced us that the Center is successfully filling a long-felt need. At the present time, the Center is responding to between three and four hundred requests each day.

To reduce the long delays in obtaining certified copies, we established an "on-the-spot" certifying service which enables the public to obtain immediate certification of copies of file wrappers, patent applications, patents, and selected papers from patented application files. Since this service began in October, over 2,000 requests have been filled, and the response time reduced to only a few minutes.

The problem of delay in the processing of new applications presented greater difficulties. Prompt, efficient processing of a new application is important not only from the standpoint of advising you that an application has been accepted as complete and given a serial number, but also because it creates a record for each application as it begins its journey through the office. No shortcuts can be taken; and we were forced to address ourselves to the problem of speeding up an operation that was literally tens of thousands of applications in arrears.

Our first action was to create a Parallel Application Branch to process all applications filed after a cut-off date of October 27, 1971.

Second, we began using the regular Application Branch to eliminate the backlog.

Third, we started planning to bolster the regular Branch so that—with the backlog disposed of (and it almost is)—it could resume, and maintain on a current basis, the regular processing of new applications.

Perhaps one of the most important benefits of these efforts, however, is the way they pointed up the need for better management in the Patent Office.

Professional management

I am speaking here of management not in the general sense, but in the sense of recruiting, and bringing to bear on Patent Office operations, professional administrative talent and experience. As indicative of our

needs in this respect, it is worth noting that, although a substantial portion of Patent Office operations are administrative in nature, the Patent Office has not in recent years sent even a single individual to a meeting of a professional association concerned with such matters, such as the Annual Meeting of the American Society for Public Administration coming up later this month.

Fortunately, that day is over. It ended early in January with the hiring of Bill Merkin as our Assistant Commissioner for Administration. Mr. Merkin was formerly associated with the Census Bureau which, like the Patent Office is also in the Department of Commerce. He brings to focus on the clerical and administrative operations within the Patent Office the capabilities of a professional administrator, developed over more than 20 years. We are very proud and pleased to have him as a member of our team.

He has continued earlier initiatives and instituted several additional improvements in our operation. In all of this, I should mention also, we have had full cooperation and assistance from the Department of Commerce, which has in no small measure helped make these efforts successful.

During his 7 weeks with us, Bill Merkin has brought his considerable expertise to bear on our continuing efforts to speed up the operation of our Mail Room, reduce the time it takes to mail filing receipts for new applications, and return the printing of patents to a current schedule. Let me amplify this.

Less than 6 weeks ago, it took 10 to 15 days to deliver papers from the Mail Room to the Examining Groups. At the present time, these papers are arriving at the Examining Groups within 8 hours of receipt in the Mail Room, unless fees are involved; in that case, the finance section requires an additional day or two.

When the Parallel Application Branch was established late last year, the Patent Office was not mailing filing receipts for at least 11 weeks after new applications were received. As of yesterday, the Parallel Branch was mailing filing receipts within 6 weeks of application filing dates, and the regular branch was processing cases in less than 4 weeks. By March 31, 1972, all filing receipts will be mailed within 4 weeks of application filing dates.

I need not tell you that not too long ago, newly issuing patents were not available until some 6 or 7 weeks after the scheduled date of issue. The program to return the printing of newly-issuing patents to a current basis has been given top priority under Mr. Merkin. I can now announce that, as of this past Tuesday, the Patent Office has again achieved a current status with regard to the mailing of grant copies of patents. Moreover, also effective with that issue, copies of patents are also available for sale to the public on the date of issue.

People orientation

Although I have been emphasizing our efforts to improve operations, especially those service operations which are most visible, I remain deeply concerned with the morale and motivation of the employees of the Patent Office. In point of fact, I have perhaps concentrated even more on the "people problems" than on our operations themselves because, as I have said before, morale and operating efficiency are opposite sides of the same coin.

Although we had many problems when I assumed responsibility for the Office last fall, these have probably been most critical in the "paper-handling" operations of the Patent Office.

For that reason, I began an all-out effort to bring our administrative employees back into the mainstream of Patent Office operations, and to impress upon them the importance of what they do. We are doing all we can to improve communications with these employees; to demonstrate a genuine concern for them as well as for their contributions; and to make them aware that opportunities for training and advancement do exist. In addition, I think it fair to say that we now have a more highly sensitized personnel operation in the Patent Office which is more responsive to the needs of these employees and correspondingly more effective.

In short, we are striving to build a Patent Office team—with support and participation from every grade level, and every area of the operations of the Office—which is tightly knit, smoothly operating, and mission-oriented. And these efforts will continue—for, in my judgment, such an organization is essential to the success of our operations.

The patent examining operation

These same considerations apply, with equal force, to our Patent Examining Operation. Certainly I have attempted to make the examiners aware of my conviction that this is our most basic and important activity—and one which we must perform well.

As you are aware, the President has forwarded his budget request for fiscal year 1973 to the Congress. If approved as submitted, we anticipate achieving an overall average pendency of patent applications of 18 months during fiscal year 1975. And this is our goal.

At the present time, examiners are, on the average, reaching cases for first action about 10½ months after their filing date, and overall pendency of applications is only slightly in excess of 28 months. These represent reductions of almost 2 months in the pendency-to-first action, and 3 months in the pendency-to-issuance, over the situations which existed only 15 months earlier. So we seem to be well on our way.

Since the Patent Office is obliged to operate within the constraints of our annual appropriations, it might seem that we are attempting to achieve two mutually incompatible goals: A meaningful examination and the issuance of strong patents on one hand, and on the other, the accomplishment of this process in a short period of time.

I want to emphasize, however, that in our effort to reduce pendency, we do not intend to sacrifice, to expediency, the adequate development and making of record of all important issues, or meaningful examination, or justice and fair treatment for the applicant. On the contrary, I believe we can cut down on pendency time without adverse effect on the examination process.

In this regard, I recently initiated a program to revive the manual classification effort. The emphasis of this thrust is to improve the search of patent examiners, without requiring additional time, by providing them with better tools. Obviously, the more complete, up-to-date, and thorough the classification of the materials with which the examiner has to work, the better and quicker will be his search, and the stronger the issuing patent.

There are also a number of things the Patent Office can do internally to streamline the Patent Examining Operations and speed the processing of patent applications. Several significant steps in this direction have been taken during the past year. For one thing, we have developed and begun utilizing what is now commonly referred to as the "First Action Form." Its use has significantly reduced the time required to prepare and mail first actions. Though perhaps not fully accepted by everyone, I think it fair to say that the form has proved successful, and that—modified in light of suggestions and comments we have received—we do intend to continue its use.

In another area, the time required for the post-examination processing of applications (which involves an operations after allowance, including the actual printing of a patent) has been reduced almost 2 months since the beginning of this fiscal year.

As these examples illustrate, such improvements will permit reduction of pendency time without entailing any sacrifice of professional effort placed on these applications by examiners.

Actions to reduce fraud

As most of you would quickly agree, fraud and inequitable conduct in patent prosecution is today a very live subject. Increasingly, "fraud on the Patent Office" is being alleged as a defense in litigation, and we find many courts holding patents invalid or unenforceable on such grounds. This is a matter of concern to us all, and in the Office we have been giving thought to what can be done which might be helpful.

One type of conduct which causes the courts and patentees a great deal of trouble might be termed "fraud by omission." In a typical situation, the litigant attaching the patent contends that the patentee misled the Patent Office because he failed to call to its attention a prior use or prior art.

Another kind of "omission" occurs when an applicant presents test evidence or other data tending to support patentability, but fails to call attention to additional tests or data which do not help his case and may run counter to it. Even where the omission was without specific intention to deceive, i.e., judgment was exercised, the patent may be held unenforceable on the ground that the patentee's conduct was lacking in candor (as witness the recent Third Circuit decision in *Monsanto* v. *Rohm & Haas*).

Now, this is an area where the Patent Office, we believe, can be of help. Rule 132, as you know, provides for the submission of affidavits and declarations to overcome rejections. We are currently proposing to amend that rule to require the affiant to include, a statement to the effect that no facts, data, or tests results are known which are inconsistent with those in the affidavit or declaration or which would tend to give an impression different from that conveyed by the affidavit. A similar statemnt would also be required in the application oath or declaration in cases in which the specifications refers to test results.

The proposed change would eliminate any misunderstanding by applicants as to their duty with respect to disclosure of test results. The proposal places on the applicant the burden of disclosing all pertinent test results and places on the examiner the burden of determining patentability in light of all of the pertinent facts. The end result, we hope, will be strengthening of the presumption of validity.

Taking another tack, we are also considering some liberalization of our policy regarding examiners testifying in cases where a question of fraud before the Patent Office is an issue in litigation.

The trademark examining operation

We are quite enthusiastic about the changes taking place in the trademark side of the office, but, before I discuss these changes, I would like to make one general observation: We are making progress in eliminating from Patent Office thinking the "rumble seat" attitude toward our trademark functions.

The principal vehicle which has been used to move trademarks back up to share the front seat has been the creation of a Public Advisory Committee on Trademark Affairs to review the trademark problems of the office from the standpoint of the public interest and to come up with recommended solutions. I am sure you will agree with me that the Committee is well managed when I add that its Chairman is a Pennsylvanian, Frank Foote of Mine Safety Appliances. It is this Committee, primarily, which has turned us around to take more direct approach to the diagnosis and solution of

trademark problems in the Patent Office. It is my commitment that we will continue this approach.

Now, I want to be a bit more specific, by way of illustrating the kinds of things which are being done in our trademark operations in response to the recommendations of this Committee. The most recent change to be fully implemented was a reorganization and a reordering of priorities in the section of the Trademark Examining Operations in which trademark applications receive their initial processing. Essentially, this involves concentrating our initial work on those functions which were most important from the standpoint of public needs. I will not go into detail about the changes which have been made, but suffice it to say, that, whereas several months ago the trademark search file was more than 3 months deficient in terms of available data concerning newly-filed applications, as of the day I left Washington, this delay had been reduced to 4 weeks. Our eventual goal is to deliver data to the Public Search Room within 10 days of the receipt of new applications.

In another important area, that of communication between the office and the applicant, we are introducing a number of new techniques. At present, our emphasis is on first actions and the techniques now in use, or in active stages of development include the use of form paragraphs, transcribed by mechanically-aided typewriters; the use of check-off forms, where feasible; and the pre-addressing of the forms used in first action letters. In introducing these improvements, our goal is to increase efficiency without, however, sacrificing substance. In order to achieve the best possible results we will, of course, need your cooperation. In this state we very much need your constructive criticism and suggestions, and I hope that you will freely give us the benefit of your views.

These are just two examples of our current activity. The Advisory Committee's original report contained some 64 recommendations, and we have implemented or are actively engaged in implementing more than 75 percent of them. Furthermore, this Committee is continuing to advise us on matters which were not covered in the original report, and will, I hope, continue to do so.

Legislation

As I am sure this Association recognizes, we remain vitally interested in sound patent revision legislation, including the Scott Amendments. And certainly we share your concern over the recent events culminating in the issuance of the Committee Print of S. 643. More than ever, we are convinced that a stabilization and clarification of the licensable nature of the patent grant is as vital to the nation's economy and technological growth as it was when the Department of Commerce supported such amendments before the Senate Subcommittee on Patents, Trademarks and Copyrights last May. Moreover, we share your concern over the amendments to the Committee Print which, among other things, would require an attorney oath, would require a patentability brief without adequate protection for patent applicants, and would permit the importation into the United States of products made abroad by processes patented in this country. I can assure you that we will continue to press for a sound patent law revision, including the substance of the Scott Amendments.

International

As you know, it has been almost 2 years since the negotiation and signing of the Patent Cooperation Treaty. Since that time, we have been working with associations such as your own, to develop the posture this country should take with regard to ratification of the Treaty. We intend to ratify the PCT and have already drafted in preliminary form the necessary legislation. And I should emphasize that our position on the Treaty is fully consistent with that expressed by the patent community.

Overall, however, we are quite optimistic about the advent of the PCT, for both the positive benefits it will afford the U.S. business community and the positive effect it will have in assisting our examiners to perform a more thorough and complete search of applications for patents in the United States.

Equally important to the U.S. businessman is our effort to secure an acceptable Trademark Registration Treaty. On May 2 of this year there will be convened in Geneva, Switzerland, a Committee of Experts to consider a revised draft of this Treaty. This is the third of a series of meetings which were launched as a result of a resolution by the United States to the Executive Committee of the Paris Union in October, 1970, calling for efforts to develop a revised or new international trademark registration system in which countries not now party to the Madrid Agreement might participate.

The upcoming May meeting is most important since the draft Trademark Registration Treaty is now taking shape to an extent that prompt and serious examination of its provisions by interested trademark owners and associations in the United States is essential.

As you are aware, the most recent draft of the Trademark Registration Treaty was released by the World Intellectual Property Organization on January 31, 1972, and was published in the February 22nd issue of the Official Gazette. The main features of the Treaty in its present form are:

1. The securing of an international registration, effective in one or more designated member countries, by the filing of a single international application directly with WIPO.

2. The same legal effect as if applications for the mark had been filed in each of the designated countries, and unless refused within a prescribed time limit, the same legal effect as if the mark had been registered in such countries.

3. Renewal by the filing of a single renewal application with WIPO.

4. Notwithstanding the facilitation of securing and miantaining the recording of trademark rights under the Trademark Registration Treaty, the substantive aspects of those rights would continue to be regulated according to the national law of the designated countries.

5. Owners would be guaranteed that nonuse during a specified period (3 or 5 years) could not result in refusal or cancellation of the mark.

While several issues remain to be resolved, we believe that the Trademark Registration Treaty will offer significant advantages to American businessmen. We are continuing to work with a number of interested associations to obtain their comments on the draft Treaty for the May Committee of Experts. The culmination of the present efforts will be a diplomatic conference scheduled to be held in Vienna, Austria, in May and June of 1973.

The patent system and the future

I hope that it has become obvious to you that we have a broadbased concern for improving the patent system. This has its roots in the conviction that the Patent System is of vital importance, and that we will rely more, rather than less, on the incentives of the patent system as we move into the Seventies.

In his recent State of the Union Address, President Nixon, recognizing that American ingenuity has enjoyed a wide international reputation and has been one important reason for both our domestic prosperity and our international strength, stated that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. In the coming year, an all-out effort will be made to focus our research and development resources on projects where an extra effort is most likely to produce a breakthrough, and where the breakthrough is most likely to make a difference in our lives.

I need hardly remind this audience that the patent system has played a central role in stimulating and making visible the American ingenuity of which the President spoke. It is incumbent upon us to do all within our power, both in Government and the private sector, to strengthen the patent systems in order that it might play its proper role in revitalizing and strengthening the American economy. The President relied upon the patent system when searching for tools to apply American technological genius to the problems of our environment, and I am confident the President also had in mind the incentives of the patent system when discussing the need to transfer technology from the public to the private sector.

We recognize the bridging effect which patent incentives have in stimulating the American economy through technological advances. We have experienced the growth of industry and competition in this country fostered by the patent system. We recognize that our ability to compete internationally rests upon both the strength of the patent incentive in this country and our ability to obtain patents to protect our technology abroad. I pledge to you today my efforts to do all within my power to accomplish the President's goals through the strengthening of our patent system.

THE EQUAL RIGHTS AMENDMENT AND ALIMONY AND CHILD-SUPPORT LAWS

Mr. PERCY. Mr. President, I invite the attention of the Senate to a document published recently by the Citizens' Advisory Council on the Status of Women, whose chairman is Mrs. Jacqueline G. Gutwillig. The memorandum presents some very interesting and pertinent facts about States' alimony and child-support laws. Since one of the arguments being waged against the equal rights amendment is that it will weaken a man's obligation to support his family and deprive women of their rights for support, I feel that the Council's findings and conclusions are effective counter-arguments to that position. In fact, the equal rights amendment may actually promote the strengthening of current State's laws on marriage, divorce, and support.

Mr. President, I ask unanimous consent that the entire memorandum, entitled "The Equal Rights Amendment and Alimony and Child Support Laws," be printed in the RECORD.

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

THE EQUAL RIGHTS AMENDMENTS AND ALIMONY AND CHILD SUPPORT LAWS

One of the primary objections to the equal rights amendment cited by opponents is that it would weaken men's obligation to support the family and therefore weaken the family. They state that under present law men are required to support their wives without regard to their wives' ability to support themselves and that such laws would be invalidated under the equal rights amendment. They claim that alimony laws not permitting alimony to men would also be invalidated and that men who were paying alimony under such laws would be able to come into court and seek relief from paying alimony.

These objections are based largely on er-

roneous assumptions about application and enforcement of support laws and lack of knowledge of the legislative history of the equal rights amendment.

The rights to support of women and children are much more limited than is generally known and enforcement is very inadequate. A married woman living with her husband can in practice get only what he chooses to give her. The legal obligation to supoprt can generally be enforced only through an action for separation or divorce, and the data available, although scant, indicates that in practically all cases the wife's ability to support herself is a factor in determining the amount of alimony; that alimony is granted in only a very small percentage of cases; that fathers, by and large, are contributing less than half the support of the children in divided families; and that alimony and child support awards are very difficult to collect.

Child support is usually not raised as an issue by opponents of the equal rights amendment but is covered here since the equal rights amendment could have an influence on level of payments. Also it is not possible practically to separate alimony and child support. For tax reasons, what are in fact child support payments may be labeled alimony, and in some States alimony and child support are awarded without distinction.

This statement of legal support rights and their enforcement is based on litigated separation and divorce cases. Most settlements are arrived at voluntarily by lawyers for the parties and may be more generous than the courts would allow in contested cases for several reasons. The husband may be willing to make more generous arrangements, or he may want to avoid the publicity of a contested case. He may be induced to make a more generous arrangement than a court would allow by the need for the wife's cooperation in securing a divorce in a State where divorce is granted only for cause; the trend toward amendment of State laws to permit dissolution of marriage when the marriage is irretrievably broken will result in elimination of this leverage for wives.

The opponents are in general not deliberately misleading the Congress and the public. They are providing well for their famies and believe others are and are required to by law. Many are upper middle class and acquainted only with the facts of life of those in such economic circumstances. We have noted in reviewing some of the court cases relating to alimony and child support that very generous property, alimony, and child support settlements are made among the wealthy. However, where the divorce results in economic hardship, greater hardship is visited on the wife and children than on the husband. Cases reviewed and other materials leave the impression that in middle and lower income groups the welfare of the husband and his prospects for remarriage are given much greater weight than the wife's and children's welfare. No weight whatever is given to the adverse effect on the wife's prospects for remarriage when she is left the major responsibility for support of children.

WOMEN LIVING WITH THEIR HUSBANDS

It is true that a married woman legally has a right to be furnished "necessaries" and to charge purchases of "necessaries," but this is for most an empty right since merchants will not give her credit if her husband asks them not to.

Foote, Levy, and Sander's 1966 textbook, *Cases and Materials on Family Law*, p. 303, cites as its leading case on the subject of support *McGuire* v. *McGuire*, 157 Neb. 226, 59 N.W. 2d 336 (1953). This was a Nebraska case involving the wife of a well-to-do farmer. During her marriage of 34 years, the plaintiff testified she had been a "dutiful and obedient wife" who had "worked in the fields, did outside chores, cooked and attended to her household duties . . . raised as high as 300 chickens, sold poultry and eggs, and used the money to buy clothing, things she wanted, and for groceries." Her husband did not tolerate any charge accounts. He would give her only small amounts of money and for the last three or four years had not given her any money nor provided her with clothing except a coat a few years previous. The house had no bathroom, bathing facilities or inside toilet and no kitchen sink. Water was secured from a well. The furnace had not been in good working order for 5 or 6 years. The furniture was old, and the defendant was driving a 1929 Ford equipped with a heater which did not operate.

The District Court had required the husband to pay for certain items in the nature of improvements and repairs to the house and for furniture and appliances for the household in the amount of several thousand dollars. They had ordered the defendant to purchase a new automobile with an effective heater, required that his wife be entitled to pledge the credit of the defendant for "necessaries of life," and awarded a personal allowance in the amount of $50 a month.

The Supreme Court of Nebraska overturned the ruling, stating:

". . . to maintain an action such as the one at bar, the parties must be separated or living part from each other.

"The living standards of a family are a matter of concern to the household, and not for the courts to determine, even though the husband's attitude toward his wife, according to his wealth and circumstances, leaves little to be said in his behalf. As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out. Public policy requires such a holding. It appears that the plaintiff is not devoid of money in her own right. She has a fair-sized bank account and is entitled to use the rent from the 80 acres of land left by her first husband, if she choses. . . ."

Foote, Levy, and Sander commented on the McGuire case as follows (p. 308):

". . . although factual situations like that depicted in McGuire are probably not uncommon, there is a dearth of reported decisions. Why is this so? This dearth of decisions, coupled with the results of cases like McGuire, helps to explain why it is so difficult to determine the precise scope of a man's legal duty to support his wife and children *while the family is united*. Such support statutes as there are characteristically unhelpful, and *the extent of his obligations is commonly inferred from the results in other types of litigation, such as divorce proceedings*, parents' suits under Dram Shop statutes for a child's death or injury, wrongful death actions, and criminal prosecutions or allied proceedings for nonsupport . . . (emphasis added)."

In a District of Columbia case the court did allow separate maintenance to a wife who was in fact living a separate life although under the same roof with her husband. The court went on to state that such situations should be given careful scrutiny so as to discourage litigation between husbands and wives who are actually living together, although there was no language in the statute that would have precluded granting maintenance to women actually living with their husbands. *Clements* v. *Clements*, D.C. Mun. App. 184 A. 2d 195 (1962).

In a review of cases listed in the annotated California code we found no support cases involving an intact family.

A recent Yale Law Journal article sums it up as follows:

"The reluctance of courts to interfere directly in an ongoing marriage relationship is a standard tenet of American jurisprudence. As a result, legal elaboration of the duties husbands and wives owe one another has taken place almost entirely in the context of the breakdown of the marriage—either voluntary breakdown through separation, desertion, or divorce, or involuntary breakdown through incapacitation or death. Any legal changes required by the equal rights amendment are thus unlikely to have a direct impact on day-to-day relationships within a marriage, because the law does not currently operate as an enforcer of a particular code of relationships between husband and wife. (*The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women*, Brown, Emerson, Falk, and Freedman, 80 Yale L.J. 943, 1971.)"

ALIMONY

The only nationwide study of alimony and child support was made by the Support Committee of the Family Law Section, American Bar Association in 1965, when Mrs. Una Rita Quenstedt, then chairman of the Support Committee, and Col. Carl E. Winkler, former chairman of the Support Committee, made a survey of 575 domestic relations court judges, friends of the court, and commissioners of domestic relations (Monograph No. 1). This study indicates that alimony is awarded in a very small percentage of cases. Three of the judges surveyed made the following comments (p. 3):

A California judge: "In this county permanent alimony is given in less than 2% of all divorces, and then only where the marriage has been of long duration, and the wife is too old to be employable, the wife is ill, particularly if the husband's behavior was a contributing cause, [or] other highly unusual factors exist. Temporary alimony is given, *pendente lite*, or for some portion of the interlocutory period in less than 10% of all divorces, chiefly to give the wife a breathing space to find employment."

A Nevada judge: "A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life a good deal more full as an active member of the community and not as a kept woman."

A Massachusetts Judge: "The whole problem is one of complete frustration since no middle class person can actually afford divorce. Our only consolidation is that public welfare supplies the balance but this, of course, means that the taxpayer is assuming the parental burdens. Alimony in and of itself is not too great a problem as nearly 90% of the petitioners waive it."

The Foote, Levy, and Sander textbook on family law (referred to above) found alimony "infrequently sought and even less obtained."

Furthermore, alimony is not usually awarded without regard to the wife's ability to support herself. The wife's capacity to earn was taken into account by 98% of the judges in the Quenstedt-Winkler study. Apparently this is the general rule. American Jurisprudence states: "In determining the amount of permanent alimony the court should consider the earning capacity of the wife and the extent of her opportunity to work." 24 Am Jur 2d 633

The precedent cases in the District of Columbia list the following as factors in determining alimony or maintenance: duration of the marriage, ages and health of the parties, respective financial positions, both past and prospective, wife's contribution to family support and property ownership, needs of the wife, husband's ability to contribute, interest of society in preventing her from becoming a public charge, *Butler* v. *Butler*, D.C. App., 239 A. 2d 616 (1968).

The last seems to be a very important criteria. In a 1966 case the District of Columbia Court of Appeals reversed a grant of $50 alimony made by the lower court, solely on finding that the wife was not likely to be-

come a public charge. In this case there were no children and the wife had net earnings of $279.37 a month. Her husband's net earnings were $389 a month, *McEachnie* v. *McEachnie*, D.C. App., 216 A. 2d 169 (1966).

In a separate maintenance case the District of Columbia Court of Appeals said: "We cannot agree that the wife's financial situation is neither a defense nor a limiting factor in defining the husband's duty. The purpose of maintenance is to prevent the wife from becoming a public charge and not to penalize the husband." *Foley* v. *Foley*, D.C. Mun. App., 184 A. 2d 853 (1962).

The California marriage dissolution statute provides with respect to support that:

". . . the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable, having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse . . . (Annotated California Code—Civil Code Section 4801)."

As early as 1926 a California court gave great weight to a wife's capacity to earn, even though the wife had phlebitis and could not be on her feet. The court said:

". . . where the ex-husband is earning wages by daily labor, a trial court, in awarding alimony, should not do so in a sum inducing idleness on the part of the ex-wife, *Lamborn* v. *Lamborn*, 80 C.A. 494, 251 P. 943 (1926)."

In 1948 the Supreme Court of California denied alimony to a wife married 36 years who had reared 8 children. She had no property or other source of income and no trade. Her husband worked as a laborer and earned from $40 to $47 per week. The judge said:

"Defendant has no ability to earn more than sufficient for his own support and maintenance . . . and has no ability to pay further for the support and maintenance of plaintiff or for her attorney's fees or court costs herein. *Webber* v. *Webber*, 33 C. 2d 153, 199 P. 2d 943 (1948)."

CHILD SUPPORT

With respect to child support, the data available indicates that payments generally are less than enough to furnish half of the support of the children. The following chart of weekly payments was submitted by a Michigan court in 1965 (Quenstedt-Winkler study):

NUMBER OF DEPENDENTS

Weekly net income[1]	1	2	3	4	5	6 or more	Weekly net income[1]	1	2	3	4	5	6 or more
$40	$10.00	$16.00	$22.00	$24.00	$24.00	$24.00	$80	$20.00	$24.50	$40.00	$48.00	$52.00	$52.00
$50	12.50	20.00	27.50	30.00	30.00	30.00	$90	21.60	27.00	45.00	54.00	58.50	63.00
$60	15.00	24.00	33.00	36.00	36.00	36.00	$100	22.00	30.00	45.00	60.00	70.00	75.00
$70	17.50	24.00	35.00	42.00	45.50	45.50	$120	24.00	36.00	54.00	72.00	84.00	84.00

[1] After deductions for income tax, F.I.C.A., hospitalization, life insurance, union dues, and retirement plan payments.

Even these small payments are frequently not adhered to. One court commented:

"However we find that in the great number of cases we are unable to adhere to the chart because of excessive amounts of financial obligations and limited earnings; also in many cases the man has more than one family."

A Florida Judge replied to the question re support:

"As a rule of thumb, we in this circuit, allow 15 (sic) per week per child if the husband is able to pay that sum, and increase that amount proportionate to the needs and faculties where husband's take home pay exceeds $5,000 per year. In short, . . . in order for a man to remain employed and produce income he must have for himself something beyond bare necessities."

A Pennsylvania Judge commented: "The Support Court usually sets the amount of a support order at the highest figure the defendant seems capable of paying. Even then the amount is usually not enough to support the wife and children on a minimal basis."

In response to the survey question "What percentage of the father's income is normally allotted for child support?"—27% of the judges allot 25% or less of the father's income; 34% of the judges allot between 26–35% of the father's income; 25% of the judges allot between 34–50% of the father's income.

Adele Weaver, President of the National Association of Women Lawyers, said in her testimony on the equal rights amendment before Subcommittee No. 4 of the House Judiciary Committee in 1971:

". . . But the point is that in actual practice, Mr. Wiggins, you know that most judgments for child support allow such minimal sums of $15 a week, $25 a week, $30 a week, that we know that the mother is giving at least half of or close to half of the support; the mother is actually fulfilling a coextensive duty of support to the child (p. 296 of the report of hearings)."

In a survey referred to in Foote, Levy, and Sander, page 937, made in Maryland and Ohio in the early 30's, in half the cases the weekly alimony and support payments were between $5 and $9 per week (equivalent to $11.65 and $20.97 in today's dollars). The median was $33 per *month* (equivalent to $76.89 today).

A divorced woman in Elyria, Ohio writes that she is a clerk-typist working fulltime with a take home pay of $310 per month. Her former husband is employed fulltime as a carpenter, earning overtime. The court awarded her $15 per week for each of two children. Her husband is $410 behind in payments, which she is unable to collect. The children have not had dental care for two years, and she finds it difficult to buy books, proper food, and clothing for the children. It is obvious her husband is not contributing half the support of the children, let alone supporting his former wife.

The average cost at 1969 prices of rearing a child in a two child urban family with both parents present range, according to Department of Agriculture estimates, from $1,400 per year on a low-cost budget in the north central area of the U.S. to $2,100 per year on a moderate-cost budget in the south.* In a divided family with the mother working food costs would be higher, and there would be added child care costs. With the earnings of women averaging 60 percent those of men, women who work to support their children are contributing by and large more than their proportionate share, even when fathers comply fully with awards.

COLLECTION OF ALIMONY AND CHILD SUPPORT

The only information we could locate on collection of support money are reported by Nagel and Weitzman in "Women as Litigants" (Hastings Law Journal, November 1971). The following table from their article is based on data gathered by Kenneth Eckhardt from a sample of fathers who were ordered to pay some child support in a divorce decree in a metropolitan county in the State of Wisconsin in 1955. Row 1 shows that within one year after the divorce decree, only 38 percent of the fathers were in full compliance with the support order. Twenty percent had only partially complied, and in some cases partial compliance only constituted a single payment. Forty-two percent of the fathers made no payment at all. By the tenth year, the number of open cases had dropped from 163 to 149 as a result of the death of the father, the termination of his parental rights, or the maturity of the children. By that year, only 13 percent of the fathers were fully complying, and 79 percent of the fathers were in total noncompliance. Row 5 shows the percentage of nonpaying fathers against whom legal action was taken, including those taken or instigated by welfare authorities:

Years since court order:	Number of open cases	Full compliance (percent)	Partial compliance (percent)	No compliance (percent)	Nonpaying fathers against whom legal action was taken (percent)
1	163	38	20	42	19
2	163	28	20	52	32
3	161	26	14	60	21
4	161	22	11	67	18
5	160	19	14	67	9
6	158	17	12	71	6
7	157	17	12	71	4
8	155	17	8	75	2
9	155	17	8	75	0
10	149	13	8	79	1

*Information from Agricultural Research Service, Consumer and Food Economics Research Division, U.S. Dept. of Agriculture—excerpt from Family Economics Review, December 1970 and Talk by Jean L. Pennock at the 47th Annual Agricultural Outlook Conference, February 18, 1970.

CRIMINAL NONSUPPORT STATUTES

Although in practically all States husbands can be held criminally liable for non support of wife and children, most States require that the wife or children be in "destitute or necessitous circumstances" or without adequate, sufficient, or reasnable means of support. The Uniform Desertion and Non-Support Act provides that the refusal to support must be without lawful excuse and wilful and that the wife or children under 16 must be in "destitute or necessitous circumstances" (the Uniform Act and most State laws are applicable to mothers who refuse to support children under 16).

As in other criminal proceedings, guilt must be established beyond a reasonable doubt and the burden of proof is on the State. The defendant is entitled to a jury trial. This type of statute is used extensively in welfare cases, mothers often being required to file complaints under criminal non support statutes as a condition of receiving public assistance. In some States the public welfare authorities are authorized to file the complaints. The extent of use or usefulness in other situations is not known. Wisconsin, the scene of the study on collection above, has a criminal non support statute very similar to the Uniform Act.

NEED FOR PUBLIC TO HAVE THE FACTS

The prevalence of mistaken ideas about a husband's responsibility for support of wife and children, which have been reinforced by opponents of the equal rights amendment, are a great disservice to the nation, particularly to its women and young girls. Many young women, relying on the belief that marriage means financial security, do not prepare themselves vocationally. Parents and counselors act on this false assumption in advising girls about their future.

The latest survey indicates that 27% of the women who entered into teenage marriages more than 20 years before the survey are divorced as compared with 14 percent of the women who were older.* Our young women and their parents and teachers should be apprised of the facts about alimony and child support and likelihood of divorce in teenage marriages. Perhaps more of them would prepare themselves vocationally and wait until they are older for marriage.

Far more facts are needed as to awards of alimony and child support, the factors considered by judges in making the awards, and the degree of enforcement of awards made. More information is needed as to why awards are not better enforced and the efficacy of the means available, particularly the criminal non support statutes. The effects of a Wisconsin statute putting restraints on remarriage of persons not meeting their responsibilities to their lawful dependents need to be studied. Even small studies in individual communities that could be made by women's groups or law school students might lead to larger more representative studies by organizations with larger resources.

The lack of reliable information illustrates once again that we will not have a whole society equally concerned with women's and children's welfare until many more women are in positions to influence the spending of research funds and the making and enforcing of laws.

Effects of Equal Rights Amendment on Present Laws and Their Enforcement

Far from resulting in diminution of support rights for women and children, the equal rights amendment could very well result in greater rights. A case could be made under the equal rights amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with the children in a worse financial situation than the other spouse.

The belief that alimony laws permitting alimony to wives would be invalidated by the courts rather than extended to men is not supported by any legal authority or the legislative history. The legislative history clearly indicates the intent of the proponents in Congress to extend alimony to men in those States now limiting alimony to women. Furthermore, in view of judges' preoccupation with keeping women from becoming public charges, it seems almost certain, should a State legislature fail to extend to men a law limiting alimony to women, that a judge would extend the law to men rather than invalidate it. If any judge should invalidate the law, it is clear that legislatures' concern for keeping women from becoming public charges would be sufficient to enact a new law applying equally to men and women.

The drafting of divorce and support laws of those States where it is required by the equal rights amendment could be an opportunity to bring the law into line with reality. Models without distinctions based on sex already exist in the Uniform Marriage and Divorce Act and the Model Penal Code. Copies may be obtained from the National Conference of Commissioners on Uniform State Laws, 1155 E. 60th Street, Chicago, Illinois 60637.

The Uniform Marriage and Divorce Act provides for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for reasonable needs and is unable to support himself or herself through appropriate employment or for the custodian of a child whose condition or circumstances make it appropriate that the parent not seek employment outside the home. The amount and duration of payments for maintenance are to be determined after the court considers the financial resources of the party seeking maintenance, the time necessary to acquire sufficient training to enable the party to find appropriate employment, the standard of living established during the marriage, the duration of the marriage, the age and physical and emotional condition of the spouse seeking maintenance, and the ability of the spouse from whom maintenance is sought to meet his or her own needs while making maintenance payments.

In summary, the equal rights amendment would not deprive women of any enforceable rights of support and it would not weaken the father's obligation to support the family. Because it would require complete equality of treatment of the sexes, it might be used to require that the spouses in divided families contribute equally within their means to the support of the children so that the spouse with the children is not bearing a larger share of the responsibility for support than the other spouse.

The Citizens' Advisory Council on the Status of Women was established by Executive Order 11126 in 1963 on the recommendation of the President's Commission on the Status of Women, whose chairman was Mrs. Eleanor Roosevelt. Miss Margaret Hickey was the first chairman, followed by Senator Maurine B. Neuberger. Mrs. Jacqueline G. Gutwillig is its third chairman. Council members are appointed by the President and serve without compensation for an indeterminate period. One of the Council's primary purposes is to suggest, to arouse public awareness and understanding, and to stimulate action with private and public institutions, organizations and individuals working for improvement of conditions of special concern to women.

The views expressed by the Council cannot be attributed to any Federal agency.

* U.S. Department of Commerce, Bureau of the Census, Social and Economic Variations in Marriage, Divorce, and Remarriage. 1967; P-20, No. 223.

AUTOMOBILE REPAIR COSTS

Mr. HART. Mr. President, S. 976, which passed the Senate by a vote of 89 to 4 last November, is now under consideration in the House Committee on Interstate and Foreign Commerce. As I understand it, we may learn next week just what the will of that committee is regarding this proposed legislation.

As one who struggled through the lengthy hearings which produced the bill, it should not be surprising that I have a special fondness for it.

Nor should it be surprising when I am appreciative of the excellent analysis of the bill which Sylvia Porter, the syndicated columnist, made recently. I ask unanimous consent that the article, published in the Washington Evening Star of March 6, be printed at the conclusion of my remarks.

Mr. President, I should like to underline some of the comments Miss Porter made:

For example, she points out that while the bill authorizes the Secretary of Transportation to establish standards which would reduce auto repair costs these standards must meet an economic test.

That is, no standard—in effect, no manufacturing dictate—could be made if the overall cost savings to consumers would not be greater than the possible increased cost of the modification of the auto.

Mr. President, American motorists today spend an estimated $5 billion for repairs which would be needless if cars were not designed to be so fragile. That is the out-of-pocket cost for insurance companies and consumers. It does not include the frustration attendant on loss of worktime, repeated trips to the shop, and general upset when a prized possession is marred.

Another section of the bill which I think will be of great value to consumers is title III, which provides for a pilot program of diagnostic centers. This is aimed at correcting several problems irritating—and costing—consumers.

Such centers would be used to overcome the shortage of skilled mechanics, in that the machinery could make diagnoses of which many mechanics are incapable today.

They would help lessen the out-and-out fraud which has made many consumers spend hundreds of dollars for repairs which simply were not needed.

They would be the "peace-of-mind" centers, as Miss Porter says, which would reassure consumers that work done and paid for was properly done. Thus, they would feel the money was well spent, and that the car was safe to take back on the road.

Mr. President, we are prone, in this body, to proclaiming that one piece of legislation or another is "the most pressing" before Congress. I will restrain myself in light of that knowledge. But I cannot, nonetheless, downgrade this bill.

It is an extremely important measure—which can save consumers billions of dollars with relatively little government outlay. It can alleviate frustration and give peace of mind.

In short, it is a good bill, and I hope the House will conclude, overwhelmingly, that it should pass in a form close to that in which it left the Senate.

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

[From the Washington Evening Star, Mar. 6, 1972]

YOUR MONEY'S WORTH—CUTTING AUTO REPAIR COSTS

(By Sylvia Porter)

Among the more than 500 consumer protection bills before Congress is legislation to cut down the high auto repair expenses.

The bill was passed by the Senate in November, is in a House committee awaiting clearance for a full vote by the House—and despite opposition from the White House, the auto manufacturers and others, is believed to have a good chance of becoming law in 1972.

With this law, the Federal government would take a first step into the complex and troubled field of auto repairs. The government already is heavily involved in the safety aspects of automobile design. A run-over into auto repair costs is logical and inevitable.

The Motor Vehicle Information and Cost Savings Act, sponsored by Sen. Warren G. Magnuson, D-Wash. and Sen. Philip Hart, D-Mich. would:

1. Authorize the Department of Transportation to set rules to reduce property damage and repair costs resulting from minor—but frequently costly—crashes. The rules would require manufacturers to build sturdier, more crash-resistant cars. By so doing, the standards would sharply reduce your collision insurance premiums, cut the deductible amounts you have to pay, also substantially lessen the time it takes to get your car repaired.

Only design changing costing less than the over-all amount of financial benefits to consumers could be mandatory.

2. Require the DOT to make a comprehensive study of the methods for determining the susceptibility of passenger motor vehicles to damage, their repair costs and the degree of protection provided for occupants of the cars.

The DOT would work out ways to inform the public of its findings and the facts on the susceptibility of the cars to damage, their ability to withstand crashes, on how reliable the cars are, how easy to repair, similar vital aspects—as a guide which we could use when buying cars. This obviously would be a major spur to the manufacturers to turn out sturdier and easier cheaper to repair cars—even before the findings were made public.

3. Provide technical assistance and up to 90 percent of the cost to states to set up a network of automobile "diagnostic inspection demonstration projects" which would use the latest automated diagnostic equipment to inspect cars for safety features and emission control. Again, the goal would be to reduce your costs of automobile maintenance and repair.

A used car owner also would be able to buy the peace of mind of a "clean bill of automotive health"—or have a center of this type confirm that repairs had been properly done. Or a new car buyer could have a car checked out before he made a final decision to buy. A possible future offshoot of this provision could be a system of Federal standards for auto inspection for safety and air pollution problems.

4. Prohibit the widespread practice of setting back odometers (mileage indicators)—a prime way in which gypsters in the used-car field are defrauding buyers today.

While at least 17 states have laws banning odometer tampering, that leaves a lot of states in which the practice is increasing.

To be realistic about it, there is no separating the laws to increase the safety of cars and to reduce repair costs. For instance, as of this Sept 1, under the Federal auto safety law, all new 1973 cars must be equipped with front bumpers which can withstand crashes of 5 m.p.h. and rear bumpers which can take 2½ m.p.h. crashes without damage to the basic safety systems and without injury to passengers.

Even now, one major auto insurer is granting a 15 percent discount on collision insurance for any car which is built to sustain these 5 and 2½ m.p.h. crashes.

By one estimate, if all cars were required to be capable of withstanding a 10 m.p.h. rear end collision with another car or a 5 m.p.h. collision with a stone wall, we would save $1 billion a year in insurance premiums alone.

The money-saving—as well as the safety—aspects in these trends are nothing short of enormous.

FORCED BUSING OF SCHOOLCHILDREN

Mr. TALMADGE. Mr. President, last night President Nixon made a long-awaited announcement of his views on the forced busing of schoolchildren. I found the results extremely disappointing.

During a series of close votes taken recently in the Senate, the President remained silent. When his leadership might have meant the difference, he kept his counsel. I can only say that what he gave the American people last night was too little too late.

He asked Congress to grant a legislative moratorium on all future busing. That is fine and good for the children in the regions outside the South who are threatened by the prospect of future busing. But once again, the national leadership has turned its back on southern children who have been laboring under this affliction for years.

The President's speech does not change the fact that the South is still a social laboratory for the rest of the Nation. I, for one, am tired of seeing the children of Georgia, black and white, being used as guinea pigs by social planners in HEW and the Federal courts. Apparently, however, the President is content to let this practice continue.

President Nixon said that a constitutional amendment deserved "serious consideration," but that he had decided against that route because it would take too long. This indicates to me that the President has not done his homework. The recent amendment extending the right to vote to 18-year-olds in Federal elections was passed by the Congress March 23, 1971. It was ratified June 30, 1971.

If a similar timetable were followed in this case, we could have a constitutional amendment against forced school busing by the end of the summer. If President Nixon would place the full prestige and influence of his Office behind such an effort, I have no doubt that by next fall we could resume a sane and rational search for quality education.

Furthermore, the last several constitutional amendments have taken an average of between 10 and 11 months to be ratified. So when the President says that such an amendment would take, at the very least, a year or 18 months to ratify, I can only conclude that he has been misinformed.

He has elected, instead, to pursue a legislative remedy. In so doing, he is ignoring the fact that the Federal judiciary has overruled or ignored antibusing legislation passed by Congress time and time again. So the remedy which he holds out may very well be no remedy at all.

I want to serve notice here and now that I have not forgotten the children of Georgia who are already under court-enforced busing orders. The only thing that will help them is a constitutional amendment. I intend to keep pressing for that solution.

I applaud the President for at least taking a public stand against busing in principle. I endorse his goal of quality education for all.

But I deplore the fact that, once again, the children of the South are reduced to the status of second-class citizens in this matter.

President Nixon has said, in effect, that now that we can see what a harmful thing busing is, by what it has done in the South, we must make sure that it does not spread.

KOREAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, on March 1, 1972, the Korean community of Chicago, which numbers more than 10,000, celebrated Korean Independence Day. This year marks the 53d anniversary of the Korean Declaration of Independence of March 1, 1919.

The Korean March First Independence Movement proved to be a binding force in the friendship which has long existed between the United States and South Korea.

Most of the Koreans in Chicago emigrated to this country within the last 20 years, and in that short time they have made a significant contribution to the commercial, religious, and cultural life of the city. The Korean Association of Chicago, under the able leadership of Yung Joon Chang, deserves special praise.

Chicago honored the anniversary with a city council resolution designating March 1 as Korean Independence Day in the city. Governor Ogilvie held ceremonies which included the issuance of a proclamation commemorating the day.

I am pleased to have this opportunity to pay tribute from the Nation's Capital to our fine citizens who have been celebrating Korean Independence Day.

WOMEN AND TEENAGERS ARE IMPORTANT, TOO

Mr. HUGHES. Mr. President, administration spokesmen lately have been suggesting that our unemployment rate of nearly 6 percent is not so important because many of the unemployed are women and teenagers. Somehow an unemployed woman is cause for less concern than an unemployed man.

This may be appropriate in choosing the right policies for reducing unemployment. It is disturbing if it means they are trying to confuse the issue. A whole group of idle workers are not included in the unemployment rate, because they no longer maintain their registration at

employment offices. Other workers are forced to accept part-time employment because the economy is not vital enough to provide full-time jobs for these willing workers. Women, in fact, are heads of many households. Some 368,000 women household heads were unemployed in December 1971, an unemployment rate of 5.2 percent for this group.

It is clear that the U.S. economy, strong as it is, has a long way to go to recover from the slump we have been in for the past couple of years. In this regard, Alice M. Rivlin developed a useful analysis of administration statements in the Washington Post of March 15. I believe that all Senators will find it helpful. 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:

SOME QUESTIONS ABOUT THE ADMINISTRATION'S LINE—UNEMPLOYMENT AS AN ISSUE IN THE ELECTION

(By Alice M. Rivlin)

One might have expected unemployment to be among the simplest and most comprehensible issues of the election campaign. A high unemployment rate means that the economic machinery is not functioning properly, right? That's bad for the incumbents, because they are in charge of keeping the machine running. What could be simpler than that?

But to no one's surprise the administration does not see it this way and has launched a multi-pronged verbal onslaught designed to diffuse the unemployment issue and make it a lot more complicated. The administration's argument reminds one of the old story about the man who returns a borrowed pot to the owner with the statement: I deny that it is broken; anyway, it is not my fault, because it was already broken when you gave it to me; and furthermore I've done everything I could to fix it. The administration's line on unemployment goes something like this: (1) unemployment is not as serious a problem as it might seem because many of the unemployed are women and young people; (2) anyway, unemployment is not our fault, because it was a necessary consequence of winding down the war; and (3) we are doing everything either we or the Democrats can think of to fix it up.

Administration spokesmen, of course, do not actually say that unemployment is not serious—on the contrary "We recognize that unemployment is a serious problem," Council of Economic Advisers Chairman Herbert Stein told the Press Club last month. "At the same time,'" he continued, "it would be a travesty to call it a disaster or to compare the situation with the Great Depression. This is especially true when it is recognized that in 1971, 48 per cent of all unemployment was accounted for by people aged 16 to 24 and another 23 per cent by females 25 years of age and older." Without saying why, Dr. Stein left the clear implication that unemployment of women and young people is less serious than the unemployment of mature men. He also pointed out that a lot of young people are not in the labor force—as though that eased the plight of those that were—and that some of those counted as looking for work were also in school.

Dr. Stein is right, of course, that a higher proportion of the unemployed are women and young people than, say, a decade or two ago. This is partly because there are proportionately more women and young people in the labor force than there used to be, but it is mostly because unemployment rates for these groups have gone up relative to those of experienced men. Both phenomena—the increase in women and young people in the labor force and the relative rise in their unemployment rates—have been taking place gradually over the years. They are not features of the current recession.

The administration's apparent contention is that unemployment of women and young people does not cause as much pain and suffering as unemployment of mature males because other people do not depend on their incomes. But this is only partly true. Many women, especially black women, head families, and so do many men under 25. The 23-year-old married man with a new baby and no assets to fall back on may feel his unemployment more keenly than his father. There is also psychological damage. The young person who can't find work may end up pretty discouraged with himself and society. Even loss of a part-time job may be serious, if it means dropping out of school.

Wives tend to earn less than their husbands, but that does not mean that no one depends on their incomes. The black family which is finally making it because both husband and wife work may feel just as desperate about the payments on the house or the car when the wife is out of work as when the husband is.

In any case, the unemployment rate is not so much a measure of economic pain and suffering—the poverty rate is a more sensitive indicator of that—as a measure of the health of the economy. It is also probably a pretty accurate proxy for the way people *feel* about the economy, which is why it matters in elections. If jobs are hard to get, people know about it. They worry about their own jobs; they postpone the vacation or the addition on the house or the store. It may not matter much to their state of mind whether the particular person they heard was out of work was Sam's father, or Harry's wife or Aunt Sue's oldest boy.

The second argument—that unemployment is attributable to de-escalation of the war—is a recurrent theme in the President's speeches. "We all know why we have an unemployment problem," he told the Nation on August 15. "Two million workers have been released from the armed forces and defense plants because of our success in winding down the war in Vietnam. Putting those people back to work is one of the challenges of peace . . ." "It is obvious," he repeated in his last economic message, "that the unemployment problem has been intensified by the reduction of over two million defense-related jobs . . ." And in the State of the Union address, he pointed out again "that if the more than two million cause unemployment—vaguely reminiscent of Marxist theories that a capitalist system needs imperialism to maintain prosperity—are not stressed in the Report of the President's Council of Economic Advisers for the single reason that they are not very accurate economics.

The attribution of the unemployment to military cutbacks implies that defense expenditures create employment and that other government expenditures do not. But there is no basis for this. If the administration had fully offset drops in military spending with increases in civilian programs, the de-escalation need not have created any aggregate unemployment at all, although there would have been local difficulties arising from the fact that the defense and civilian employment might have been concentrated in different places.

In fact, however, prior to August 1971, the administration deliberately pursued a policy of *not* offsetting the military cutbacks fully with increases in civilian spending. They were consciously holding down total government spending in order to create slack in the economy and reduce the inflation. It was not an implausible policy, although the human costs were bound to be high. Many economists thought at the time that it would be worth creating some unemployment in order to lower the rate at which prices were rising.

However, the policy did not work. Unemployment rose all right, but the inflation stubbornly refused to subside. Finally, in August 1971, the administration abruptly changed its strategy, began fighting inflation directly with wage and price controls, and started to use the budget to stimulate rather than cool off the economy. In view of this history it would be far more accurate to attribute current unemployment to a well-intentioned but unsuccessful attempt to fight inflation without price controls, than to attribute it to de-escalation of the war.

The third argument—we are doing everything anyone could do about unemployment—was strongly stated by Dr. Stein in his remarkable speech to the Press Club, "This administration has, I believe, the most powerful, comprehensive, coherent program for dealing with unemployment that any administration ever had . . . We are running the biggest budget deficit ever, except for World War II . . . We have the most comprehensive price-wage control system ever except during the Korean War and World War II . . . We have suspended the convertibility of the dollar . . . We are spending this year about $10 billion for manpower programs and unemployment compensation . . ." The message is: you Democrats have a lot of gaul criticizing us; after all, we're playing your song and playing it louder than you ever played it yourselves.

This recital of Republican accomplishments boggles the mind—at least for a moment. If you had offered 100 to 1 odds a year ago that Stein would be standing before the Press Club crowing about deficit spending, devaluation, and comprehensive price controls you would have had no takers. If you had predicted that the Republicans would actually be exaggerating the size of their deficit you would have evoked the sympathetic half-smile that people reserve for harmless nuts.

But look carefully at that whopping $39 billion deficit now predicted for the fiscal year ending June 30, 1972. In the first place, most of that deficit is a result of the sluggish economy, not a response to it. Tax collections are below what they would have been at full employment and some kinds of expenditures (such as unemployment compensation) are higher. The full employment deficit, a much better measure of the stimulative effect of the federal budget on the economy, is much smaller ($8 billion, not $39 billion) and very recent. In the first half of this fiscal year the government actually ran a small full employment surplus. Moreover, the full employment deficit in the second half of the fiscal year (January-June 1972) is at least partly accomplished by pushing expenditures that would normally have occurred later into the current six month period. For example, the administration has indulged in a bit of calendar reform—the most original budget idea since Julius Caesar?—and has at least temporarily abandoned the twelve month year. Thirteen months worth of public assistance payments will be made to the states in the current fiscal year, leaving only eleven payments for next year. This maneuver has the effect of making this year's deficit look bigger (and next year's look smaller), but it has no real economic effect. States are not going to get their money out to poor people any faster than they would have anyway. Some of the other devices used to enlarge the current deficit seem equally unlikely to have any real economic effect. As George Perry put it in testimony before the Joint Economic Commitee recently, the current "deficit looks to be about 10 parts slack-induced . . . 1 part full-employment deficit,

representing a noticeable but not excessive fiscal push on the economy; and 1 part hope, representing estimates of expenditures that may never materialize."

That the administration is finally using the budget to stimulate the economy is good news; whether they are pushing hard enough remains to be seen. One could certainly make a case for creating deficits in a more stimulating way—giving consumers a tax break rather than investors and spending more on programs that create jobs directly, such as public service employment.

In the end, of course, it may turn out that the unemployment issue is really very simple after all. The average voter is probably neither interested in nor influenced by the who-struck-John arguments of the economists. If he has the gut feeling—based on personal observation, unemployment rates, or whatever evidence comes to his notice—that the economy is moving forward he will vote for Mr. Nixon; and if he doesn't, he won't.

REELECTION OF PRESIDENT NIXON

Mr. TAFT. Mr. President, the Sunshine State of Florida was the scene of the 1968 Republican Convention, and the hospitality which the Republicans received there was far different from the discord in Chicago. The positive outlook of the people of Florida provided a great spark to ignite the first campaign of Richard Nixon for the Presidency.

They have again provided the campaign momentum by giving President Nixon an impressive 87-percent margin.

President Nixon has been a reform President, and the reforms which he launched are of a most fundamental nature and will be of lasting benefit to the American people.

However, it has become evident that 4 years is not long enough for an administration to bring about the reforms which are needed.

On January 22, President Nixon outlined his "Six Great Goals" for a domestic program. These goals are the goals which we all share and they are indicative of the energy and dedication with which this administration has taken up this Nation's problems. This was an ambitious program. But it is a program which required the understanding and support of the American people, and it is receiving that support.

President Nixon has brought renewed confidence in the Presidency. He has demonstrated that he is a man of his word, a President who shuns the closed door approach and deception of previous administrations. The President has a record of keeping his promises to the American people.

We know that the President cannot accomplish all of his goals in a 4-year period. He has received the overwhelming support of the people of New Hampshire and Florida. I believe this trend will continue. The American people will not replace performance with mere promise, and they will not replace a man who has taken the high road in presidential affairs with those who have become mired in the swamp of the Everglades.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article published in the Sunday, March 5, Cincinnati Enquirer.

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

THE CASE FOR REELECTING THE PRESIDENT

Precisely four years ago this week, The Enquirer became perhaps the first metropolitan newspaper in America to give its unqualified endorsement to Richard M. Nixon as the nation's 37th President.

On March 10, 1968, the New Hampshire primary—then, as now, the first official sampling of political opinion of the election year—was still several days away. Gov. Nelson Rockefeller of New York loomed as a presidential aspirant of sizable resources and boundless energy. Michigan's George W. Romney, once regarded as something of a frontrunner for the Republican presidential nomination, had removed himself as an active candidate only 10 days earlier. The intentions of Gov. Ronald Reagan of California remained, at the time, still undefined.

As events turned out, our faith in Mr. Nixon's political prowess was justified: He won not only the New Hampshire primary, but also the other significant tests of preconvention opinion. He went to the Republican National Convention with a clear majority committed to his nomination. And he emerged from the fall election with 301 Electoral College votes (to 191 for Hubert H. Humphrey, Democrat, and 46 for George C. Wallace, American Independent).

It is, with similar confidence, therefore, that The Enquirer renews its endorsement of Mr. Nixon for renomination and re-election.

We do so in the conviction that President Nixon has more than measured up to the trust that his nomination and election four years ago represented. More important, we do so in the belief that, to a far greater extent than anyone could have imagined, he has presided over an administration that refuses to be held captive to past policies, past prejudices and past errors.

Out of precisely such a spirit was born the Peking visit from which Mr. Nixon has just returned—unquestionably one of the most audacious initiatives of the postwar era.

The first word that Mr. Nixon intended such a trip struck most of America like a thunderbolt. Yet to reread Mr. Nixon's public pronouncements about China and about his overriding determination to build a generation of peace was to see such a mission as all but inevitable. It was the prudence of statecraft that told Mr. Nixon and his counselors when, exactly, the initiative could and should be undertaken. The magic moment, as it develops, came last summer. It could not, most experts agree, have come earlier; and very possibly, it could have been delayed indefinitely if Mr. Nixon had not recognized the singular opportunity that world events had put into his hands.

Paralleling his new approaches to Peking has been Mr. Nixon's equally audacious initiatives with respect to the Soviet Union.

The best-informed opinion on the subject suggests that the United States and the Russians are on the brink of a significant, far-ranging agreement on the limitation of strategic arms—an agreement that carries the hope of relieving both sides of at least part of the crushing burden of the strategic-arms race.

Both the Nixon foreign-policy initiatives—from beginning to end—underscore, more than anything else, the usefulness of experience in the White House. At critical junctures of history, neither good intentions nor bluster nor even uncommon cleverness is an adequate substitute.

Richard M. Nixon goes before the electorate again this year, accordingly, with the experience he took into the 1968 campaign significantly enhanced. No actual or potential rival can match the expertise that two decades on the world stage have given him.

On the domestic scene, Mr. Nixon has shown himself to be just as unfettered by the rhetoric and the sloganeering of the past.

Hence, he has put before Congress a revolutionary new welfare-reform program that, in his judgment, can bring order out of the disaster that public welfare has become.

He has similarly advanced a far-ranging program of revenue sharing, the goal of which is reversing the inexorable trend toward the amassing of more and more decision-making authority in Washington and depriving the American people of a voice in shaping their own destinies.

Finally, he has challenged every element in the nation's economic life to put personal ambition aside and to work together for the vital national goals of controlling inflation, increasing productivity, curbing unemployment and making American technology once more the envy of the world.

The United States, from its earliest moments of life, has been a nation of free debate, and it has been from the free exchange of ideas that widely supported policies and programs emerge. It is one of the tragedies of the era that Mr. Nixon's opposition in Congress has shrunk from debating the significant initiatives Mr. Nixon has put before the nation and treated them instead to the slow death of inattention, all the while lamenting the problems they were conceived to help solve.

Mr. Nixon's reelection we believe, will be a mandate to the practitioners of politics as usual to end the filibuster of silence and to accord the Nixon administration's bold domestic initiatives the widespread discussion and debate they merit.

Yet another measure of Mr. Nixon's achievements of the last 3½ years has been the continuing deescalation of the Vietnam war—the longest and one of the most divisive in the nation's history.

Every war in human history was instantly endable provided one side or the other was prepared to capitulate. But the U.S. commitment to Southeast Asia is being liquidated without capitulation. And those who lament about the pace, those who suggest that the principles for which the U.S. commitment was undertaken have lost their validity, would do well to ponder the analysis of columnist Stewart Alsop in the February 14 issue of Newsweek:

"For this country to deny (the South Vietnamese) the means (to defend themselves), thus forcing a Communist regime on them, would be an act of crass betrayal, the crowning tragedy of a tragic war, and a long farewell to all our greatness."

No American who ponders that truism, none who looks beyond Election Day to the years in which the United States must continue to live in the world, can fail, we believe, to see the soundness—indeed, the inevitability—of what Mr. Nixon has undertaken in Vietnam.

There is evidence that there is a widespread understanding of Mr. Nixon's goals in the world in the striking circumstance that today's debate about Vietnam proceeds with nothing of the fury that characterized it four short years ago. Public figures—both in and out of the administration—can now speak publicly without being hooted off the platform. And the threats to paralyze entire cities as a means of calling attention to the views of ideological minorities has simply ceased to be an aspect of the American scene.

These, we are convinced, are significant and far-reaching accomplishments—imaginative and productive initiatives for peace and security abroad and innovative answers to the worrisome social and economic issues that plague us at home.

The record is one that not only commends Mr. Nixon's renomination and reelection, but commands them as well.

CAM—THE SECOND-CHANCE ACADEMY

Mr. PERCY. Mr. President, I invite the attention of Senators to CAM Academy, an innovative community-controlled school on Chicago's West Side.

Founded by the Christian Action Ministry in 1967, CAM Academy serves as a high school to approximately 150 students each year, most of whom are dropouts from the public school system. Failures in the public school system, these students found in the CAM Academy an opportunity to begin a new lease on life. In its first 2 years, the academy sent an astounding 65 percent of its graduates to college.

But CAM Academy is not only a high school for dropouts; it is also an innovative educational experience which merits close attention. While providing an invaluable service to its community's young, the Academy is seeking to define and resolve the problems of urban education by developing new educational structures, methods, and curriculum content which would provide an effective and meaningful education for inner-city students.

Since the problems we are facing in urban education today have reached crisis proportions, I feel CAM Academy's story will be of particular interest to my colleagues. I ask unanimous consent that an article describing the academy be printed in the RECORD.

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

SECOND-CHANCE ACADEMY—CHICAGO SCHOOL FOR DROPOUTS SENDS 65 PERCENT OF ITS GRADS TO COLLEGE

Michael, a 19-year-old West Side Chicagoan, is always running late and there's good reason for it. Since he was 15, he's had a part-time night job to help support his family. He has two younger brothers and four younger sisters and there's no father in the home. He and his mother are the only working members of the family. A year and a half ago he was a high school student, but public schools don't take too kindly to students who are always late for class. In fact, in Michael's high school, a student could be late only three times before he is expelled. Michael was an easy mark for this rule. He was expelled and because his mother could never afford to take time off from work, Michael was out for over a month. By that time, he was so far behind in his studies that he simply never returned.

For six months Michael didn't do much of anything except work and shoot pool with his friends. But he wasn't satisfied with himself, and one day a buddy told him about CAM (Christian Action Ministry) Academy in the West Garfield Park area in which he lives where he could finish school in six months and get a college scholarship. The school was cool, the buddy assured him. People there didn't bug you about being late. In fact, they didn't bug you about much of anything. It was all up to you. You could take any classes you wanted. You could smoke in class and there weren't so many kids in a class that no one had time for you. This sounded like a good idea to Michael. He was no longer a kid. He'd been out there and he sure didn't need a school where he was going to be treated like a kid. He investigated CAM. He compared it to public school and he liked what he saw. "It's not strict here," he says now. "There are fewer kids and classes are not so early." In public school, Michael only had 45 minutes for lunch and three minutes between classes. "That was a drag," he says. "I mean like, 45 minutes is not enough time for lunch and if one of your classes was on the far side of the building, you had to run like everything to make the next class."

The best thing about CAM, according to Michael, is the way everybody takes so much time with you. "Like the classes are small and no matter what you want to ask any teacher they take the time to listen and help you." Another thing he likes is the freedom. "You're free here. You can use your own language, so it's not hard to express yourself to a teacher. In public school, the teachers were so busy correcting your English all the time that you forgot what you wanted to say. So you just didn't say anything after a while." He feels good about himself since he began at CAM. "You can ask teachers about anything here—personal things, jobs, anything, and they understand and they're honest with you so you don't feel like the dirty end of a stick. You can smoke, play cards on your lunch hour, play a radio on free time and you can be in one class and ask to go to another and you can go. They encourage you." Michael wants to go to college and study business accounting and through CAM he is now a member of a cooperative work study program at a downtown business.

Willie Henry, 17, is another CAM student. His story is not so different from Michael's, but Willie is more on his own. His parents are down South and he comes from a family of 13 children. "We didn't have a lot of money," he says, "but we made it. I want to be somebody. I think I want to be a lawyer. In order to get a good job, you got to be experienced." Willie's ailing father hasn't worked in eight years and his mother has rented rooms to feed her large family. Willie's hopes for his future are high but—because of CAM—they are not unrealistic. He likes to write stories and gets extra credit for his writings at CAM. "The teachers here talk your language. They don't just act like they're your elders. You can tell them things."

Michael and Willie live in Chicago's West Garfield Park area, a "desolate wasteland," as one newsman described it, and the scene of several major race riots. Living a meaningful life there isn't easy, even for adults. The pressures of poverty, poor housing and high crime weigh heavily on residents. Dropping out of school is almost a way of life for most of the youth. Unable to find a better life in the streets, a large number of young people turn to crime.

CAM, a black, self-help organization of 13 area churches, was started in 1967 to change this pattern of life. CAM's program has worked and has been the subject of several major research studies and has received funding from more than 20 major foundations in the country.

In the first two years, 65 per cent of CAM Academy graduates went on to college, according to research findings by University of Illinois professor, Dr. Maurice Eash. The students have written two books, *Look What's Happening, Baby* and *I'm An Artist, Baby,* both of which have been published and are for sale across the city. They have also written and produced their own play based on the life of Malcolm X.

The subjects taught at the academy are similar to those taught in public schools, except that CAM offers photography and has plans to offer black drama and dance. The major difference between the academy and public schools is the informality of the class structure. CAM instructors are sure this informality is the reason for their high incidence of success with students. Larry Ross, the math instructor, explains: "We don't use texts, just sheets. One sheet done means a feeling of accomplishment for a student." Each sheet completed means a student has learned an entire mathematical concept. "I first try to find out what they don't know and work from there in a progressive learning method." They also have math tests on which they are allowed to cheat so that no one is afraid of tests. "They are learning and mastering concepts at the same time so that they have something in their control," says Ross.

Students sit in class smoking, wearing hats, slacks or anything else they want. The learning is up to them and most of them meet the challenge. "We have so much personal freedom," says one student, "that the other stuff comes easy."

An English classroom, decorated with wall posters of major black writers, including James Baldwin, provides the setting for informal sessions. The use of texts is minimal and most of the reading material is well-known fiction by leading black writers. Most of the students write fiction and poetry themselves to such provocation, teacher-suggested titles as "I Was A Sucker For Two Years" and "Why Work?" Their stories are typed and mimeographed and distributed among the other students for reading and criticism.

A photography class, which is very popular with the students, was a completely stocked laboratory for film developing and printing. Cameras are issued to students for a $5.00 fee. Said Michael: "You can get a camera right away for a fee—that's to keep us from ripping them off—" he adds with a smile, "and we bring the film back and develop and print it ourselves."

A Social Science class features such things as mock trials supervised by actual lawyers from the community and nearby colleges, who donate their time to instructing students on the way a real court room works. Often they deal with controversial cases that are actually being tried in courts or else they contrive a case. "Having them do it this way," says Portis, "helps them to understand how and why court decisions are made." There is also a science class in which students do experiments that relate to their actual environment. For instance, in one class meeting, they were given some oregano to try to determine from their own experiences what it was. Most of them, naturally, thought it was "grass," but after testing it by smell, taste, and even trying to smoke it, they were able to draw other conclusions. The students reach a high level of achievement and they do it in a short time. "We try to encourage them to reach for the sky," says Portis. "We make college available by getting them a financial package and keeping up with them during their entire stay to make sure they are happy and correctly placed." Rev. David T. Nelson, pastor of the community's Bethel Lutheran Church, and a founding member of CAM, says: "The academy has given a sense of hope to children who have had tragedy. It is a way for them to pick up the pieces of their lives for the second time. The organization has also added a vitality to church life in the community."

CAM is not a do-good organization but a black, self-help *action* group which, in addition to the academy operates two day care centers, and adult education and clerical training programs. A black business project includes the formation of a small business investment corporation. CAM's employment center places more than 100 persons weekly. Its housing plan includes the purchase of 29 sites for building apartments and a youth exchange program assists in sending youths to African and European countries for summer projects. The Rev. Albert Mensah, dynamic convenor of CAM and a native of Ghana, helps with the youth exchange arrangements to Africa. There is a community recreation program and a unique religious plan which will replace some church buildings with apartment houses, day care facilities, ecumenical centers, shops and theaters.

CAM describes itself as a "tuned-in, turned-on, brand-new school for drop-outs 'n push-outs," but a more poignant description

comes from former student Josh Fleming Jr., who now attends Columbia College of Communications:

Drop out
Not me, baby
I go to CAM
I do something like nobody can
This is a school where you
Can do what you can do
This is a boss school
Like nobody ever seen
But only one thing
It is the only one
Can you dig it, man?

ARTHUR KRAMER ORGANIZES SENIOR CITIZENS FOR ENVIRONMENTAL CLEANUP

Mr. RANDOLPH. Mr. President, millions of Americans are acutely aware of the need to improve the environment. Throughout the country they are devising new imaginative ways for creating and maintaining a clean environment.

I regularly see fresh examples of the American spirit at work as our citizens take on the task of great importance to all of us.

Earlier this month I read an Associated Press report in the Houston Chronicle about the project of Arthur Kramer, of Dallas, Tex., in mobilizing the senior citizens of his city on behalf of a clean environment. Mr. Kramer's effort is typical of the contributions being made by citizens of all ages to the cause of a cleaner world. His dedication should be an inspiration to all of us.

Mr. President, I ask unanimous consent that the story of Mr. Kramer's work be printed in the RECORD.

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

HIRE THE ELDERLY—RETIRED MAN HAS "LITTER PATROL" SCHEME

DALLAS.—Arthur Kramer, 67, retired federal employe, has his own idea for keeping the city clean. Let the senior citizens do it.

His plan calls for the organization of litter patrols which would give Dallas a cleaner, more attractive environment while at the same time providing thousands of the elderly retired with meaningful jobs. The patrols would be sponsored by social, charitable, or business organizations or the city itself.

Kramer said he got the idea while walking in his own Northeast Dallas neighborhood and pausing to pick up unsightly scraps of paper, cans, bottles and other debris.

"Too many people retire with no plan for keeping occupied," Kramer says. "A lot of them just walk around aimlessly or sit at home doing nothing. And a large percentage of them really need a small source of additional income to supplement social security or pension checks."

Kramer would recruit his antilitter army from senior citizen clubs, arming each fighter with a large bag bearing some appropriate promotional message.

"Suppose, for instance, a large grocery chain could put three or four elderly persons to work circulating within a radius of a mile or two from their stores to keep the streets, alleys and vacant lots clean," he suggests "It would not only be great for the old people, great for the community. It would also be a great public relations gimmick for the stores."

He doesn't think there would be any difficulty finding recruits.

"Lots of people would be willing to do it, I think, for a small monthly fee, says $30 or so," said Dramer. "There's no reason for people to move off to Florida after they retire because they are bored. There's plenty they can do right here at home."

THE VANISHING FAMILY FARM—THE CONGLOMERATE GREEN GIANT

Mr. STEVENSON. Mr. President, the March 13, 1972, issue of the Nation contains an editorial by Carey McWilliams, author of "Factories in the Field" and other books on farming and farm labor, and a feature story by George Baker and Ronald Taylor. Both columns emphasize that if the traditional family farm, small and large, is to be given a chance to survive, a major reordering of policies, programs, and priorities is in order.

Past efforts to save the family farm have been frustrated, because of our failure to focus on the policies that threaten the economic, social, and political fabric of all rural America. That giant corporations and conglomerates are an increasingly significant economic force in rural America with a vast impact on the lives of farmworkers and farmers alike was explored extensively during Migratory Labor Subcommittee hearings in California in January. Both columns from the Nation discuss the issues raised at those hearings.

In order that all may have an opportunity to read these articles, I ask unanimous consent that they be printed in the RECORD.

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

THE CONGLOMERATE GREEN GIANT

(By George L. Baker and Ronald B. Taylor)

BAKERSFIELD, CALIF.—Like the Tule fog that clings to the nearby Tehachapi Mountains, the name Tenneco has settled uncomfortably over California's southern San Joaquin Valley, the richest farming area in the world, producer of 100 crops annually and the birthplace of the words "agribusiness" and "corporate farming."

Tenneco is the new kind of farmer, the conglomerate corporation interested in profits and expansion. In ten years it has become the thirty-fourth largest corporation in the United States; its tentacles reach into manufacturing, oil and natural gas, packaging and shipbuilding and now agriculture. Tenneco has assets of $4.3 billion and 1970 gross revenues of $2.5 billion. Farming and land development profits hit $22 million in 1970, not including appreciation on the 1.8 million acres of land it farms or controls in the Western United States.

This giant—just one of the many now moving into agriculture—has come to symbolize a trend that is clearly troubling many farmers (even large farmers), and Corn Belt Congressmen and urban liberals. The trend has been labeled corporate farming, but it is far more than that. Corporate farming has long been a way of life in California, Florida and other states. Corporations such as A. Duda and Sons in Florida, the J. G. Boswell Co. and the Kern County Land Co. of California have been * * * received in farm subsidies. But they were essentially farming outfits, built by men who bet their dollars—and the tax dollars they received in subsidies—and their sweat on the weather and the market.

The conglomerate farmer is another breed which includes Purex, United Brands, Amfac, and Bangor Punta (a Greenwich, Conn. conglomerate that owns Smith and Wesson Co. and operates Producers Cotton Oil Co., a 130,000-acre farm with vast cotton allotments in Arizona and California). The Getty, Superior and Belridge Oil Companies, all recipients of oil depletion allowances, are farming 71,000 acres of fruits and nuts in Fresno and Kern Counties. Tenneco got into farming by gobbling up one of the old-style corporate farms, the Kern County Land Co.

These large enterprises have their principal sources of profits outside agriculture, they are favored by tax laws, and have enormous amounts of capital to invest and to manipulate through the complexities of overall profit-and-loss ledgers. Such conglomerate farmers pose a threat to traditional farming patterns as they accelerate the economic winds that are blowing the family farmer off his land.

In California, where the trend seems to be moving the fastest, some experts feel that the concentration of land ownership has already shifted beyond the point of no return. A Census Bureau study revealed in 1969 that 2,926 farms owned a total of 24,925,220 acres of farmland. That leaves only 30 per cent of the state's farmland divided up among the other 77,875 farms. In Kern County, 196 farms own 3.3 million acres out of the county's total farmland of 3.8 million acres. Just to the north, in Kings County, the pattern of concentration is repeated with thirty-eight of the county's 1,109 farms holding 533,667 acres, or 75 per cent of total.

This concentration of land—i.e., power—in the hands of a few giants was the subject of recent hearings conducted by the Senate Subcommittee on Migratory Labor in California. The subcommittee, chaired by Sen. Adlai E. Stevenson III (D., Ill.), called thirty-five witnesses who painted a picture that is bleak, if viewed from the small farmer *and* operator's perspective. But California's agribusiness spokesmen seemed unconcerned. Stevenson's invitations to California Farm Bureau president, Alan Grant, and to Tenneco's agricultural president, Howard P. Marguleas were snubbed, though Grant presented written testimony and Marguleas talked privately to the committee counsel.

No one at the hearings—including Senator Stevenson—could define a family farm, and the term was used to cover every farm operator from the small immigrant grape grower to the 5,000-acre vineyard operator who ran his own cold storage houses and packing sheds. In the end, the idea of the family farm was held to be sound, as a social idea, but attempts to describe it as an economic fact engendered more heat than light.

The 5,000-acre vineyard owner, Peter J. Divizich, explained in testimony how Tenneco and the Bank of America had shattered his business and forced him into bankruptcy.

In 1965 he turned to Heggblade-Marguleas, Inc, to market his grapes. H–M, the largest marketer of fruits and vegetables, was acquired by Tenneco two years ago. Divizich said that after a year he fired H–M, but the market reverses he suffered started his economic downfall. Within two years the Bank of America stepped in to manage the farm and his debt doubled to $9 million. Later, the bank foreclosed and sold the property to H–M, after H–M gave another grower $500,000 to withdraw his bid. Divizich sued, charging that Tenneco and the Bank of America had mismanaged his properties during the financial downfall. A jury agreed and awarded him $400,000, half to be paid by Tenneco and half by the bank.

When Divizich had finished his testimony, Senator Stevenson remarked, "That was a wonderful story until 1963; it sounded like the American dream fulfilled. But now we're finding that farmers have new names, like Tenneco and Dow Chemical and Del Monte." The irony of the statement, of course, is that Divizich himself was a large operator who was

vertically integrated. The land he farmed had been owned by other, presumably less successful farmers who had sold out. While Divizich's tale is graphic evidence that no one is immune to the perssure of the free enterprise system, it also reveals some of the inconsistencies of thinking that surround the words "family farm."

What is a family farm? Is it a 160-acre vineyard owned by a father and son who have both raised their families on the land? Is it 100,000 acres owned by a single operator who has also raised his family close to the land, if not right on it? The federal government, primarily through the Homestead Act and the 1902 Reclamation Act, decreed that 160 acres was an ideal size. The multimillion-dollar reclamation projects built throughout the Western United States put water on the land with the specific understanding that those who benefited would not own more than 160 acres—or 320 acres for man and wife. All lands held in excess of the acreage were to be sold.

In California, such laws were ignored or manipulated. The result was a huge windfall to large landowners who could technically "break up" their land, but still retain control over the operations. The same kind of manipulation goes on today in the controversial crop subsidy programs. The $55,000 limitation has not blocked million-dollar payments to some large growers.

The whole network of government programs and subsidies has become an outrageous perversion of national policy, and only a complete overhaul can put it straight. The job will not be easy in any case, because of the vested power built up over the years, but it will become more difficult as the power shifts from the traditional corporate agribusiness interests to the conglomerates. That shift is essentially from the rural farm giants to the urbanized, multinational corporate power structures.

Tenneco, with its new label, "Sun Giant," maintains farm-to-market control—growing, processing, packaging, promoting and marketing. No Iowa or California family farmer, however large, can compete. Such a conglomerate, bringing millions of dollars into play, can take losses anywhere along its vertical structure and convert them into economically advantageous farms. In Tenneco's case, the conglomerate produces within its various divisions everything needed on the farm, from tractors to fertilizers and packaging materials. (Company spokesmen deny they use any of their own products except tractors.)

With this kind of leverage, conglomerates are about to destroy the traditional farm auction system, the competitive free marketing processes which have prevailed throughout the nation's history. Sheldon L. Greene, California Rural Legal Assistance lawyer and advocate of land reform, said, "The result of conglomerate entry into agriculture is that the single activity farmer must compete against producers who not only corner the market through vertical integration, but who produce at a loss, deriving benefits not from profits on the sale of production but rather from capital gains."

Hollis Roberts, a cigar smoking "country boy" who came to California poor and put together a 130,000-acre farming empire, saw the handwriting on the wall and switched from farming crops to farming money. Roberts sold off great chunks of his rich farmland by splitting it into small parcels and finding doctors, lawyers and other high-income investors who needed to convert income to capital gains. This is tax loss farming, the plowing of money into land improvements and resulting operating losses. Roberts not only received the land value gains when he sold the land; he is now paid handsomely for managing these same acres.

Conglomerate farming of vast acreage and the tax loss investment of distant doctors and lawyers have another effect on the land—it removes people, those who once lived and worked on the land or in the towns which served the land. Thousands of farms have disappeared, either being swallowed into a larger unit or taken over by absentee ownership. And for every six families that leave the land, at least one business in a nearby town must fold.

California was once dotted with small farming towns. Each had its own machine shops, tractor sales agencies, car dealers, service stations, a hotel or two, cafes, courts and residential neighborhoods. Towns like Pixley and Earlimart and Woodville are no longer viable; many of the business houses stand empty, even the relocation of highways has passed them by. This in turn has far-reaching social and political implications for rural areas.

On the west side of Fresno County, where land is talked of in terms of 640-acre sections, only squalor and poverty inhabit such towns as Mendota or Firebaugh or Huron. Contrast this with the east side of the county, an area noted for its small farm ownerships and high-quality fruit. Farmers buy their equipment and supplies from local dealers, take part in civic affairs and lend stability to life.

As this power shifts from the many to the few, the question arises: who will control the markets, and as the result control the price structure of food? When corporations such as Purex or United Brands control a major portion of the lettuce market, as the Federal Trade Commission has alleged, they have an obviously unfair competitive advantage over the smaller growers.

It is argued—with some validity—that in a competitive economic system the most efficient entrepreneurs survive and must continue to grow to remain efficient. That, as said above, is obviously true in the total farm to supermarket context of Purex or United Brands. However, in the traditional definition of farming—the definition that begins with the soil and ends with the harvest—the single farm operator who has total control over his land, finances and labor input can produce a higher quality product at less cost than his giant neighbor.

The key words, of course, are total control. Most farmers have green thumbs, are mechanically skilled, know their farm chemistry and entomology, but too often they have no control over the cost of money, the cost of equipment and other inputs. The one area they have "controlled" is labor and ironically the resulting low wages benefit the big producer more than the smaller grower who can afford no more. These low wages are a direct subsidy of sorts. It would cost farmers $3 billion a year to increase their pay scales to industrial levels.

The small farmer's lack of control over his inputs has caused economic chaos. As several witnesses told Senator Stevenson, they were vulnerable because they were dependent upon the crop hanging on the trees to retire what they considered heavy debts. Two or three bad years in a row could lead to disaster, as Divizich discovered. One grower who specialized in processing potatoes used for French fries and potato chips told the subcommittee that he was approached by Tenneco with a land lease offer. But once he opened his books to their inspection, the offer was withdrawn and Tenneco went into the potato business, selling the produce at a loss.

Basic questions are raised by this situation. First, is there a public interest in farming that goes beyond profit and losses, beyond investments and shifting tax burdens? Is the concentration of farmland ownership, in California and elsewhere, an area of public concern?

Dr. Paul S. Taylor, professor emeritus of economics at the University of California, gave his answers in testimony before Senator Stevenson:

"The decline in access of people to the land, a consequence of unabated farm enlargement and concentration of land ownership, is an important element in shaping the problems not only of farm workers, but also of working farmers, town businessmen and indeed all elements of rural society. The impact of uncontrolled, even assisted, displacement of smaller farmers by larger, even giant farmers, is far more pervasive than simply obstructing farm workers and would-be farmers from the land. The impact is felt throughout the business, social, cultural and political life of the entire community."

In Dr. Taylor's mind, the overriding value is a "social efficiency in the interest of the community as a whole." He feels such social efficiency should be the "proper guide" to policies formulated to counter the move toward bigness.

Another question is economic: who will control the food prices? As thousands of independent farmers are driven out of business, more and more market control is gathered into the lap of conglomerate power. When Tenneco acquired Heggblade-Marguleas, Inc., it got the country's largest fruit and vegetable market machinery, pumped more cash into this machinery, modernized it and developed the brand label, "Sun Giant."

One might relate that development to what occurred several decades ago when the small power companies of California were taken over, one by one, by the "more efficient" Pacific Gas and Electric Co. and Southern California Edison. They developed monopolistic structures that in turn were regulated by governmental public utilities commissions. If the public interest in power was great, the interest in food supplies must be greater. Is it possible that the nation's agricultural industry should be regulated in a similar manner? The question is raised in the knowledge that government regulatory agencies do not have an entirely glorious reputation for protecting the public interest.

Certainly, as the corporate giants gain controlling interest in specific markets, strong enforcement of antitrust laws should be undertaken. In agriculture when a company or conspiring companies enjoy a 20-to-30 per cent corner on the market, they virtually control the prices. If these same companies own the processing and marketing outlets, manipulation of raw product prices downward increases the profit margins throughout the upper portions of the processing and marketing mechanism. That is a powerful lever to force smaller competitors out of business.

Proposals made in Congress would exclude from farming corporations having more than $3 million in assets, thereby eliminating the threat of market dominance and the further social destruction of rural America. The idea may be good, but it also seems naive. However, an agriculture public utilities commission might insure the smaller farmer a profit by establishing retail prices and policing the harvest-to-market processes to see that the farmers receive their fair share of those retail prices. (The same commission should also establish minimum wages that would guarantee farm labor a decent living wage.

Whether or not such a suggestion is practical, Congress should immediately close the tax loopholes which allow corporations to write off land development expenses and then take the appreciated land values as capital gains. Corporations that derive the bulk of their income outside of agriculture—real dirt farming practices—should be barred from setting off their farm losses against that income.

In the Western states, vigorous enforcement of the 160-acre limitation of the reclamation law would go a long way to curb ing the power of corporations. Farmers receiving water on land in excess of 160 acres, who have signed so-called recordable contracts, are required to sell that land within ten years

at pre-irrigation prices. But enforcement of such provisions is not likely in the California political climate, especially when the director of the California Department of Agriculture, Jerry Fielder, tells Senators that enforcement of the 160-acre limitation would be disastrous because the entire agriculture economy is built around "nonenforcement."

The breakup of large corporate landholdings could be accomplished by allowing the federal government to buy up the excess lands and redistribute them to homesteaders or small farmers. This idea is proposed in bills sponsored by Sen. Fred Harris (D., Okla.) and a number of other Senators and Representatives. Rep. Jerome Waldie (D., Calif.) said that, without such reform, state and federal water policies "will most likely result in the destruction of the small farmer and the continued prosperity of the corporate farm without any resultant benefits to the customer."

It is apparent that the entire federal crop-subsidy program should be scrapped and a new set of rules drafted to restrict surplus production. The $55,000 limitation did nothing more than test the ingenuity of the large growers. They were not found wanting.

If the agribusiness system is allowed to continue on its present course, if in the name of saving the small farmer the federal government continues to hand pennies out the front door while corporate giants sneak out the back door with bushel baskets full of tax dollars, there can be only one outcome: General Motors or some other super, multinational corporation, will one day own American agriculture and the nation.

If, on the other hand, the traditional family farm, small and large, is to be saved, a complete change in national thinking is required. The first step is to define a family farm; the second is to set laws that would specifically shelter this socioeconomic entity from the caprice and avarice of the free enterprise system.

CAMPAIGN 1972—THE VANISHING FAMILY FARM

(By Carey McWilliams)

When *Factories in the Field* was first published in 1939 I was accused of exaggerating the extent to which the large-scale corporate farm was making inroads on the traditional family-sized farm. Thirty-three years later it is evident that, on the contrary, I grossly understated the danger. I did not foresee "the tentacles of Tenneco," I did not anticipate the present invasion of "conglomerates" (see article p. 332). It did not occur to me that, within a generation, the large-scale corporate farms of the late 1930s would be threatened by still larger concentrations of power. It was even more difficult then than now to make the point that the real issue in the perennial "small farm, large farm" controversy is one of social efficiency. Apologists for corporate farming interests—numerous, well financed (some of them ensconced in comfortable academic posts), with ready access to the media—insisted that the large corporate farm was more efficient. Besides, it spread economic benefits throughout society, principally in the form of lower prices for food. Therefore let competition take its course; let the economically fittest survive. But economic efficiency is a tricky concept. It is wasteful, not efficient to pay huge subsidies to large corporate farms as a bonus for not raising crops. If one judges agriculture efficiency in terms of yields per acre, the evidence shows that for many crops the family-operated farm has the better record; that, unhappily, does not insure its survival. The truth is the family-sized farm—actually a very flexible concept—could survive if given a chance; it is done in by the fact that the corporate farms, and more recently the conglomerates, command the power (financial, political, organizational) to mock the idea of fair competition.

This central issue of social efficiency, touched on in the recent California hearings conducted by a subcommittee chaired by Senator Stevenson, will engage the attention of the Senate Monopoly Subcommittee which on March 1 resumed hearings into corporate gigantism. Dr. Walter Goldschmidt is scheduled to be a lead-off witness, and once again we shall be reminded of his study of two farming communities in the San Joaquin Valley—of Arvin, surrounded by large-scale corporate farms, and of Dinuba, with its family-sized farms—and of his conclusion that, measured by social and civic criteria, the latter is the better, more stable community. But the Dinubas of rural America, and even the small cities that serve as shopping and service centers for farming communities, cannot survive without the family farm.

A library of books, studies, investigations, and reports has been devoted to the family-sized farm. Over the years, the phrase has acquired almost sacred overtones, in large part because generations of Americans were raised to believe that rural meant virtuous. But today, for perhaps the first time, the problem of how to save the family farm may be shaping up as a live political issue. In the past the standard remedy, of both parties, for rural distress has been a ritualistic increase in farm prices in election years (Secretary of Agriculture Butz is now urging such a boost). That may quiet farm unrest to some extent, but it will not "solve the family farm." More drastic remedies are needed.

Fortunately, the current hearings will focus on comprehensive new legislation sponsored jointly by Sen. Gaylord Nelson (D., Wis.) and Rep. James Abourezk (D., S.D.). Their proposal is not a cure-all, but it points in the right direction. It should be emphasized that today, also for perhaps the first time, the issue of the family farm has broad implications. For one thing, the plight of the cities dramatically underscores the need to achieve a better rural-urban balance. No longer does expression of a concern for the viability of rural communities sound dull, unenterprising, mildly regressive. In much the same way, ecological concerns have stimulated a reconsideration of the importance of rural America. The emergence of Cesar Chavez's pioneering United Farm Workers—it has just signed its first contract in Florida—implies that the interests of farm workers must now be considered. So too, the spreading popularity among small farmers of the idea of "collective bargaining" suggests that a note of realism is entering the endless colloquy about the family farm.

Senator Nelson and Representative Abourezk are concerned with the economic, social and cultural effects on small town and rural America of the activities of large, diversified and integrated farming corporations. But social efficiency as a test of various forms of enterprise has a relevance that extends beyond agriculture. It would substitute for a myopic concern with profits the need to provide a better life for more people, with sound, long-range prospects for social and economic stability and minimal damage to the environment. That is not a bad test of corporate responsibility everywhere in the economy. That it is being applied in agriculture suggests that a New Populism, more sophisticated and relevant than past Populist movements, may be emerging as a real force in American politics. Jack Newfield and Jeff Greenfield detail the underlying assumptions of such a movement and describe a possible program for it in their *A Populist Manifesto: The Making of a New Majority*, published this month by Praeger. The present hearings should initiate an ongoing discussion of the rural and small-town crisis, which is just as severe, in its way, as the much better publicized urban crisis. The basic issues—long neglected—should be flushed out in Campaign '72, for they will remain high on the agenda throughout the decade.

National Future Farmers of America Week has just been observed (February 19–26); the theme this year was "Youth With a Purpose." If the 450,000 young men and women who belong to that organization are to have a future on farms, then the family farm must be given a chance to survive. That involves a radical reordering of policies, programs and priorities.

THE OCEAN MAMMAL PROTECTION ACT

Mr. PERCY. Mr. President, on March 9, the House approved legislation to protect ocean mammals and to establish a Marine Mammal Commission. The vote was 362 to 10, after several strengthening amendments had been accepted. The House is to be commended for passing a more effective proposal than was first reported to that body last December. However, the bill does not go far enough. Amendments that would have extended further protection to porpoises and dolphins were rejected and the moratorium on the taking of ocean mammals would only last for 5 years.

Because I feel that Government management programs have not and will not fully protect whales, seals, sea otters, dolphins, and porpoises I am cosponsoring and strongly supporting the Ocean Mammal Protection Act as it has been proposed in S. 2579, introduced by Senator HARRIS. The taking of valuable ocean mammals which may lead to their extinction as a species is, in my view, unnecessary. I do not believe that our requirements for sealskins for coats or whales for dog food are such that we can afford this wanton destruction of a very precious natural resource. The worldwide populations of several ocean mammals are decreasing significantly in spite of so-called scientific management programs. Among the most seriously threatened are the whales. The blue whale population has decreased by 99 percent, leaving a total estimated herd of 600 to 3,000. Polar bears face a similar threat of extinction. Only 10,000 to 15,000 remain in the world, and more than 1,500 are being killed each year.

An issue that has created tremendous public interest and concern is the harvesting of seals, particularly baby seals. The Canadian harvests of harp seals have reduced the herd by approximately 80 percent, with an annual take of more than 245,000 seals. Similarly, the Pribilof seal herd has decreased from a population of 4 million in 1948 to 1.3 million today. This is a harvest in which the U.S. Department of Commerce actively participates.

Looking at the Federal Government's record of natural resources management it seems apparent that there are several species of ocean mammals that face a clear threat of extinction and that the only certain method of preventing this is to declare a full or extensive moratorium on the importation of all products from ocean mammals and to prohibit citizens of this country from participating in harvesting, except for Native hunting that is vital to the Aleut communities in Alaska. The Ocean Mammal Protection Act establishes these protections and directs the State Department to negotiate international treaties

with foreign governments that will further protect ocean mammals. I intend to fully support this approach.

Mr. President, I ask unanimous consent that several editorials and articles from the Washington Post and Washington Evening Star be printed in the RECORD. I believe that they speak well to the problem of ocean mammal protection and the need for strong legislation.

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

[From the Washington Post, Mar. 8, 1972]

DECISIONS ON THE OCEAN MAMMALS

Both the House and Senate are in the process of making legislative decisions that will affect the fate of large numbers of ocean mammals. Some of these magnificent beasts are close to extinction, such as most species of whales, the polar bear and the manatee. Ocean mammals, while often unseen by landbound man, are nevertheless unique in their intelligence; moreover, they are essential fulcrums if the balance of nature is to be kept in the seas.

In the House, a vote is expected this week on a bill actively sponsored by Representatives John Dingell and Glenn Anderson. This is the legislation, it will be recalled, that was almost submarined past the House last December but with no chance for strengthening amendments; but the periscope of the bill's weakness was luckily sighted by the House, and it was deferred for action until now. The Dingell-Anderson bill has worthwhile provisions but strengthening in four areas would be useful. These are: a 10-year moratorium on the killing of ocean mammals, except for native hunting and obligations to old treaties; second, a ban on the importing of ocean mammal products into this country, thus removing a major economic incentive for killing the animals; third, a strict prohibition against the incidental killing of dophins or porpoises, both being destroyed when caught in the tuna nets; fourth, the Interior Department, not Commerce, should be given jurisdiction for administering the law once it is passed.

The Senate is not as far along as the House, with the Oceans and Atmosphere Subcommittee concluding hearings this week. But it seems to be aware of the difficulties. Senator Humphrey, for example, has offered a sensible amendment—on saving dolphins and porpoises—which will further strengthen the widely supported bill of Senator Harris. Senator Williams has also made proposals that would be effective in protecting the mammals.

It might be thought that the fate of ocean beasts would be free of debate and lobbying. But economic interests are involved, so whatever gains are made must be won in hard legislative combat. Fortunately, some members of both the House and Senate have been and are willing to make the fight. They realize that for many kinds of ocean mammals this is the last chance for adequate protection by law. The old argument centered on how to "manage" these creatures, but we have seen what this leads to; the Blue Whale, the hump back whale and polar bears were once included in wildlife management programs, and now they are nearly extinct. Clearly, something else is needed in the oceans—protection, not management.

[From the Washington Evening Star, Mar. 7, 1972]

IMPERILED SEA ANIMALS

Three months ago the House did a noble deed when it refused to rubberstamp a committee's inferior bill for the protection of ocean animals. Actually, the legislation would allow continued depredations on sea mammals that are slaughtered for skins and other products. The bill was stopped at the last minute by a floor vote, so that strengthening amendments could be offered later.

That amending effort is scheduled for this week—probably tomorrow—and a sharp debate is in prospect.

All in all, the committee-approved bill is about what the commercial fishing industry and the hunters wanted. It provides a framework for protection of endangered animals, but is highly elastic and full of loopholes. Stronger legislation, offered by Representative David Pryor of Arkansas and Senator Fred Harris of Oklahoma, was finally scrapped by the House subcommittee which held hearings on the question last year.

The principal amendments deserving approval would set an extended moratorium on the taking of all sea animals, and forbid the importing of their pelts or other products. But the legislation also should be broadened to provide much more protection to dolphins, which are being eliminated in astonishing numbers by the tuna-fishing industry.

The best solution is the simplest: Set a cut-off date after which no dolphin can be killed incidental to the catching of tunafish. The industry would then have to alter its purse-seine operations to that new legal reality or find some other way of catching tuna, for those seines are accidentally wiping out dolphins by the hundreds of thousands annually. These highly valued noncommercial creatures may soon be moving toward extinction simply because they like to swim with tuna, and the country cannot allow that to happen.

[From the Washington Post, Mar. 13, 1972]

THE SLAUGHTER OF THE BABY SEALS

(By Lewis Regenstein)

Each spring, the harp seals return from their yearly migration through the North Atlantic to the eastern coastal areas of Canada. There, in early March, the female seals pull themselves up on the snow-covered ice and give birth to their young. The harp seal pups are among the most appealing of all nature's creatures. Their fur turns pure white about four days after birth and remains that color for some two weeks. These helpless, innocent animals are unafraid of humans and manifest a seeming friendliness toward people who approach them. Last year, one baby seal was seen to respond to cuddling by wrapping its flipper around the finger of an observer.

It is during this period when the seals are giving birth to and nursing their pups that Canadian and Norwegian hunters descend on the herds to kick, club, and beat the baby "whitecoat" seals to death. They are then skinned, some while they are still alive, and witnesses have described hearing the mothers and pups emitting pitiful wails of anguish while this takes place. Many of the mother seals refuse to abandon their pups and try to protect them as best they can. These armless, legless mammals are not very agile on land, however, and most of the mothers are driven off or killed. Those that do get away to the water's edge or to water holes poke their heads up and watch helplessly while their pups are butchered. At the end of each hunting day, the ice floes are again teeming with seals mourning over and nuzzling the bloody, skinned bodies of their young which have been left behind.

The baby seals are not the only victims. Adult seals are also killed, sometimes by shooting. However, the inclement weather conditions allow many of the seals to escape wounded, only to die a lingering, agonizing death under the ice. A common sight is blood bubbling up from the ice holes where wounded seals have taken refuge.

In 1971, 219,000 harp seals (primarily pups) were killed and recovered in the Canadian-Norwegian hunt. There were not enough seals available to fill the quota of 245,000, a strong indication that the herd is rapidly being wiped out. In the last 20 years, its size has been reduced by about two-thirds. Moreover, on January 18, 1972, an official Canadian government report was released warning that the herd was approaching extinction and recommending a phase-out and moratorium on further killing.

This year's announced quota—including 150,000 baby seals—removes any remaining doubts that the Canadians and Norwegians are consciously trying to substantially eliminate the harp seal herd. This has been apparent for some time; and last year's quota was set at almost double the number that Canadian Government biologists had warned the heard could tolerate. The present quota, which will not and cannot be enforced, although a drastic reduction from last year, will effectively wipe out this year's newborn seals. The decision to extirpate the herd seems to result from the greed of Canadian and Norwegian sealing interests combined with pressures from the Canadian fishing industry, which dislikes the seals because they feed on fish and carry an infectious marine parasite.

The disappearance of the harp seal is already being anticipated by those primarily responsible for its decimation: (the Reba fur company of Bergen, Norway, owned by Christensen Reba; and the Karlson shipping company of Halifax, Nova Scotia, ostensibly owned by Karl Karlson.) Plans are underway to begin the large scale killing of seals in Antarctica, the last remaining refuge on earth for marine mammals. (The State and Commerce Departments and the National Science Foundation have for several years been secretly negotiating a Convention to the Antarctic Treaty, completed in London on February 10, 1972, which would organize the annual commercial killing of some 200,000 Antartic seals, primarily baby "whitecoats", with unspecified numbers that can be "taken" for scientific research, food, and specimens for museums and other "cultural and educational institutions.") Despite the agreed-to limitations, enforcement will be impossible; and the unrestrained slaugher is expected to result in the annihilation of the seal herds and the destruction of the delicate and pristine Antarctic eco-system.

Incredibly, U.S. Government officials still defend the Canadian seal kill; and the Nixon administration has been vigorously lobbying against legislation which would halt or reduce the killing. Ambassador Donald McKernan, representing the State Department, testified before Congress that although the harp seal herd had been subjected to "too great a harvest," it could "stand" further harvesting. David Abshire, Assistant Secretary of State for congressional relations, feels that Canada's actions "to conserve seal herds" and to "ensure humane methods of harvesting seals" are preferable to unilateral legislative action the U.S. might take, such as banning the import of harp seal products. John Larsen, Assistant Secretary of Interior, describes the baby harp seals as "a significant renewable resource" which must "be reduced by regulated harvest . . . to prevent overpopulation." Philip Roedel, head of the Commerce Department's National Marine Fisheries Service, in response to inquiries from Congress and the public, sends out form letters describing the Canadian hunt as "efficient and humane". The position of the Commerce Department's General Counsel, Karl Bakke, is that although the harp seal "resource" is "intensively harvested", this year's reduced quota will help encourage "a harvesting rate consistent with proper conservation of the resources." (The Commerce Department's position is undoubtedly influenced by the fact that it carries on its own seal kill in Alaska's Pribilof Islands each July, and because the U.S. is a major market for raw and finished seal products,

mainly in the form of sealskin coats, fur trim items, and leather goods. The reasons the other government agencies defend the hunt is unclear.)

The baby seal kill in Canada is also endorsed by several ostensible conservation groups, including the National Wildlife Federation, which favors "sustained-yield type harvests under controlled conditions." The World Wildlife Fund and the International Union for the Conservation of Nature (IUCN), in a pamphlet distributed by the U.S. fur industry, confirm that "the part of the sealing operation that lies within Canadian territorial waters is controlled by the government with a quota fixed on the advice of competent scientists, so that the herds are not unduly depleted."

Attempts by the administration and the above groups to defeat effective congressional action to protect ocean mammals, combined with the efforts of the fur industry and the hunting and firearms lobby, have until recently been quite successful. However, on March 9 the House of Representatives passed a compromise bill banning the import into the U.S. of foreign seal skins and other ocean mammal products for a five year period, although the Fouke Fur Company of Greenville, S.C., was given an exemption to continue importing "weaned" seal pelts for processing. Sen. Ernest Hollings' (D-S.C.) Oceans and Atmosphere Subcommittee is also drawing up similar but hopefully more effective legislation, possibly including a longer and more complete moratorium on imports and a requirement for the State Department to negotiate treaties for the protection of ocean mammals.

The U.S. fur and leather industries have provided a tremendous economic incentive for the killing of the harp seals. Until Congress enacts the above legislation, America will share part of the blame for the perpetuation of the slaughter.

WIDESPREAD SOVIET PURGE OF INTELLECTUALS

Mr. TAFT. Mr. President, it has come to my attention that the Soviet Secret Police—KGB—has instituted a widespread purge among intellectuals within the Soviet Union, especially in Ukraine. The intellectuals against whom this latest program has been perpetrated have been arrested for suspicion of "disseminating anti-Soviet propaganda and agitation." Their list includes Ukrainian writers, literary critics, journalists, professors, artists, students, and scientific workers, as well as laborers and other representatives of a cross section of Ukrainian society.

This latest wave of arrests began after a decision by the Central Committee of the Communist Party of the Soviet Union last December to suppress underground publications—Samvydav. Among these Samvydav publications are the Russian language, "The Chronicle of Current Events," and the Ukrainian language "The Ukrainian Herald." These acts are further proof of what has been apparent for some time: The Soviet Government is pursuing a policy of cultural genocide, with the non-Russian cultures and languages being officially condemned to extinction.

In addition to Vyachleslav Chornovil, Ivan Svitlychny, Ivan Dzyuba, Evehn Sverstiuk, Iryna Stas-Kalynets, and Stefania Shabatura over a dozen young intellectuals were recently arrested in Kiev, Lviv, and Ivano Frankivske. Among them are: Myskhaylo Oaadychy, journalist and an instructor at Lviv University, Vasyl Stus, poet and literary critic from Kiev, Oleksander Serhienko, Leonid Selenenko, Mykola Shumuk, Zinoviy Antoniuk, Leonid Pluishch, Zinovia Franko, Stefania Hulyk, Ivan Hel, Hryhoriy Chubay, Rev. Vasyl Romaniuk, Mykola Plakhotiuk, and Mynaylo. Most of those arrested are said to have been among the 139 Ukrainians who in 1968 protested against trials of intellectuals in a letter to Brezhnev, Kosygin, and Podgorny.

The United States has always stood for fundamental human rights for all peoples throughout the world. The Soviet Government must be condemned for this latest program as being contrary to the Universal Declaration of Human Rights, and the Constitution of the Soviet Union.

I strongly urge the administration to use every means at its disposal, including our United Nations delegation, to arouse public opinion throughout the world against this tyrannical disregard of human rights and human dignity by the Soviet Government. Let us demand that the Soviet Government release these political prisoners immediately, and that the Soviet Government refrain from such activity in the future.

AMERICAN POLICY TOWARD SOUTH ASIA

Mr. PERCY. Mr. President, the distinguished Senator from Ohio (Mr. SAXBE) has played an important role in the debate of American policy toward South Asia over the last year. He was one of the first to recognize the need to cut off U.S. arms shipments to Pakistan, he was one of the first to visit the area, and he was one of the first to call for U.S. diplomatic recognition of Bangladesh.

On March 7, 1972, Senator SAXBE testified before the Committee on Foreign Relations, once again stressing the desirability of early U.S. recognition of Bangladesh, a position that I fully support. I commend his testimony to the attention of the Senate and to all others who read the CONGRESSIONAL RECORD. I ask unanimous consent that Senator SAXBE's statement be printed in the RECORD.

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

STATEMENT BY THE HONORABLE WILLIAM B. SAXBE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, ON THE RECOGNITION OF BANGLADESH

Mr. Chairman and Members of the Committee, I wish to thank you for inviting me to testify on the resolution introduced by Senator Hollings and me relating to the recognition of Bangladesh—Senate Concurrent Resolution 55 introduced on January 25—which states: "That it is the sense of the Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the government of that country." It has 29 cosponsors in addition to Senator Hollings and myself.

This Resolution was introduced in the House of Representatives by Representative Gallagher and on March 2 was reported out of the Subcommittee on Asian and Pacific Affairs by a 6–1 vote.

Yesterday, Mr. Adrian Fisher, Dean of the Georgetown Law School, testified that Bangladesh met the requisite tests for nationhood. The relevant criteria set forth in Whiteman's *Digest of International Law* (Vol. 2, Page 72–73) published by the Department of State and to which you referred yesterday are:

1. Whether the government is in de facto control of the territory and in possession of the machinery of the state;

2. Whether it is administering the government with the assent or consent of the people, without substantial resistance to its authority, i.e., whether there is public acquiescence in the authority of the government; and

3. Whether the new government has indicated its willingness to comply with its international obligations under treaties and international law.

Mr. Chairman, approximately a year and a half ago on October 14, 1970, we engaged in a colloquy on the floor of the Senate where we predicted grave consequences for the future of South Asia regarding the decision to ship arms to the Pakistan Government. Since that time we have worked together in an unsuccessful attempt to right the course of certain policies that went awry. The Saxbe-Church Amendment to the Foreign Aid Act was insufficient in its attempt to cut off arms and economic aid from this country until the Government of Pakistan changed its repressive policies in the East. We traveled together to India as the gathering clouds of war swept in over the area. We talked to Prime Minister Gandhi and to the Secretaries and Ministers of Defense and Foreign Affairs. We traveled to Calcutta and visited the refugee camps teeming with 10 million refugees in the greatest mass exodus in modern history. Will we ever forget the sights that we saw—the despair, the fear, the hunger, the wounded, and the dying?

I went to Pakistan and tried to dissuade President Yahya from his suicidal policies. He told me he was willing to grant East Pakistan at least a degree of autonomy and that he had no plans for war. Yahya lied to me. Ten hours later Pakistani planes bombed six military airfields inside India. He had planned that bombing mission when he talked to me. I believe the shooting war could have been averted and India could have been kept from launching an invasion if Pakistan had granted autonomy to East Pakistan.

In fact, "To be or not to be," is no longer the question. It is!—It is an existing political reality unfortunately caught in the multipolar realities of world politics.

Mr. Chairman, The United States should recognize the Government of Bangladesh. It is clear that the possibility of reunification of Bangladesh with Pakistan is remote. We believe that our recognition is essential to the survival of Bangladesh as a free, independent and democratic nation—not as a client state of India or any other nation. The United States cannot and should not logically ignore a nation of 75 million people who, through terrible suffering, have emerged as a member of the world community. This nation was baptized in the blood of its own people for committing the unpardonable sin of exercising its right of self determination—the same right that 55,000 Americans have died to give to the people of South Vietnam.

It is in our national interest to recognize a country that shares the same political philosophy that we do. Its leadership is middle class, urban and Western oriented. If we turn our backs on them, they will be overthrown by the Naxalites and Maoists elements in that area. In the alternative if

this leadership survives, it will turn elsewhere. This has already begun to happen.

Last week Prime Minister Sehikh Mujibur Rahman visited Moscow for talks with Soviet leaders. It has been reported that the Soviet Union has agreed to release about $45 million in aid to Bangladesh. I hope that this aid is economic and not military. If this is true, it is about time that the Soviets started to pick up their fair share of humanitarian assistance.

Mr. Chairman, it is distressing to see the anti-American feelings which to a certain extent exist in India, Pakistan, and Bangladesh. We have funnelled literally billions of dollars to South Asia since 1947. We have virtually saved entire states within India alone. We have staved off famine in dozens of places. Russia has done none of these things, but the Soviets have given India planes and tanks. Isn't it odd that our humanitarian and economic relief has resulted in very little friendship—in fact in some quarters open hostility—while Russia by supplying arms, is India's bosom friend today. This is why I have said so often that in spite of our honorable intentions we cannot buy friendship.

Mr. Chairman, forty-seven nations have recognized Bangladesh including France, The United Kingdom, The Soviet Union, Canada, and Italy. This amounts to recognition by approximately one-third of the countries in the world. As you pointed out yesterday, the two blocks of countries that have abstained from recognition are the South American countries and the Moslem countries. It would appear that the South American countries are looking to us on this question. Further, United States recognition will hasten Bangladesh's very entry into international organizations such as the Asia Development Bank, the International Bank for Reconstruction and Development, and the United Nations.

The Hollings-Saxbe Concurrent Resolution does not compel the President to do anything. Further, it does not set a time table. It merely expresses the Sense of Congress and, I believe, the American people that the President should recognize Bangladesh. Deputy Assistant Secretary Van Hollen testified yesterday that recognition is under "active review, but no decision has been taken." I would hope that our resolution would encourage the President to recognize Bangladesh. Mr. Van Hollen indicated that the Administration was concerned about the presence of Indian troops in Bangladesh. Mrs. Gandhi has promised that they will be removed on March 12—five days from today. I believe our recognition of Bangladesh as an independent country would hasten their removal. As Dean Fisher pointed out yesterday, we know of more than one instance where governments have proclaimed themselves governments and requested recognition at a time when foreign troops who had occupied them were still in their territory. The two cases which were mentioned were: The Federal Republic of Germany and Japan.

Mr. Chairman, President Nixon's China trip signaled a realistic reevaluation of United States policy in Asia. As part of that policy, the United States should begin anew on the Subcontinent by recognizing Bangladesh.

U.S. RESOURCES ARE NOT UNLIMITED

Mr. FANNIN. Mr. President, in the past decade there has been a tremendous expansion in Government programs and expenditures.

In fiscal 1963 the Government spent $111 billion; our proposed budget for 1973 calls for $246 billion. This $135 billion increase in just 10 years is staggering.

It seems to me that some important questions are in order at this point in our history:

Just what have we accomplished through these huge expenditures?

Is our Government doing 120 percent better in meeting the needs of its citizens today than it was doing a decade ago?

Have the many massive programs launched with such great fanfare and promise in the 1960's alleviated problems or only aggravated them?

More importantly, we should ask just how long Congress can continue to accelerate Federal spending, create useless bureaucracy, and expand the national debt.

Mr. President, this is not a nation of limitless resources. As great and as dynamic as America is, our economy can stand only so much abuse. The over indulgence is beginning to take its toll.

The rush to solve problems in the United States has been disastrous for our economy, as we have seen for the past several years. We cannot spend our way to Utopia.

Congress should have learned a valuable lesson from the economic crisis of the recent years. Congress should have learned that future consequences of new programs must be carefully evaluated before we add new burdens to our taxpayers and our economic system.

Failure to use more caution in fiscal matters will be catastrophic.

Mr. President, the Wall Street Journal carried a very good editorial in Wednesday's editions. It points out, for one thing, that Congress is going to have to stop hiding behind the claim that the budget contains many "uncontrollable items." Congress created the programs that cause so-called "uncontrollable items," so Congress can and should bring them under control.

The editorial cites a new study by the American Enterprise Institute for Public Policy Research. The report, "The Federal Budget for 1973," was prepared by Murray L. Weidenbaum, the former assistant treasury secretary for economic policy, and Dan Larkins, an economist for the institute.

In the report, they say:

> Our inability as a nation to make the hard choices between alternative expenditures or to couple expenditure increases with tax increases is discouraging.

Mr. President, the inability to accept economic reality is more than simply discouraging, it is frightening.

Members of Congress have been elected to make the hard decisions.

Congress can and should regain control of the budget and bring it into balance. We should continually reevaluate programs to determine if they are worth the cost that we are inflicting on the American citizen, both in the form of taxes and inflation.

Recent history demonstrates that Congress has failed to live up to its fiscal responsibilities. Obviously a mechanism is required to force the Congress to make the necessary hard decisions.

Mr. President, I have proposed a constitutional amendment which would accomplish this. Senate Joint Resolution 129 would require the Congress to balance the Federal budget in an aggregate 2-year span.

This would not be easy—hard decisions never are easy.

Congress has been accustomed to taking the easy way out. Congress has voted program-after-program without regard to long-range consequences or economic sanity. Dozens of programs that are now being considered would further endanger our Nation economically if approved.

Senate Joint Resolution 129 would put an end to this kind of irresponsibility.

Mr. President, I invite the attention of Senators to the complete text of the Wall Street Journal editorial which I have been discussing. I ask unanimous consent that it be printed in the RECORD.

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

A CLOUDY FISCAL FUTURE

Hardly anyone ever talks any more of balancing the federal budget every year. In fact, a look at the latest budget document, as well as present political realities, raises quite another question: Will the budget ever be balanced again?

A new study published by the American Enterprise Institute for Public Policy Research, "The Federal Budget for 1973," is not optimistic on that score. The study was prepared by Murray L. Weidenbaum, Assistant Treasury Secretary for Economic Policy from 1969 to 1971, with the aid of Dan Larkins, an economist on the staff of the institute.

"It would be comforting to be able to say," the authors comment, "that when the economy regains a position of roughly full employment, the future flows of revenues and expenditures will be such that the federal budget will be in approximate balance. On the basis of the forward planning information contained in the budget document for the fiscal year 1973, that is not likely to be the case, unless some fundamental changes are made in budget or tax policy."

Economists and others can quarrel over whether the massive deficits in prospect for this fiscal year or next are "safe," in the sense that they won't touch off a fresh wave of inflation. The economy does have a margin of unused resources of manpower and production facilities, and that margin does provide at least some protection against inflation.

No one, however, can doubt the danger of deficits when the economy's resources are fully employed. If such deficits are financed through an expansion of the money supply, as a large portion of them almost surely would be, they increase the demand for resources faster than the supply can grow—and exert heavy upward pressure on prices.

What makes such deficits seem so inevitable? Well, one reason is that federal spending seems so much like a snowball, growing as the years roll along. The new budget, for example, estimates that fiscal 1973 spending will be increased by $8.5 billion by proposed new legislation. By fiscal 1977, Mr. Weidenbaum and Mr. Larkins note "it is estimated that approximately $33 billion of expenditures will be incured solely because of laws that would be passed to carry out the recommendations in the '73 budget."

In the recent years the administration has assessed the budget "margin," the sum that would be left from the existing tax structure

to cover programs over and above existing and currently proposed activities. Last year's budget figured the fiscal 1976 margin would be $30 billion; this year's budget shrinks it to $5 billion. If Congress does not adopt the proposed Social Security tax increases, as it very well may not in this election year, even that slim margin probably will vanish.

That would be true even if there were no new spending initiatives between now and fiscal 1976—an unrealistic assumption at best. If the budget is ever to be balanced again, it's evident that the government must begin going about the task differently.

For one thing, the government must begin making some of those so-called uncontrollable budget items more controllable. Congress can and must insist that it be allowed to see the full scope of a program when it's first presented, not merely the top of the iceberg. Most defense programs already are viewed this way, which may help to explain why the Pentagon's budget fluctuates more than, say, the budget for health, education and welfare.

Mr. Weidenbaum and Mr. Larkins are critical of the highway trust fund and urge that highway spending be handled through the regular budget, so that it would be subject to annual congressional appropriations. They also suggest that Congress take a hard look at all of the subsidy programs in the federal budget to determine whether the programs are achieving their aims and whether costs exceed benefits.

The authors have other useful proposals to offer but, as they recognize, the largest problem is not deciding what to do but mustering the will to do it. "Our inability as a nation to make hard choices between alternative expenditures or to couple expenditure increases with tax increases is discouraging," they say.

Indeed it is. Yet even a country as rich as this one does not have limitless resources. Those who find it hard to be distressed about perpetual deficits may be able to muster a little anger about the waste and misuse of the nation's wealth.

PROBLEMS OF SUMMITRY

Mr. JACKSON. Mr. President, President Nixon's recent trip to China, while generally welcomed as a new initiative for peace, has nonetheless raised many questions about the value of summitry. Some of these doubts were anticipated even before the President's departure. In the New York Times of February 13, our distinguished former Under Secretary of State, Mr. George Ball, pointed out some of the problems and costs of summitry.

Because Mr. Ball brings both diplomatic experience and historical insight to any discussion of American diplomacy, I invite the attention of the Senate to his article entitled "Nixon's Appointment in Peking—Is This Trip Necessary"

I ask unanimous consent that the text of his article be printed in the RECORD.

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

[From the New York Times Magazine, Feb. 13, 1972]

NIXON'S APPOINTMENT IN PEKING—IS THIS TRIP NECCESSARY?

(By George W. Ball)

During the palmy days of the European dynasties, kings and emperors, sovereigns of all titles and descriptions, were accustomed to visit one another's courts. Between jousting and feasting, they attended to their family affairs—arranging royal marriages, launching intrigues against rivals, meddling in the management of small neighboring realms and discussing their financial and commercial troubles. Then gradually, beginning in the 15th century, systematic machinery was established to deal with most of this business. Under the leadership of Venice, the Italian city-states established permanent diplomatic missions in one another's capitals, and, with Spanish and French refinements, a modern apparatus for the conduct of intergovernmental business began to emerge, complete not only with permanent diplomatic missions but modern foreign offices, manned by diplomats of professional competence.

Such a system was a logical by-product of political evolution. When countries were little more than the private estates of their absolute rulers, a king could dispose of the affairs of his kingdom as he saw fit but over the centuries—and particularly after 1815—the detailed business of making and executing foreign policy was, as Sir Harold Nicolson has pointed out, shifted "from the Court to the Cabinet." The result was impersonal diplomacy practiced through career ambassadors, acting on instructions from professional foreign offices—a system in keeping with the modern age.

Now, toward the end of the 20th century, the United States is moving back toward the medieval dynastic practice. Today even the day-to-day shaping of foreign policy has been largely transferred from the Department of State (the Cabinet) to the White House and its staff (the Court), while the actual transaction of diplomatic business has been, in increasing measure, pre-empted by the President (the sovereign), acting personally or through his Assistant for National Security Affairs. Meanwhile, the Department of State atrophies while ambassadors become messenger boys.

The summit meetings that occur when the President elects to be his own Ambassador as well as his own foreign office create special problems. Because no head of a major state can pay a visit to the capital of one country with out appearing to snub others, it has become an accepted principle that summitry breeds summitry. Thus, no one was surprised that once the President abruptly announced his intention to go to China, he found it necessary to arrange visits with Prime Minister Trudeau of Canada, President Pompidou of France, Prime Minister Heath of Great Britain, Chancellor Brandt of West Germany and Prime Minister Sato of Japan, primarily to repair the damage—to the extent possible—that resulted from his failure to consult in the first place.

That such a flurry of to-ing and fro-ing seems excessive and somewhat erratic is certainly no reason for deep concern. Yet the fact that it was largely made necessary by the trip to China and the further fact that the Chinese visit—even more than most summitry—reflects a retrogression toward an outworn medieval practice is enough to raise the famous question of the Second World War: "Is this trip necessary?"

Let me make clear at the outset that I welcome our response to the signal from China's leaders suggesting that, for their own reasons, they would be prepared to receive an emissary from the President. Where there are representatives of the United States already in a foreign capital—and that includes our mission to the Vietnamese talks in Paris—the sending of special Presidential envoys is poor diplomatic practice. But in the present instance, there was no practical alternative and Mr. Kissinger was undoubtedly well fitted for the assignment. Not only is he an exceptionally intelligent man, who has thought deeply about world power relationships, but he knows the President's own foreign-policy concepts better than anyone else, and there is no aspect of Sino-American relations he could not explore with complete competence.

Yet the unanswered question is why the President did not leave it at that. If he wanted further exploration, why did he not send Mr. Kissinger back with additional instructions? Why did he insist on seeking an invitation to Peking for himself? For even though it is sound policy to establish communications with China, the President's trip is, in political terms, a costly and hazardous way to go about it. It is diplomatic overkill, distorting the importance of China in the Far Eastern spectrum and upsetting our friends in Asia.

From the famous meeting at the Field of Cloth of Gold in the 16th century to Woodrow Wilson's catastrophic efforts to make the peace by personal diplomacy in Paris in 1919, meetings of heads of state have tended to cause disappointment, mischief and misunderstanding. Certainly, throughout the cold war, conferences between the President and the Communist leaders have been marked by persistent failure. To be sure, President Eisenhower's ventures into summitry evoked momentary spasms of journalistic euphoria, with the "Spirit of Geneva" in 1955 and the "Spirit of Camp David" in 1959, just as a later impromptu Johnson-Kosygin meeting conjured up the "Spirit of Glassboro" in 1967. But like all spirits—whether alcoholic or ectoplasmic—they evaporated in the clear, dry air of reality.

Thus, the sad but significant fact is that there has never been an instance in the entire postwar period where a summit meeting resulted in a diplomatic breakthrough in spite of the President's recent assertion that, in the case of the Soviet Union and China, "which have basically one-man rule," summitry is sometimes a necessity "for major decisions," every significant gain that has been made in the whole area of East-West relations—including the Austrian State Treaty, the Limited Test Ban Treaty, the Nuclear Nonproliferation Treaty and the Berlin Agreement—has resulted from painstaking diplomacy pursued through traditional methods.

That is, of course, an unpalatable conclusion for most Americans, because they like their Presidents to go traveling. It is only natural that people should think of their leaders as their surrogates who solve their problems for them. In fact, in medieval times disputes were often resolved through "ordeal by battle" in which, as a substitute for war, chosen heroes from each side settled international disputes by fighting to the death in full sight of the contending armies.

But underlying the popularity of Presidential travel is a widespread misconception as to what foreign policy is all about. In the soggy mythology of this intellectual rainy season it is too often assumed that nations have no opposing interests or objectives that are fundamental; thus, all the world's peoples could live happily together "if only they could understand one another"—or, through some anthropomorphic transfer, "if only their leaders could talk to one another."

It is a sad comment on human vanity that such a pathetic thought often finds resonance with the leaders as well—particularly those convinced of their own powers to charm or persuade. For, if all that is needed is for chiefs of government to practice "person-to-person" diplomacy and engage in homey "heart-to-heart" talks, one does not have to worry about such squalid matters as maintaining "power balances" or "spheres of influence" or any of the other "outmoded concepts" of the "old diplomacy." It is all very easy and comforting.

Unhappily, this anodyne thesis finds no confirmation in experience. Men and women are not motivated by pure reason and, even if they were, nations do have conflicting interests that cannot be wished away. Thus, there is nothing more dangerous than to rest the relations between states too heavily on the capricious interaction of diverse person-

alities. No one knows—least of all the experts—why individuals like or dislike one another—or why they have sudden fallings-out over seemingly inconsequential matters. What is clear is that the mysterious chemistry of human relations produces some exotic and unstable mixes.

This has been clearly apparent in our whole experience with summit diplomacy. In my own observation Anglo-American relations were seriously impeded by the fact that President Johnson and Prime Minister Wilson were temperamentally poles apart and did not basically like one another. On the other hand, President Kennedy's willingness to provide Britain with Polaris missiles at the ill-fated Nassau Conference in December, 1962, was due in part to the fact that he did like Prime Minister Macmillan and responded to the problem of a fellow politician in distress.

Besides giving excessive play to the element of personal compatibility in international relations, summitry often tends to create an illusion of understanding that can be quite dangerous. Americans with a common heritage of ideas and national experience are normally able to appraise one another with fair precision, so that understanding can often be advanced by face-to-face discussion. But when leaders have quite different backgrounds, customs and language and, in many cases, ethical attitudes and ideology, summitry is more likely to produce mistaken and misleading impressions than a clear meeting of the minds.

One would do well to recall, for example, how prime minister Neville Chamberlain was tragically taken in by Hitler at their Munich meeting in 1938. No doubt he spoke from conviction when he told the British people on his return to London: "After my visits to Germany I realized vividly how Herr Hitler feels that he must champion other Germans. He told me privately, and last night he repeated publicly, that after the Sudeten German question is settled that is the end of Germany's territorial claims in Europe." Thus Chamberlain had brought back, he said, "peace with honor," "peace for our time."

Why was Chamberlain so easily deceived by such a crude and brutal liar? Not only because he wanted to believe—that, of course was part of the story—but, most important, because he had had a face-to-face encounter with a man whose background and standards he could not possibly understand and had accepted the word of an Austrian rabble-rouser as he would that of an English gentleman. Had Chamberlain stayed in London, dealing impersonally with the crisis through his diplomatic agents, the mystique of personal contact would not have worked its malign spell, the squalid betrayal of Czechoslovakia might never have occurred, and, from what we now know about Germany's incomplete preparedness and the plotting of the German generals, the war would quite possibly have been aborted.

Few myths have done more harm than the sentimental conceit that men of different countries can understand one another better through direct conversation than when their exchange of views and ideas is filtered through experts sensitive to the nuances that derive from different cultures. Such a fanciful belief becomes particularly misleading when cultural differences reflect quite disparate habits of thought—as, for example, between Americans and Orientals. Thus there seems little doubt that recent meetings between President Nixon and Prime Minister Sato of Japan, far from fostering harmony, have led to misunderstanding, irritation and, finally, an awkward measure of distrust on both sides. That, of course, is not the first occasion for the breakdown of Japanese-American communications; anyone who questions the difficulties of achieving an adequate meeting of minds between Washington and Tokyo should be required to study the disastrous series of misunderstandings that resulted from belated exchanges in the month before Pearl Harbor.

Not only does summitry exaggerate the role of personal chemistry and national difference, but the sense of theater it engenders cannot help but color the judgment of the participants. Thus, when the President meets with other heads of state, the occasion takes command, transforming each attending political leader into an actor on the television screens of the world, with a heavy investment in the success—or at least the appearance of success—of the meeting. It is not an atmosphere that makes for cool judgment; in fact, theater and sound policy are rarely compatible, because contrived excitement can only deflect and distort the diplomacy of a democratic state.

This brings us then to the most serious problems so far raised by the President's prospective trip—the critical damage to key relationships resulting from our failure to consult with friendly governments prior to the July 15 announcement. Why did we not consult? The only explanation so far given is that consultation would have increased the chances of a leak. But a leak, though annoying, would not have been disastrous. No leak could have created anything like the breakage caused by our neglect of consultation unless—and this is the heart of the matter—the White House thought it tactically advantageous to heighten the drama by exploiting the maximum shock effect from what the President has proudly described as "the biggest surprise in history."

Yet, what a dubious policy! For is it really to our advantage to shock the world? Is it not, in fact, extremely imprudent for a great nation to spring surprises on its friends?

Without exception, the supreme modern practitioner of the surprise announcement was General de Gaulle, for whom Mr. Nixon had great admiration. But, though the General held the attention of the world for a number of years—and indeed added color and excitement during an otherwise gray time—he was anything but a model for American statesmen. The France of General de Gaulle, in spite of its past centuries of *grandeur*, was not a leading nation in the sense that other nations were relying on it. Thus, the General deliberately chose, as the head of a relatively weak country, to use the tactic of vivid, unexpected and deliberately outrageous actions to attract world attention and thus claim for France a position of importance and authority far beyond the limits of its political resources.

The position of the United States is quite the opposite, for, in spite of our current fondness for self-denigration, we remain not only the most powerful country in the world, but the nation more than any other whose policies are watched and followed by other nations.

Thus, we should neither wish—nor can we afford—to indulge in the practice of astonishing our friends. Our greatest need is to establish confidence by conducting our affairs in a logical and predictable way, avoiding the unexpected and shocking. This means that, if we decide to change a major policy, we should first make sure that the way is carefully prepared and that our friends are not caught off balance. It means that we should assiduously consult with those nations arrayed on our side and not abruptly present them with dramatic *faits accomplis*. For what inspires leadership is not the dramatic erratic action taken in disregard of the interests of other nations but a consistent demonstration of steadiness and steadfastness.

Though the announcement of the China trip without prior consultation has already caused serious damage to our relations with our friends—and particularly our friend in the Far East—there is danger that their feelings of injury and concern will be even further inflamed when the trip takes place. During the entire week of Mr. Nixon's visit, the world's eyes will be focused on China with its mystery and magnitude displayed in living color. It will be, beyond question, a great television show.

Yet the governments and peoples of Asia will not view the trip as a spectacle, but as a political act, and they will read the meaning of that act not merely from the occurrence of the visit but the very special surrounding circumstances. It is here that the distinction between a Kissinger visit (emissary diplomacy) and a Presidential visit (summit diplomacy) stands out most sharply. Had the President chosen to conduct exploratory talks with China solely through a Presidential emissary, it would have been accepted as normal diplomatic practice, evoking worldwide interest without causing astonishment. But the Presidential visit now contemplated is a drastic break with traditional procedures.

First, the President has invited himself to visit a government with which we have no diplomatic relations, with which we have never concluded a treaty of peace ending the Korean war, and which continues to mount propaganda attacks against us in the most strident and virulent terms.

Second, in spite of the fact that there seems no possibility of serious substantive accomplishment, the President is planning to stay in that country as a guest of the Government for at least a week—a longer bilateral visit than any American President has made to the government of any foreign nation in our entire national history. Under the established American practice, visits of heads of state or chiefs of government last two or, at the most, three days.

To the nations of the Far East the President's extraordinary decision to spend a week in China strongly suggests that the President has made, or is about to make, some secret commitments to the Chinese leaders. Thus, President Park Chung Hee of South Korea has expressed "deep concern," since the President's visit leads him to doubt America's willingness to sustain South Korea in its continuing struggle with the North. Other smaller states translate Washington's extraordinary preoccupation with China to mean that America impliedly recognizes China's dominant position throughout the whole of the Far East, that we regard it, in fact, as the wave of Asia's future—all of which strongly stimulates their impulse to climb quickly on the Chinese bandwagon. Certainly the President's travel schedule has prompted a new respect for Peking on the part of the 21 million overseas Chinese who constitute a significant minority in most Far Eastern countries.

For the Chinese leadership, on the other hand, the spectacle and excitement clearly mean a Great Leap Forward in world politics. Already the announcement of the trip has served as a catalyst bringing them into the United Nations earlier than expected, and, in terms of their larger strategy, they can see their new relations with the United States as having a deterrent effect on a possible Soviet strike at their nuclear installations. Almost certainly they hope—and, unhappily, they may be right—that the trip will bring about some loosening in Japanese-American ties. Finally, the vividly demonstrated American interest in China is rapidly releasing other states from their inhibitions regarding Peking.

No doubt for many Chinese the President's visit—on White House initiative—stirs atavistic memories of the old tradition of the Middle Kingdom that peoples of other countries—including rulers and their envoys—were barbarians. Because it was considered an act of grace for the Emperors of China to grant any foreign visitors passage to Peking,

it was understood that they came as suppliants bearing tribute.

This traditional Chinese arrogance toward foreigners points up at least a theoretical risk in the President's trip: that the Chinese leadership might, either during the visit or beforehand, deliberately take some action to embarrass the United States. No doubt one should substantially discount this possibility because, in the context of its quarrel with the Soviet Union, China needs the appearance of an amicable relation with America. Yet conditions can rapidly change and one should not ignore the fact that the options are now all in the hands of the Chinese leaders. Since it was the President who solicited the trip, Mao Tse-tung would lose no face if the United States should cancel; yet America would be embarrassed if the cancellation should come from Peking.

It is this possibility that points up one of the costs of summitry, for during the period that a summit meeting is pending—in this case seven months—the President becomes, in effect, a hostage to the situation. To some extent, he loses full freedom of action, since, once such a meeting is announced, he is reluctant to do anything that would provide the host country an excuse for breaking off the visit—a problem that does not arise if diplomatic explorations are limited to emissary diplomacy.

It is possible that this consideration played a subconscious, or even deliberate, part in leading the White House to "tilt" toward Pakistan in the recent conflict on the subcontinent, since not only did the President owe something to Yahya Khan for cooperating in the secret arrangements for the initial Kissinger trip, but the Chinese might have taken offense if the United States gave aid and comfort to an Indian Government that had just signed a friendship treaty with Moscow.

While China's benefits from the President's visit are unambiguous and substantial, it is difficult to see what, if anything, the Chinese might be prepared to offer America in return. In view of the political dynamics of the Communist world, Peking is disabled from bringing pressure on Hanoi to settle the Vietnamese struggle, or even to obtain the release of our prisoners. There is no doubt that if the Chinese leaders were to attempt such a move, Moscow would loudly denounce them as lackeys of American imperialism. Formal recognition is out of the question, nor should one expect agreement on any substantive issue. Not only are China and the United States still separated by America's commitment to defend Taiwan, but there are basic ideological differences that limit the possibility of mutual trust and confidence.

To be sure, Chou En-lai is an astute statesman, a man who views the world through wide-angle lenses, and the prospect of discussing geopolitics, of playing the "big game" in an intricate world chess match, is yeasty stuff. But it is at this very point that the seductions of summitry become most dangerous and the possibilities of misunderstanding most acute.

Today's world is far too complex for two men ever again to sit on a raft in the Nieman River*—or even in a palace in Peking—and dispose of the destinies of other nations, and I would feel apprehensive, indeed, if I thought that, in his talks with Chou or Mao, the President would try to concert a tactical position toward the Soviet Union, or agree on a line of conduct toward Taiwan, or on discouraging the remilitarization of Japan, or promoting the reunification of Korea. These are matters that might be gingerly explored by a skilled and cautious envoy such as Mr. Kissinger, who could take no positions except on carefully formulated instructions, but they affect the interests of too many other nations and strike too near the nerve center of our whole world strategy to be trusted to the unstructured give and take of a summit meeting.

This is not a comment on President Nixon's knowledge or skills as a negotiator, but in such an encounter any President is at a considerable tactical disadvantage. He cannot stall or ponder or delay for instructions. His constant awareness that he is the authority of last resort compels him to respond to questions or proposals with prompt answers that, if filtered through an emissary, could be judiciously studied with the benefit of expert counsel in the context of total policy. Yet, as Dean Acheson used to say, "When the President fumbles, the whole goal line is wide open," so Mr. Nixon is without doubt on a hazardous spot.

Yet even if these disabilities did not exist, it would still be the height of folly to base policy on any long-range and far-reaching agreements with the present Chinese leaders. Not only is it an aging hierarchy whose life expectancy is limited by the actuarial tables (Mao is 79 and Chou 74), but even in the few months since last July's announcement there has apparently been an abortive coup. As a cautionary reminder, the President might do well to recall that only weeks after he toasted General de Gaulle with the most effusive praise, in the spring of 1969, a new leader was in power in France.

That is one of the built-in dangers of summitry—its over-emphasis on the ephemeral understanding with personalities who may have only a limited tenure, but even more important is the fact that China is not the principal power center in Asia, nor is it likely to be. In the new configuration of power in the Far East, Japan looms like Mount Everest above other countries. Commanding a gross national product two and a half to three times that of China, it is the third industrial nation in the world, and, in spite of the recent adjustment in currency parities, it is likely to continue to maintain a rate of growth faster than any major industrial country has ever before achieved. In unhappy contrast, China, with a national income roughly equivalent to that of Italy, is limited by its gargantuan population to a relatively modest growth rate.

It is for this reason that America should take urgent steps to repair the damage to Japanese-American relations that has already resulted from the shock of the July 15 announcement, because Japanese confidence is indispensable to a sound Far Eastern policy. Unhappily, there is evidence that Prime Minister Sato's recent visit to San Clemente failed to achieve this result—another instance where summitry has not lived up to the advance billing.

All during the postwar period the American Government has pressed the Japanese to invest capital in Taiwan and give support to the Chiang Kai-shek Government; at the same time, we have been cautioning them not to build up their trade excessively with mainland China, or to develop close political relations with Peking. In the face of opposition pressure for a closer Sino-Japanese relationship, a series of governments in Tokyo has, at political cost, faithfully followed the American lead.

Thus, when President Nixon announced his proposed trip with no advance consultation and only five minutes' prior notice to Prime Minister Sato, he undermined the Sato Government and shook Japanese confidence in the durability of our friendship. Moreover, that was only the first of a series of abrasive actions that have dangerously eroded relations between Tokyo and Washington since that time.

To the Japanese, the American President's willingness to lose face by asking to be invited to a hostile and far weaker country can be explained only by the inscrutability of the Occidental. Because the Japanese find it hard to believe that the trip is merely to "open communications"—since that scarcely requires a Presidential visit—there is an understandable tendency to suspect that the talks may lead Washington to a cozier relation with Peking, at Tokyo's expense.

No one should underrate the possible cost of the loss of confidence such suspicions may generate, for, as history has shown, Japanese reactions are, by Western standards, brooding and cumulative. So long as Japan remains persuaded of the firmness of America's friendship, it will trust our defense commitment and not be tempted to build a large military establishment of its own. But the persistently insensitive American actions of the past six months have begun to weaken that confidence, so that we should pay careful attention to the unusually sharp warning of the Japanese Ambassador to the United States, Nobuhiko Ushiba—a thoughtful and serious man—that the President's Chinese visit might be "the beginning of a process of unraveling" of the United States-Japanese mutual-security arrangements.

At the moment the Japanese people are being precipitated into one of their periods of national introspection, in which they are rethinking their proper destiny. To what extent should Japan move more closely to China? How should it react to Soviet blandishments which, as Foreign Minister Gromyko's sudden trip has just made clear, are likely to increase at any sign of coolness between Washington and Tokyo. And, finally, should it put aside its inhibitions against remilitarization, which have been nurtured so carefully in the postwar period, and undertake not only to build conventional force commensurate with its industrial might, but even start down the nuclear road?

It is here that recent comments of the President could have harmful repercussions, for Mr. Nixon said in a television interview that the reason he made his decision to go to Peking was the "great danger of the most populous nation in the world becoming a major nuclear power" 15 or 20 years from now. In the questioning mood of Japan today, such a remark could stir echoes far louder than intended, since, if the Japanese people should interpret the President's extraordinary attention to China primarily as a response to China's nuclear potential, the compulsion for Japan to join the nuclear club would gain enormous impetus.

Yet nothing could more upset the stability of the whole Far East than a remilitarized Japan. It would play frightful havoc not only in China but in all the nations of the area that were overrun and occupied by the soldiers of the Rising Sun a quarter century ago.

It was pointed out at the beginning of this article that our present addiction to summitry is merely the outward, visible symptom of a more fundamental problem—the preemption by the White House of the levers that control the daily shaping and administration of foreign policy.

This is, at the same time, both an accomplished fact and a continuing trend. If permitted to continue further, it could lead to a progressive deterioration of our foreign-policy machinery and, perhaps, at the end of the road, a constitutional crisis.

The present Administration did not initiate the move to bring all foreign policy within the sheltering arms of the White House; that trend began two decades ago. Nor is there any doubt that the trend was initiated and maintained, in large part, because of the failure of the State Department to meet the full expectation of impatient Presidents. Yet, though one can sympathize

*On June 25, 1807, Napoleon and Alexander I met on a raft in the Niemen River in what was then East Prussia and between them agreed on general terms of a peace affecting not only France and Russia but Prussia and Sweden as well.—Ed.

with the pragmatic reasons for expanding the size and authority of the White House staff and even for the President's decision to play the role not only of Secretary of State but even of ambassador, that does not mean that the practice is either sound or wise—or in the long-range interests of the country.

For, as the White House becomes more and more its own foreign office, the tone and responsiveness of the State Department will inevitably decrease. Nothing is more demoralizing for an ambassador on the spot than to have his responsibilities as a negotiator suddenly taken from him by a Presidential envoy, as was the case, for example, with our chief representative at the Vietnamese discussions in Paris, William J. Porter. Since Ambassador Porter, like his immediate predecessor, David K. E. Bruce, is fully competent to conduct the most delicate secret negotiations with the North Vietnamese—as Ambassador W. Averell Harriman had done at on earlier time—Mr. Kissinger's 12 hurried trips to Paris would appear quite unnecessary to put forward America's revised position and explore fully all possible chances of settlement.

Able men, with proper pride in their professional skills, will not long tolerate such votes of no confidence, so it should be no surprise that they are leaving the career service, making way for mediocrity, with the result that, as time goes on, it may be hopelessly difficult to restore the Department to the level of effectiveness required by the urgent problems of the day.

Yet the failure to undertake this important task can produce a number of unhappy developments—a falling level of competence in our overseas missions, thus reducing our ability to know and affect what is happening throughout the world; the impairment of our constitutional system of checks and balances as the Senate becomes increasingly restive at the concentration of foreign policy management in White House assistants immune from Congressional accountability; and uneven attention to situations of incipient danger because the White House staff is concentrating on certain active crises, while the State Department—nudged out of the mainstream of policy formulation—has lost its capacity for independent decision.

These are predictable results of the trend now visible. But in essence the most serious consequence is likely to be felt in the quality and coherence of a body of policy that becomes increasingly ingrown—less subjected to the critical scrutiny of specialists in Washington and our missions abroad and more and more the expression of a small, closed circle of people working under conditions of excessive insulation—conditions favorable for the intrusion of personal bias or prejudice that can interfere with objective judgment.

I note these dangers not in an alarmist mood, and certainly with no desire to be captious, for I understand the process which has led to our present predicament and I am sympathetic with the problems faced by any American Government in today's unstable environment. But it is imperative that we move quite deliberately to depersonalize the highly personal processes by which policy is now made and administered. This means enlarging the circle of those now in command of policy, restoring the responsibility and competence of the State Department, and reestablishing the role of our missions abroad as the effective agencies for negotiation. It means, in other words, returning control of the levers of our foreign-policy machinery from the Court to the Cabinet and substituting for summit diplomacy the effective employment of an improved and upgraded ambassadorial corps, capable of firm and skillful negotiations within broad lines of policy set by the President.

It is a formidable agenda, but by no means impossible.

BLOOD: A NATIONAL RESOURCE

Mr. PERCY. Mr. President, I share many of President Nixon's concerns and hopes as expressed in his recent health message to Congress. I am particularly pleased that he had singled out "blood" as one of the major initiatives for a new Federal-private partnership to stimulate research and development.

The need for a nationwide system of blood collection and distribution is all too evident. There is now a multiplicity of systems, not necessarily compatible or interchangeable, used in blood banking. There is, moreover, no nationally accepted system of recordkeeping. No one knows exactly how much blood is used, or needed, or collected, or wasted. No one knows the exact price of blood or the exact profits made from blood. And no one knows exactly how many cases of serum hepatitis are related to blood transfusions or how many deaths are related to serum hepatitis.

What is known is that the need for blood grows every year, that critical shortages of blood exist across the country, that contaminated blood can cause serum hepatitis which has no known cure and can cause death, that many commercial blood banks buy blood from convicts, derelicts, and addicts who dwell in the dirt and squalor of city slums and skid rows where the infectious agents of serum hepatitis flourish, and that many commercial blood banks import blood from medically underdeveloped countries such as Haiti, India, and the Dominican Republic.

To protect the American people from contaminated blood and from unnecessary death, Senator HARTKE and I have introduced the National Blood Bank Act to encourage the establishment of a voluntary system of blood donation, requiring the licensing and inspection of all blood banks. Identical legislation has been introduced in the House by Representative VEYSEY from California.

Recently, Representative ROGERS announced that his Public Health and Environment Subcommittee of the House Commerce Committee will begin hearings on blood bank proposals within the next month. I hope that the Senate will soon hold similar hearings, as, using President Nixon's words, "Blood is a unique national resource," to which I might add, not a commodity to be bought and sold.

Mr. President, I ask unanimous consent that Senators BAKER, BEALL, CASE, HARRIS, HATFIELD, PASTORE, RANDOLPH, STEVENS, and TAFT be added as cosponsors of S. 2909, the National Blood Bank Act.

THE PRESIDENT'S MESSAGE ON BUSING

Mr. BENNETT. Mr. President, in President Nixon's message on busing given last night, he clearly directed the Nation's efforts to where they belong—"on better education for all of our children rather than on more busing for some."

Virtually every expression of public opinion on the question of busing has made it clear that the American people do not believe that busing is the answer to the problem of segregation. The moratorium proposed by the President would allay the fears of parents, both black and white, that their children will not be forced to attend schools that are miles from their homes; and it gives us, as Members of Congress, the chance to create a truly equal opportunity educational system.

The President made it clear that the time has come for us to make a national commitment to see that the schools in central cities are upgraded so the children who go there will have as good a chance to get the quality education as do the children who go to schools in the suburbs.

The proposed Equal Educational Opportunities Act would establish standards for all school districts throughout the Nation, insure against racial discrimination in school assignments, and establish the equal educational rights of all citizens regardless of color, language barriers, or financial status. It would also provide money and incentives to help insure for schools in poor neighborhoods the fair treatment they have too often been denied in the past, and provide the special learning assistance and extra attention that those children so often need.

A part of the national commitment for equal educational opportunities is the need to preserve the tradition of this country to have children attend the schools in their neighborhoods.

Clearly it is wrong when children are forced to spend 2 hours a day on a bus going to school when it would be possible for them to walk to a neighborhood school. For this reason, I believe that it was wise for the President to declare a moratorium on any new busing and make it possible for local school jurisdictions to have the cases that have been settled by the court reopened.

I think that it is also important to realize that in ordering the moratorium on busing to achieve a racial balance the President was in no way attempting to delay desegregation. He made it perfectly clear that being antibusing is not to be antiblack or anti-Mexican-American. It would be an injustice to concerned parents all over this country to label them as prejudiced because they want their children educated in their own neighborhoods. In fact, the growing opposition to busing from all races demonstrates that their reasons have little or nothing to do with the question of race.

Clearly, what the President has proposed is a program that will put an end to the ill-advised practice of busing to achieve racial balance and in its place insert a program that will guarantee to all the children of this country an equal education opportunity. I support him in his efforts and hope that Congress will seize the opportunity given us to demonstrate our commitment to the continued well-being of our Nation's children.

EQUAL RIGHTS AMENDMENT

Mr. MONDALE. Mr. President, as a cosponsor of the equal rights amendment, I wish to spell out the reasons for my support.

We have made great strides in this country in recent decades toward eliminating the legal basis for discrimination against members of minority groups. But we still have a long way to go to provide the same protection to the majority of our population—the 51 percent who are women.

Although in some quarters the women's rights movement prompts only humor and cynicism, the concerns the movement addresses are neither funny nor trivial. Discrimination against women is a documented, proven fact in many aspects of American life and a cruel reality that mars the ambitions of untold numbers of American women.

In its study of the equal rights amendment, the Senate Judiciary Committee uncovered shameful evidence of discrimination against women in the areas of criminal and civil law, business and labor, military service, and education.

According to that report, there is a State in this country where a man can be sentenced to up to 30 days in jail for the crime of "habitual drunkenness." A woman can be sentenced for up to 3 years for the same crime.

In the field of education, the committee found many examples of sex discrimination. One of the most striking concerned the fact that the number of women applying to medical schools increased by more than 300 percent between 1929 and 1966. Applications from men in the same period went up only 29 percent. Yet the percentage of women applicants who were accepted into medical schools actually declined.

Employment statistics demonstrate that women often earn less than their male counterparts in many jobs. And in 1969, the committee found, 35 percent of male, full-time workers earned $10,000 or more per year, while only 5 percent of women earned $10,000 or more.

The Federal, State, and local civil services are among the offenders discriminating against women. In the U.S. Office of Education, here in Washington, men earn an average of twice as much annually as women.

Congress and the Federal Government have taken official note of some of these types of discrimination by passing laws and setting up machinery to deal with complaints. Earlier this month the Senate voted to outlaw sex discrimination in most phases of education. Also in this session of Congress, we have devised legislation that will give the Equal Employment Opportunities Commission the power to follow up its findings of sex discrimination with action.

I was proud to cosponsor these measures and other antidiscrimination and civil rights measures in Congress in other years. But it has become increasingly clear to me that a piecemeal approach to the fundamental question of providing equal rights is not enough. We could go on striking down archaic, discriminatory laws in our courts and State legislatures for years and years and still not complete the job. And as long as one discriminatory law stands, we cannot truly say that all human beings have equal rights in our society.

Passage of the equal rights amendment would ease forever any doubts about the commitment of this country to justice for all of its citizens—women as well as men. Some argue that the "equal protection" clause of the 14th amendment of the Constitution provides all of the legal protection needed by women. Yet in 200 years the Supreme Court has not enunciated the application of the amendment to discrimination against women, except in one narrow case. We cannot expect the majority of our population to wait any longer to secure a basic guarantee of its rights.

Some opponents argue that passage of the amendment will force a merging of the sexes into a "unisex," that it will destroy the traditional relationships between men and women. None of these drastic developments is mandated by the amendment. Its enactment, I believe, will rather encourage us to be more sensitive, human individuals, cognizant of each others' differences but respectful of them.

I agree fully with the conclusions of Virginia Allen, Chairman of the Presidential Task Force on Women's Rights and Responsibilities, who wrote to the President in 1969:

> Equality for women is unalterably linked to many broader questions of social justice . . . (What is needed) is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment . . . is necessary to health, psychological, social and economic growth of our society.

THE LEGAL RIGHTS OF THE RETARDED

Mr. PERCY. Mr. President, I invite the attention of Senators to an editorial published recently in the Washington Post on the legal rights of the retarded. The editorial describes a recent Federal court decision in Montgomery, Ala., ruling that the mentally retarded in institutions have a right to proper treatment and care.

I have stated time and again that the mentally and physically handicapped in our Nation are neglected citizens who, for the most part, have been denied the basic rights and privileges that you and I take for granted. Unequal job opportunities, unequal educational opportunities and exclusion from community life have virtually prevented many handicapped persons from achieving the dignity of self-fulfillment and self-support.

I find it highly encouraging that our Federal courts are beginning to define the basic rights of our handicapped. The Senator from Minnesota (Mr. HUMPHREY) and I recognized the need for such action when we introduced legislation, S. 3044, to amend the Civil Rights Act of 1964 to prohibit discrimination against the mentally and physically handicapped in all Federal programs.

I commend the recent Washington Post editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Mar. 15, 1972[

THE LEGAL RIGHTS OF THE RETARDED

Accounts of gruesome and pitiful conditions in mental hospitals have been regularly reported in the press in recent months. Few states are without their human warehouses where large numbers of the sick and retarded are allowed to be stacked indefinitely on shelves of despair and deprivation. In many places, perhaps even all, inhumanity to the retarded is not intentional nor the result of designed contempt; instead, the sorry treatment of so many proceeds from lack of money and lack of staff—traditionally the twin causes of institutional neglect.

The situation is grim but not entirely hopeless. A recent order by a federal court in Montgomery, Alabama, may mark the beginning of a new national attitude toward people who are mentally retarded. Judge Frank M. Johnson Jr. ordered state officials to correct conditions at the Partlow State School and Hospital at Tuscaloosa. The evidence seen by Judge Johnson "vividly and undisputably portrayed Partlow as a warehousing institution which, because of its atmosphere of psychological and physical deprivation, is wholly incapable of furnishing treatment to the mentally retarded and is conducive only to the deterioration and debilitation of residents."

In more personal terms, Harold E. Martin, editor and publisher of the Montgomery Advertiser-Journal wrote in his newspaper after a visit to the hospital: "I have covered wars and death in almost every kind of catastrophe during 30 years in the newspaper business but was totally unprepared for the horrors of an institution whose whole concern for the more severe cases is uncivilized and dehumanized custodial care . . ." Judge Johnson entered an interim order to correct immediately such things as fire hazards and unhealthful food, and to begin a disease immunization program. A March 31 deadline was issued for the hiring of 300 staff persons; this deadline has already been met. According to one observer, this is the first time a court has ever held that mentally retarded persons involuntarily confined in an institution have a right to adequate treatment and care.

The importance of this decision lies in the fact that not only has actual help been given to thousands of the retarded in Alabama, but that the decision may have a positive affect nationally. Other suits may be brought involving other hospitals. Already, a proposal has been made by the American Civil Liberties Union, the American Orthopsychiatric Association and the Center for Law and Social Policy—a Washington public interest law firm—to form a national council on the rights of the mentally impaired. Through test case litigation, the council would identify and implement the rights of the mentally ill and retarded. As the group notes, "mental impairment is more than just a health problem for our society. It is also a pressing legal problem. Despite their numbers, the mentally impaired are among our society's most abused minorities . . . The hospitals in which these persons are confined are often worse than prisons and the 'treatment' which is the purported justification for such confinement is often non-existent."

Successful court cases are an important and obviously much-needed way to guarantee the rights of the retarded. Ideally, states should not have to be forced to provide adequate treatment, but since legislative appropriations for mental health are often small, decisions like Judge Johnson's will become more and more crucial. It is also welcome news that mental health lawyers will be active.

POWERPLANTS AT CENTRAL ARIZONA PROJECT

Mr. FANNIN. Mr. President, many articles have been written about the power generating plants being constructed in the Four Corners area as a part of the central Arizona project. Too often these articles have presented only

one side of the picture: the comments by the critics of the project.

Today in the Christian Science Monitor there is a brief but informative story which gives prominence to the fact that great efforts are being made to control pollution and prevent serious environmental damage in the Four Corners area. This recognition is long overdue.

This article tells a part of the story of the extensive efforts being made by the power and coal industries to minimize environmental damage.

It also points out that pollution control is an expensive proposition which will mean increased cost for the consumer af electricity and water from the central Arizona project. The electricity, I might point out, is consumed in Nevada and California as well as my own State.

Mr. President, I am most happy to see that the Christian Science Monitor has presented these facts. 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:

ARIZONA "CLEAN" POWER COSTLY

(By Ernest Douglas)

PHOENIX, ARIZ.—Arizona citizens are going to pay more for water and for power, for the sake of environmental protection or improvement.

The new Navajo power plant, at Page, is costing $140 million extra for facilities to prevent air and water pollution.

Figures as to what environmental protection will add to the cost of the massive Central Arizona Project are not so definite, but the total will not be insignificant.

The U.S. Bureau of Reclamation has already spent several millions, and will probably spend as much more in the future, to straighten the lower Colorado and for other measures aimed at both water conservation and quality, as well as to enhance recreational opportunities along the river.

According to A. J. Pfister, an electrical engineer who worked on the earlier Salt River Project, the $534 million Navajo plant would cost only $394 million if sulfuric and nitrous oxides did not have to be extracted from coal smoke, and if hot water could be discharged directly into Lake Powell.

Mr. Pfister remarked: "Environmental costs will have a significant impact on the utility customers in Arizona and on the contractors for water from the Central Arizona Project. The annual cost of the Reclamation Bureau's share of these environmental costs of the Navajo project will be recovered in the rates for Central Arizona Project [CAP] water."

Some 24.3 percent of the power generated at the Navajo plant is reserved for the pumping plant that is to lift Colorado water out of Lake Havasu at the head of the CAP aqueduct. The Salt River (power) Project gets 21.7 percent; the city of Los Angeles, 21.2 percent; the Nevada Power Company, 11.3 percent; the Tucson Gas & Electric Company, 7.5 percent. Construction expenses, of course, are divided in the same proportion as power output.

Coal for the Central Arizona Project generators, which will have capacity of 2,310,000 kw., must be hauled from the Black Mesa field over a 79-mile railroad now being built. It would be the natural thing to use locomotives burning part of the coal they transport. Instead, they will be electric locomotives costing $500,000 each and operated with current purchased from the Navajo tribe.

The generators will consume 23,000 tons of coal daily. Although the Black Mesa coal is only 0.5 percent sulfur, 115 tons of sulfur will be converted to gas every 24 hours.

There is no commercially proved system for removing sulfur dioxide from stack gases. So the Salt River Project and its partners felt that there was inadequate information upon which the design a removal system for the Navajo project. Therefore they have joined in a million-dollar experimental program at the Mohave power plant across the Colorado in Nevada.

There a "sophisticated" pilot plant will test four types of scrubbing vessels at one time, and also three types of scrubbing agents. The plant is so thoroughly instrumented that by next March it is expected that there will be enough data to design a reliable sulfur dioxide system for the Navajo generating units.

After sulfur dioxide the other principal atmospheric contaminant is nitrous oxide. It is believed that some reduction of this contaminant can be obtained by modification of the combustion pattern. The test plant at Mohave will also provide information toward nitrous oxide control.

Of the $140 million budgeted for environmental features at the Navajo power plant, $80 million is for making sure that air pollution is held as near to zero as is humanly possible. Various features to control other forms of pollution make up the rest of the total expenditure.

URBAN MASS TRANSIT

Mr. JAVITS. Mr. President, Secretary Volpe must be commended for his bold decision to open up the highway trust fund for urban mass transit purposes. This is a long awaited and hard fought for breakthrough which legislators like myself have been seeking for years, and in concept I strongly support the Secretary's efforts.

It is now up to Congress to seize the initiative and see that it is acted upon. The 70 to 80 percent of the Nation's people who live in urban areas can no longer suffer from the crippled and decaying mass transit and commuter systems and cannot bear a protracted congressional delay over this issue.

It is entirely appropriate and desirable for the Federal Government to draw on the highway user taxes for mass transit and commuter purposes. Transportation needs for all modes of transportation—especially in urban areas—must be viewed as interrelated and dealt with in a comprehensive fashion. It is not rational or wise to isolate highway planning from mass transit planning or mass transit planning from aviation planning. Indeed, with respect to the Secretary's new plan, an improved mass transit system developed and built in concert with our highway system will benefit all—including the highway users. Traffic congestion can be reduced and roads can remain in good condition longer. In large measure the imbalance in funding highways and mass transit and commuter services have resulted from the piecemeal consideration of transportation. We have established different funds for each and by this method, the lobby with the biggest muscle can walk away with the most funds.

The moneys in the proposed single urban fund could offer greater financial assistance to urban areas than under present authorizations, though perhaps it may not be sufficient to meet the expanding needs of our urban highways and mass transit and commuter systems. From the highway trust fund approximately $75 million is authorized for fiscal year 1973 for a variety of urban highway programs—not including those funds authorized for the Interstate System—and the administration is requesting approximately $840 million for fiscal year 1973 to be obligated for urban mass transit capital facility grants pursuant to the Urban Mass Transit Act of 1970—total of $915 million. Secretary Volpe's plan envisions $1,850 million for the single urban fund for the fiscal year 1974—$850 million of that coming from what will be the existing fiscal year 1974 contract obligation authority provided by the Urban Mass Transportation Act of 1970—$1.850 million for fiscal year 1975 and $2.250 million for the fiscal years 1976 through 1979.

The Secretary's proposal would allow State and local officials to have certain discretionary authority to decide whether to apply moneys from the single urban fund to highways or mass transit. This flexibility is a must and the financing coming from the highway trust fund—rather than being subjected to yearly appropriations process—would allow for more orderly planning and development of transit systems. Some of the doubt of the availability of funds could be eliminated. One of the things that may have to be guarded against, however, is the strong local pressures that could force lopsided decisions favoring highways.

An amendment I proposed to the Federal-Aid Highway Act of 1970—which was subsequently withdrawn on the assurance that hearings would be held on it—would also have given the Governors of the States this flexibility by allowing them the discretion to use certain highway trust fund moneys designated for urban areas on mass transportation in those areas.

Congress will have to determine whether the funds authorized by this new plan will be sufficient to meet the expanding needs of urban mass transit. There are now pending $4.2 billion in caiptal grant applications at the Department of Transportation and the Secretary's proposal in no way contemplates expenditures for operating subsidies for mass transportation.

Congress will have to weigh the needs of the urban systems against the revenues raised for the Highway Trust Fund and against those authorized for expenditure under the Single Urban Fund and decide whether sufficient funds have been provided to meet the capital needs.

Congress will have to decide, also, whether this fund or additional funds made available from the general fund of the Treasury should be authorized to cover deficiencies in mass transit and commuter operating expenses.

Our mass transit systems face critical fiscal emergencies today, now, and limited operating subsidies must be forthcoming at least as a stop-gap measure. In that regard I believe the "National Highway Needs Report" is incomplete and it is my belief that Congress should go forward with the Senate's most recently approved amendments to the Ur-

ban Mass Transit Act, including my own to subsidize operating expenses up to $800 million over the next 2 years—notwithstanding this most worthwhile plan proposed by the Secretary. The fare box and the State and local governments can no longer support the operating costs. All the additional capital funds that may be provided cannot be helpful if there is no money to keep the system running. The operating subsidies are a must.

Mr. President, I hope that Congress will see fit to act on the Secretary's most laudable proposal promptly.

HIGHWAY NEEDS REPORT BY SECRETARY OF TRANSPORTATION WILL BE GIVEN CAREFUL STUDY IN CONGRESS

Mr. RANDOLPH. Mr. President, I have reviewed with interest the highway needs report released by Secretary Volpe on March 14.

The general thrust of his recommendations for restructuring the Federal-aid highway program closely parallels, in some respects, my own thoughts about the future of the highway program. In particular, I strongly agree that we must begin consolidating the various facets of the program. I also believe that the consolidation should result in less redtape. In recent years, the legal and regulatory requirements of the highway program have proliferated so that they now approach the stage of being counterproductive. State highway departments frequently are unable to initiate projects without long delays resulting from substantial amounts of paperwork and negotiation with the Federal Highway Administration and other agencies.

It is essential that the functioning of the highway program be streamlined and I will examine Secretary Volpe's proposals very carefully to see if they provide for elimination of unnecessary redtape.

The sharpest departure from present practice and the one that will attract the most public attention is the proposed merger of the Urban Highway System with the capital grants program of the Urban Mass Transit Administration.

Congress recognized in 1969 that we had neglected the needs of public transportation in urban areas. We acted to correct this deficiency by passing the Urban Mass Transit Assistance Act which authorized Federal grants of $3.1 billion over a 5-year period to help provide mass transit equipment and facilities.

This program now is financed by general fund appropriations. Secretary Volpe's proposal that it be merged with the Urban Highway System as a single urban fund presumably is intended to accomplish two purposes. First, development of urban transportation on a unified basis, and second, give the mass transit program access to the reliable financing afforded by the highway trust fund.

Reliable funding and total transportation planning are desirable goals, but I will review this recommendation in the context of what it would do to the existing mass transit and urban highway programs. Both of these are essential to better urban transportation, and I would hesitate to do anything that would compromise the effectiveness of either.

The proposed funding level for the Single Urban Fund is inadequate to meet the great urban highway and transit needs of our metropolitan areas. In addition, there is no assurance that the Single Urban Fund would be immune from the impoundment of authorized funds that has disrupted the highway program over the past 5 years.

I also am concerned with the lack of specific attention in the report to urgently needed special highway programs—such as the bridge replacement program and the economic development center highway program. These would lose their separate identities if the Secretary's recommendations are adopted, a situation that I believe would be unwise.

His recommendations indicate that Secretary Volpe is sensitive to the need for the highway program to remain responsive to contemporary transportation requirements. The Committee on Public Works, and I personally, share the belief that we must look for new ways to provide transportation facilities compatible with the wishes and desires of the public.

I eagerly await the translation of the Secretary's proposals into firm legislative recommendations. All of them will be fully considered by the Committee on Public Works as possible elements of the Federal-Aid Highway Act of 1972.

THE DEATH OF TIME

Mr. BROCK. Mr. President, man's search for meaning knows no political boundaries or labels. Each of us must constantly search for true meaning to his life and must, in our own ways, act so as to create something of value in our lives and in our relationships with others. Particularly in this context.

History remains the touchstone for progress. It is the deterrent to past mistakes and the encouragement to forge ahead. If we are to succeed as individuals or as a nation, we must heed the lessons of prior experience and honor the sacrifices made for us by those who have gone before.

I recently read a column by Mr. William V. Shannon which gives fair warning to those who seek to ignore, or even repeal, our tremendous heritage as free men.

In the earnest hope that each of my colleagues will find this statement of value, 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:

THE DEATH OF TIME

It is not astonishing that so many of today's students regard history as irrelevant. History is the accumulated burden of what men have done in past time. Time has always seemed the enemy of man since each of us is conscious of his own mortality.

With industrialism, the ever-accelerating inhuman pace of technology has invaded every domain of life. Efficiency, speed, total use of available resources have become the values. Since television, there is not even the investment of mental effort and of time which a serious book or a good newspaper requires. Politics is seen as a demonstration, a dramatic confrontation, with no realization of how much time and effort are needed to alter a large, complex society like ours.

Disdain for history is symptomatic of the malaise of today's youth culture and of the larger society which nurtured it. Resenting death, we murdered time. Almost too late we see that what we have slain is not time but our sense of ourselves as humans. To reject the past is to deprive today of its meaning tomorrow. To evade the significance of time is to empty life of its significance. It is that meaninglessness which pervades this age of instant gratification and instant results and permanent dissatisfaction. —WILLIAM V. SHANNON.

ANNIVERSARY OF HUNGARIAN INDEPENDENCE

Mr. PERCY. Mr. President, in 1848 the Hungarian people led the struggle for freedom in Europe. Today we comemorate the anniversary of Hungarian independence and the March Laws of 1848 which called for representative government, religious freedom, the right of public assembly, and the abolition of serfdom.

At that time Hungary's independence was soon destroyed by the Hapsburgs assisted by Russian troops. This tragic drama was to be repeated in 1956 when the Hungarian people again sought their freedom, only to have it crushed by another invasion of troops from Russia.

Yet, despite Hungary's political misfortunes, the Hungarian people have always maintained the affection, the respect, and the concern of the civilized world. When Lajos Kossuth arrived in the United States in 1851, he was hailed in all the cities he visited. Hungarian contributions to literature, music, and science are acknowledged everywhere. The names of Franz Liszt, Bela Bartok, Ferenc Molnar, and Arthur Koestler are known to everyone.

Today we are aware that the Hungarian people—against all odds—have managed to maintain their culture, their traditions, their love for freedom. For this we salute them and assure them of our continuing admiration and respect.

EROSION OF THE WORK ETHIC

Mr. ROTH. Mr. President, earlier this week the very able writer James J. Kilpatrick devoted his column to remarks made by Mr. John E. Healy II, of Wilmington, Del., who had addressed the Associated General Contractors of America, which met recently in Houston, Tex.

I think both Mr. Healy's remarks on the erosion of the work ethic in this country as well as Mr. Kilpatrick's comments on the speech deserve the attention of other Members of this body.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's column, published in the Washington Evening Star of March 14, 1972, be printed in the RECORD:

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

EROSION OF WORK ETHIC IS LAMENTED BY BUILDER

(By James J. Kilpatrick)

HOUSTON.—John E. Healy II spoke at more than 200 meetings last year—industry meet-

ings, union meetings, committee meetings—and at many of them he told the story of the Empire State Building. The story takes only a few paragraphs, but it packs a wallop.

Healy is the handsome, hefty, third-generation builder from Wilmington, Del., who is the outgoing president of the Associated General Contractors of America. The association met here last week in its fifty-third annual convention. The 5,000 delegates went home with a renewed determination to restore some sense to their deeply troubled industry and they took with them the story of the Empire State.

The world's greatest skyscraper broke ground on Jan. 22, 1930. At peak employment, 3,400 men were working to erect 60,000 tons of steel, to lay 10 million bricks, to install 70 miles of water piping, and to connect 3,500 miles of telephone cable. The 102 stories went up at an average of four-and-a-half stories per week. On May 1, 1931, just one year and 98 days later, President Hoover dedicated the building and tenants moved in.

The same structure today, says Healy, would require three to three-and-a-half years to complete.

Granted, the Empire State Building lacked air conditioning, which a contemporary building would demand, but the man-hours required to install air conditioning have been more than offset by the new tools and new techniques of the past 40 years. The grim truth, in Healy's view, is that productivity in the building industry today is less than half what it was then. And why? "The work ethic has been lost."

It has been lost, he believes, through the power of avaricious trade unions, and through the weakness of contractors willing to buy labor peace at any price. The process has grossly inflated building costs, and it has sadly diminished the dignity of working men.

Members of the AGC are eager to have their troubles known. Day in and day out, their experience confirms the picture painted in a hard-hitting report last month by Engineering News-Record. In 1926, a Chicago mason laid 600 blocks a day; today two masons are required for the same work, and they lay 100 blocks a day. In the days when concrete was finished by hand, a contractor figured on 2,000 square feet of finished concrete per man per day; today, with all kinds of power tools, the rate is 600 square feet.

The magazine cited the sorry example of a power plant job that required several small gasoline-powered generators. The union successfully demanded that each generator be watched by an operating engineer, an electrician, and a pipefitter. The operating engineer got $300 to $400 a week "for starting once or twice a day a gas engine smaller than those on many home lawn mowers."

Each electrician received the same kind of money "for pushing the wire plugs into the sockets of the machines whenever they were moved." The contractor said he never did discover what the pipefitter did.

Such examples are legion. A billion-dollar project in Albany has suffered repeated delays because of a dispute between teamsters and operating engineers: Who is to hold the nozzle of a fuel truck?

On a motel construction job in Philadelphia, electricians and carpenters quarreled over the installation of a chain-hung ceiling lamp.

Many labor leaders privately agree that this nonsense has to stop. Union members themselves are suffering, as many contractors turn to the openshop. Jobs are vanishing.

The contractors who met here in Houston gave Healy an ovation when he insisted that with the unions' help, "or without it," productivity and morale must be restored. If the builders will match their convention zeal with hometown determination, the old concept of a fair day's work for a fair day's pay may yet be revived. It's what the unions have been asking all along.

APPROVAL OF PRESIDENT NIXON BY FLORIDA VOTERS

Mr. GURNEY. Mr. President, the overwhelming expression of approval of President Nixon by Florida voters this Tuesday was most impressive. Eighty-five percent of the registered Republican voters expressed their support for the President. Moreover, a study of Florida voters interviewed at the polls on election day indicated that substantial numbers of Democratic voters were also satisfied with the President.

The reasons for this great support were set out quite well in a pre-primary editorial published in the Orlando Sentinal. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Orlando (Fla.) Sentinel, Mar. 12, 1972]

NIXON'S CREATIVE STATESMANSHIP HAS EARNED HIM A SECOND TERM

Barring an upset by some dark horse at the convention in July, one of the nine professed Democratic primary candidates will be nominated by his party for the presidency of the United States.

The Sentinel could not in good conscience support any of the presently known Democrats in the November general election and therefore we make no recommendation to Florida Democrats who must choose Tuesday.

About Richard M. Nixon, however, we have made up our mind.

We like him.

We think he's good for the country and we believe he should be nominated by the Republican party and reelected by the American people.

We endorse Mr. Nixon's candidacy for precisely the reasons his primary critics oppose it—because the President has remained flexible in a period of great change and because he has emerged as a creative, courageous and innovative statesman.

Not since Dwight D. Eisenhower fulfilled his campaign pledge to stop the Korean war has an American president done more to enhance world peace.

As a candidate four years ago, Richard Nixon promised to wind down the Vietnam War responsibly—and this he has done. There were 515,000 U.S. servicemen in Southeast Asia when he took office 3½ years ago. Now 129,000 remain and nearly half of these will be home May 1.

Vietnamization is working—and so is the start of Mr. Nixon's politically courageous effort to reach a live-and-let-live accommodation with the nearly 800 million people of mainland China.

In fact, the first fruits of the Nixon's China visit came last Monday from North Korea, our Communist antagonist since the 1950s.

Easing two decades of hostility, the Pyongyang government called for a no-war treaty with South Korea and "normalization of relations with the United States." We can be reasonably sure this overture will be followed by gestures from other pro-Peking regimes.

And the forthcoming Moscow trip promises to begin a relaxation of U.S.-Soviet tensions—one that could lead to a meaningful and enforceable arms limitation treaty between the top nuclear powers.

At home, the President has planned and performed remarkably well. His family assistance welfare package, so far only partly implemented because of static from the Democrat Congress, is humane and practical.

Mr. Nixon moved decisively to check inflation and if he didn't score 100 per cent, who among his critics could have done better?

Twice he tried, and twice failed, to live up to his commitment to appoint conservative justices to the U.S. Supreme Court. But he didn't let a hostile Senate frustrate him. A third try succeeded and the court today is well balanced—a contribution that may be the most lasting and important of the first Nixon term.

Faced with an ugly trade imbalance, the President could have gone the perilous route of a trade war but elected to face reality and offer a moderate devaluation of the dollar abroad.

His primary opponents, antiwar Congr. McCloskey and rightwing Congr. Ashbrook, sit in the bleachers making lofty doctrinaire pronouncements while the President is in the arena running the game and playing it.

We don't believe the voters are being fooled by the phony issues of left and right; the 69 per cent Nixon majority in New Hampshire is a strong hint the people know the score.

Florida Republicans have the opportunity Tuesday to give Richard Nixon his first big-state primary victory.

Let it happen.

NEEDED IMPROVEMENTS IN HEALTH CARE PROGRAM

Mr. FANNIN. Mr. President, during the past several years we have heard much discussion about needed improvements in our health care system.

As is usually the case, the attention has been focused on individuals and groups who have shouted that we have a health care crisis in the United States. Much publicity has been given to proposals for radical change in medicine, as well as in other aspects of our society.

Most certainly improvements are needed in our health care system. We need to expand our system to make it more readily available to those who need care. We need to provide catastrophic illness insurance to protect our citizens from financial ruin when they suffer serious afflictions.

It would be a serious mistake, however, to institute a radical new system which is alien to America. Socialized systems which have been highly touted in other nations have serious flaws when examined closely. This is not England, and it is not Sweden—and neither of those systems are so great that they should be transplanted in America.

We need improvement in our medical system, not radical surgery. We should build on the good in our system, for there is much good to build on. We should not try to move quickly to some nationalization which could be a disaster medically and economically.

As a member of the Committee on Finance, which will be discussing health care proposals, I am cosponsoring a bill which will improve our system without nationalization.

Mr. President, the magazine, Medical Economics, on February 14, 1972, published a thoughtful article. This was a reprint of an article which appeared earlier in Saturday Review. I think that it contains some food for thought. 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:

THE LAST THING U.S. MEDICINE NEEDS IS RADICAL REFORM!

(By Harry Schwartz)

The conventional practice of medicine and the physicians engaged in it are under attack in the United States as never before. Ranged behind a banner reading HEALTH-CARE CRISIS, a large and vociferous group of critics claims that the nation's medical system is woefully deficient in so many major respects that it must be radically reorganized—and quickly. On this essential diagnosis and prescription, the Nixon Administration stands shoulder to shoulder with Senators Edward Kennedy and Edmund Muskie, among others, as well as with many union leaders.

Many patients are vocally dissatisfied with the high cost of medical care and, increasingly, with the outcome—this latter fact attested to by an epidemic of malpractice suits. The past few years have seen barrages of articles, books, television programs, and other investigations of the weaknesses and inadequacies of the medical system. "Don't get sick in America," the nation has been told, as though there were some place where it was good to have cancer or multiple sclerosis or schizophrenia. Alarmed by this atmosphere, the American Medical Association has begun to run scared, offering programs for improved financing and delivery of health care, and seeking to upgrade its public image by sponsoring advertisements to show that doctors do care about the health of their patients, the quality of the environment, and the like.

In their righteous wrath, many of today's critics seem to feel that limits of truth, balance, or plain good sense just don't apply to their holy cause. Thus, one national magazine recently blazoned its front cover with why you can't get a doctor, though the editors surely know that every week millions of Americans see and are treated by physicians. And in another national magazine, a television critic who signs himself "Cyclops" assured his readers that Medicare had enriched the doctors in much the same fashion that the oil depletion allowance had served the oil industry. One wonders if in an earlier era Cyclops denounced "faceless and nameless accusers" who presented no evidence but simply accused broad categories of people. More generally, the critics have often focused on the worst areas in this field and trumpeted their findings as though they were typical. With that technique, of course, every aspect of American life can be indicted, since all—the same as medicine—have weaknesses and deficiencies.

Even unfair criticism can be useful in keeping an individual, an institution, or a section of society on its toes and helping prevent complacency. Vice President Agnew's attack on the media can be defended from this point of view. But in the case of medical care, many of the critics have "solutions" they want to offer. Having told us what incompetent, greedy monsters dominate the medical profession, the critics assure us that if we will only adopt their pet nostrum, all will be well in the best of all medical worlds.

The fact that for many years to come most of the physicians treating sick Americans will be the same men and women with M.D. degrees who are being denounced now doesn't seem to shake the faith of these true believers in simplistic solutions. Nor does it seem to occur to many of these would-be reformers that there could be heavy costs in the transition to some new health-care mechanism and there could even turn out to be serious new problems with the proposed "solutions." Such complications tend to be ignored as the fighters against medical evil use the undoubted weaknesses of what now exists for their propaganda while assuming that their proposals would introduce a utopia.

A staple argument advanced by those who profess to see a health-care crisis is that the nation's health is well below what it might be because of the inadequacies of the present medical mechanism. To buttress this argument, the critics virtually always trot out international statistics purporting to show that the United States is way down on the list of the world's nations, being so ranked by such indicators as infant mortality and life expectancy.

In part, this argument is based upon simple naivete in statistical matters. It assumes that it is meaningful to compare small, homogeneous nations concentrated on relatively tiny territories—Sweden and Holland, for two examples—with the United States, whose population is roughly 20 times as large incredibly heterogeneous, and spread across a whole continent. Moreover, those who triumphantly cite these statistics usually ignore the problems of statistical definition that make such comparisons even more suspect. And they almost never point out that if comparisons are made between the two most nearly comparable large countries for which data are available—the Soviet Union and the United States—the Soviet Union turns out to have a much higher infant mortality rate than the United States and approximately the same life expectancy level. Why doesn't anyone talk about a Soviet health-care crisis?

But this argument has an even more fundamental fallacy, which is the assumption in a highly developed modern urban society medical care is somehow the decisive element in such matters as infant mortality and life expectancy. This, of course, ignores all the complex social forces at work. Whatever its sins, the American medical establishment is not responsible for hunger in this country, for the automobiles that kill 50,000 or more people here annually, for the drug overdoses that claim thousands of young lives, or for the millions of Americans who court heart disease and lung cancer by overeating, exercising little or not at all, and smoking a pack or more of cigarettes daily. If a person chooses to eat or smoke his way to death despite his doctor's warning, why place the blame on the doctor?

Finally, it is curious that those who rush to use statistics to indict American medicine are so quiet about data that point in the opposite direction. Why is so little said, for example, about the dramatic decline in American infant mortality in recent years—a drop of more than 20 per cent just between 1965 and 1970? Last year, for the first time in American history, the infant mortality rate went below 20 deaths per 1,000 live births. Nor are we often reminded that, when allowance is made for the changing age distribution of the population, the death rate in this country has been dropping significantly. In 1967, the last year for which data are available, the age-adjusted death rate in this country was 7.3 per 1,000 population. Twenty years earlier, the corresponding figure, 9.0 per 1,000, was almost 25 per cent higher.

I do not mean to suggest that there is no room for further improvement. But if critics want to be honest with the American people, they ought to present the whole picture—including the undeniable evidence of substantial and continuing improvement, in some cases very rapid improvement—and not merely carefully selected international comparisons, the relevance or validity of which is dubious. It should be added, moreover, that the gains, i.e., the reductions, in American infant mortality and over-all mortality rates have been shared by whites and nonwhites of both sexes.

A second frequent complaint is about shortages of doctors, sometimes more generally of all health manpower and womanpower. Along with this grievance often goes the more or less explicit charge that the American Medical Association has been choking off the supply of doctors, presumably to increase the monopolistic power of its own members.

Nobody can deny that there are shortages of doctors in some places, and that the worst problems are encountered in urban slums and remote rural communities. But the United States as a whole has one of the highest ratios of physicians to populations in the entire world. Between 1950 and 1970 the number of M.D.s in this country increased almost 50 per cent, or substantially more than the roughly one-third population increase in the some period. Moreover, the country's rate of physician production is mounting rapidly as old medical schools expand enrollments, new medical schools begin operating, and some medical schools cut the period for M.D. training from four to three, or even two, years. In September, 1971, more than 12,000 new medical students began their studies, almost 40 per cent more than the number of freshmen enrolled as recently as 1965.

The net increase of between 35,000 and 40,000 doctors in this country just since 1965 makes a mockery of the charge that the A.M.A. or any other organization is attempting to preserve some sort of monopoly. The real problems are different, and they have at least three roots. One is the trend toward specialist care and away from general practice, a trend born both of the economic advantages of being a specialist and of the increasing volume and complexity of medical knowledge. A second factor is the understandable desire of many physicians to live and practice where it is most advantageous and pleasant for them to do so, rather than in surroundings of poverty or of professional isolation; physicians are abundant on Manhattan's fashionable East Side and in affluent Westchester County, but very scarce in New York City's poorer areas. Finally, there has been a tremendous upsurge in the demand for physicians' services born of the Medicare and Medicaid revolutions of the mid-1960s, which lowered the economic barriers to medical care for millions without immediately doing anything to compensate for the provision of this care.

Nevertheless, there can be little doubt that in recent years more Americans have been receiving more—and usually better—medical care than ever before in the nation's history. But this is hardly the situation that the term "health-care crisis" brings to mind or is intended to bring to mind.

A third complaint is the rapid rise in the nation's total medical bill. Here is the way the Nixon Administration's recent White Paper on medical care put the indictment: "In fiscal year 1970, the nation spent $67 billion on health, nearly three-fifths again as much as had been spent only four years earlier. While undoubtedly there were improvements in the quality of care for at least some of the population, more than 75 per cent of the increase in expenditures for hospital care and nearly 70 per cent of the increase for physician services were the consequence of inflation."

Put this way, of course, there is a strong implication of gouging, of conscienceless profiteering at the expense of the sick. But every American knows that the last four or five years have been a period of rapid general inflation, of substantial rises in prices and wages throughout the economy. Between 1967 and 1970, for example, the Consumer Price Index shows that physicians' fees rose an average of 21.4 per cent, or almost exactly the same percentage by which average hourly earnings of workers on private nonagricultural payrolls increased over the same period. Between 1967 and 1970, the C.P.I. reports, the average price of a semiprivate hospital room rose 45.4 per cent. Hospitals, of

course, are very labor-intensive institutions, and before Medicare and Medicaid many of their personnel—interns, residents, and housekeeping workers, many of the last being from minority groups—received very low wages. These last mentioned groups have particularly benefited from above-average wage raises in recent years, a circumstance that hardly makes such formerly disadvantage workers economic criminals.

There should be no illusions in this area. Proper care of the sick—particularly of the elderly, who make up such a disproportionately high percentage of the seriously ill—is and always will be a very expenssive proposition. There are, of course, inefficiencies in the existing medical-care mechanism that add to costs, but it is a delusion to think that the physically ill or the emotionally disturbed can be handled satisfactorily and humanely in ways that will compare in efficiency and cost effectiveness with the assembly-line techniques Detroit uses to build automobiles. Certainly the nation does not want the high percentage of error and neglect in its health care that car buyers find in their new vehicles.

Yet it is essentially assembly-line medicine provided by collectivized physicians that the critics suggest to meet the "health-core crisis." The road to medical utopia, many voices now tell us, is to be found by general acceptance of prepaid group practice arrangements ("health maintenance organizations," in Nixon Administration jargon) on the model of the Kaiser-Permanente groups along the West Coast. Such prescriptions are natural if one believes this country is now in a health-care crisis, which derives from the clichés the critics employ to describe present American medicine. They hold that it is "a cottage industry" consisting of "solo practitioners" working on a "fee-for-service basis" in a "non-system." Simply inverting these terms produces the notion that what is needed is a mass-production medical industry staffed by teams of doctors working independently of payment in a highly organized system.

This description of the present situation is grossly oversimplified. American medicine today is highly pluralistic. Millions of Americans have completely socialized medicine; for example, those in the Armed Forces and in Veterans Administration hospitals. Several million others belong to prepaid group practice organizations, and additional millions look to hospital emergency rooms, outpatient clinics, and the like for their primary medical care. Medicare, Medicaid, and private medical insurance, including the Blue plans, have revolutionized the economics of medical care in recent years. In short, the stereotype of the sick American going to the isolated physician and digging into his pocket for the $10 or $15 fee covers only a portion of the reality. And, except in remote areas, no physician is really isolated.

Patients have a fixed or semi-fixed medical cost, for which they can budget in advance, and a source of medical care available at any hour and on any day. Competing with private physicians, group practices can put economic curbs on private doctors' fees and force the private practitioners to make their own informal or formal arrangements to ensure that patients can get a doctor at 3 a.m. on a Fourth of July and on other occasions when most people are sleeping or on holiday.

But the zealous advocates of revolutionary change in American medical care go far beyond such modest and realistic claims. They see group practice or health maintenance organizations as wonder-working systems that can provide better care for lower costs while simultaneously ensuring that the population enjoys better health than ever before. It is these expectations that explain the intensity of the more extreme propagandists for universal health insurance and compulsory group practice.

However, the evidence presented for these claims is very thin, particularly since group practice in the United States has historically been limited to special groups, while what is advocated by the extremists is extension of this mode of health-care delivery to the entire population of the country.

How, for example, can group practice improve the nation's health if medical science knows so little about the causes of the degenerative and hereditary diseases that cause so much illness? And what is there about group practice that will enable it to stop smoking, overeating, lack of exercise, reckless driving, heroin addiction, alcoholism, poverty, inheritance of genetic defects, and other individual or social causes of sickness and death?

Some people argue that the end of direct financial cost for medical care will encourage people to go to doctors earlier than they might otherwise, and thus catch diseases at a stage where they can be dealt with more effectively. This may be true in some cases, but the change to prepaid medical care has more complex consequences.

The end of fee-for-service removes the individual physician's economic interest in his patient, while, for the group as a whole, it is economically advantageous to do as little as possible for the patient. For the subscriber to such a group, however, the removal of additional out-of-pocket cost for a visit to the doctor creates the temptation to overuse the group's resources. Thus, a tension is automatically set up between the group physicians and their patients.

The possibilities that a national system of prepaid group practice will turn into a bureaucratic monster are enormous. The nation's real problems of medical care can best be met by measures that focus on particular trouble areas, rather than by a violent transformation of the entire complex medical system that would affect equally all parts, those working well and those working poorly.

Of course the ghettos and small towns need more doctors and medical facilities. But the Government already has authority to recruit physicians and other medical personnel to meet these needs. And if young physicians are idealistically anxious to go into these deficient areas, why shouldn't the state help them to do so?

The family of moderate means struck by catastrophic illness can be bankrupted by heavy medical bills. That problem could be solved by Government-organized, compulsory major medical insurance whose cost on a national per capita basis would be relatively small.

The upward rocketing of hospital costs might be slowed down by a variety of measures. One important need is for revision of the formulas used to reimburse hospitals under Medicare, Medicaid, Blue Cross, and other insurance schemes. These formulas—which in the past have often stressed reimbursement for costs without pressures for economy—need to be altered so that hospital administrators will be more economy-minded in the future than in the past. The escalation of medical costs could also be usefully countered by effective action on the malpractice front to curb present excesses and abuses that add significantly to the cost that patients, insurance firms, and the Government have to pay.

In an era of increasing and justified disenchantment with big government, it is astonishing that so many well-meaning and intelligent reformers essentially want to nationalize and bureaucratize American medicine, either explicitly as in Britain or implicitly as in some of the legislation before Congress. One would have thought that the postal and public school systems would have taught them long ago that nationalization does not mean efficiency, and that the telephone system would have taught them that even a private integrated system can develop serious flaws. Based on the record of the past, we have every reason to suspect that if the revolutionary proposals for transforming American medicine are adopted and implemented, medical care in this country will cost more while providing less satisfaction and poorer treatment for millions.

MIGHTY PECULIAR

The patient had been put to sleep with a light anesthetic for coronary angiography. During the injection of the dye, he suffered a ventricular fibrillation and arrest. Fortunately his doctor, a cardiac surgeon, was present for the examination. He immediately began external massage and then mouth-to-mouth resuscitation. After a few moments the patient awoke and made an uneventful recovery. Although the episode had left the rest of us rather shaken, we thought the patient had recalled very little of it. But later that afternoon, when I saw him on my rounds, he said to me, "Confidentially, Doc, what about this Dr. Jones who's my surgeon? At first I liked him, but now I don't think I do." "Is that because of a reaction you had to the dye this afternoon?" I asked. "Oh, no," he said. "I don't recall anything like that. All I remember is that I took a nap and when I woke up, Dr. Jones was kissing me."—Paul W. Elsea, M.D.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MARCH 20, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of convening at 10 a.m. on Monday, the Senate, when it concludes its business today, convene at 11 o'clock on Monday next.

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

ORDER FOR ADJOURNMENT FROM MONDAY UNTIL TUESDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the business of the Senate is concluded on Monday next, the Senate stand in adjournment until the hour of 10 a.m. on Tuesday next.

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

EQUAL RIGHTS FOR MEN AND WOMEN

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, House Joint Resolution 208, which the clerk will report.

The legislative clerk read as follows:

Calendar 662, a joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Senate continued with the consideration of the joint resolution.

QUORUM CALL

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

The PRESIDING OFFICER. Time is

controlled. Who yields time, or against whom is such time to be charged?

Mr. ALLEN. Mr. President, I ask unanimous consent that the time be charged equally against the two sides.

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

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that Mr. Robert B. Smith be permitted the privilege of the floor for the purpose of assisting me during debate on House Joint Resolution 208.

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

Mr. BAYH. Mr. President, I ask unanimous consent that inasmuch as the Senate is considering a constitutional amendment, the staff of the Subcommittee on Constitutional Amendments be permitted the privilege of the floor throughout the discussion of this joint resolution, and through the final vote, on this pending order of business.

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

Mr. BAYH. Mr. President, I ask unanimous consent, further, that Mathea Falco be permitted the privilege of the floor for the duration of this debate and through the final vote.

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

Mr. BAYH. Mr. President, the noble principle of "equal justice under law" which has guided this country for almost two centuries has, in fact, never been fully realized. We have, it is true, eliminated some forms of invidious discrimination from our midst. But, despite our past efforts, our system is flawed by shameful, inexcusable, morally reprehensible and socially outmoded discrimination against the women of this country.

Perhaps no single statement more eloquently describes the magnitude of sex discrimination in our country today than the one made by Congresswoman SHIRLEY CHISHOLM when she testified before the Senate Subcommittee on Constitutional Amendments, which I am privileged to serve as chairman. The Congresswoman said:

> I have been far oftener discriminated against because I am a woman than because I am black.

The testimony which was presented to Congress in three very recent sets of hearings confirms what Mrs. CHISHOLM said: persistent patterns of sex discrimination permeate our society today.

The joint resolution now before the Senate proposes an equal rights amendment to the U.S. Constitution. The amendment, after ratification by the States, would provide that all Americans men and women alike, shall be treated equally before the law. The proposed amendment, already approved overwhelmingly by the House of Representatives and reported favorably by a 15 to 1 vote in the Senate Judiciary Committee, is a long overdue and fully appropriate means to establish, at last, the just rights of the 51 percent of Americans who happen to be born women.

The proposed amendment is straightforward. It provides in its operative part that—

> Equality of rights under the law shall not be denied or abridged on account of sex.

The goal is to insure that the Federal Government, the State governments, and local governments treat each person, male, and female, on the basis of his or her individual abilities and characteristics—and not on the basis of arbitrary sexual stereotypes as is now all too often the case. The principle on which the amendment is based is one on which we should all be able to agree: a person's sex should not be a factor in determining one's rights under the law.

Mr. President, the social and economic cost to our society as well as the individual psychological impact of sex discrimination, are immeasurable. That a majority of our population should be subjected to the indignities and limitations of second class citizenship is a fundamental affront to personal human liberty. In a great country like ours, dedicated to the dignity and freedom of the individual, we cannot allow sex discrimination to persist.

THE NEED FOR THE EQUAL RIGHTS AMENDMENT

Mr. President, one of the questions raised when the equal rights amendment is discussed is whether the amendment is really needed. My unequivocal answer is "yes." A great many very distinguished persons and organizations agree with me.

Both major political parties have repeatedly supported this proposal in their national party platforms. It has received the endorsement of Presidents Eisenhower, Kennedy, Johnson, and Nixon. Both the Citizens' Advisory Council on the Status of Women, created by President Kennedy, and the President's Task Force on Women's Rights and Responsibilities, created by President Nixon, have recommended in strongest terms approval of the amendment. At least 11 States, California, Connecticut, Delaware, Florida, Louisiana, Maryland, Minnesota, Nebraska, New York, North Dakota, and Pennsylvania, have taken official action in support of the amendment. The House of Representatives, on October 12, 1971, approved the amendment 354 to 23. Over half the Members of the Senate sponsor the equal rights amendment. Moreover, an impressive list of organizations have recorded their support of the equal rights amendment. Among them are the following:

American Association of College Deans.
American Association of University Women.
American Association of Women Deans and Counselors.
American Association of Women Ministers.
American Civil Liberties Union.
American Federation of Soroptimist Clubs.
American Home Economics Association.
American Jewish Congress.
American Medical Women's Association.
American Newspaper Guild.
American Nurses Association.
American Society of Microbiology.
American Society of Women Accountants.
American Society of Women Certified Public Accountants.
American Women in Radio and Television.
Association of American Women Dentists.
B'nai B'rith Women.
Church Women United.
Common Cause.
Council for Chistian Social Action, United Church of Christ.
Council for Women's Rights.
Ecumenical Task Force on Women and Religion (Catholic Caucus).
Federally Employed Women.
General Federation of Women's Clubs.
Intercollegiate Association of Women Students.
International Association of Human Rights Agencies.
International Brotherhood of Painters and Allied Trades.
International Brotherhood of Teamsters.
International Union of United Automobile, Aerospace & Agricultural Implement Workers, UAW.
Interstate Association of Commissions on the Status of Women.
Ladies Auxiliary of Veterans of Foreign Wars.
League of American Working Women.
National Association of Colored Women.
National Association of Negro Business and Professional Women's Clubs.
National Association of Railway Business Women.
National Association of Women Lawyers.
National Coalition of American Nuns.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Welfare Rights Organization.
National Woman's Party.
National Women's Political Caucus.
Professional Women's Conference.
St. Joan's Alliance of Catholic Women.
Unitarian Universalist Women's Federation.
United Automobile Workers.
United Methodist Church—Women's Division.
Women's Christian Temperance Union.
Women's Equity Action League.
Women's International League for Peace and Freedom.
Women's Joint Legislative Committee for Equal Rights.
Women United.

Finally, a number of distinguished constitutional scholars have testified in support of the equal rights amendment, including Prof. Norman Dorsen of New York University, Prof. Thomas I. Emerson, Lines professor of law at Yale Law School, and Leo Kanowitz, professor of law at the University of New Mexico. Moreover, the Association of the Bar of the City of New York, through its Committee on Civil Rights and Special Committee on Sex and Law has urged "Adoption of the equal rights amendment as the best means of establishing equality before the law.

And the American Bar Association recently adopted a resolution which "Supports constitutional equality for women, and urges extension of legal rights, privileges and responsibilities to all persons, regardless of sex."

One cannot help being impressed by the broad base of political, public, and scholarly support for the equal rights amendment. The support would not be so great if the amendment were not greatly needed.

True it is, Mr. President, that some legislative progress has been made toward equal rights but not enough to

wipe out all discrimination against women in State and Federal law. Congress approved title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment unless sex is a "bona fide occupational qualification." Congress approved the Equal Pay Act which assures that many persons who do equal work receive equal pay regardless of sex. But these laws fail to reach discrimination in many areas, allow for substantial exemptions in some cases, and have often been implemented too slowly.

The Supreme Court has been slow to move, too; recently, for the first time, it did invalidate a State law which discriminated against women, but it did so in a way which left the burden of proof on each woman plaintiff to show that the law is unreasonable. The Court has consistently refused to apply the 14th amendment to discrimination based on sex with the same vigor it applies the amendment to distinctions based on race.

In the States, progress has been mixed. Some States have made diligent efforts to revise outmoded and discriminatory laws, and three States—Illinois, Pennsylvania, and Virginia—have recently approved State constitutional provisions banning sex discrimination. But in other States, there has been no progress whatsoever.

On the whole, sex discrimination is still much more the rule than the exception. Much of this discrimination is directly attributable to governmental action both in maintaining archaic discriminatory laws and in perpetuating discriminatory practices in employment, education, and other areas.

Specific examples of sex discrimination are legion, and have been brought to the attention of Congress many times, through hearings on the equal rights amendment and on other legislation. I would like today to touch on just a few of the most well-known and far-reaching examples of invidious sex discrimination.

Difficult as it is to believe, women are sometimes denied even the basic rights and responsibilities of citizenship in the United States today. Until 1966, for example, three States excluded women from juries altogether. And today there is still at least one State which requires women, but not men, to register specially to be eligible to serve on juries.

There is also invidious discrimination against women in the criminal laws of some States. One State has a statute allowing women to be jailed for 3 years for habitual drunkenness, while a man can receive only 30 days for the same offense. In two States, the defense of "passion killing" is allowed to the wronged husband, but not to the deceived wife. And in another State, female juvenile offenders can be declared "persons in need of supervision" for noncriminal acts until they are 18, while males are covered by the statute only until age 16.

Governmental action also contributes significantly to sex discrimination in education. Approximately 75 percent of the college students in the country attend publicly supported institutions. These colleges and universities have a crucial role in determining employment opportunities for women by providing access to professional training and careers. Yet widespread patterns of sex discrimination are found in the admissions policies and hiring practices of institutions of learning throughout the country. As an independent report prepared for the Department of Health, Education, and Welfare this year stated:

> Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community.

Discrimination in admission to college is widespread. In 1968, only 18 percent of the men entering public 4-year colleges had a high school grade average of B+ or better. But 41 percent of the freshmen women had attained such grades. In 1969 one State university published an admissions brochure which stated:

> Admission of women on the freshman level will be restricted to those who are especially well qualified.

Another State university admitted women only for summer school sessions, and never to the regular academic curriculum, unless they are related to employees or students and wish to pursue a course of study otherwise unavailable.

Discrimination in admission to graduate schools is, if anything, even more widespread, despite the fact that women's undergraduate grade point averages are higher than men's. Testimony before the House Special Subcommittee on Education in 1970 revealed, for example, that the number of women applying for admission to U.S. medical schools increased by more than 300 percent between 1929–30 and 1965–66—while male applications increased by only 29 percent. The percentage of women applicants who were accepted actually declined during the same period. And while women received 55 percent of the bachelors degrees awarded in all fields in 1968–69, women received only 37 percent of the masters degrees, only 13 percent of the doctorates, and only 4 percent of the professional degrees.

Discrimination against women does not end with admission; it pervades every level of the teaching profession. While 75 percent of the teachers in public elementary and secondary schools are women, only 22 percent of the elementary school principals and only 4 percent of the high school principals are women. At the college level, statistics show that while almost half of the male teachers become full professors only 10 percent of the female teachers are granted that status.

The business and labor laws of some States discriminate invidiously against women. Some States place special restrictions on the right of married women, but not married men, to contract or to establish independent businesses or to become a guarantor or a surety. Perhaps even more astounding, in 1970, 26 States had laws or regulations which prohibited the employment of adult women in specified occupations or industries which were open to adult men.

Most States have enacted so-called protective labor legislation in one form or another. Many of these laws are not protective at all, but rather are restrictive, and have been shown to have a discriminatory impact when applied only to women. For example, a law which limits the working hours of women but not of men makes it more difficult for women to obtain work they desire and for which they are qualified, or to become supervisors. State laws which limit the amount of weight a woman can lift or carry arbitrarily keep all women from certain desirable or high-paying jobs, although many if not most women are fully capable of performing the tasks required. Speaking of such restrictive laws as a whole, the Equal Employment Opportunities Commission states in its guidelines on sex discrimination:

> The Commission believes that [State laws which restrict or limit the employment or conditions of employment of females] although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences and abilities of individual females and tend to discriminate rather than protect.

Partially because of these laws, and also because of other sorts of sex discrimination, working women are at a great disadvantage in the private sector. The median salary income for women is only 59.5 percent of that earned by men and in recent years the gap between male and female median incomes has been widening.

Sex discrimination is clearly present even in Government employment, which in total accounts for more than 20 percent of the labor force. For example, although women constituted 34 percent of all full-time white collar Federal Civil Service Employees in 1967, they filled more than 62 percent of the four lowest grades and only 2.5 percent or less of the four highest grades. And sex discrimination in Government has an effect even greater than the numbers involved, for private employers often look to Government as a model for employment practices.

It is sometimes argued that all of the discriminatory laws and practices which exist could be eliminated without a constitutional amendment. If the Supreme Court were to hold that discrimination based on sex, like discrimination based on race, is inherently "suspect" and cannot be justified in the absence of a "compelling and overriding state interest," then part of the reason for the amendment would disappear. But the Court has persistently refused so to hold. Indeed, the Court has upheld many laws which plainly discriminate against women.

Its first significant case involving sex discrimination was *Bradwell* v. *Illinois*, 83 U.S. 130 (1872), in which the Court upheld the refusal of the Supreme Court of Illinois to allow women to practice law. The Court relied on the privileges and immunities clause of the 14th amendment and not the equal protection or due process clauses, to uphold the law. Two years later, the Court held that the 14th amendment did not confer on women citizens the right to vote, in *Minor* v. *Happersett*, 88 U.S. 162 (1874), a

position which stood until ratification of the Suffrage Amendment in 1920.

Later, the Court began to apply a standard of "reasonableness" to laws which discriminated on the basis of sex. This test was employed to uphold against constitutional attack labor laws which appeared to have little if any reasonable justification. A good example is the case of *Goesart* v. *Cleary*, 335 U.S. 464 (1948), in which the Court upheld a Michigan statute prohibiting all females—other than the wives and daughters of male licensees—from being licensed as bartenders. The Court in Goesart assumed that such patently discriminatory legislation could be sustained if it were "reasonably" related to the State's objective in making such a classification. The Court did not even explore the possibility that a more rigorous constitutional standard should be applied.

Mr. President, the hypocrisy of that law is a good example of the discrimination we are trying to eradicate. What reasonable grounds can a State have for suggesting that those female citizens are more in need of protection from lecherous male customers that are employed behind the bar than if those who serve drinks in front of the bar, and thus be protected? It is ridiculous. The double standard is obviously discriminatory and even more obviously should be swept away.

More recently, in *Hoyt* v. *Florida*, 386 U.S. 57 (1967), the Court upheld a Florida statute providing that no female would be called for jury service unless she had registered to be placed on the jury list. The Court found that such discrimination was permissible under the 14th amendment, since it was reasonable "for a State, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities."

The Court said nothing at all about the fact that a man who has custody of young children might face the same difficulties as a woman.

Last year the Supreme Court for the first time struck down a law which discriminated against women. In *Reed* v. *Reed*, 40 U.S.L.W. 4013 (1971), the Court invalidated a State law which arbitrarily favored men over women as administrators of estates. But the Court did not overrule such cases as Goesart and Hoyt, and it did not hold that sex discrimination is "suspect" under the 14th amendment. Instead, the Court left the burden on every woman plaintiff to prove that governmental action perpetuating sex discrimination is "unreasonable." And that is a difficult burden to carry, indeed. As the Association of the Bar of the City of New York pointed out in its recent report:

> [t]he 1971 *Reed* case indicated no substantial change in judicial attitude.

Passage of the equal rights amendment will make it clear that the burden is not on each woman plaintiff to show sex discrimination is "unreasonable"; the amendment will, instead, assure all men and women the right to be free from discrimination based on sex.

Of course, it would theoretically be possible for Congress and each State to revise their laws and eliminate those which discriminate against women. But without the impetus of the equal rights amendment, that process would be far too haphazard and much too slow to be acceptable. We cannot afford to wait any longer for Congress and each of the 50 State legislatures to find the time to debate and revise their laws. As in other areas where the Constitution has been amended, there is an imperative for immediate action. The Nation has waited too long already—it has been 49 years since the equal rights amendment was first introduced; and it has been over a hundred years since the 14th amendment was ratified; and it has been close to 200 years since our Nation was founded. For all this time, invidious sex discrimination has plagued our society. Only a constitutional amendment can provide the legal and practical basis for the necessary changes.

After 200 years of history, the time has come to sound the death knell and signal the end of discrimination against a class of Americans who happen to constitute a majority of the citizenry of this land.

Finally, we cannot overlook the immense symbolic importance of the equal rights amendment. The women of our country must have tangible evidence of our commitment to guarantee equal treatment under law. An amendment to the Constitution has great moral and persuasive value. Every citizen recognizes the importance of a constitutional amendment, for the Constitution declares the most basic policies of our Nation as well as the supreme law of the land.

For all these reasons, Mr. President, I believe that the need for the equal rights amendment is undeniable.

THE EFFECTS OF THE EQUAL RIGHTS AMENDMENT

Let me turn now to the effect that the equal rights amendment—in its unamended form, as passed by the House—will have. I have already outlined the general principles on which the amendment rests: All levels of government must treat each person, male or female, as an individual, and not on the basis of sex. The amendment affects only governmental action; it does not affect the private action or the social relationships between men and women. And the amendment only requires equal treatment of men and women as individuals; thus, it does not require any level of government to establish quotas for men or women in any of its activities. In short, the amendment simply prohibits discrimination on the basis of sex.

The separate views of Congressman EDWARDS and 13 other members of the House Judiciary Committee in the House report on the equal rights amendment state concisely and accurately the understanding of the proponents of the amendment. I would like to read some excerpts from that report:

> The basic premise of House Joint Resolution 208 in its original form is a simple one. As stated by Professor Thomas Emerson of Yale University, one of the Nation's foremost authorities on constitutional law, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.
>
> The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance, that in our present society members of one sex are more likely to be engaged in a particular type of activity than members of the other sex, does not authorize the Government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast over-classification by sex.
>
> The main reason underlying the basic concept of the original text derives from both theoretical and practical considerations. The Equal Rights Amendment (H.J. Res. 208) embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality.
>
> The legal principle underlying the Equal Rights Amendment (H.J. Res. 208) is that the law must deal with the individual attributes of the particular person and not with stereotypes or over-classification based on sex. However, the original resolution does not require that women must be treated in all respects the same as men. "Equality" does not mean "sameness." As a result, the original resolution would not prohibit reasonable classifications based on characteristics that are unique to one sex. For example a law providing for payment of the medical cost of child bearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed amendment it is not the sex factor but the individual factor which should be determinative.
>
> Just as the principle of equality does not mean that the sexes must be regarded as identical, so too it does not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances. In this regard, two collateral legal principles are especially significant. One principle involves the traditional power of the State to regulate cohabitation and sexual activity by unmarried persons. This principle would permit the State to require segregation of the sexes for these regulatory purposes with respect to such facilities as sleeping quarters at coeducational colleges, prison dormitories, and military barracks.
>
> Another collateral legal principle flows from the constitutional right of privacy established by the Supreme Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). This right would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions.
>
> With respect to other constitutional considerations, it should be noted that (H.J. Res. 208) would apply only to governmental action, and not to private or individual action. In this regard, as well as in some of its other features, (H.J. Res. 208) is similar to those provisions of the 14th Amendment which are directed against racial, ethnic, and religious discrimination. Thus, in interpreting (H.J. Res. 208) the courts would have available a substantial body of case law which would be used as a guide when relevant. At the same time much as the struggle of women for equality is comparable to that of racial, ethnic, and religious minorities, there are some differences which the courts could also take into account in appropriate cases.

Because a great deal of controversy has arisen over the impact of the equal rights amendment in specific areas, I

would like to comment briefly on the likely effect of these general principles on such areas.

First let me speak about military service. It seems clear that the equal rights amendment will require that women be allowed to volunteer for military service on the same basis as men; that is, women who are physically and otherwise qualified under neutral standards could not be prohibited from joining the service solely on the basis of sex. This result is highly desirable for today women are often arbitrarily barred from military service and from the benefits which flow from it: For example, educational benefits of the GI bill; medical care in the service and through veterans' hospitals; job preferences in Government and out; and the training, maturity, and leadership provided by service in the military itself.

There could be no question about the fact that women could make and have made substantial contributions in the service of our country. Yet, the hard fact is that today even as a volunteer in our Armed Forces a woman must meet a substantially higher standard than her male counterpart before being permitted to volunteer.

It seems likely as well that the equal rights amendment will require Congress to treat men and women equally with respect to the draft. This means that, if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription. Once in the service, women, like men, would be assigned to various duties by their commanders, depending on their qualifications and the service's needs.

Of course, the amendment will not require that all women serve in the military any more than all men are now required to serve. Those women who are physically or mentally unqualified, or who are conscientious objectors, or who are exempt because of their responsibilities—for example, certain public officials; or those with dependents—will not have to serve, just as men who are unqualified or exempt do not serve today. Thus the fear that mothers will be conscripted from their children into military service if the equal rights amendment is ratified is totally and completely unfounded. Congress will retain ample power to create legitimate sex-neutral exemptions from compulsory service. For example, Congress might well decide to exempt all parents of children under 18 from the draft.

The members of the House Judiciary Committee, quoting from the report of the Senate Judiciary Committee on the equal rights amendment in 1964, said the same thing this fall:

> It could be expected that women will be equally subjected to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the government would not require that women serve where they are not fitted just as men [are not required to serve where not fitted.]

Congresswoman MARTHA GRIFFITHS, the primary sponsor of House Joint Resolution 208, said on the floor:

> The draft is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go.

Congressman EDWARDS, who had chaired the House subcommittee hearings on the equal rights amendment, put it this way:

> Women in the military could be assigned to serve wherever their skills or talents were applicable and needed, in the discretion of the command, as men are at present.

This is the same view expressed by witnesses at the hearings and by other interested parties. For example, the National Association of Women Lawyers has stated their view that, under the equal rights amendment, females "would be subject to the draft on the same basis as young men" and "women in the military would receive the same benefits and veteran's preferences, employment, education skills learned in the service."

Second, I would like to discuss State legislation which will be affected by the equal rights amendment. A number of States have laws which restrict or limit the occupations or conditions of employment of females, but not of males. These laws are often called protection, but in practice many of them discriminate against women by making it difficult and sometimes impossible for a fully qualified woman to obtain certain jobs, often highly desirable ones. Because of title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment in certain instances where sex is not a "bona fide occupational qualification" these laws are not nearly as great a barrier to fair employment for women as they once were. Nevertheless, some States retain their laws.

Most of the so-called protective laws were passed to protect women from exploitation in another era, and they represented hard won progress. But today, some are merely restrictive, and because they apply only to women confer no real benefit. For example, some States have laws which absolutely prohibit women, whether qualified or not, from certain jobs—jobs which are open to men. The bar-tending prohibition previously referred to is an example of this type of law. Other States have weight lifting laws applicable only to women which effectively deny fully qualified women certain jobs, even though the weight which is prohibited has no relevance to the job. Such laws often do not take into consideration the fact that some women may be able to lift as much weight as some men. Still others have laws limiting the hours women may work—and these sometimes prevent women from gaining promotions to supervisory positions. As the Equal Employment Opportunity Commission has found, such laws "do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect."

State laws limiting hours of work have a particularly bad effect on our society. Some suggest that to wipe away all of the discrimination against women in employment and remuneration would cause large numbers of mothers to leave home, thus exposing their children to an unstable family situation. This is not true. The fact is that today millions of women are working; millions of women are working to try to support their families, either independently or in conjunction with their husbands.

No measure we pass is ever going to reverse that. Those who oppose the equal rights amendment too often overlook the fact that 40 percent of all the women who work today are the sole support of their children. To limit them to 8 hours a day and 40 hours of work a week means they are denied time and a half pay and double time for overtime work. It denies them the opportunity to work up the ladder of managerial responsibility because nobody gets into a managerial position if limited to 8 hours a day.

Mr. President, some say these laws are to protect women. I disagree. They discriminate not only against women but also against the children of the hundreds of thousands of women who work and are the sole support of their families.

Ratification of the equal rights amendment will result in equal treatment for men and women with respect to the labor laws of the States, as in other legal matters. This will mean that such restrictive discriminatory labor laws as those which bar women entirely from certain occupations will be invalid. But those laws which confer a real benefit which offer real protection will, it is expected, be extended to protect both men and women. Examples of laws which may be expanded include laws providing for rest periods or minimum wage benefits or health and safety protections. Men are now sometimes denied the very real benefits these laws offer. As Prof. Leo Kanowitz has pointed out—

> The fears of some opponents of the [Equal Rights A]mendment that its adoption would nullify laws that presently protect women only are thus unfounded—since the equality of treatment required by the [A]mendment can be achieved by extending the benefits or those laws to men rather than by removing them for women.

The Association of the Bar of the City of New York pointed out in discussing laws requiring rest periods for women only, that they "may be extended to both sexes without burden or disruption."

A closely related question is whether laws found unconstitutional under the equal rights amendment will be struck down or extended to cover both men and women. This question extends beyond the area of labor legislation. Of course, the legislatures of the several States will have the primary responsibility for revising those laws which conflict with the equal rights amendment. Indeed, the purpose of delaying the effective date of the equal rights amendment for 2 years after ratification is to allow legislatures—particularly those which meet only in alternate years—and agencies an opportunity to review and revise their laws and regulations. As stated above, it is expected that any labor law, or other legislation, which is truly protective will be extended to include both sexes, while laws which are restrictive will become null and void.

In those situations where a court finds a State or Federal law in conflict with

the equal rights amendment, the legal infirmity will be cured either by expanding the law to include both sexes or nullifying it entirely. As I have said, it is expected that those laws which are discriminatory and restrictive will be stricken entirely as the court did in *McCrimmon* v. *Daley*, 2 FEP Cases 971 (N.D. Ill. March 31, 1970) which involved a law banning women from a certain occupation. On the other hand, it is expected that those laws which provide a meaningful protection would be expanded to include both men and women, as for example minimum wage laws, see *Potlatch Forests, Inc.* v. *Hays*, 318 F. Supp. 1368 (E.D. Ark. 1970), or laws requiring rest periods—see Equal Employment Opportunities Commission Case No. 6–8–6654 (June 23, 1969), 1 CCH Employ. Prac. Guide 6021.

There can be no question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute if necessary to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit or it may extend the coverage of the statute to include those who are aggrieved by exclusion.

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th amendments rather than striking the law down. *Neal* v. *Delaware*, 103 U.S. 370 (1880). In *Sweat* v. *Painter*, 339 U.S. 637 (1950), and *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the laws so that black students had equal access. And in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), the Court extended to illegitimate children the right, restricted by a State statute to legitimate children, to recover wrongful death benefits.

Let me touch, finally, on a few other areas where the equal rights amendment may have some impact. The general principles I have discussed will govern in all areas. With respect to criminal law, for example, the amendment will prohibit a State from providing for different punishments for men and women who commit the same crime, see *Commonwealth* v. *Daniel*, 430 Pa. 642, 243A. 2d 400 (1968). But the amendment will not invalidate laws which punish rape, for such laws are designed to protect women in a way that they are uniformly distinct from men.

One of the tragedies is that some of our criminal laws, which are to protect all society, treat and punish women more harshly for committing the same crime that a man might commit. At this moment I recall two or more States which permit self-defense in a crime of passion when a man slays his spouse upon finding her in a compromising situation.

In two States, the defense of "passion killing" is allowed to the wronged husband, but not to the deceived wife: Hardly equal treatment under the law. In another State, female juvenile offenders can be declared "persons in need of supervision" for noncriminal acts until they are 18, while males are covered by the statute only until age 16. Hardly equal treatment under the law. One State has a statute allowing women to be jailed for 3 years for habitual drunkenness, while a man can receive only 30 days for the same offense.

With respect to education, the equal rights amendment will require that State supported schools at all levels eliminate laws or regulations or official practices which exclude women or limit their numbers. The amendment would not require quotas for men and women, nor would it require that schools accurately reflect the sex distribution in the population; rather admission would turn on the basis of ability or other relevant characteristics, and not on the basis of sex. A similar result may be expected with respect to the distribution of scholarship funds.

This is certainly not the case today. The total number of scholarships is significantly lower for women. In addition, the per pupil loan or scholarship, on the national average for educational benefits is much lower for women than for men.

Mr. President, State schools and colleges currently limited to one sex would have to allow both sexes to attend. Employment and promotion in public schools would, as in the case of other governmental action, have to be free from sex discrimination.

It should also be noted with respect to education that the amendment would not require that dormitories or bathrooms be shared by men and women.

This is another of the issues that has been raised to try to divert our gaze from the real purpose and effect of this amendment.

As I have explained, the amendment does not prohibit the separation of the sexes where the right of privacy is involved. As the Association of the Bar of the City of New York pointed out in its report—

> [t]he constitutional right of privacy could be used to sanction separate male and female facilities for activities which involve disrobing, sleeping and personal bodily functions.

The equal rights amendment may also have an effect on those State laws affecting domestic relations. In this area, as elsewhere, the amendment will prohibit discrimination based on sex. This will mean that State domestic relations laws will have to be based on individual circumstances and needs, and not on sexual stereotypes.

The report of the Association of the Bar of the City of New York accurately describes the amendment's effect in this area and I would like to read some excerpts from it:

> The Amendment would bar a state from imposing a greater liability on one spouse than on the other merely because of sex. It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.
>
> Thus, if spouses have equal resources and earning capacities, each would be equally liable for the support of the other—or in practical effect, neither would be required to support the other. On the other hand where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties.
>
> Although courts still probably would be reluctant to interfere in the allocation of support between husband and wife in an ongoing marriage, upon the dissolution of marriage, both husbands and wives would be entitled to fairer treatment on the basis of individual circumstances rather than sex. Thus alimony laws could be drafted to take into consideration the spouse who had been out of the labor market for a period of years in order to make a non-compensated contribution to the family in the form of domestic tasks and/or child care.

Prof. Norman Dorsen put it this way in his testimony:

> The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex. The action by the Commissioners, a respected and prudent body, deserves special consideration.

In sum, there is no reason to fear that the equal rights amendment will have undesirable effects on the rights of men and women under State domestic relations laws.

CONCLUSION

Mr. President, the measure before us is as important as any which the Senate has considered since I have been privileged to represent the people of Indiana in this body. The equal rights amendment was first introduced in 1923, and it has been studied exhaustively again and again. In the last 2 years, three sets of hearings have been held, and they show the need for the amendment and the desirable effects the amendment will have. The House of Representatives has overwhelmingly approved the amendment, as has the Senate Judiciary Committee. The time has come for the full Senate to act.

There will be, I am sure, attempts to water down the equal rights amendment. I will oppose these efforts. I believe—and I am sure the men and women of America believe—that equality of rights must mean equality of responsibilities, or else it is a charade. We must move now and move forcefully for equality under law regardless of sex.

And we must not, Mr. President, allow fallacious arguments concerning the cost of equality to deter us. For the cost of inequality is truly too high to bear. Not only is there the great personal and social cost, there is also the economic loss which results from underutilization of the talents of women of this country.

Nobel Prize winning economist Paul Samuelson, of MIT, has said:

> Economics suggests that the removal of discrimination will pay its own way, adding to GNP about what it costs.

Mr. President, the magnitude of the evil of sex discrimination is plain. It cannot be denied. Nor can it be denied that the best way to remedy this blight on the American dream is by a constitutional amendment. It is time to resolve that the women of this country shall no longer be subject to second-class citizenship. It is time to resolve that they, like their fathers, husbands, and sons, and every American, are first-class citizens of this great Nation.

Mr. President, I yield such time to the Senator from Kentucky as he may desire.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOK. Mr. President, first I ask unanimous consent that Miss Barbara Schuhmann, from my office, be allowed the privilege of the floor during the debate and during the voting on this measure.

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

Mr. COOK. Mr. President, 49 years ago a constitutional amendment was first introduced in the Congress of the United States calling for equality of rights for both men and women. Today, in March of 1972, the Constitution of this great democracy gives just one, clearly-stated constitutional right to women—the 19th amendment granting the female population the right to cast a vote. Moreover, that single constitutional right required a fight of 72 years. Let us hope that this final amendment which will provide for sexual equality does not take as long. I am fairly optimistic that this will not be the case. Furthermore, I believe that by taking up the amendment today, we are on the verge of a truly historic occasion—the Senate passage of the Equal Rights Amendment. At this point I wish to commend the distinguished junior Senator from Indiana (Senator BAYH) for his leadership on this amendment.

The Constitution of the United States fails to extend to the female half of our population the fundamental rights to life, liberty, property, and equal protection of the laws. The original Constitution, plus all its amendments still reserve equal rights and protection to the male population. The 92d Congress should unhesitatingly put an end to this illogical and invidious inequality by voting its approval of submitting to the States for ratification the proposed Equal Rights Amendment for men and women. In the simplest and clearest of words, the amendment reads:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It should be emphasized that this amendment provides for the equality of both men and women. It has been erroneously characterized as the "Women's Equal Rights Amendment." While the major result of the amendment will apply to the long and established discriminatory practices against women, it will also affect statutes which discriminate against men. These discriminations which are also historically rooted in custom and practice include the failure to give a husband courtesy—or dower—rights in property; failure under the social security laws to give survivorship benefits to a husband, and the discrimination and statutory practice in most States of giving automatic preference to the female in child custody actions arising from divorce proceedings.

While it will affect males as well, I would agree that the primary thrust of the amendment is for the benefit of women. That is the area of greatest need.

Our original Constitution of 1787, founded on the English common law, gave no recognition whatever to women. They were wholly outside its protections. The framers can scarcely be charged with having affirmatively and deliberately excluded women since they were beyond the pale of existence under then established law. They were mere property and chattels; they were not legal "persons" nor can it be said that they are such today. In all 183 intervening years the only constitutional recognition extended to them is that of the 19th amendment insuring the right to vote without regard to sex. As to that, the Supreme Court has said:

> The rights and responsibilities of women in our public life—has achieved constitutional compulsion on the States only in the grant of the franchise by the 19th amendment. (*Fay* v. *New York*, 332 U.S. 261, 189 (1947)).

The 14th amendment guarantees privileges and immunities of U.S. citizenship to all "persons," forbids the taking of life, liberty or property without due process of law; and extends the equal protection of laws to every "person." The 14th amendment, like all other provisions of the Constitution means what the Supreme Court says it means. Over the years the Court has extended the perimeter of its provisions to include as persons entitled to legal rights thereunder corporations, juveniles, schoolchildren and criminals. It is an incredible and no longer tolerable fact that the Court has limited these guarantees to male individuals only.

The Supreme Court has never opened the doors of employment opportunity to any individual female despite its zeal in upholding the right of a male citizen and of a male alien to work at any lawful occupation of his choice. In 1884, the Court declared that:

> The right to follow any of the common occupations of life is an inalienable right, formulated as such under the Declaration of Independence; to deny it is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but to the express words of the Constitution. It is what no legislature has the right to do. (*Butchers Union Slaughter House*, etc., 111 U.S. 746, 762).

Later decisions extended the protection of the 14th amendment to strike down a San Francisco ordinance which denied license to operate laundries to Chinese aliens—*Lick Wo* v. *Hopkins*, 118 U.S. 356 (1886). In 1941, the Court outlawed a Texas statute which operated to deny the promotion of a fireman-engineer to become freight train conductor (*Smith* v. *Texas*, 233 U.S. 630) and, in 1915, it invalidated an Arizona statute which restricted an alien Austrian cook from working in a restaurant (*Traux* v. *Raich*, 239 U.S. 33), the Court declared that—

> It requires no argument to show that the right to work for a living in the common occupations of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment (14th) to secure.

This, however, was not the view of the Court when in 1872 it upheld Illinois denial to a female attorney of the right to be admitted to the practice of law—*Bradwell* v. *Illinois*, 83 U.S. 130. Also, it was not the view of the Court when in 1894 it reaffirmed such denial by the State of Virginia in the case of Belva Lockwood—*In re Lockwood*, 154 U.S. 1161 (1894).

And, as late as October 1968, the Supreme Court refused to accept direct appeal of the issue of whether an individual woman assembly line worker was denied equal protection of the law under the 14th amendment because of the California 8-hour law limiting employment of females only—*Mengelkoch* v. *Industrial Welfare Commission and North American Aviation Co.*, 393 U.S. 83.

On the other hand, the Supreme Court has applied the 14th amendment to limit, restrain, and restrict employment for women by giving its repeated stamp of approval to statutes applying to female workers but not to males similarly employed, limiting hours of work, applying weight-lifting limitations, and barring certain occupations. In 1908, in the far-reaching landmark decision of Muller against Oregon, the Court resorted to the shibboleth that "sex is a reasonable classification" principle to justify denial of equal protection to assembly line working women and to uphold hours laws which limited them to lower paying jobs.

This Supreme Court principle stands to this day, and has been used to uphold a State university's denial of admission to a woman student for courses not elsewhere obtainable; to justify lesser social security benefits and enforced earlier retirement ages for women; and even to justify heavier criminal sentences upon female offenders.

In the most recent Supreme Court decision of Reed against Reed, decided in November of 1971, the Court struck down a State law which automatically preferred men over women as administrators of estates. It did not provide, however, the sweeping decision that the proponents of the equal rights amendment hoped for. To be sure, it was not the equivalent of Brown against Board of Education in the area of women's rights. It did not hold that sex discrimination is "suspect" under the 14th amendment; it did not place any burden on the State or Federal governments to show that their actions in regard to sex discrimination are "reasonable." The burden of proof is still on each individual woman in each particular case. Prof. Leo Kanowitz of the University of New Mexico School of Law, and one of the attorneys on the amicus curiae brief in the Reed case, said of that case:

Though the Court held that the equal protection clause of the 14th amendment prevents the states from making irrational distinctions between the sexes, it did not define what it meant by "irrational" nor did it rule, as we had asked, that sex, like race, be considered a suspect classification thus permitting sex classifications in state laws only on the showing of overwhelming or compelling reasons.

Although the Court could have struck down the Idaho statute on the grounds that sex-based discrimination is "suspect" and merits close scrutiny, the Court merely handed down a narrow decision invalidating one State law. It did not give to women the benefit of the same treatment which has been enjoyed for years by racial minorities. In essence, the Reed decision in no way obviates the need for the equal rights amendment. To the contrary, the amendment is now vitally necessary in order to avoid the cumbersome, haphazard, and case-by-case litigation made necessary by the Reed decision. The Supreme Court of the United States needs a new constitutional yardstick upon which to hold that the 54-percent segment of our country which had the misfortune under the law to be born female is, in fact, entitled to equality of treatment under the law.

This amendment is also necessary in order to protect a woman's economic welfare. Present State laws governing the property rights of women neither promote nor protect those rights. A woman is treated differently the moment she reaches adulthood and begins any change in marital status. This treatment continues through the various stages of her married life.

A woman's competence to convey and manage her property is unquestioned under the law so long as she remains single. Upon marriage she is divested of her competency and must have the assent of her husband and submit to his right to take over management of her property. Upon widowhood, she is reinvested, under the law, with competence only to again lose her ability should she marry a second time.

Forty-two States are founded on the common law principles, under which earnings and property acquired therewith are the sole property of the spouse who earns. The homemaker, wife and mother, with no outside earnings, acquires no property. In the eight community property States, however, such wife owns one-half the earnings of her husband, and he has similar rights to hers. In many States the assent of the husband is a prerequisite to the right of a wife to convey even her separate inherited property. In the community property States the husband alone has the right of management of community or of the separate property of his wife.

In 1968, the Supreme Court of Louisiana held that a divorcing wife, though she had a vested right in community property, had no right to more than a partial accounting of property from her husband who concealed his earnings. The U.S. Supreme Court refused certiorari.

However, there are some encouraging signs of change emanating from the States. In 1968 Texas modernized its laws to insure full and equal management rights to married women. In 1968 the new constitution eliminated the distinction between men and women as to disposition of property and necessity of joinder of the other spouse in conveyance of separate property. That same year, Texas revised its laws to give each spouse management and control of that part of the community property which he or she would have owned if single, and removed necessity of joinder or assent in a disposition by the wife of her separate property.

While these are encouraging signs, unequal treatment of women under the law can no longer be tolerated when women are educated and millions work in the business world. The proposed amendment would establish female competency under the law, as well as male, to manage their property and would give impetus to other States to update their laws and eliminate outmoded and inequitable property restrictions.

As I stated earlier, this amendment provides equality for both sexes. Almost all jurisdictions make the husband liable for support of his wife. This duty stems from the common law under which a wife had only a right to "bed and board" while her husband lived, and a right to dower—a lifetime share in income from his property—if he died without a will.

As stated by one State supreme court in 1965, the wife at common law took the degrading position of "a combination vassal, chattel, and household drudge," her services becoming the property of her husband. She, therefore, had no standing in that common law jurisdiction to claim for loss of consortium when her husband was incapacitated when struck by a railway locomotive. In *Baldwin* v. *State* 215 A2d 492 (Vt. 1965), the Vermont Supreme Court stated that with one exception all American courts so hold that the law was not concerned with whether the wife had the ability to support a disabled husband, although a husband can recover for loss of consortium of his wife.

These support laws, carrying civil and criminal penalties, are resorted to in the administration of public assistance and aid to dependent children benefits, to require deserted mothers to file criminal charges against a father, who may be otherwise law abiding, but unable to earn enough for support of his family.

Equal rights advocates maintain that the duty of support should be reciprocal, with each spouse responsible for the other in accordance with need and ability. We believe State laws should reflect this economic partnership principle as a matter of equality under the law and as a recognition of the reality that working wives today number in the millions. A wife who lacked ability to earn support for a husband would be in no better or no worse situation than a low-income husband is today. Each spouse should have liability for support of children. The equal rights amendment would require this kind of equal treatment under the law.

The principle of the equal rights amendment would support alimony running to either spouse, and equitable division of marital property upon dissolution of marriage.

In August of 1970, the prestigious Commissioners on Uniform Law agreed upon the Uniform Marriage and Divorce Act concerning the recodification of State laws respecting age of marriage, grounds for divorce, maintenance instead of alimony, custody of children, definition of marital property, and provision for its division, without regard to marital misconduct in proportions determined by the court on the basis of specified factors set forth in the law. In essence, marital property excludes separate property inherited or gifted, and would divide that acquired during marriage by efforts of the spouses on a 50–50 basis. Eventually, this will be the law in all or most of the 50 States. Again, however, we do not need to wait another 10, 20, or 50 years in order to see sensible and equal laws in these areas. We need such laws now; we need the equal rights amendment now.

In another area, the right to establish a separate domicile, only five States permit a married woman this right. Males are not similarly treated.

Criminal laws providing longer prison sentences for women than men are obvious examples of the urgent need for an equal rights amendment abolishing distinctions based on sex. Only recently the New Jersey and Maine Supreme Courts failed to find laws providing for different sentencing for men and women convicted of the same offense unconstitutional. The defendant in the New Jersey case pleaded guilty to bookmaking, the keeping of a gambling resort, and possession of papers pertaining to the business of lottery or lottery policy. Judge Hall of the New Jersey Supreme Court in *State* v. *Costello,* 59 N.J. 334, 282 A2d 748 (1971), summed up the differences in treatment in the following excerpt from the opinion:

Defendant could be held on the bookmaking conviction for as long as 5 years—although it is most unlikely that she would be. A first offender male, convicted of the same crime, would likely receive a State prison sentence of not less than 1 nor more than 2 years. He could not be confined for more than 2 years, less good behavior and work credits, and, assuming maximum such credits, would be eligible for parole, and, considering the nature of the offense, quite likely paroled in 4 months and 28 days.

In the Maine case of *Wark* v. *State,* 266 A2d 62 (1970), the defendant had been sentenced to an additional term of from 6 to 12 years for escaping from a Maine prison farm, whereas a woman convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than 11 months.

The Supreme Court of Maine concluded "that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law." It should be noted that the U.S. Supreme Court refused certiorari—certiorari denied, 400 U.S. 952, (1971).

No discussion of the need for the equal rights amendment would be complete

without mentioning military service and the draft. There seems to be little doubt that it would require that women be allowed to volunteer for military service on an equal basis with men. But on the other hand any benefits that result from military service would likewise be available to women. These, of course, would include the GI bill, medical care, and most important, job preferences.

While the question of subjecting women to the draft is one of the toughest decisions that the Senate must make, it must be made. Allowing women but not men to be exempt from compulsory military service relegates women to second-class citizenship. As Prof. Norman Dorsen, of New York University Law School, stated to the Senate Judiciary Committee:

When women are excluded from the draft—the most serious and onerous duty of citizenship—their status is generally reduced. The social stereotype is that women should be less concerned with the affairs of the world of men. Our political choices and our political debate often reflect a belief that men who have fought for their country have a special qualification or right to wield political power and make political decisions.

Marguerite Rawalt, an attorney and former president of the National Association of Women Lawyers and chairman of task forces on family law and civil and political rights of women, in a letter to all Senators of August 28, 1970, indicated her belief that under the equal rights amendment the selective service law would have to be extended to women, subject, of course, to the same exemptions and classifications as men.

Like drafted men, they would not be required to serve where not fitted. Like men, certain occupations and ages would be exempted. The members of the House Judiciary Committee, quoting from the report of the Senate Judiciary Committee on the Equal Rights Amendment in 1964, said in regard to the draft:

It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the Government would not require that women serve where they are not fitted just as men—are not required to serve when not fitted.

Clearly, it seems that the role that women would serve would be a matter for decision by the armed services. The equal rights amendment would only require equality of susceptibility to the draft.

Congresswoman MARTHA GRIFFITHS, the primary sponsor of House Joint Resolution 208, said on the floor:

The draft is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go.

It should be noted that women have honorably served as volunteers and it is equally expected that they would serve ably if drafted. The Veterans' Administration estimates that in the spring of 1965 there were approximately 414,000 women veterans, 317,000 of which were from World War II.

While I have cited numerous examples today of unequal treatment based upon sex, these are not necessarily all inclusive. However, it is a starting point and I will have more to say on this subject during the forthcoming debate.

In summary, the purpose of this amendment is to end the unequal treatment under the law to which women have been subjected since the Constitution was first adopted. It is important to note that the only kind of sex discrimination which this would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they always have been, a matter of individual choice. The passage of this amendment will neither make a man a gentleman nor will it require him to stop being one.

Although there is now little disagreement upon the merits of the goal of equal rights for women, there is quite some difference of opinion as to how it can best be achieved. Opponents argue that the 14th amendment equal protection clause and title VII of the Civil Rights Act of 1964 which prohibited discrimination on account of sex are sufficient safeguards. The problem with this analysis is that the courts have been in some cases slow and in others completely derelict in interpreting either of these provisions as striking down irrational sex discrimination in law.

Another "red herring" which opponents raise is that all State "protective" laws for women will be nullified. This ignores recent court decisions in analogous situations in which the courts have not nullified other types of discriminatory State laws but rather extended the "protection" afforded to one class to the other, thereby providing equality of treatment under the law. The passage of this amendment is important because it will provide a mandate for the courts to strike down irrational sex-based discrimination wherever it is found in law.

The amendment we will be discussing during the next few weeks is House Joint Resolution 208 which passed the House by the overwhelming vote of 354 to 23. Moreover, the House version is identical to Senate Joint Resolutions 8 and 9 introduced by myself and Senator BAYH. All three of these Equal Rights Amendments were reported out favorably by the Senate Judiciary Committee by, again, an overwhelming vote of 15 to 1. For these reasons and in order to avoid a conference with the House, I very strongly urge my colleagues to vote against any amendment which may be offered. This is the best opportunity since 1923 to pass an equal rights amendment. So let us reject any extraneous amendments and go on to our responsibility to provide equality of rights for all, regardless of sex.

Mr. President, in conclusion, I ask unanimous consent that two studies made by the Citizens Advisory Council on the Status of Women be inserted into the RECORD at this point.

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

ONLY EQUAL RIGHTS AMENDMENT WILL PROMPTLY END PRISON SENTENCE DISCRIMINATION BECAUSE OF SEX

Laws providing longer prison sentences for women than men (and vice versa) are very persuasive examples of the urgent need for an equal rights amendment that permits no distinctions based on sex. While relatively few women are affected by discrimination in the criminal law, the nature of the attitudes toward women underlying all forms of discrimination are exposed in these cases. Since women's organizations have not had the resources to research systematically all State laws, we are unable to compile a complete list of all instances of such discriminations.

The most recent examples of cases coming to our attention are New Jersey and Maine cases, in which the courts *failed* to find unconstitutional laws providing disparate sentencing for men and women convicted of the same offense. *State* v. *Costello*, 59 N.J. 334, 282 A. 2d 748 (1971); *Wark* v. *State*, ——— Me. ———, 266 A. 2d 62 (1970), cert. denied 400 U.S. 952, 27 L. Ed. 2d 259 (1970).

Mary A. Costello, the defendant in the New Jersey case, pled guilty to bookmaking, the keeping of a gambling resort, and possession of paper, documents, slips or memoranda pertaining to the business of lottery or lottery policy.

Judge Hall of the New Jersey Supreme Court summed up the differences in treatment in the following excerpt from the opinion:

"Defendant *could* be held on the bookmaking conviction for as long as five years (although it is most unlikely that she would be). A first offender male, convicted of the same crime, would likely receive a state prison sentence of not less than one nor more than two years. He could not be confined for more than two years, less good behavior and work credits, and, assuming maximum such credits, would be eligible for parole, and, considering the nature of the offense, quite likely paroled in 4 months and 28 days."

Judge Hall was unwilling to declare the New Jersey law unconstitutional on its face, as the Pennsylvania Supreme Court and the Federal District Court in Connecticut had done with respect to similar laws in these States, and commented further that: . . . there are decisions in other jurisdictions concluding that disparate legislative sentencing schemes based upon sex are not constitutionally invalid. *State* v. *Heitman*, 105 Kan. 139, 181 P. 630 (1919), 8 A. L. R. 848; *Platt* v. *Commonwealth*, 256 Mass. 539, 152 N.E. 914 (1926); *Ex parte Brady*, 116 Ohio St. 512, 157 N.E. 69 (1927); *Ex parte Gosselin*, 141 Me. 412, 44 A. 2d 882 (1945), appeal dismissed 328 U.S. 817, 90 L.Ed. 1599 (1946). Cf. *Wark* v. *State*, Me. 226 A. 2d 62 (1970), cert. denied, 400 U.S. 952, 27L. Ed. 2d 259 (1970). These cases, generally speaking, reasoned that the legislature could legitimately conclude that female criminals were basically different from male criminals, that they were more amenable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement in a different type of institution—and that therefore the legislature could validly differentiate between sexes with respect to the length of incarceration and the method of the determination thereof.

The following excerpt from Judge Hall's opinion further indicates his reluctance to find the law invalid under the 14th amendment:

However, at oral argument her counsel further stated that defendant was now ready and willing to cooperate with the prosecuting authorities by disclosing information as to those at a higher level with whom she was connected. We understand this offer had not previously been made. *Ivan* (33 N.J. at 199, 203) intimates that, where such information is furnished by a convicted gambling operator at a lower level which is full, truthful and of value in assisting the pursuit of "higher-ups" in organized crime by law enforcement authorities, this fact should be taken into account by a sentencing judge in determining the nature of the punishment. In such a situation the judge might properly decide that a custodial sentence should not

be imposed on a first offender. Although such an offer would not ordinarily be considered if first made at the appellate stage, we are of the view, since the case is being remanded for another reason, that defendant should have the right to make a motion to the trial court, within 20 days from the date of this opinion, R. 3:21–10, for reconsideration of the sentence on this ground. If the motion and disclosure are made, the prosecutor should promptly report the nature and result of the disclosure to the trial court, after which the sentence may be reconsidered in the light thereof under the cited rule. We should add that if such reconsideration results in a new sentence other than commitment to the Correctional Institution for Women, the issue of the constitutionality of the statutory female sentencing scheme will thereby become moot and the determination of that question need not be further pursued.

Mrs. Costello has been resentenced under a different statute to a term in the county jail, making this case moot. Her lawyers contend that the new sentence is improper and have filed another appeal in the Appellate Division.

In the Maine case Mr. Wark had been sentenced to an additional term of from six to twelve years for escaping from a Maine prison farm, whereas a woman convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than eleven months.

The Supreme Court of Maine concluded "that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law." The U.S. Supreme Court refused certiorari (citation on p. 1). For a discussion of the Maine court's convoluted reasoning see "Sex Discrimination by Law: A study in Judicial Perspective" by Johnson and Knapp, 46 N.Y.U.L. Rev. 675, 729, (Oct. 1971).

Several instances of sex discrimination in laws relating to juveniles have come to our attention recently. Discrimination under New York's juvenile laws are discussed in a *New York Law Forum* article "Equal Protection for Juvenile Girls in Need of Supervision in New York State" by Sarah Gold. 17 N.Y.L.F. 570 (1971).

Lamb v. *Brown*, pending in the 10th circuit court of appeals, challenges the application of the Oklahoma juvenile law to young men until age 16 while covering young women until age 18. No. 71–1355, U.S. Court of Appeals, 10th Circuit; also see *Lamb* v. *State*, 475 P. 2d 829 (1971).

Memorandum of Citizens' Advisory Council on the Status of Women

The Citizens' Advisory Council on the Status of Women endorsed the equal rights amendment and published a legal memorandum in March 1970. Since that time hearings have been held in both Houses of the Federal Congress, and the amendment has been debated in both Houses and passed twice by the House of Representatives.

One of the main claims of the opponents is that the equal rights amendment will weaken men's obligation to support the family and, therefore, weaken the family. In gathering facts on this issue, the Council accumulated much surprising and disturbing information, which is not widely recognized.

While present support laws can be readily revised where necessary to conform with the equal rights amendment without weakening present obligations for support, the facts we have accumulated raise questions about the adequacy of present laws and their enforcement, which we hope those concerned with the status of women and children will study and discuss. Are the economic rights of women adequately protected during marriage? Should a woman such as Mrs. McGuire have some redress (p. 2)? When is alimony justified? In setting amount and duration of alimony, how much weight should be given to the loss of earning capacity suffered by a homemaker wife? In dividing property at divorce, should the contribution of a homemaker wife be given greater weight? What will be the effects on women and children of "no fault divorce" in a society that is still largely male oriented?

The Council hopes this paper will stimulate interest in a review and revision of each State's marriage, divorce, and support laws to conform legally with the equal rights amendment. We also hope that teachers, counselors, and parent groups will inform themselves and their daughters of the specific facts through research in their own communities as to amounts of alimony and child support and the likelihood of collecting in cases of divorce.

The Council hopes this will be a contribution to the growing accumulation of information on the status of women.

The Equal Rights Amendment and Alimony and Child Support Laws

One of the primary objections to the equal rights amendment cited by opponents is that it would weaken men's obligation to support the family and therefore weaken the family. They state that under present law men are required to support their wives without regard to their wives' ability to support themselves and that such laws would be invalidated under the equal rights amendment. They claim that alimony laws not permitting alimony to men would also be invalidated and that men who were paying alimony under such laws would be able to come into court and seek relief from paying alimony.

These objections are based largely on erroneous assumptions about application and enforcement of support laws and lack of knowledge of the legislative history of the equal rights amendment.

The rights to support of women and children are much more limited than is generally known and enforcement is very inadequate. A married woman living with her husband can in practice get only what he chooses to give her. The legal obligation to support can generally be enforced only through an action for separation or divorce, and the data available, although scant, indicates that in practically all cases the wife's ability to support herself is a factor in determining the amount of alimony; that alimony is granted in only a very small percentage of cases; that fathers, by and large, are contributing less than half the support of the children in divided families; and that alimony and child support awards are very difficult to collect.

Child support is usually not raised as an issue by opponents of the equal rights amendment but is covered here since the equal rights amendment could have an influence on level of payments. Also it is not possible practically to separate alimony and child support. For tax reasons, what are in fact child support payments may be labeled alimony, and in some States alimony and child support are awarded without distinction.

This statement of legal support rights and their enforcement is based on litigated separation and divorce cases. Most settlements are arrived at voluntarily by lawyers for the parties and may be more generous than the courts would allow in contested cases for several reasons. The husband may be willing to make more generous arrangements, or he may want to avoid the publicity of a contested case. He may be induced to make a more generous arrangement than a court would allow by the need for the wife's cooperation in securing a divorce in a State where divorce is granted only for cause; the trend toward amendment of State laws to permit dissolution of marriage when the marriage is irretrievably broken will result in elimination of this leverage for wives.

The opponents are in general not deliberately misleading the Congress and the public. They are providing well for their families and believe others are and are required to by law. Many are upper middle class and acquainted only with the facts of life of those in such economic circumstances. We have noted in reviewing some of the court cases relating to alimony and child support that very generous property, alimony, and child support settlements are made among the wealthy. However, where the divorce results in economic hardship, greater hardship is visited on the wife and children than on the husband. Cases reviewed and other materials leave the impression that in middle and lower income groups the welfare of the husband and his prospects for remarriage are given much greater weight than the wife's and children's welfare. No weight whatever is given to the adverse effect on the wife's prospects for remarriage when she is left the major responsibility for support of children.

Women Living With Their Husbands

It is true that a married woman legally has a right to be furnished "necessaries" and to charge purchases of "necessaries," but this is for most an empty right since merchants will not give her credit if her husband asks them not to.

Foote, Levy, and Sander's 1966 textbook, *Cases and Materials on Family Law*, p. 303, cites as its leading case on the subject of support *McGuire* v. *McGuire*, 157 Neb. 226, 59 N.W. 2d 336 (1953). This was a Nebraska case involving the wife of a well-to-do farmer. During her marriage of 34 years, the plaintiff testified she had been a "dutiful and obedient wife" who had "worked in the fields, did outside chores, cooked and attended to her household duties . . . raised as high as 300 chickens, sold poultry and eggs, and used the money to buy clothing, things she wanted, and for groceries." Her husband did not tolerate any charge accounts. He would give her only small amounts of money and for the last three or four years had not given her any money nor provided her with clothing except a coat a few years previous. The house had no bathroom, bathing facilities or inside toilet and kitchen sink. Water was secured from a well. The furnace had not been in good working order for 5 or 6 years. The furniture was old, and the defendant was driving a 1929 Ford equipped with a heater which did not operate.

The District Court had required the husband to pay for certain items in the nature of improvements and repairs to the house and for furniture and appliances for the household in the amount of several thousand dollars. They had ordered the defendant to purchase a new automobile with an effective heater, required that his wife be entitled to pledge the credit of the defendant for "necessaries of life," and awarded a personal allowance in the amount of $50 a month.

The Supreme Court of Nebraska overturned the ruling, stating:

. . . to maintain an action such as the one at bar, the parties must be separated or living apart from each other.

The living standards of a family are a matter of concern to the household, and not for the courts to determine, even though the husband's attitude toward his wife, according to his wealth and circumstances, leaves little to be said in his behalf. As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out. Public policy requires such a holding. It appears that the plaintiff is not devoid of money in her own right. She has a fair-sized bank account and is entitled to

use the rent from the 80 acres of land left by her first husband, if she chooses . . .

Foote, Levy, and Sander commented on the McGuire case as follows (p. 308):

Although factual situations like that depicted in McGuire are probably not uncommon, there is a dearth of reported decisions. Why is this so? This dearth of decisions, coupled with the results of cases like McGuire helps to explain why it is so difficult to determine the precise scope of a man's legal duty to support his wife and children *while the family is united.* Such support statutes as there are are characteristically unhelpful, and *the extent of his obligations is commonly inferred from the results in other types of litigation, such as divorce proceedings,* parents' suits under Dram Shop statutes for a child's death or injury, wrongful death actions, and criminal prosecutions or allied proceedings for nonsupport . . . (emphasis supplied).

In a District of Columbia case the court did allow separate maintenance to a wife who was in fact living a separate life although under the same roof with her husband. The court went on to state that such situations should be given careful scrutiny so as to discourage litigation between husbands and wives who are actually living together, although there was no language in the statute that would have precluded granting maintenance to women actually living with their husbands. *Clements* v. *Clements,* D.C. Mun. App. 184 A. 2d 195 (1962).

In a review of cases listed in the annotated California code we found no support cases involving an intact family.

A recent Yale Law Journal article sums it up as follows:

The reluctance of courts to interfere directly in an ongoing marriage relationship is a standard tenet of American jurisprudence. As a result, legal elaboration of the duties husbands and wives owe one another has taken place almost entirely in the context of the breakdown of the marriage—either voluntary breakdown through separation, desertion, or divorce, or involuntary breakdown through incapacitation or death. Any legal changes required by the equal rights amendment are thus unlikely to have a direct impact on day-to-day relationships within a marriage, because the law does not currently operate as an enforcer of a particular code of relationships between husband and wife. (*The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women,* Brown, Emerson, Falk, and Freedman, 80 Yale L.J. 943, 1971.)

ALIMONY

The only nationwide study of alimony and child support was made by the Support Committee of the Family Law Section, American Bar Association in 1965, when Mrs. Una Rita Quenstedt, then chairman of the Support Committee, and Col. Carl E. Winkler, former chairman of the Support Committee, made a survey of 575 domestic relations court judges, friends of the court, and commissioners of domestic relations (Monograph No. 1). This study indicates that alimony is awarded in a very small percentage of cases. Three of the judges surveyed made the following comments (p. 3):

A California Judge: "In this county permanent alimony is given in less than 2% of all divorces, and then only where the marriage has been of long duration, and the wife is too old to be employable, the wife is ill, particularly if the husband's behavior was a contributing cause, [or] other highly unusual factors exist. Temporary alimony is given, *pendent lite,* or for some portion of the interlocutory period in less than 10% of all divorces, chiefly to give the wife a breathing space to find employment."

A Nevada Judge: "A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life a good deal more full as an active member of the community and not as a kept woman."

A Massachusetts Judge: "The whole problem is one of complete frustration since no middle class person can actually afford divorce. Our only consolation is that public welfare supplies the balance but this, of course, means that the taxpayer is assuming the parental burdens. Alimony in and of itself is not too great a problem as nearly 90% of the petitioners waive it."

The Foote, Levy, and Sander textbook on family law (referred to above) found alimony "infrequently sought and even less often obtained."

Furthermore, alimony is not usually awarded without regard to the wife's ability to support herself. The wife's capacity to earn was taken into account by 98% of the judges in the Quenstedt-Winkler study. Apparently this is the general rule. American Jurisprudence states: "In determining the amount of permanent alimony the court should consider the earning capacity of the wife and the extent of her opportunity to work." 24 Am Jur 2d 633.

The precedent cases in the District of Columbia list the following as factors in determining alimony or maintenance: duration of the marriage, ages and health of the parties, respective financial positions, both past and prospective, wife's contribution to family support and property ownership, needs of the wife, husband's ability to contribute, interest of society in preventing her from becoming a public charge, *Butler* v. *Butler,* D.C. App., 239 A. 2d 616 (1968).

The last seems to be a very important criteria. In a 1966 case the District of Columbia Court of Appeals reversed a grant of $50 alimony made by the lower court, solely on finding that the wife was not likely to become a public charge. In this case there were no children and the wife had net earnings of $279.37 a month. Her husband's net earning were $389 a month, *McEachnie* v. *McEachnie,* D.C. App., 216 A. 2d 169 (1966).

In a separate maintenance case the District of Columbia Court of Appeals said: "We cannot agree that the wife's financial situation is neither a defense nor a limiting factor in defining the husband's duty. The purpose of maintenance is to prevent the wife from becoming a public charge and not to penalize the husband." *Foley* v. *Foley,* D.C. Mun. App., 184 A. 2d 853 (1962).

The California marriage dissolution statute provides with respect to support that:

The court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable, having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse . . . (Annotated California Code—Civil Code Section 4801).

As early as 1926 a California court gave great weight to a wife's capacity to earn, even though the wife had phlebitis and could not be on her feet. The court said:

Where the ex-husband is earning wages by daily labor, a trial court, in awarding alimony, should not do so in a sum inducing idleness on the part of the ex-wife, *Lamborn* v. *Lamborn,* 80 C.A. 494, 251 P. 943 (1926).

In 1948 the Supreme Court of California denied alimony to a wife married 36 years who had reared 8 children. She had no property or other source of income and no trade. Her husband worked as a laborer and earned from $40 to $47 per week. The judge said:

Defendant has no ability to earn more than sufficient for his own support and maintenance . . . and has no ability to pay further for the support and maintenance of plaintiff or for her attorney's fees or court costs herein. *Webber* v. *Webber,* 33 C. 2d 153, 199 P. 2d 943 (1948).

CHILD SUPPORT

With respect to child support, the data available indicates that payments generally are less than enough to furnish half of the support of the children. The following chart of weekly payments was submitted by a Michigan court in 1965 (Quenstedt-Winkler study):

NUMBER OF DEPENDENTS

Weekly net income[1]	1	2	3	4	5	6 or more	Weekly net income[1]	1	2	3	4	5	6 or more
$40	$10.00	$16.00	$22.00	$24	$24.00	$24.00	$80	$20.00	$24.50	$40.00	$48	$52.00	$52.00
$50	12.50	20.00	27.50	30	30.00	30.00	$90	21.60	27.00	45.00	54	58.50	63.00
$60	15.00	24.00	33.00	36	36.00	36.00	$100	22.00	30.00	45.00	60	70.00	75.00
$70	17.50	24.00	35.00	42	45.50	45.50	$120	24.00	36.00	54.00	72	84.00	84.00

[1] After deductions for income tax, FICA, hospitalization, life insurance, union dues, and retirement plan payments.

Even these small payments are frequently not adhered to. One court commented:

However we find that in the great number of cases we are unable to adhere to the chart because of excessive amounts of financial obligations and limited earnings; also in many cases the man has more than one family.

A Florida Judge replied to the question re support:

As a rule of thumb, we in this circuit, allow 15 (sic) per week per child if the husband is able to pay that sum, and increase that amount proportionate to the needs and faculties where husband's take home pay exceeds $5,000 per year. In short, . . . in order for a man to remain employed and produce income he must have for himself something beyond bare necessities.

A Pennsylvania Judge commented: "The Support Court usually sets the amount of a support order at the highest figure to the defendant seems capable of paying. Even then the amount is usually not enough to support the wife and children on a minimal basis."

In response to the survey question "What percentage of the father's income is normally allotted for child support?"

27% of the judges allot 25% or less of the father's income

34% of the judges allot between 26–35% of the father's income

25% of the judges allot between 34–50% of the father's income

Adele Weaver, President of the National Association of Women Lawyers, said in her testimony on the equal rights amendment before Subcommittee No. 4 of the House Judiciary Committee in 1971:

But the point is that in actual practice, Mr. Wiggins, you know that most judgments for child support allow such minimal sums of

$15 a week, $25 a week, $30 a week, that we know that the mother is giving at least half of or close to half of the support; the mother is actually fulfilling a coextensive duty of support to the child (p. 296 of the report of the hearings).

In a survey referred to in Foote, Levy, and Sander, page 937, made in Maryland and Ohio in the early 30's, in half the cases the weekly alimony and support payments were between $5 and $9 per week (equivalent to $11.65 and $20.97 in today's dollars). The median was $33 per *month* (equivalent to $76.89 today).

A divorced woman in Elyria, Ohio writes that she is a clerk-typist working full-time with a take home pay of $310 per month. Her former husband is employed full-time as a carpenter, earning overtime. The court awarded her $15 per week for each of two children. Her husband is $410 behind in payments, which she is unable to collect. The children have not had dental care for two years, and she finds it difficult to buy books, proper food, and clothing for the children. It is obvious her husband is not contributing half the support of the children, let alone supporting his former wife.

The average cost at 1969 prices of rearing a child in a two child urban family with both parents present range, according to Department of Agriculture estimates, from $1,400 a year on a low-cost budget in the north central area of the U.S. to $2,100 per year on a moderate-cost budget in the south.[1] In a divided family with the mother working food costs would be higher, and there would be added child care costs. With the earnings of women averaging 60 percent those of men, women who work to support their children are contributing by and large more than their proportionate share, even when fathers comply fully with awards.

COLLECTION OF ALIMONY AND CHILD SUPPORT

The only information we could locate on collection of support money was reported by Nagel and Weitzman in "Women as Litigants" (Hastings Law Journal, November 1971). The following table from their article is based on data gathered by Kenneth Eckhardt from a sample of fathers who were ordered to pay some child support in a divorce decree in a metropolitan county in the State of Wisconsin in 1955. Row 1 shows that within one year after the divorce decree, only 38 percent of the fathers were in full compliance with the support order. Twenty percent had only partially complied, and in some cases partial compliance only constituted a single payment. Forty-two percent of the fathers made no payment at all. By the tenth year, the number of open cases had dropped from 163 to 149 as a result of the death of the father, the termination of his parental rights, or the maturity of the children. By that year, only 13 percent of the fathers were fully complying, and 79 percent of the fathers were in total non-compliance. Row 5 shows the percentage of nonpaying fathers against whom legal action was taken, including those taken or instigated by welfare authorities:

Years since court order:	Number of open cases	Full compliance (percent)	Partial compliance (percent)	No compliance (percent)	Nonpaying fathers against whom legal action was taken (percent)
1	163	38	20	42	19
2	163	28	20	52	32
3	161	26	14	60	21
4	161	22	11	67	18
5	160	19	14	67	9
6	158	17	12	71	6
7	157	17	12	71	4
8	155	17	8	75	2
9	155	17	8	75	0
10	149	13	8	79	1

CRIMINAL NONSUPPORT STATUTES

Although in practically all States husbands can be held criminally liable for non support of wife and children, most States require that the wife or children be in "destitute or necessitous circumstances" or without adequate, sufficient, or reasonable means of support. The Uniform Desertion and Non Support Act provides that the refusal to support must be without lawful excuse and willful and that the wife or children under 16 must be in "destitute or necessitous circumstances" (the Uniform Act and most State laws are applicable to mothers who refuse to support children under 16).

As in other criminal proceedings, guilt must be established beyond a reasonable doubt and the burden of proof is on the State. The defendant is entitled to a jury trial. This type of statute is used extensively in welfare cases, mothers often being required to file complaints under criminal non support statutes as a condition of receiving public assistance. It some States the public welfare authorities are authorized to file the complaints. The extent of use or usefulness in other situations is not known. Wisconsin, the scene of the study on collection above, has a criminal non support statute very similar to the Uniform Act.

NEED FOR PUBLIC TO HAVE THE FACTS

The prevalence of mistaken ideas about a husband's responsibility for support of wife and children, which have been reinforced by opponents of the equal rights amendment, are a great disservice to the nation, particularly to its women and young girls. Many young women, relying on the belief that marriage means financial security, do not prepare themselves vocationally. Parents and counselors act on this false assumption in advising girls about their future.

The latest survey indicates that 27% of the women who entered into teenage marriages more than 20 years before the survey are divorced as compared with 14 percent of the women who were older.[2] Our young women and their parents and teachers should be apprized of the facts about alimony and child support and likelihood of divorce in teenage marriages. Perhaps more of them would prepare themselves vocationally and wait until they are older for marriage.

Far more facts are needed as to awards of alimony and child support, the factors considered by judges in making the awards, and the degree of enforcement of awards made. More information is needed as to why awards are not better enforced and the efficacy of the means available, particularly the criminal non support statutes. The effects of a Wisconsin statute putting restraints on remarriage of persons not meeting their responsibilities to their lawful dependents need to be studied. Even small studies in individual communities that could be made by women's groups or law school students might lead to larger more representative studies by organizations with larger resources.

The lack of reliable information illustrates once again that we will not have a whole society equally concerned with women's and children's welfare until many more women are in positions to influence the spending of research funds and the making and enforcing of laws.

EFFECTS OF EQUAL RIGHTS AMENDMENT ON PRESENT LAWS AND THEIR ENFORCEMENT

Far from resulting in diminution of support rights for women and children, the equal rights amendment could very well result in greater rights. A case could be made under the equal rights amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with the children in a worse financial situation than the other spouse.

The belief that alimony laws permitting alimony to wives would be invalidated by the courts rather than extended to men is not supported by any legal authority or the legislative history. The legislative history clearly indicates the intent of the proponents in Congress to extend alimony to men in those States now limiting alimony to women. Furthermore, in view of judges' preoccupation with keeping women from becoming public charges, it seems almost certain, should a State legislature fail to extend to men a law limiting alimony to women, that a judge would extend the law to men rather than invalidate it. If any judge should invalidate the law, it is clear that legislatures' concern for keeping women from becoming public charges would be sufficient to enact a new law applying equally to men and women.

The drafting of divorce and support laws of those States where it is required by the equal rights amendment could be an opportunity to bring the law into line with reality. Models without distinctions based on sex already exist in the Uniform Marriage and Divorce Act and the Model Penal Code. Copies may be obtained from the National Conference of Commissioners on Uniform State Laws, 1155 E. 60th Street, Chicago, Illinois 60637.

The Uniform Marriage and Divorce Act provides for maintenance to be paid from one spouse to the other if the spouse seeking maintenance lacks sufficient property to provide for reasonable needs and is unable to support himself or herself through appropriate employment or for the custodian of a child whose condition or circumstances make it appropriate that the parent not seek employment outside the home. The amount and duration of payments for maintenance are to be determined after the court considers the financial resources of the party seeking maintenance, the time necessary to acquire sufficient training to enable the party to find appropriate employment, the standard of living established during the marriage, the duration of the marriage, the age and physical and emotional condition of the spouse seeking maintenance, and the ability of the spouse from whom maintenance is sought to meet his or her own needs while making maintenance payments.

In summary, the equal rights amendment would not deprive women of any enforceable rights of support and it would not weaken

[1] Information from Agricultural Research Service, Consumer and Food Economics Research Division, U.S. Dept. of Agriculture—excerpt from Family Economics Review, December 1970 and Talk by Jean L. Pennock at the 47th Annual Agricultural Outlook Conference, February 18, 1970.

[2] U.S. Department of Commerce, Bureau of the Census, Social and Economic Variations in Marriage, Divorce, and Remarriage, 1967; P-20, No. 223.

the father's obligation to support the family. Because it would require complete equality of treatment of the sexes, it might be used to require that the spouses in divided families contribute equally within their means to the support of the children so that the spouse with the children is not bearing a larger share of the responsibility for support than the other spouse.

STATE PROTECTIVE LAWS

Would legislation found unconstitutional under the Equal Rights Amendment be nullified or expanded to include the exempted sex?

One question often raised concerning the Equal Rights Amendment* is whether it would abrogate all State and Federal legislation applicable only to one sex—particularly the so-called "protective" labor laws. The simplist answer is this: a number of laws which apply only to one sex would be unconstitutional if the Equal Rights Amendment were ratified; and depending on a court's assessment of the purpose of the law, the law would either be expanded to include the exempted sex or nullified entirely.

Preliminarily, it should be noted that this memorandum deals only with the role courts would play in altering laws in conflict with the Equal Rights Amendment. The judicial role, however, will plainly be secondary to the legislative role. It may be expected that after ratification of the Amendment, each legislature will review its laws to determine which ones must be changed to conform to the Constitution; and each legislature will then decide whether to expand or repeal the laws affected. Indeed, the purpose of delaying the effective date of the Amendment for two years after ratification is to allow legislatures an opportunity to act. Moreover, even after a court expands or nullifies a law because of the Equal Rights Amendment, a legislature has the power to change the result by statute if it wishes, so long as the final result is nondiscriminatory.

There can be little serious question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970) (footnote omitted):

Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage by the statute to include those who are aggrieved by exclusion.

See *Skinner v. Oklahoma ex. rel. Williamson*, 316 U.S. 535, 543 (1942); *Iowa Des-Moines Nat'l Bank v. Bennett*, 284 U.S. 239, 247 (1931); *Developments In The Law—Equal Protection*, 82 Harv. L. Rev. 1065, 1136–37 (1969)

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th Amendments rather than striking the law down. *Neal v. Delaware* 103 U.S. 370 (1880). In *Sweat v. Painter*, 339 U.S. 629 (1950), and *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the law so that black students had equal access. And in *Levy v. Louisiana*, 391 U.S. 68 (1968), the Court extended to illegitimate children the right restricted by a State statute to legitimate children, to recover wrongful death benefits. See generally Dorsen, *The Necessity of a Constitutional Amendment* in Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment, 6 Harv. Civ. Rts.-Civ. Lib. L Rev. 216 (1971).

When a court is faced with the choice of expanding or nullifying a statute because it conflicts with the Constitution, it will attempt to determine which course would best serve the law's purpose or, put another way, the legislative intent. See, *e.g., Guinn v. United States*, 238 U.S. 347, 366–67 (1915); *Dorchy v. Kansas*, 264 U.S. 286, 289–90 (1924); *National Life Ins. Co. v. United States*, 277 U.S. 508, 522 (1928); *Welsh v. United States, supra* 398 U.S. at 363–67 (Harlan, J., concurring). The court will use a number of guides to determine legislative intent, including the public importance of the subject with which the legislation deals, the practical impact of expanding the law compared to the effect of nullification, and whether the statute involved is criminal in nature and must therefore be strictly construed. *See* Brown, Emerson, Falk and Freedman, *The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women*, 80 Yale L.J. 871, 913–920 (1971), and cases cited.

The courts should have no difficulty applying these principles to cases which arise under the Equal Rights Amendment, if called upon to do so. It may be expected that where the State law at issue extends a real benefit to the sex within its provisions, and where extension will cause no serious industrial disruption, a court would extend the law to both men and women. In such a case—a minimum wage law which applies only to one sex may be an example—the excluded sex (often men) is denied a meaningful protection.

But where the State law is discriminatory in the guise of protection, and where the result of expansion would be disruptive, the law would probably be struck down entirely. An obvious example is a law barring women from a certain occupation—not only is it discriminatory, but also expansion would mean no person could engage in that trade.

It is worth noting in this regard that the courts have had a great deal of experience in dealing with laws which discriminate on the basis of sex, for Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e–15 (1970) prohibits employment discrimination on the basis of sex unless sex is a "bona fide occupational qualification." Under that Federal statute a State overtime wage law was extended to include men, *Potlatch Forests, Inc. v. Hays*, 318 F. Supp. 1368 (E.D. Ark. 1970) as were weight-lifting limitations, *Bowe v. Colgate-Palmolive Co.*, 416 F 2d 711 (7th Cir. 1969). But, on the other hand, State laws banning women from an occupation have been struck down, *McCrimmon v. Daley*, 2 FEP Cases 971 (N.D., Ill. March 31, 1970), *on remand from* 418 F. 2nd 366 (7th Cir. 1969). See generally *Developments In The Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964*, 84 Har. L. Rev. 1109, 1188–1190, 1194–1195. Indeed, the entire question of "protective" labor legislation may already have been resolved by Title VII, for, in addition to the courts, the Equal Employment Opportunity Commission and the Attorney General of at least 13 States have declared certain "protective" laws invalid because they conflict with the Federal law.

*S.J. Res. 8, 92nd Cong., 1st Sess. (1971), the operative section of which provides: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex."

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous agreement, and the hour of 1 o'clock having arrived, the Senate will now proceed to vote on the resolution of ratification on Executive C, 92d Congress, 2d session, relative to the amendment to paragraphs A, B, C, and D of article VI of the statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970.

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 Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), 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 Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

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 Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. GAMBRELL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senators from Maryland (Mr. BEALL and Mr. MATHIAS), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), 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 New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senators

from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 66, nays 0, as follows:

[No. 111 Ex.]

YEAS—66

Allen	Eagleton	Packwood
Anderson	Eastland	Pastore
Baker	Ervin	Pearson
Bayh	Fannin	Pell
Bellmon	Fong	Percy
Bennett	Goldwater	Proxmire
Bentsen	Gurney	Randolph
Bible	Hansen	Roth
Boggs	Hart	Saxbe
Brock	Hruska	Schweiker
Brooke	Hughes	Scott
Burdick	Inouye	Smith
Byrd, Va.	Jackson	Spong
Byrd, W. Va.	Javits	Stafford
Cannon	Long	Stennis
Chiles	Magnuson	Stevenson
Church	Mansfield	Symington
Cook	McGee	Talmadge
Cooper	Miller	Thurmond
Cranston	Mondale	Tunney
Curtis	Montoya	Weicker
Dole	Nelson	Young

NAYS—0

NOT VOTING—34

Aiken	Harris	Metcalf
Allott	Hartke	Moss
Beall	Hatfield	Mundt
Buckley	Hollings	Muskie
Case	Humphrey	Ribicoff
Cotton	Jordan, N.C.	Sparkman
Dominick	Jordan, Idaho	Stevens
Ellender	Kennedy	Taft
Fulbright	Mathias	Tower
Gambrell	McClellan	Williams
Gravel	McGovern	
Griffin	McIntyre	

The PRESIDING OFFICER (Mr. CHILES). On this vote the yeas are 66 and the nays 0. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

AMBASSADOR ARTHUR K. WATSON'S QUESTIONED BEHAVIOR

Mr. CHURCH. Mr. President, in yesterday's Washington Post, the nationally syndicated columnist, Mr. Jack Anderson, makes some very serious charges of drunken behavior on the part of our Ambassador to France, Arthur K. Watson, alleged to have taken place on recent transatlantic flights aboard commercial airliners.

If these charges are factual and accurate, the gravest question arises as to Ambassador Watson's fitness to serve in his delicate diplomatic post.

Paris is not only one of the most important capitals in the world, but it is now the venue of Sino-American negotiations put into motion by President Nixon and Chou En-lai only last week. Ambassador Watson has been assigned the high responsibility of carrying on these negotiations. In dealing with the Chinese, nothing could occasion greater loss of face than a reputation for public displays of flagrant drunkenness.

It is in the Ambassador's interest, as well as that of our Government, to have these charges fully investigated. If they are unfounded, the Ambassador is entitled to have his name cleared. If they are substantiated, the President should be asked to reconsider the assignment he has placed in Watson's hands.

Apparently, judging from an article in this morning's Washington Post by Murrey Marder, the administration has chosen to ignore Mr. Anderson's charges.

I think they cannot be ignored. Accordingly, I shall ask the Senate Foreign Relations Committee to investigate the charges in an effort to determine what the facts may be.

I ask unanimous consent that the Anderson column, the Marder article, and another piece which likewise appeared in this morning's edition of the Washing Post, giving a résumé of Ambassador Watson's service in Paris, and crediting him in his efforts to stem the flow of drugs through Marseilles into the United States, be printed here in the RECORD.

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

[From the Washington Post, Mar. 16, 1972]

AMBASSADOR WATSON'S PLAYBOY WAYS

(By Jack Anderson)

Ambassador Arthur K. Watson, who has just been given the delicate assignment of establishing diplomatic contacts with the Chinese in Paris, got gloriously drunk on the flight to Washington for his conferences with President Nixon.

A number of witnesses have told us the slim, gray-haired ambassador, normally the picture of dignity, kept shouting for more Scotch, grabbing the stewardesses and trying to stuff money down the fronts of their blouses.

He finally passed out, his arms and legs sprawled across the first-class lounge, recall the witnesses. They say he appeared to be foaming at the mouth from white tablets he had been chewing.

In Chinese eyes, drunken behavior is considered disgraceful. The Chinese love good liquor and even play drinking games. But the man who gets drunk loses the game and brings shame upon himself.

This raises the possibility that Ambassador Watson could jeopardize the Chinese-American detente and undo the good President Nixon accomplished in Peking.

MERRY MILLIONAIRE

We have discussed Watson's liquor problem with a variety of sources. Insiders say this figures in his departure from International Business Machines, the corporate giant his late father built.

Arthur Watson's playboy ways didn't mix with Big Business, and he lost the runoff for IBM's presidency. Nixon appointed him as Ambassador to France.

His only apparent qualification for the job was his enormous wealth and his willingness to share it with the Republicans. We have traced $44,000 that he contributed to the Nixon-Agnew campaign in 1968, plus another $5,000 to the general Republican cause. Again in 1970, we have found record of $21,000 that he dropped in the GOP hat.

Watson will handle the crucial negotiations to increase trade, travel and cultural exchanges with Communist China. He will deal with China's veteran diplomat, Huang Chen, who has handled a number of sensitive missions for Premier Chou En-lai. Huang is the only Chinese ambassador who belongs to the powerful Central Committee of the Chinese Communist Party.

We have taken testimony from several witnesses who flew with Watson aboard Pan American Airways flight 107 from London to Washington on March 9. The chief stewardess filed a complaint with Pan Am about Watson's conduct.

FLIGHT CREW MUZZLED

Pan Am, however, hushed up the report and ordered the flight crew not to discuss the incident. A company spokesman refused all comment. For the protection of the witnesses, therefore, we have agreed to withhold their identities.

They all agree that Watson was drunk when he boarded the plane at 10:45 a.m., London time. Before the airliner left the runway, he ignored the "No Smoking" sign, propped his feet up on a lounge chair and yelled at a stewardess: "Hey, you! I want a Bloody Mary!"

When she politely declined until the plane was aloft, he shouted at her: "Who do you think you are?" Thereafter, he called her a "bitch" and "stupid" and threatened to get her fired.

He kept up a holler for Scotch and grabbed at passing stewardesses. Then he tried to stuff $40 down the fronts of their blouses. Finally, he passed out and slept for about three hours. He got off the plane unassisted and was met at Dulles airport by two State Department aides, Robert Aylmer and Frank Dempsey.

We spoke to the American embassy in Paris three times, but Watson was unavailable for questioning. Through an aide, he gave us a one-sentence statement that there was "no basis in fact" to the accounts of his misconduct. A State Department spokesman also said no complaints had been made. (FOOTNOTE—From other witnesses, we learned of a similar earlier incident aboard Pan American's flight 52 from Washington to Paris. It was on this occasion that he told a stewardess that he wanted his teenage son to develop sexually and asked her to be his mistress. Afterward, he tossed grapes at her for refusing. He was abusive and foul-mouthed, the witness said.)

FRENCH SEE U.S. AMBASSADOR AS BUSINESS-LIKE, "UNINSPIRING"

(By Jonathan C. Randal)

PARIS.—Many a foreign tourist has savored that typically Mediterranean fish dish—bouillabaisse—in the restaurant of Marseilles' old port.

But U.S. Ambassador Arthur K. Watson is doubtless the only diplomat who regularly flies down from Paris in his personal plane to partake of a steaming plate of Marseilles' favorite dish.

It's not that the tall, distinguished-looking former chairman of International Business Machines World Trade Corp. necessarily has a craving for the dish or finds the conversation of his lunch partners particularly witty.

But ever since the 53-year-old millionaire took over as ambassador almost two years ago. Watson has made it his number one priority to lunch regularly with the French customs and police inspectors assigned to smash the traffic which has made Marseilles the major way station for drugs smuggled into the United States.

PATRICIAN BEARING

Watson's almost patrician bearing contrasted with allegations by Jack Anderson that the ambasador was drunk and disorderly on a London-to-Washington airliner bringing him back to Washington last week for White House consultations on his new role as American negotiator with the Chinese in Paris.

The U.S. embassy spokesman officially said the allegations had "no basis in fact" when

first approached about the Anderson column on Tuesday but Thursday went no further than "no comment."

Although Watson as a much younger man had a reputation as a heavy drinker, in Paris he has limited himself in public to a Dubonnet aperitif or an occasional champagne cocktail on the rocks. Indeed, a close friend suggested Watson had given up all alcohol for Lent.

Questioned in the past about his crusade against all drugs including marijuana, the ambassador has brushed aside the argument that soft drugs were no more dangerous than alcohol or tobacco. He has reasoned that even marijuana use ran the risk of encouraging more serious drug addiction while social drinking was easily controlled.

UPS AND DOWNS

Since Watson's arrival, Franco-American cooperation on the drug repression front has had its ups and downs and still remains far from perfect.

But seizures of heroin and morphine base in France have more than doubled from 1,015 pounds in 1970 to 2,950 pounds in 1971. Current seizures so far this year are for the first time running at an annual rate roughly equal to estimated heroin consumption in the United States.

When Watson made his maiden speech to a French group—and concentrated on drugs—the reaction was frankly one of horror. American ambassadors were expected to allude to the Lafayette connection in Franco-American relations, not the drug connection.

Yet, thanks to Watson's often heavy handed fascination with drugs, the French government and public have stopped thinking that heroin is a peculiarly American problem and recognized its terrifying, if still limited, inroads on French society.

THREAT TO YOUTH

A steady stream of newspaper and magazine articles and television documentaries—with material helpfully supplied by the embassy in many cases—played a notable role in the results of a poll last year showing that drugs were considered the number one threat to French youth.

Such concentration on drugs—and on Marseilles' key role in harboring clandestine laboratories which refine heroin—is typical of Watson's results-oriented business outlook.

It also raises ticklish question about American interference in French domestic affairs, despite Marseilles' undoubted role in the heroin traffic in the United States.

The White House may indeed attach prime importance to the drug problem in France, but the French, perhaps understandably, are interested in other aspects of their relations with the United States.

INTELLECTUALLY INCAPABLE

Frankly, more than one professional French diplomat here regrets that Watson seems either uninterested in dealing with those problems or intellectually incapable of discussing them and wonder about his ability to negotiate with the Chinese, even if he is surrounded by experts.

For all intents and purposes, they say, it is the French embassy in Washington which handles most of the diplomatic business between the two countries.

This they regret not only because all foreign ministries like to do the wheeling and dealing involved in diplomacy, but because they realize that Watson, as one Frenchman put it, "has the ear of Nixon".

With the single exception of Charles Bohlen who served between 1962 and 1968, all American ambassadors since the mid fifties have been political appointees. But unlike some other political appointees, Watson, who is said to have been one of the biggest contributors to Republican Party coffers in 1968, arrived with accented, but adequate French, an undoubted love of this country and years of international business experience which equipped him with less parochial view of world problems.

"INTELLECTUALLY UNINSPIRING"

"We would rather have a nice, decent, if intellectually uninspiring man like Watson who loves France," one critic noted, "than an anti-French genius like Chip Bohlen, who believed France was washed up as a power in the defeat of 1940."

But if his critics feel that professionally Watson can speak meaningfully about little else than drugs and U.S. claims concerning former American military bases here, they do concede he has made progress.

For most of his first year, Watson concentrated on Interior Minister Raymond Marcellin because of his drug responsibilities and was a disappointingly rare caller on either President Georges Pompidou or Foreign Minister Maurice Schumann. More regular meetings have now been arranged.

Moreover, he is credited with arranging the Azores summit meeting between Mr. Nixon and Pompidou last December which paved the way toward formal dollar devaluation and realignment of most of the non-Communist-world's major currencies.

Also on the plus side, it is thought likely that Watson dealt directly with the Elysee Palace in arranging the secret contacts between Kissinger and the North Vietnamese—and then succeeded in keeping them secret.

FRENCH HUNGRY

But it is Watson's very effectiveness on such practical matters which leave the French hungry for similar and more substantive initiatives on his part.

"It's all the more galling," one French official said, "since we suspect that he can get into the White House faster than any ambassador since the immediate postwar years."

At some point, political appointees, be they the flamboyant Sargent Shrivers or the duller Arthur Watsons of this world, may disappear. But Paris and other major Western European embassies will continue to be occupied by rich non-professionals as long as Congress is niggardly about expenses.

INDEED MINIMUM

By conservative estimate American ambassadors have to spend at least $75,000 out of their own pockets to do more than an indecent minimum of entertaining in Paris. In Watson's case, he has doubtless spent much more on such projects as the new ambassadorial residence and cleaning the embassy proper inside and out for the first time in years.

Like many rich men, Watson gives the impression of being on his guard until he sizes up the person with whom he is dealing. Like many a professional or political ambassador before him, he has used his prerogatives to choose his own staff and some of his choices have caused surprise both inside and outside the embassy.

Although such events are probably unimportant in the long run, his critics noted that this week Pompidou oppressed the usual protocol considerations to spend an evening at the residence of Soviet Ambassador Pyotr Abrassimov. Admittedly, the attraction was Soviet cellist Mstislav Rostropovich.

"But Watson was the first diplomat Pompidou took on the Concorde when they flew it to the Azores meeting," the ambassador's defenders pointed out.

Perhaps the most accurate if devastating remark came from a now retired European diplomat who said: "In this age of flying secretaries of state and Dr. Kissingers, an ambassador's role has been diminished to the point of near invisibility—providing, of course, he keeps his nose clean."

ADMINISTRATION SUPPORTS PARIS ENVOY

(By Murrey Marder)

The State Department expressed the Nixon administration's "confidence" yesterday in U.S. Ambassador Arthur K. Watson and refused to comment on a report that he was "gloriously drunk" on a recent London-to-Washington airliner.

By declining to discuss or dispute the account about the ambassador to France published Thursday by columnist Jack Anderson, the administration hoped to treat it as a fleeting allegation. Whether or not that hope is fulfilled, informed sources indicated, will determine if there will be any further administration action.

Unusual attention was aroused by the report because Watson only last Monday began a series of important conversations in Paris with Chinese Ambassador Huang Chen.

These talks are intended to provide a link in the multiple communications chain for expanding Sino-American relations after President Nixon's mission to China last month. As a result, the Nixon administration's prestige is heavily engaged in the Watson-Huang talks, even though Watson is expected to be backstopped by China experts in any substantive discussions.

Anderson reported that on March 9, Watson, on his way to Washington to receive instructions to start the talks, caused a scene aboard the plane by shouting for liquor, tried to "stuff money" in the blouses of stewardesses, and "finally passed out," according to witnesses aboard Pan American Flight 107.

Both White House and State Department officials refused to discuss that report in any form, or say whether an inquiry is under way. When pressed about the Department's position, however, spokesman Charles W. Bray said:

"If your question to me is whether the Department of State has confidence in Ambassador Watson and whether Ambassador Watson will continue to carry out his ambassadorial functions and other functions with which the President has charged him in connection with discussions with the Ambassador of the People's Republic of China, the answers are: yes."

Officials were placed under special inhibitions against any further discussion of the affair. In Paris, a spokesman at the embassy said: "The ambassador has no statement and will have no statement. There is no comment."

Anderson's report said Watson on March 9 got off a Pan-American flight at Dulles Airport unaided and was met by two State Department officials. Next day, in addition to meeting with President Nixon, Secretary of State William P. Rogers, national security adviser Henry A. Kissinger and other officials, Watson lunched with his brother-in-law, Under Secretary of State John N. Irwin II, spokesmen said yesterday. Irwin's wife is the former Jane Watson of New York.

White House and State Department officials learned about Anderson's report on Watson's behavior on the trans-Atlantic flight before it was published, for Anderson's office and several newspapers who print the column made inquiries about the charges in Paris and in Washington. After their own inquiries which they refused to discuss, administration officials decided, in effect, to try to ride out the controversy created by the allegations, without responding to them directly.

WARMEST CONGRATULATIONS TO THE MAJORITY LEADER ON HIS BIRTHDAY

Mr. SCOTT. Mr. President, the birthday of the distinguished majority leader was yesterday. However, because we were

not in session yesterday, we have to observe it today. I hope he will do the same for me when my birthday comes on November 11.

I am sure my noting this happy occasion need not embarrass the senior Senator from Montana since he is my junior. The quiet affable, diligent, hard-working majority leader is a man of many specialties. Mr. President, my colleagues are aware of his expertise on China. We know Premier Chou En-lai wants both of us to visit China. We intend to go later this year.

Now a little about the man who is a former miner and mining engineer in Montana. The majority leader was born in New York. He has served in three branches of the service, joining the Navy during World War I at age 14; then later the Army and Marines. He traveled to China for a tour of duty in 1920 and developed a great interest in that land. He subsequently became a professor of Far Eastern history. The thought-provoking lecture he gave 4 years ago at the Montana State University and read into the CONGRESSIONAL RECORD when President Nixon announced he was going to China revealed the far-sightedness of this outstanding Senator. He is a distinguished American. He is, indeed, a man whose relationship I cherish and totally enjoy. He is a man for whom we all have the highest respect. On behalf of Mrs. Scott and myself, I extend to the Senator from Montana the warmest congratulations on his day.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has my heartfelt gratification.

Mr. SCOTT. Mr. President, I noticed this morning that the distinguished majority leader has the same birthday as the President's wife. So, the President will know what to do in the future when that day comes around.

Mr. MANSFIELD. Mr. President, I call attention to the fact that we have two Members of the Senate, the Senator from Wyoming (Mr. MCGEE), and that well known Irishman from Ireland, Senator JOHN O. PASTORE, whose birthdays are today. And I am not kidding. I recall JOHN'S visit with me to Ireland several years ago when the President spoke concerning the gift to Ireland of a statue commemorating Commodore Perry.

I introduced Senator PASTORE to my uncles and aunts. The first thing that I knew, JOHN was looked upon as a long lost relative and I was left in the corner. Since then, he has become a member of the Friendly Sons of St. Patrick, and I have yet to receive an invitation from the Sons of Italy.

Mr. SCOTT. Mr. President, I also am a member of the Friendly Sons of St. Patrick.

PROGRAM

Mr. SCOTT. Mr. President, I ask the majority leader if he would be able to advise us as to the future business of the Senate.

Mr. MANSFIELD. Mr. President, I would be delighted to respond to the minority leader for whom I have nothing but the greatest of respect.

We have the drug bill conference report which will not take too long. There will be a rollcall vote on that matter. Following that, it is the intention of the Senator from Montana to call up a resolution seeking to have Senate representation on the Gravel case.

I anticipate that there will be opposition to that. Therefore, it will go on the Calendar. And if that is the case, it will be taken up sometime next week.

Mr. SCOTT. Mr. President, will the distinguished majority leader make that in the form of a unanimous-consent request now while Senators are present?

Mr. MANSFIELD. Very well.

RESOLUTION AUTHORIZING SENATE TO INTERVENE IN A SUPREME COURT PROCEEDING

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask that it be stated.

The PRESIDING OFFICER (Mr. CHILES). The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 280

Whereas the Supreme Court of the United States on Tuesday, February 22, 1972, issued writs of certiorari in the case of Gravel v. United States; and

Whereas this case involves the legislative activities of the junior Senator from Alaska, Mr. Gravel, and

Whereas in deciding this case the Supreme Court will consider the scope and meaning of the protection provided to Members of Congress by article 1, section 6, of the U.S. Constitution, commonly referred to as the "speech or debate" clause, including the application of this provision to Senators, their aides, assistants, and associates, and the types of legislative activity protected; and

Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of legislative activity and the scope of a Senator's duties under the rules of the Senate and the Constitution; and

Whereas this case therefore concerns the constitutional separation of powers between legislative branch and executive and judicial branches of government; and

Whereas a decision in this case may impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole; and

Whereas the United States Senate has a responsibility to insure that its interests are properly and completely represented before the Supreme Court: Now, therefore, be it

Resolved, That the President pro tempore of the Senate is hereby authorized to appoint a committee of Senators to seek permission to appear as amicus curiae before the Supreme Court and to file a brief on behalf of the United States Senate; and be it further

Resolved, That any expenses incurred pursuant to these resolutions, including the expenses of the junior Senator from Alaska, as a party in the above mentioned litigation in the Supreme Court, shall be paid from the contingent fund of the Senate on vouchers authorized and signed by the President pro tempore of the Senate and approved by the Committee on Rules and Administration; be it further

Resolved, That these resolutions do not express any judgment of the action that precipitated these proceedings, and be it further

Resolved, That the Secretary of the Senate transmit a copy of these resolution to the Supreme Court.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to make a brief statement.

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

Mr. MANSFIELD. Mr. President, there is now pending before the Supreme Court a constitutional issue that bears directly on the institution of the Senate and the activities of each and every Member of this body. Specifically at issue is the Constitution's so-called "speech and debate" clause—the provision that protects and preserves both Senators and the integrity of the Senate and the Congress as a coequal branch of Government within our democratic structure. Whenever the immunity and protection granted thereunder are threatened or whenever its interpretation is sought to be narrowed—be it by private citizens, by institutions of Government or by whatever—it becomes a matter of great concern both to me personally and I believe to the entire Senate as an institution.

The case of Senator GRAVEL is known, I am sure, to all of us here. I will not belabor the members with a summary of the status of the case. I am not a lawyer, and at times, I become most frustrated with the legal procedural thicket that arises around what to me are fundamental issues.

At stake in the case involving Senator GRAVEL is such an issue, and it concerns me as it does the Senator from North Carolina (Mr. ERVIN)—one of the outstanding constitutional experts—and it concerns, I believe, the entire Senate. At the heart of the matter, in my judgment, is the integrity of the Congress to deal independently and exclusively with matters delegated to it as the legislative branch under the Constitution.

No issue could be more fundamental to our system of democracy. It involves the freedom of individual Senators to communicate on questions of national importance with their constituents and with others and the right of Senators to rely on those he employs to assist him in carrying out responsibilities that arise in the course of his constitutional obligations.

These are some of the questions involved in the case. So regardless of how anyone may view the propriety of the specific act that gave rise to this controversy, such questions are simply not germane to the issue here at stake. What is at stake is whether the Senate's viewpoint concerning its constitutional role should be presented fully, adequately and effectively to the Supreme Court. It is my opinion that it should be. But to do it properly, I think the Supreme Court should have the benefit of this viewpoint from the entire Senate based upon the vote of its membership. That this faction or that, or that this party or that is to be represented is not, in my judgment, the appropriate channel through which the Senate as a whole should advocate its position. If it is the Senate that is to be represented, then I submit, the Senate as a whole should express its will as to how it should be represented.

The resolution submitted on behalf of Senator ERVIN and myself is based on the custom and precedent that has pre-

vailed in cases of this nature in the past. It should be noted that there is a limited provision for attorney fees—as has been the case in the past.

Mr. ERVIN. Mr. President, by taking the case of United States against Gravel on February 22, 1972, the Supreme Court has decided to consider questions which are intimately related to the continued independence and integrity of the Congress. Of particular interest to the Senate, the Court will decide whether and to what extent the "Speech or Debate" clause of article I, section 6 of the Constitution permits executive or judicial inquiry into the activities of aides to Senators that touch on constitutionally protected rights of a Member.

In light of the critical role that personal aides of Senators play in the legislative process, the court will actually decide the extent to which the Congress will be held accountable by the other two branches of Government in the performance of its legislative duties. Such a determination goes to the very heart of the separation of powers.

In its petition for certiorari before the Supreme Court the Government propounds an exceedingly narrow view of the "Speech or Debate" clause. The Justice Department would limit the protection of the clause to Members only, and it characterizes judicial and executive inquiry of aides as only a "hypothetical hindrance" to the legislative process.

It is both proper and necessary that the Senate appear as amicus curiae before the Court to insure that the Department's narrow view of legislative privilege and separation of powers does not prevail. It is unreasonable to impose upon one Senator the obligation to represent the constitutional rights of every individual Senator and of the Senate, as well as his own interest as a party before the Supreme Court. More importantly, the Senate itself has an independent obligation to defend its constitutional rights and prerogatives, and should not stand idle while they are being determined by the individual parties in the case. Only the Senate speaking as a whole, through delegated agents, can speak with sufficient credibility and persuasion to convince the Supreme Court not to invade the independence and prerogatives of the Congress.

The adoption of a resolution authorizing the appearance of Representatives of the Senate as amicus curiae in this case is in no way a judgment on the propriety of Senator GRAVEL's actions before the Subcommittee on Buildings and Grounds. The brief would make it clear that it is the Senate's own responsibility, not the Supreme Court's or the Justice Department's, to enforce the rules and obligations of the Senate. What is involved is the power of the executive and judicial branches to intrude into a province which under the Constitution belongs exclusively to the Senate.

Ample precedents exist for the appearance of the Senate as amicus curiae in the Supreme Court. In at least four instances in the past 40 years the House of Representatives has appeared in the Supreme Court as amicus curiae.

HISTORY OF THE CASE

This case arises from a series of events originating with a meeting of the Senate Subcommittee on Public Buildings and Grounds on June 29, 1971, when the chairman of the subcommittee, Senator MIKE GRAVEL, read into the subcommittee's record "The Pentagon Papers." Subsequently, Senator GRAVEL arranged for the verbatim publication of the subcommittee's record by the Beacon Press, a nonprofit publishing division of the Unitarian Universalist Association.

DISTRICT COURT

In August of 1971, a Federal grand jury sitting in Boston, Mass., and investigating the release of "The Pentagon Papers" to the press, subpenaed Dr. Leonard Rodberg, an aide of Senator GRAVEL, and several persons associated with the Massachusetts Institute of Technology Press and the Beacon Press.

The district court permitted GRAVEL to intervene to argue that his own privilege under the "Speech or Debate" clause of article I, section 6 of the U.S. Constitution prohibits asking a Senator's personal aide about a Senator's conduct in connection with official legislative duties.

The Department of Justice argued that it could subpena Senator GRAVEL to ask how he got the documents and, therefore, it could just as well subpena the Senator's personal assistant. The Court rejected this argument and prohibited the grand jury from questioning any witness about the Senator's conduct in preparation for the subcommittee meeting. It protected Dr. Rodberg from questioning about his own conduct subsequent to his employment as the Senator's aide to the extent that such conduct was under the Senator's direction and connected with the subcommittee's meeting.

COURT OF APPEALS

Both Senator GRAVEL and the Government appealed this ruling. The court of appeals held that, for what he says or does on the floor of the Senate or before the subcommittee, a Senator is protected by the clause from the grand jury inquiry. It stated that this protection extends to written reports of committee proceedings addressed to Congress. It also determined that the "speech or debate" clause bars a grand jury inquiry into how a Senator obtained information for use in a congressional proceeding.

The court based its decision upon the purpose of the clause which, it said, was designed to protect legislators from intimidation, harassment, and embarrassment with the electorate, all of which may be achieved short of a criminal or civil judgment. However, the court held that the clause does not cover private publication after legislative speeches. It then proceeded to recognize a common law privilege which does protect Members of Congress from questioning about publication.

The court of appeals considered to which other persons, if any, the Senator's constitutional or common law immunity might extend. Concluding that it is not only "accepted practice" but indispensable for a legislator to have personal aides in whom he reposes total confidence, the court held that an aide is protected by the same immunity as the Senator and cannot be subpenaed. However, the court of appeals agreed with the district court's refusal to protect from grand jury inquiry those persons associated with the Beacon Press and the MIT Press as to their conduct, including their dealings with the Senator or his aides.

ISSUES BEFORE THE SUPREME COURT

In its petition to the Supreme Court, the Justice Department has directly challenged the decision by the Court of Appeals that immunity given to a Senator by the "Speech or Debate" clause extends to Senators' aides where those aides are acting in accordance with and under the direction of Senators. Among the issues before the Court are:

First. Does the Speech or Debate Clause bar a grand jury from questioning aides of Members of Congress and other persons about matters that involve activities of Members of Congress which are protected by Speech or Debate?

Second. Does a Member of Congress have a constitutional right not to have his aid testify before a grand jury concerning material which the Senator used in a subcommittee hearing?

Third. Does the constitutional responsibility of a Senator to inform his constituents and colleagues about the workings of Government require that his publishing an official public record of a subcommittee, of which he is chairman, be accorded protection as legislative activity under the Speech or Debate Clause?

The Court's decision is important to the Senate because—

First. A determination of what activity is protected by Speech or Debate will affect the independence and the capacity of the legislative branch to perform its constitutional duties.

Second. A decision as to what extent and under what circumstances a Senator's aides come within the protection of the clause likewise will affect the ability of individual Senators and the body as a whole to discharge its duties.

Third. Finally, and more generally, a definitive ruling on the extent to which the Constitution shields the legislative branch from accountability to the other two branches of Government in the performance of its duties will directly affect the vitality of the Constitution's provisions for separation of powers.

Mr. MANSFIELD. Mr. President, on behalf of Senator ERVIN and myself, I submit a resolution and ask unanimous consent for its immediate consideration.

Mr. SAXBE. I object.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. The resolution goes over, under the rule.

Mr. SAXBE. Mr. President, reserving the right to object, will the Senator yield?

Mr. MANSFIELD I yield.

Mr. SAXBE. Mr. President, I should explain the position——

The PRESIDING OFFICER. The Chair noted the objection was made.

Mr. SAXBE. I am explaining my objection and I believe I reserved the right.

Mr. SCOTT. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. I object.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio may be allowed to explain his objection.

Mr. ERVIN. I object to this time being charged.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time not be charged to either side.

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

The Senator from Ohio may proceed.

Mr. SAXBE. Mr. President, the minority is well aware of the challenges to the dignity of the Senate and its necessary immunities, having to do with the freedom of Members of this body, as set out in the Constitution and by court decision as well as by accepted practice of this body.

However, this resolution contains several items which we do not believe should be included. We do not believe that taxpayers' money should be expended for the purpose of perfecting an appeal. We also feel the intent expressed in this resolution goes beyond what would be necessary to set forth a proper brief for the Senate—and I speak specifically in regard to the actions of the Senator from Alaska for alleged misconduct—because what could be involved here would be paying for his legal expenses and possibly the tremendous printing expense which came out of the alleged misconduct.

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

Mr. SAXBE. I yield.

Mr. MANSFIELD. Any funds appropriated would be used only from here on out and would not have a backward import.

Mr. SAXBE. As I recall, there is serious question involved in both cases as to who is going to pay the printing expense which is alleged to be a charge against the Committee on Public Works of the Senate.

I think our interests are somewhat different, therefore, and we do not want to enter into any kind of a brief which would clothe these questionable acts and possible results with the dignity and the immunities of the Senate.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we may hear the Senator from Ohio?

The PRESIDING OFFICER. The Senator will suspend while the Senate comes to order. Senators will refrain from holding conversations on the floor of the Senate.

The Senator may proceed.

Mr. SAXBE. Therefore, Mr. President, we, the minority Members, feel we can properly come in as amicus curiae in this case and present a comprehensive and unprejudiced brief, recognizing, of course, that the majority, with their votes, can make their appeal an action and expense of the entire Senate, if they so choose.

PROGRAM CONTINUED

Mr. MANSFIELD. Mr. President, when we are through with the pending business it is the intention to move to the consideration of S. 2956, a bill to make rules governing use of the Armed Forces of the United States in absence of a declaration of war by Congress. I do this, because I was requested to give 3 days notice.

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, I would like to know to whose time this is being charged?

Mr. MANSFIELD. This will be taken out of the time of neither side.

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

Mr. ERVIN. That applies to all of this colloquy?

Mr. MANSFIELD. Yes.

Mr. BAYH. Mr. President, will the Senator yield for one moment of explanation?

Mr. MANSFIELD. I yield.

Mr. BAYH. Mr. President, I want all to know that some of us who have been pushing for the equal rights amendment for some years now have done all we possibly can to try to see that this debate is continuous and contiguous until finally voted on up and down.

But, because of certain tactics which I think can only be called dilatory, we find ourselves in a position that is going to waste the Senate's time. So we are putting off consideration of this important amendment again until the first of next week. I regret it deeply, but I for one am determined to continue the battle until we get the vote.

I thank my colleague from Iowa for permitting me to interrupt.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972—CONFERENCE REPORT

Mr. HUGHES. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 15, 1972, at pages 8471–8477.)

Mr. HUGHES. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, the bill was introduced by the Senator from Illinois (Mr. PERCY) and referred to the Committee on Government Operations with the understanding that, upon being reported by that committee, it would be referred to the Committee on Labor and Public Welfare. Thus S. 2097 as passed by the Senate in December was the product of the combined efforts of both committees.

At this point, Mr. President, I wish to express my deep appreciation for the close cooperation and support of the members of Senator MUSKIE's Subcommittee on Intergovernmental Relations, Senator RIBICOFF's Subcommittee on Executive Reorganization, and the Subcommittee on Alcoholism and Narcotics, of which I am chairman. The members of these subcommittees were in close touch throughout, as were their staffs, and I can assure the Senate that the bill before us today reflects their dedication to the battle to overcome this tragic national problem.

In essence, the bill provides a legislative foundation for the Special Action Office on Drug Abuse which is now operating under the President's Executive order of last summer. It provides for the development of a national strategy for all drug abuse programs, creates a National Institute on Drug Abuse within the National Institute of Mental Health to come into existence 6 months before the phaseout of the Special Action Office, and it authorizes substantial Federal financial assistance for drug education, treatment, and rehabilitation programs.

Mr. President, it is my earnest hope that this bill will enable the Nation to begin to meet the challenge of one of the worst epidemics ever to strike a society. I cannot emphasize too strongly that this epidemic is not receding in spite of all our efforts thus far. On the contrary, there is every reason to believe that it is still advancing. Two years ago official estimates placed the number of heroin addicts in this country at approximately 315,000. In testimony before our Subcommittee on Drug Abuse in the Military Services earlier this month, Mr. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, reported that a recent study now estimates the number to be at least 560,000. I was convinced that the earlier estimate was too low, and it is likely that the new figure is also too low, even though improved statistical techniques may account for a portion of the increase. There is every reason to assume that the actual number of addicted persons has risen enormously, and no one with any knowledge of the problem believes that we have even begun to win the battle.

During this past year the American people have become justifiably alarmed over the reports of widespread drug abuse among our military personnel. Heroin is cheap and readily available in Vietnam. The pressures and boredom of a miserable war in a strange and hostile environment have tempted all too many of our young men into dangerous experimentation with heroin and other drugs. This has been one of the terrible costs of our prolonged involvement in Vietnam.

Last summer the military services mounted a vigorous program for identifying and then treating drug abusers.

However, the treatment effort has not yet reached significant levels of success, and many young men are being returned to civilian life after treatment which is admittedly too brief to overcome addiction. They are carrying a highly contagious disease into communities throughout the Nation.

The Department of Defense and the Veterans' Administration must be given additional authority and resources to help these young men. But equally important, we must pass this bill in order to provide the strong policy direction and substantial financial help required to make preventive and treatment services available in every community where drug abuse problems exist. Without community-based treatment and rehabilitation services and effective coordination among all the Federal, State, and local governmental agencies concerned, the epidemic will continue to spread. This bill, if fully funded, will demonstrate the concern and the determination of the American people and their Government to end the human despair and degradation, and the social costs in poverty and crime, which are the terrible price of this national tragedy.

Mr. President, I request that there be included at this point in the RECORD my discussion of some of the major provisions of S. 2097, the provisions of the bill as approved by the conference committee, a table showing the Senate, House, and conference committee action on the funds authorized in the bill, the joint explanatory statement of the committee of conference, and the statements of my colleagues who were unable to be present here today but who have maintained a continuing interest and have made vital contributions to this legislation.

Mr. PERCY. Mr. President, in taking action today on the conference report accompanying S. 2097, which I introduced last June 18 in the Senate, we will have come a long way in a very short time.

The Senate approved S. 2097 on December 2 by a 92-to-0 vote. Nothing could have pleased me more, or the President, who asked that, in view of the epidemic ravages of narcotic use in this country, we in the Congress take every step possible to expedite passage of his proposal for creating a White House office to coordinate the Nation's resources in an all-out effort against the scourge of drug abuse.

The unanimous Senate vote, taken together with a House vote of 380 to 0 on February 3 of this year and yesterday's House action approving the conference report by 366 to 0 margin, confirms that there is not even a scintilla of opposition to the clear need to revamp the Federal drug effort for the purpose of controlling narcotics abuse in this Nation and assisting its victims to lead more meaningful lives outside of the oppression of addiction.

Mr. President, why we need this legislation should, by now, be abundantly clear. The Federal effort to date has gone off helter-skelter on the road to nowhere—almost as if no one cared very much where. That is clearly less the fault of the individuals involved in running the programs, whose dedication is beyond question. But the fault lies in a lack of direction. Too many programs going off every which way without clear purpose. The end result is chaos.

The current disarray of the Federal antidrug effort calls to mind an interchange between Lewis Carroll's memorable Cheshire Cat and an inquisitive Alice:

"Would you tell me please, which way I ought to go from here?"

"That depends a good deal on where you want to get to," said the Cat.

"I don't care much where—" said Alice.

"Then it doesn't matter which way you go," said the Cat.

"So long as I get somewhere," Alice added as an explanation.

"Oh, you're sure to do that," said the Cat, "if you only walk long enough."

Perhaps that is just the trouble. In the face of a perverse and snowballing epidemic resulting in 560,000 heroin addicts in this country, we have been proceeding at a snail-paced gait, and, sad to say, there is a real question in my mind whether we have even been moving in the right direction.

The Federal Government, until recently, has not organized for a concerted drive against the factors which nurture the wholesale demand for drugs that gnaws at our society. Efforts to reduce drug demand have been appended, almost as an afterthought, to programs aimed at mental illness, poverty, and crime. Accordingly, the focus of these efforts has been clouded. We have examined use factors within particularly subcultures or geographic areas, but have not addressed ourselves to the pervasive conditions in our society as a whole which give rise to what has become a nationwide demand—and for that reason a national tragedy.

For example, only residents of specific inner-city areas qualify for model cities-funded drug treatment programs; only individuals with poverty-level incomes are eligible for education and treatment programs conducted by the Office of Economic Opportunity. Middle-class communities or communities which suffer from nonopiate drug abuse problems frequently find themselves without any prospect of Federal assistance.

State and local authorities all too often are at a loss as to which Federal agency to turn to for needed help. Resources for drug control efforts are inefficiently channeled in the absence of central direction. How much of the duplicative projects of the Bureau of Narcotics and Dangerous Drugs and the National Institute of Mental Health might have been avoided? How much needed research has gone unexplored?

Finally, programs of training, rehabilitation, research, education, treatment, and prevention are commonly subordinated to primary agency mandates in terms of management direction, placement of high caliber personnel, and funding.

Establishment of one single office at the highest level of Government, responsible for coordinating the nightmare of Federal programs and approaches to the drug problem will insure that countless Federal agencies are no longer working at cross purposes—that treatment, prevention, and law enforcement efforts will be conducted in the proper balance under a comprehensive program. The genesis of this idea is to be found in President Nixon's June 17, 1971, comprehensive message on drug abuse, in which he said:

> Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us.

Accordingly, S. 2097, of which I am the principal sponsor, statutorily authorizes a Special Action Office for Drug Abuse Prevention, presently directed by Dr. Jerome H. Jaffe pursuant to an Executive order, to function through June 30, 1975, to coordinate the national effort against drug abuse and to concentrate the resources of the Nation toward that purpose. The legislation also provides for the development, for the first time, of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Finally, provision is made for a major commitment of new grant-in-aid funds to the States for program planning and to localities as special or emergency circumstances require.

I am particularly gratified that an issue as potentially volatile and critical as drug abuse—an issue which raises sensitive concerns involving the relationship of law enforcement to treatment for dependency—has not been sacrificed to narrow political gain in the face of the upcoming national elections. Principal supporters of the bill include Senator HAROLD HUGHES, Senator JACOB JAVITS, Senator ABRAHAM RIBICOFF, Senator JOHN MCCLELLAN, Senator EDMUND MUSKIE, and Senator EDWARD GURNEY. Fifty-one additional Senators from both major parties and from each end of the political spectrum have joined as cosponsors. The measure was worked out in cooperation with the Nixon administration and has the enthusiastic backing of the President.

The measure that was originally approved by the House, while differing from the Senate bill in several respects, provides an excellent basis for conference action. As such, it was a tribute to the expertise and unabated energy of Congressman PAUL ROGERS of Florida, chairman of the Subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee.

As with the respective Senate committees involved, Chairman ROGERS' sub-

committee held numerous days of hearings and journeyed far and wide to ascertain the extent of the drug problem and what most needs to be done to counteract it. I think it more than coincidental that in essence our analyses of the problem and the legislative formulas we have arrived at to address the problem were markedly similar.

As many Members of this body have written to me, we are all indebted to the minority counsel of the Government Operation Executive Reorganization Subcommittee, Mr. Stuart Statler, for his great technical skill, remarkable diplomacy, and tenacious determination that helped so greatly in facilitating passage of this vital legislation.

The Special Action Office will provide overall planning and policy, and establish objectives and priorities for Federal drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation, and research, including such programs and activities in the Departments of Health, Education, and Welfare, Justice, Labor, Agriculture, Defense, and State, and in the Office of Economic Opportunity, the Veterans' Administration, and the Civil Service Commission.

Examples of legislation and programs that come within the policy and planning purview of the Director include—but are not limited to—the following:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects, administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) grant programs authorized by the conference substitute.

With respect to all of these, and other drug abuse programs and activities, the Director may modify budget requests; review program plans and make appropriations available for their implementation; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

The Director may also make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs, and he shall consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

In addition, by the terms of the bill, the Director will—

Develop or support the development of promising new approaches, demonstration projects, techniques, and methods for combating drug abuse through use of a special fund of $40 million yearly;

Conduct on-site management oversight reviews of agency programs and activities; in connection with SAO's funding authority responsibilities;

Consult with the Attorney General on the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970; other responsible officials on the classification of drugs in connection with international agreements and schedules; and the Secretary of Health, Education, and Welfare on the investigational new drug—IND—and approved new drug authority—NDA—status of drugs which may be beneficial in the treatment of drug abuse;

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among Federal employees—with exceptions noted in listed security areas—treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry;

Coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments;

Provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government;

Provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

Convene conferences of State, local, and Federal officials, and other persons;

Draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities;

Promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals;

Supervise the development and conduct of training programs relating to prevention of drug abuse, with the operation of a National Drug Abuse Training Center to be transferred to the National Institute of Mental Health prior to the termination of the Director's powers—appropriation authorizations are set at $1 million for fiscal year 1972, $3 million for fiscal year 1973, $5 million for fiscal year 1974, and $6 million for fiscal year 1975; and

Represent the U.S. Government, at the President's discretion, in drug abuse discussions and negotiations with foreign governments and before international organizations.

As noted, S. 2097, also provides for the development by a Strategy Council and promulgation by the President of an integrated, long-term national strategy for all drug abuse programs and activities of the Federal Government. Members of the Strategy Council will be the Director of the Special Action Office, the Attorney General, the Secretaries of the Departments of Health, Education, and Welfare, State, and Defense, and the Administrator for Veterans' Affairs.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interactions of various approaches and modalities in solving the problem. The strategy will include a comprehensive Federal plan specifying objectives, and how all available drug abuse resources, funds, programs, services, and facilities authorized under relevant Federal law should be used. It will also involve an analysis of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council should prove especially helpful in areas where treatment programs impact upon programs involving the investigation and prosecution of drug offenses and the detection and suppression of illicit drug supplies. Traditionally, each of these areas has been separately dealt with and often considered the private domain of the officials responsible for carrying out congressionally mandated programs. But the time has come for the doctors to start talking to the cops. Issues of mutual interest must be mutually worked out, to the satisfaction of both, if the problem of drug abuse is to be resolved.

I anticipate, therefore, that the Coun-

cil will concern itself with such critical issues as the use of agents on college campuses; the efficacy of controlled maintenance on addictive drugs in reducing crime, the importance of obtaining epidemiologic data, even at the risk of compromising arrests, relating to user and pusher patterns in copping areas; the relationship between law enforcement efforts aimed at cutting off marihuana supplies and the movement upward to hard drug usage; and whether, in the first instance, our society, through its laws, will continue to regard drug-dependent persons as criminals to be imprisoned, or as individuals suffering an illness who desperately need to be treated.

The council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the council may request; and to evaluate the performance and results attained by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development on an annual basis.

S. 2097 originally provided that veterans would receive treatment and rehabilitation services for drug dependency irrespective of the nature of their discharge, the service connection of their drug dependency, or of any other limitation in title 38, United States Code. Services to veterans would have included inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses. Legislation dealing with this subject has passed the House, and is presently under active consideration by the Senate Veterans' Affairs Committee.

The conferees were of the unanimous and firm conviction that a provision such as was contained in the original Senate bill was imperative if we are to successfully treat the problem of drug abuse among returning veterans. Because of jurisdictional objections raised by the House Veterans' Affairs Committee, however, we very reluctantly agreed to delete this provision on the assumption that separate legislation of a comprehensive nature will shortly be taken up by the Congress. The matter is of the highest priority and Senator HUGHES has assured me and the other conferees that he will be working very closely in the days ahead with Senator CRANSTON whose bill to accomplish these same purposes, S. 2108, is awaiting committee action.

As a result of the outstanding efforts of my distinguished colleagues, Senator HAROLD HUGHES and Senator JACOB JAVITS, S. 2097 provides for a large-scale commitment of new Federal funds totaling about $800 million over 3 years to be administered by the Secretary of the Department of Health, Education, and Welfare pursuant to the policy guidelines of the Director of the Special Action Office for Drug Abuse Prevention. The program has four facets:

First. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. Amounts authorized to be appropriated are: $15 million for fiscal 1972; $30 million for fiscal 1973; $40 million for fiscal 1974; and $45 million for fiscal 1975.

Second. A special emphasis grant program authorizing grants to or contracts with public and private agencies, organizations, institutions, and individuals for projects of special significance. Activities might include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education, and services for persons in treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. Amounts authorized to be appropriated are: $25 million for fiscal 1972; $65 million for fiscal 1973; $100 million for fiscal 1974; and $160 million for fiscal 1975.

Third. A program whereby applications for staffing grants for community mental health centers contain assurances satisfactory to the Secretary that the center will provide drug abuse treatment and rehabilitation programs where needed and will assist the Federal Government in the provision of such programs. Appropriations of $60 million for fiscal years 1973, 1974, and 1975 are authorized to enable community mental health centers to meet this requirement.

Fourth. A program providing for the establishment of drug abuse treatment and rehabilitation programs in facilities of the Public Health Service to serve persons residing in the areas served by such facilities; and providing for the use of Public Health Service facilities for drug abuse treatment and rehabilitation programs for servicemen and veterans. Appropriations of $25 million for fiscal year 1973 and $75 million for fiscal year 1974 are authorized.

Lastly, the conferees agreed that the programs above referred to should, where appropriate, be phased into a National Institute for Drug Abuse—within the National Institute of Mental Health of the Department of Health, Education, and Welfare—to be established effective January 1, 1975, or 6 months prior to the termination of the Special Action Office for Drug Abuse Prevention.

In sum, the accelerating rate of drug abuse signals an imminent threat to the Nation's health and welfare, necessitating an immediate and effective Federal response encompassing both effective law enforcement against illicit drug trafficking and effective programs to treat and rehabilitate those who become drug dependent. By providing for a comprehensive strategy and by establishing an office directly under and reporting to the President with direct responsibility for all Federal programs of drug abuse prevention and treatment, S. 2097 will go a long way toward correcting the organizational impediments to an effective approach.

Within that context, we can proceed to quarantine the parasitic dependency on hard drugs that is afflicting our cities and our suburban and rural areas, feeding upon crime, festering on individual and societal well-being, preying upon our youth, ravaging our educational and military institutions, and inflicting irreparable pain and hardship upon families and communities across the country.

The approach the President and Congress have taken through this legislation posits extradordinary authority and resources in a position to do the most good for the great number of our citizens urgently in need of it. As impossible as the task may be, we have made a landmark beginning.

I am hopeful that as a result of the priority attention the Congress and the President now place on the problem through the Drug Abuse Office and Treatment Act of 1972, we will be able to better comprehend the root causes of addiction and successfully deal with them.

Mr. President, while the Drug Abuse Office and Treatment Act of 1972 deals primarily with problems involving the treatment and rehabilitation of drug dependent persons, we should keep clearly in mind the ongoing efforts that are being made to control the problem at its source. I would, therefore, ask unanimous consent to have included in the RECORD at this point, the remarks of our very able Secretary of State William Rogers who appeared before a White House Conference on Drug Abuse, February 3, 1972. The Secretary heads the President's Cabinet Committee on International Narcotics Control created in the fall of 1971. Through the Secretary's excellent efforts, and the efforts of others serving on that committee, we have made important inroads in suppressing illicit drug production and trafficking.

I also request unanimous consent that an "International Narcotics Control Summary" prepared by the Secretary at the end of 1971 be referenced at this point.

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

DIPLOMATIC STRATEGY AND INTERNATIONAL SUPPLY

(Statement of Secretary of State William P. Rogers)

The rapid growth in the use of narcotics and other dangerous drugs is high on the list of world problems with an urgent need for international cooperation. In a special message to the Congress last June 17, President Nixon called for an all-out offensive against the problem of drug abuse. He proposed a full range of efforts to control the traffic and dry up the demand for drugs and narcotics at home. Moreover, recognizing that what is today a serious situation in the United States could well move into other

countries unless a total battle is waged, the President appealed not only for more effective measures on the national front, but for a worldwide cooperative effort.

An effective network of controls is required for the full range of illicit drugs and narcotics, and we are working on all fronts with other governments to curtail both their supply and demand. Among the harmful substances, however, the most forceful international effort must be made to eliminate illicit opium, the source of the most damaging drug of all—heroin.

Heroin is processed from morphine base which has been converted from opium gum or produced from poppy straw. It has no legal or medical use in the United States, but is sold here only for drug abuse. Despite our best efforts to stop the illicit traffic and to reduce the demand, heroin has become increasingly available and the demand has spread to new segments of our population. Five years ago, there were probably less than 60,000 heroin addicts in the United States. Today, there are more than 300,000, and the number is increasing.

As an international goal, our government desires an end to all opium production and the growing of poppies. The development of effective substitutes for the opium derivatives, particularly codeine, now used for medical purposes would eliminate any valid reason for opium production. In the interim, because there are still indispensable medical uses for opium, and because production of the opium needed for medical purposes is a legitimate source of income in some countries, we are pressing ahead with programs to develop synthetic substitutes for opium derivatives, to assist countries in their efforts to end illicit production, processing and trafficking, and to make national and international controls more effective.

Before commenting on some of the recent efforts to curb the problem, I should like to deal briefly with the scope and the nature of world opium markets and supplies.

The total number of users and addicts consuming the world's illicit supply of opium and its derivatives is estimated at more than two million persons. The largest single grouping of users consists of overseas Chinese in the Far East and Southeast Asia. Burma, Laos, and Thailand together account for three-quarters of a million, with Burma having the highest share. There are also large populations of opium users in Iran, India, Afghanistan, and Hong Kong.

Most of these users consume opium in its raw form either by smoking or eating. From Iran through India, eating is generally the main form of use, whereas in the Far East and Southeast Asia, smoking is more common. The highly-concentrated No. 4 heroin used by U.S. troops in South Viet-Nam is smoked, whereas the low-heroin-content mixture in the United States is taken primarily by injection.

The problem of heroin addiction is by no means confined to the United States. A major heroin population of some 50,000 exists in Iran, and the number of heroin addicts in Western Europe may be as high as 100,000. Addiction to heroin also accounts for an increasing part of the opium consumed in Thailand, Hong Kong, and other countries in Southeast Asia, including Viet-Nam where the inroads made by heroin among U.S. troops are beginning to extend to the native population.

MAJOR OPIUM PRODUCING AREAS OF THE WORLD

World production of opium is estimated at about 2,700 tons. As shown on the map, the principal opium poppy cultivation and opium-producing areas, looking from west to east, are Turkey, Iran, the USSR, the Afghanistan-Pakistan border area, India, and the so-called Golden Triangle area in the northern reaches of Burma, Thailand and Laos.

Roughly one-half of total opium production serves legitimate medical needs and is under national and international controls. The bulk of this is produced in India, the Soviet Union and Turkey.

The other half of production—about 1,400 tons—is illicit. It originates mainly in the Golden Triangle area of Burma, Thailand, and Laos and the Afghanistan-Pakistan border area.

MOVEMENT OF OPIUM AND MORPHINE BASE FROM TURKEY TO EUROPE

Raw materials for most of the heroin entering the United States in recent years has originated in the opium poppy fields of Turkey. Diverted from otherwise legal production the opium is purchased from Turkish farmers by opium traffickers who convert it into its concentrated morphine base powder form. The conversion ratio of opium to morphine base is ten-to-one. The morphine base is then resold to Turkish exporters who serve as the central connection between the suppliers of the raw materials and importers and processors in France and elsewhere in Europe.

As indicated on the map, the illicit trade moves both by land and sea. Overland transport by cars and trucks through Bulgaria, Greece and Yugoslavia appears to be the dominant means of smuggling. Transport through the Mediterranean, the leading method of moving narcotics into France a decade ago, has become secondary in importance.

HEROIN ROUTES IN THE UNITED STATES

Following the conversion of the morphine base to heroin in clandestine laboratories in France, principally in the Marseilles area, shipments are prepared for delivery to European and North American markets. As the map shows, heroin moves into the United States from all sides. In addition to the traditional east coast and Canadian entry points, heroin is entering our market in increasing volume from Europe through Latin American transfer points.

SOUTHEAST ASIA ILLICIT TRAFFIC IN OPIUM AND OPIATES

A small portion of the U.S. market is supplied from the Far East, but the lion's share of the production of opium and opiates in that area is consumed locally. As the map indicates, supplies move out of the Golden Triangle area to such destinations as Bangkok, Vientiane, Saigon, Macao, Singapore, and Hong Kong.

The most heartening news in the battle against drug abuse in 1971 was the decision announced on June 30 by Turkey to ban the production of opium following the harvesting of the 1971–72 crop. For hundreds of years, thousands of Turkish families have raised the opium poppy as a legitimate cash crop and for its edible oil and seed. Unlike most opium-producing countries, Turkey does not have an addiction problem. Moreover, prior to the ban, the Turkish farmer had little, if any, knowledge of his part in the spread of an addiction epidemic in the United States or elsewhere. A strict opium licensing and control law has been passed in Turkey to enforce the ban. In response to the Turkish decision, the United States Government has assured Turkey of financial assistance to offset foreign exchange losses from legitimate exports of opium gum and poppy products and to help establish development activities in the affected areas.

The agreement with Turkey is particularly significant in that it will remove a major source of opium for heroin marketed in the United States. We are now focusing on plans to cooperate with the governments of countries in Southeast Asia where there is substantial illegal or uncontrolled production of opium. That is the area to which the illegal traffickers will turn increasingly as existing sources of supply in the Middle East are closed to them.

Two major advances can already be cited. On September 28, 1971, the United States and Thailand signed a Memorandum of Understanding by which the two countries pledged mutual action against the supply and trafficking of illicit narcotics and dangerous drugs. Laos has put into effect a law prohibiting the growing, processing, trading and use of opium and the opiates. These actions will form the basis for cooperative efforts between the two countries and the United States to combat the drug traffic in Southeast Asia and reduce the flow of heroin.

Elsewhere, the U.S. Government has been working on a day-to-to-day basis against the illicit drug traffic and the supplies that feed it. Cooperation has been most close in border controls with Canada and Mexico. An agreement signed with France one year ago provided for French narcotics agents to be stationed in the United States and U.S. agents in France. Recent substantial heroin seizures are evidence of the close cooperation between the French and U.S. enforcement agencies.

Last September the President established the Cabinet Committee on International Narcotics Control to coordinate the policies of all U.S. Government agencies. One of the major projects of the Committee is to develop Narcotics Control Action Plans for more than 50 countries considered to have a current or potential involvement in the production, processing, or transmitting of illicit hard drugs, with the focus being on heroin and cocaine. The program will provide a systematic world-wide approach to our battle against drug abuse. Combined with our efforts for drug control in the United Nations and other international organizations, I feel confident that 1972 will bring further progress toward curbing the illicit flow of narcotics and dangerous drugs into the United States.

INTERNATIONAL NARCOTICS CONTROL SUMMARY

COORDINATION OF U.S. INTERNATIONAL EFFORTS

On September 7, 1971, the President announced the creation of a Cabinet Committee for International Narcotics Control. This Committee is chaired by the Secretary of State. Its other members include the Secretaries of Defense, Agriculture, the Treasury, the Director of the CIA, the Attorney General, and the U.S. Ambassador to the United Nations. The Committee has the responsibility for coordinating and supervising all U.S. Government efforts to interdict the flow of narcotics into the United States.

On August 2, 1971, Nelson Gross joined the staff of the Department of State as Senior Adviser to the Secretary and Coordinator for International Narcotics Matters.

The regional and functional bureaus in the Department of State have appointed drug control coordinators. Interagency narcotics control committees, including representatives of State, Defense, Treasury, AID, BNDD, CIA, and USIA, have been established in all of the regional bureaus of the State Department (e.g., Bureau of European Affairs, Bureau of East Asian and Pacific Affairs, etc.) for the purpose of developing an integrated approach to narcotics control in each geographic area.

Narcotics Control Coordinators have been appointed in all U.S. Embassies in countries affected by the narcotics problem either as producing countries or transit countries.

Throughout the world American Ambassadors have been discussing more effective narcotics control with foreign governments as a matter of the highest priority in our foreign relations. Chiefs of Mission in the countries of East Asia, the principal area of illicit opium production, have met in Bangkok, Thailand with Washington officials to discuss a regional strategy. Chiefs of Mission in the countries of Europe, the principal area of processing and trafficking for the U.S. market, have held discussions for a similar purpose in Paris. Narcotics control action plans are being prepared for those

countries considered to have a current or potential involvement in the production, processing, consumption, or transiting of illicit hard drugs. This project focuses on world supplies, trafficking, and smuggling of heroin and cocaine destined for the U.S. market or U.S. personnel abroad.

INTENSIFIED LAW ENFORCEMENT

Intensified Customs examination of passengers, baggage, and cargo entering the United States has resulted in increased seizures of illicit drugs entering the country.

In a two-year period the quantities and the number of narcotic and seizures by the U.S. Bureau of Customs has more than doubled. Seizures of hard drugs in FY 1971 totaled over 12000 pounds, far in excess of the amount seized in the preceding seven-year period.

Preliminary figures for heroin seized in the first nine months of 1971 show more than 1000 pounds compared to 26 pounds seized in the comparable period in calendar 1970. Customs seizures of marihuana increased substantially from 48,000 pounds to 113,000 pounds, while seizures of hashish in fiscal year 1971 totalled more than 3000 pounds, nearly twice the amount seized the preceding year. Over 10 million 5-grain units of dangerous drugs such as amphetamines and barbiturates were seized during FY 1971; though the number of units seized was slightly less than in FY 1970, the number of seizures increased from 1080 to 1553.

The Bureau of Narcotics and Dangerous Drugs (BNDD) has established a new enforcement officer career field. A total of 140 "compliance inspectors" are being hired. They will specialize in curbing the illicit diversion of legitimate drugs.

BNDD is increasing its overseas special agent force to 123 men, more than double the previous strength. The Bureau is opening 21 new overseas offices, bringing its offices abroad to a total of 46.

In August 1971 the Internal Revenue Service of the Treasury Department began to conduct systematic tax investigations of middle and upper echelon narcotics traffickers, smugglers, and financiers. This nationally coordinated effort is designed to disrupt the narcotics distribution system by intensive investigations of those key figures and to reduce drastically the profits derived from the illicit trade in narcotics.

The staff of the Customs Bureau has been increased from 9,200 in 1968 to 14,000 in 1971 in order to enhance the Bureau's capacity to deal with the smuggling of narcotics into the United States. The number of special agents has more than tripled during this period from 300 to 1000. The Bureau has the world's most modern electronic intelligence system and its own fleet of aircraft, boats, helicopters and specially equipped vehicles for interdiction activities.

The Bureau of Customs has developed and is about to implement an intensive enforcement program to interdict smuggling of narcotics by aircraft. This will be accomplished by high-speed aircraft equipped with sophisticated sensor devices and supported by tactical ground operations.

The State Department continued to warn American citizens travelling abroad of the severity of foreign narcotics laws and the inability of American consular officials to aid Americans charged with the possession or smuggling of narcotics. A flyer warning travelers against drug violations abroad was released in June 1970 and revised in April 1971. To date over a million copies have been distributed to travel agencies (all 7000 members of the American Society of Travel Agents), U.S. passport offices, nongovernmental organizations, periodicals with particular interest in youth, and others.

COOPERATION WITH FOREIGN LAW ENFORCEMENT AGENCIES

In September 1971 BNDD together with the narcotic control agencies of France and Canada sponsored in Washington a two-week seminar of top ranking police officials from 13 foreign countries. Participants discussed all aspects of the international drug traffic and the means of combating it.

BNDD will conduct schools for law enforcement organizations in Europe, the Far East and the Caribbean.

Under the auspices of the Office of Public Safety of AID, public safety officers from 26 countries met in Washington, October 11–19, 1971, for extensive briefings and discussions on all aspects of the international narcotics problem.

The Franco-American Intergovernmental Committee on Drug Control meets periodically to coordinate efforts to curb drug trafficking. Since November 1970 representatives of the Royal Canadian Mounted Police have participated in the work of the Committee.

BNDD Director John E. Ingersoll has made official visits to Southeast Asia, Europe, the Middle East, Canada, Mexico and Central and South America to confer with government officials on closer cooperation in narcotics controls.

In June 1971 the Customs Cooperation Council, an international organization composed of 66 member countries, adopted a recommendation on the spontaneous exchange of information concerning illicit traffic in narcotics drugs and psychotropic substances. U.S. Customs representatives participated in its development and, as a member of the Council, the U.S. has adopted the recommendation.

The U.S. Commissioner of Customs Myles J. Ambrose has met with the heads and senior officers of European customs administrations as well as Canadian and Mexican officials in a continuing program of customs-to-customs liaison on narcotics enforcement.

INTERNATIONAL AGREEMENTS AND FOREIGN INITIATIVES

At its 24th Session held in Geneva, Switzerland, between September 28 and October 22, 1971 the United Nations Commission on Narcotic Drugs considered amendments to the Single Convention on Narcotic Drugs proposed by the U.S. and other countries in preparation for the plenipotentiary conference scheduled for March 1972. The amendments are designed to bring about better control of production and distribution of opium and reinforce the powers of the International Narcotics Control Board. The State Department has mounted a worldwide diplomatic effort to gain support for the amendments.

On June 29, 1971, President Nixon sent the Convention on Psychotropic Substances to the Senate for advice and consent to ratification. The U.S. joined with over 70 countries in negotiating this treaty to bring under international control these dangerous drugs which include amphetamines, barbiturates, hallucinogens like LSD, and tranquillizers.

The UN Expanded Plan for Drug Abuse Control has begun operation with the negotiation of projects under a comprehensive program with Thailand. The voluntary UN Fund to finance the Plan has received in addition to the initial U.S. contribution, pledges of substantial sums from Canada, the Federal Republic of Germany and France.

On September 28, 1971, the United States and Thailand signed a Memorandum of Understanding pledging a mutual effort to control and eliminate the flow of narcotics from and through Thailand. Specific programs for the implementation of the agreement are now being negotiated, with a planning group already formed and operating.

The Turkish Government has pledged to eliminate all opium cultivation at the end of the 1971–2 crop year and has passed a strict licensing law to control the production of opium during the fiscal year. A Government decree bans the growing of opium poppies after June 30, 1972.

In connection with the conclusion of the Turkish agreement, President Nixon on September 28 directed then Secretary of Agriculture Hardin to lead a high-level team of experts on a mission to advise the Turkish Government on the agricultural development of the Western Anatolia region, the country's primary poppy growing area. The team discussed improved techniques, alternative crops, the development of agro-industries, etc. The Hardin mission was a follow-up to the President's pledge of June 30 to put this country's best brains at the disposal of Turkey.

On September 23, 1971, the Government of Laos promulgated a law banning the manufacture, trading and transportation of opium and its derivatives including heroin. The law provides a basis for U.S. cooperation with the Laotian Government in combatting the international drug traffic. In a further move against the illicit traffic the Government of Laos recently issued a decree, directing that the importation and distribution of acetic anhydride be strictly controlled in order to prevent its illegal use as a key ingredient in the production of heroin.

On August 6, 1971, French President Pompidou proposed to the other five members of the European Economic Community and to the United Kingdom that they meet to consider ways in which they could strengthen their national efforts to combat narcotics trafficking and to deal with other major aspects of the narcotics addiction problem. On October 4, 1971, President Nixon sent a letter to President Pompidou congratulating him on this initiative.

In September and October, 1971 Nelson Gross, Senior Adviser on International Narcotics Matters to the Secretary of State, visited a number of countries in Europe and Southeast Asia to confer with local government officials on cooperative efforts to combat the international narcotics traffic. In November, Mr. Gross addressed a meeting of the NATO Committee on the Challenges of Modern Society on the international character of the drug problem. From November 22–25, 1971 the Australian Government sponsored in Canberra a conference of Southeast Asian countries for the purpose of improving narcotics control on a regional basis. The U.S. and U.N. were represented by observers.

President Thieu of the Republic of Viet-Nam has submitted a tough anti-narcotics law to the Lower House of the Vietnamese Legislature. In connection with its crackdown on narcotics, the Government of Viet-Nam, assisted by Thai authorities, seized some 50 kilograms of heroin in Saigon and arrested 20 heroin traffickers.

On August 11, 1971, the Deputy Attorney General of Mexico reported on the results of the Mexican Government's anti-narcotics campaign since Operation Cooperation begin in 1969. His announcement showed that 10,356 fields of opium poppy had been destroyed; 700 pounds of seed had been captured; 176 pounds of crude opium, 116 pounds of heroin, and 319 pounds of cocaine had been seized; and 2,468 fields of marijuana burned.

On October 12, 1971, U.S. Deputy Attorney General Richard G. Kleindienst conferred with his Canadian and Mexican counterparts in Mexico City to discuss the international narcotics traffic as it affects the three countries.

Mr. JAVITS. Mr. President, the approval today of the conference report on S. 2097 finalizes landmark legislation which at last establishes a firm national commitment to attack drug abuse. In this bill Congress has authorized—in addition to existing programs—appropriations of more than $1 billion for a comprehensive effort against the drug abuse and narcotic addiction which so threatens New York City and the Nation.

Of particular significance to the State

of New York, and one of the soundest investments in this bill is the retention of a provision in the original Senate bill, which resulted from a joint effort by me and Senator HUGHES, authorizing $350 million in new funds to launch drug abuse prevention and treatment programs.

This provision will make available—without categorical designation—desperately needed money for training and rehabilitation programs, vocational services, treatment programs within State and local criminal justice systems, multidisciplinary programs to determine and treat drug abuse, and research for improved drug maintenance programs.

New York has the unfortunate distinction of having more than half of the Nation's 560,000 addicts, the most recent approximation by the Department of Justice of the true number of addicts. The authorization—if implemented by full appropriations—could mean $175 million of badly needed new drug abuse treatment, rehabilitation, and prevention money for New York under this provision, if the number of addicts is any measure of Federal funding priorities.

I will fight for no less than that additional level of funding for New York under the new special emphasis grants provision in the bill. New York State and city have already launched several creative and innovative programs contemplated by this provision, including methadone maintenance programs now serving almost 10,000 addicts.

Other significant new avenues of funding provided by this legislation for which New York will be eligible and should have the highest priority include total authorizations of $120 million in the Director's Special Fund for exceptionally effective programs; $75 million in research for nonaddictive narcotic antagonists and detoxification agents; $180 million for drug-abuse treatment programs within community mental health centers; and $130 million in formula grants to States for planning, evaluation, and operation of programs.

Mr. President, in my judgment, this legislation—originally proposed by the President—has the potential to catalyze substantial resources and new leadership to the Federal role in what has been referred to as "the critical domestic crisis of our times."

Our Federal programs in this area have not in the past measured up to our hopes and expectations. We have seen the drug problem grow steadily worse.

This disturbing reality is reflected in narcotics-related crime rates, in the lack of hope among the economically disadvantaged, in the changing value patterns among our youth, and in the disillusionment of our servicemen.

We must at long last have a significantly higher level of success on the treatment and prevention side of this problem.

Likewise, all of the moral and political resources of our Nation must now be directed toward the elimination of illegal narcotics traffic—in the international community, in the military services, and in the streets and schools of communities across America.

This bill gives to Dr. Jerome H. Jaffe, the Director of the new Special Action Office on Drug Abuse Prevention, the mandate and the authority to pull together the Federal effort in the area of drug abuse, to give it new direction, to sharpen its goals and to establish badly needed standards of performance.

Dr. Jaffe will play an active role in establishing budget levels and program priorities. He will also monitor agency performance to find and correct failures, weakness, and delays in policy implementation. He will perform a critical role in reconciling policy differences between Federal agencies.

Dr. Jaffe is well qualified for this responsibility. He pioneered innovative techniques in the planning and programing of a comprehensive, treatment, and rehabilitation effort in the State of Illinois, successfully combining a variety of treatment methods—including methadone maintenance and drug free therapeutic treatment approaches.

I have every confidence that he will do an extraordinary difficult job with great distinction and effectiveness.

The conferees retained a provision in the Senate bill requiring the development of a long-term comprehensive national strategy encompassing all Federal drug abuse programs and activities. This adds an important new dimension to the Federal approach to drug abuse.

The interaction of various approaches—including treatment, prevention education, and law enforcement—will, for the first time, be coordinated at the highest level in the executive branch.

The Director will be fully informed of drug traffic and law enforcement activities, while officials on the law enforcement side will fully be apprised of "demand side" program activities. A critical interface will be developed between policymakers in areas enabling more consistent and coordinated policy execution.

I call the attention of the Senate to a provision in the conference report which was changed somewhat from a similar provision in the Senate bill. The Director is authorized to promote directly research to create, develop, and test nonaddictive, synthetic analgesics to replace opium, long lasting nonaddictive blocking or antagonistic drugs and detoxification agents, for heroin.

There are authorized to be appropriated a total of $75 million over the next 3 fiscal years. I believe that this is one of the singularly important research areas which must and will be energetically pursued by Dr. Jaffe.

Mr. President, we have today in the States and localities throughout our country a wide variety of programs which feature education, prevention, treatment, rehabilitation, and law enforcement in varying combinations. The recordkeeping in many of these programs is minimal, seriously impairing statistical characterization and evaluation. Evaluation data to document the relative costs of various costs are limited.

With funds and policy guidelines now coming from nine different Federal agencies, State and local government agencies and private groups it has been almost impossible for us to get an accurate measurement—particularly in New York—as to how well or how poorly different treatment approaches and individual programs have worked.

We really have no informed basis for determining how well our resources have been allocated at the local level. There are many critically important questions that I hope that Dr. Jaffe will be able to answer in the months ahead:

What is the nature and level of funding among specific program activities?

What data do such programs have available on addict response; for example, retention rate, employment rate, and arrest rate?

Who provides funds and on what basis?

How well are individual Federal agencies performing?

What services are provided by individual programs, in what combination, and at what cost per unit?

How well do different organizations plan, receive, disburse, manage, and control resources?

To what extent do effective, comprehensive treatment, prevention, education, and detoxification programs exist in corrections facilities, schools, and public agencies at the local level?

Is drug abuse primarily viewed as a criminal or a health problem?

What are the requirements for program analysis and evaluation?

Are there clearly defined measures of program performance?

To what extent do ancillary and supportive services exist in methadone maintenance programs now in operation?

Is it possible to develop criteria as to why persons become drug users and which treatment modalities or combination of modalities might be successful with different personalities?

Mr. President, as ranking minority member of both the Executive Reorganization Subcommittee and of the Labor and Public Welfare Committee, I say S. 2097 as a whole is a major and vital landmark to fight the American drug abuse crisis. There are several provisions in the bill which were the product of a joint effort by me and the distinguished Senator from Iowa (Mr. HUGHES) that I would like to comment upon.

SERVICES TO THE ADDICTED VIETNAM VETERANS

I am not convinced that the present VA drug treatment programs are effective or doing enough within their authority to furnish health care. In too many instances, care is not forthcoming because many, insensitive to the plague of addiction, erroneously believe it to be the product of the moral disability or social inferiority of the individual seeking treatment, and therefore think that punishment and not treatment is required.

The city and State of New York continue to struggle with the problem of aiding the 10,000 addicted veterans in New York City, but so far it has been a losing effort.

I am advised that 3,500 veterans are being served by local drug-free and methadone maintenance programs, and only 346 veterans are in treatment in the three VA hospitals as of January 20, 1972. To overcome this sad deficit, I believe the Federal Government must pledge

itself, through the VA to a substantial commitment. The VA should contract to purchase services from State and community institutions with expertise in drug rehabilitation. These institutions constitute a reservoir of valuable experience in dealing with narcotics abuse and could prove to be of great benefit to the VA's own efforts to deal with the narcotics problem.

Although the conference report deleted provisions relating to treatment and rehabilitation for drug abusing veterans, the joint explanatory statement of the Committee of Conference states:

The removal of this section of the bill by the conferees is based upon their assumption that separate legislation will be promptly enacted dealing with the problem of treatment and rehabilitation for veterans, and is done because of jurisdictional objections raised by the Veterans' Affairs Committee of the House. The conferees wish to stress, however, their unanimous firm conviction that dealing with the problem of drug abuse among returning veterans is a matter of the utmost urgency and should be accorded the highest priority by the Congress.

In addition, the conference substitute retains the Senate provision which provides that the Director (Dr. Jaffe) shall coordinate all drug abuse programs and activities which includes the Administrator of Veterans' Affairs relating to drug abuse prevention functions.

Although the conference substitute did not limit the authority of the Administrator of Veterans' Affairs with respect to furnishing health care, it specifically excludes drug abuse provision functions as a facet of health care, and thereby put the drug abuse prevention functions in the Director.

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS FORMULA GRANTS

In recognition that drug abuse is a national problem which does not recognize regional boundaries, the Senate bill established a formula grant program for assisting States in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse. Authorizations for appropriation are $15,000,000 for fiscal 1972, $30,000,000 for fiscal 1973, $40,000,000 for fiscal 1974, $45,000,000 for fiscal 1975. A total of $130,000,000.

The urgent need in this regard, I am pleased to point out, is seen in the fact that the conference agreement is the same as the Senate bill with Senate authorization levels, except that the appropriation authorizations for fiscal 1976 are deleted, and the minimum allotment to the States contained in the Senate bill is set at $100,000 with provision for reduction if appropriations are below authorizations.

The formula grant program established in the legislation will make it possible for the States to stimulate programs and share in Federal financial assistance. The program provides for allotments among the States of the funds appropriated on the basis of relative population, financial need, and need for programs of education, training, treatment, and rehabilitation re drug abuse.

It is important to understand that in the Senate Report 92–509, it was specifically stated that:

The Committee considers that each of these factors should be weighed equally and that the last factor—the need for the various programs—is different from the first—population. While it recognizes that population may be the best measure of the need factor at the present time, it feels that over a period of time data received from the States under administrative guidelines established by the Secretary should yield a better and workable method for measuring the need factor in the formula.

SPECIAL EMPHASIS GRANTS AND CONTRACTS

The Senate provision which funded programs that would enable the carrying out of drug abuse prevention programs of special significance was retained. The program will provide funds for such activities—many of which New York has undertaken—as training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants for improved drug maintenance techniques; and drug abuse prevention and treatment programs.

I believe the formula grants to States and retention of the Senate special emphasis grant program will mean we can now make a national commitment that will mobilize all of America's resources, brain power and dollar power.

In addition to the $528 million authorized under other provisions in the legislation, there is $130 million available in formula grants and $350 million for these innovative special emphasis drug programs. This commitment under the leadership of Dr. Jaffe hopefully will mobilize all of our resources in a unified program to control this national scourge.

Mr. HUGHES. Mr. President, I ask unanimous consent that a statement which would have been given by the Senator from Connecticut (Mr. RIBICOFF) be placed in the RECORD.

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

STATEMENT BY SENATOR RIBICOFF

I join with the other conferees in urging Senate approval of S. 2097. This bill has traveled a long road. As introduced last June it was deficient in several respects. The scope of the proposed White House office was too narrow and the powers granted it were too broad. There was no provision for a national strategy to control drug abuse and no funds were authorized to strengthen State and local drug treatment programs.

These deficiencies have been corrected by the Congress, and as a result the bill is greatly improved. It now provides an effective response to the national need for better programs to curb drug abuse. The scope and powers of the Special Action Office have been adjusted to fit its purpose. A national strategy will be promulgated within a year and nearly $500 million has been authorized for grant programs to State and local governments.

Mr. President, this is a good bill. Congress has provided the Executive with the authority and funds needed to begin a national effort to halt drug abuse and treat its unfortunate victims. But the success of this legislation will be determined by those who implement it—Dr. Jerome Jaffe, Director-designate of the Special Action Office and officials in HEW, DOD, the VA and other agencies concerned with drug abuse problems. It is their responsibility to carry out these programs in the manner Congress intended. To assure that they do, we should monitor their actions closely.

Mr. President, prevention and treatment of drug abuse is one of the most urgent problems on our national agenda. This legislation is a constructive step toward solving it. I urge approval of the conference report.

Mr. MANSFIELD. Mr. President, if the Senator from Iowa will yield, I wish to express my gratitude to the Senator from Iowa, who has been a leader in the fight to bring about legislation which would correct the drug situation which has developed in this country, and also to express my gratitude to him for the efforts he has made in meeting the problems of alcoholism, which is in effect a disease.

Mr. HUGHES. I thank the Senator.

Mr. President, I ask unanimous consent that there be included in the RECORD a discussion of the major provisions of S. 2097, a table showing the fund difference and the conference action on S. 2097, and a joint explanatory statement of the committee of conference.

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

DISCUSSION OF MAJOR PROVISIONS OF S. 2097

The first three titles of the bill were reported by the Government Operations Committee. They express the findings of the Congress with respect to the Nation's very severe drug abuse problem, establish the Special Action Office for Drug Abuse Prevention in the Executive Office of the President, set forth the powers and duties of the Office, and provide for the development of a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities.

In defining the functions of the Special Action Office, the bill classifies governmental drug activities as "drug abuse prevention functions" and "drug traffic prevention functions." Drug abuse prevention means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and it includes these activities even when performed by an agency whose primary mission with respect to drug abuse is in the field of drug traffic prevention. For example, the Department of Justice is engaged in controlling the drug traffic, but it also makes funds available for drug abuse education through the Law Enforcement Assistance Act, and for treatment through the Narcotics Addict Rehabilitation Act. These are drug abuse prevention functions as defined in this bill, and they are thus under the policy direction of the Special Action Office.

Although the Director of the Special Action Office will have far-reaching authority over the planning, coordination, and evaluation of all drug abuse prevention functions throughout the Federal Government, his jurisdiction is not unlimited. The conferees have affirmed their understanding that the Special Action Office must concentrate on its role in over-all direction and not dissipate its energies and resources by intervening in the routine daily operation of programs. Moreover, the bill specifically asserts that the Director is not permitted to interfere with the authority of the Department of Defense or the Veterans' Administration with respect to their primary missions, even though he will have policy-making authority over their drug abuse prevention programs.

A further important responsibility of the Director will be to maintain communica-

tions with Federal agencies performing drug traffic prevention functions. In the past there have been inadequate communication and coordination, with the result that drug treatment and rehabilitation agencies and law enforcement agencies seemed at times to be working at cross-purposes. This bill seeks to eliminate such friction without in any way interfering with the law enforcement responsibilities of these agencies.

The bill establishes a National Drug Abuse Training Center to be operated under the supervision of the Director of the Special Action Office. The Center will provide a wide range of training and education programs for Federal, State, and local governmental personnel, education and health professionals, and others working in the fields of drug abuse prevention, treatment, and rehabilitation. By December 31, 1974, when the National Institute on Drug Abuse, also provided in this bill, comes into existence, responsibility for operating the Center will be transferred to the Institute.

In deciding on provisions relating to employees of the Federal Government, the conferees agreed on language which is nearly identical to that contained in the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970. That Act has helped to create a far more enlightened official attitude toward the problem of alcoholism among Federal employees. By treating alcoholism as a disease and providing prompt and effective help to its victims, the Federal Government is not only acting sensibly and humanely, it is saving many dollars invested in the training and experience of its employees. Although serious drug abuse is far less common than alcohol abuse among Federal employees, it does exist, and this bill expresses the intention that a similarly enlightened policy be adopted.

At the request of the Postal Service, which pointed out that under the Postal Reorganization Act the Civil Service Commission no longer exercises personnel policy authority over postal employees, the conferees agreed to exempt employees of the Postal Service from the requirements of the bill. However, the Postal Service has assured the Congress that it will cooperate fully with the Special Action Office and that it will establish policies and programs modeled on those of Federal departments and agencies.

I am aware that this exclusion is a disappointment to several of the postal employee organizations, and I assure them that our Subcommittee on Alcoholism and Narcotics will be closely observing the progress of the Postal Service in carrying out its commitment to the Congress. The Postal Service has developed an excellent alcoholism program, and I am hopeful that it will do as well with the problem of drug addiction.

The bill does not, of course, require the retention of any employee who cannot function properly in his job. At the same time, it states that no person may be denied or deprived of Federal employment solely on the ground of prior drug abuse. This prohibition does not apply to the intelligence and national security agencies or to positions designated as sensitive by the heads of other departments and agencies. However, with respect to such collateral rights as medical treatment and retirement benefits, employees dismissed from any department or agency are to be treated like all others dismissed or retired because of medical disabilities.

The Senate bill had provided that the Veterans' Administration would furnish comprehensive treatment and rehabilitation services to veterans with drug abuse problems regardless of the character of their discharge from military service. The House conferees strongly objected to this provision on the ground that it created acute jurisdictional problems between committees of the House. Consequently, the Senate conferees agreed to delete the provision and at the same time they expressed their intention to give prompt consideration to legislation for the same purpose which is now before the Senate Committee on Veterans Affairs. There was no disagreement among the conferees on the urgency of the need for effective treatment for all returning veterans who have become the victims of drug dependence of addiction.

S. 2097 greatly expands the role of the Department of Health, Education, and Welfare in support of drug abuse education, treatment, and rehabilitation programs. Through the National Institute of Mental Health, the Department will administer the state formula grants and the very substantial special grant and contract funds authorized in the bill. By December 31, 1974, six months before the expiration of the Special Action Office, there will be created within the National Institute of Mental Health a National Institute on Drug Abuse. At that time the new Institute will assume responsibility for the administration of all drug abuse prevention programs and functions assigned to the Secretary of Health, Education, and Welfare.

Since the Senate had on two prior occasions and again in S. 2097 approved the immediate creation of a National Institute on Drug Abuse, I regretted the necessity of the compromise calling for postponement. However, in view of the continued opposition of the Administration and the substantial opposition in the House, I am gratified that we have finally won agreement that the Institute on Drug Abuse will be established. I am convinced, as I have been for the past two years, that we must have this separate Institute that will concentrate solely on the problem of drug abuse. It will carry out the research, training, grant administration, and program evaluation which will in my opinion be needed for many more years.

In conclusion, I wish to express my strong conviction that one of the most important provisions of the bill is the section requiring that in all drug abuse prevention programs receiving Federal financial support under this Act or any Act amended by this Act, the records of patients must be held in strictest possible confidence.

We know from experience that the drug abuser or addict is likely to be youthful, often socially alienated, and, since his habit has brought him into conflict with the law, reluctant to identify himself to any governmentally sponsored or financed agency. These barriers to the individual who needs and desires treatment must be reduced to a minimum if the fight against drug abuse is to succeed.

I believe that the provision on confidentiality of patients' records strikes the best possible balance between protection of the individual and protection of public and governmental interests. Disclosure is permitted only for the reasons and under the conditions specified. It is especially important to note that court-ordered disclosure is allowed only after a showing of good cause, and the courts are instructed to weigh very carefully the public interest and need for disclosure against injury to the patient, to the physician-patient relationship, and to treatment services. Moreover, when disclosure is ordered, the courts are also directed to limit its extent and to protect against any unauthorized disclosure.

FUND DIFFERENCE AND CONFERENCE ACTION ON S. 2097

[In millions]

	Senate					House			Conference			
	1972	1973	1974	1975	1976	1972	1973	1974	1972	1973	1974	1975
Pharmacological research			[1]				$20	$25		$20	$25	$30
National Drug Abuse Training Center			[2]			$2	3	5	$1	3	5	6
Special Action Office—Operating funds	$5	$10	$12	$15		5	10	10	5	10	11	12
Special Action Office—Special fund	40	40	40	40			40	40		40	40	40
Community mental health centers staffing grants			[2]				60	60		60	60	60
Community Mental Health Centers Act drug abuse treatment funds			[2]				25	75		25	75	
State formula grants	15	30	40	45	$50	5	13	13	15	30	40	45
Grants and contracts for special programs	65	170	260	400	450		[2]		25	65	100	160
Total	125	250	352	500	500	12	171	228	46	253	356	353

[1] Funds not specified.

[2] No provision.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendment of the House to the bill is a substitute for the entire text of the Senate bill. The conference substitute is a substitute for the text of both the Senate bill and the House amendment. Except for technical, clerical, clarifying, and conforming changes, the differences between the conference substitute and the Senate bill and House amendment are set out below:

DEFINITIONS

The Senate bill contained a specific listing of programs to which the legislation was applicable; the House amendment included these programs through specifically defining

the terms "drug abuse prevention function" and "drug traffic prevention function".

The Senate bill included, but was not limited to, the following:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) grant programs authorized by the conference substitute.

The conference substitute is the same as the House amendment, and covers the designated programs, as well as any other programs or activities falling within the defined term "drug abuse prevention function", whether or not conducted by an agency to whose primary mission drug abuse prevention functions are incidental.

ACCESS TO PERSONNEL AND INFORMATION

Both the Senate bill and the House amendment provided for establishment of the Special Action Office for Drug Abuse Prevention in the Executive Office of the President. The House amendment provided that the establishment of the Office in the Executive Office shall not affect congressional access to (1) information, documents, and studies in the possession of, or conducted by, the Office or (2) personnel of the Office.

The conference substitute is the same as the House bill.

APPOINTMENTS

The Senate bill authorized the appointment of 25 persons without regard to civil service and compensation laws, with up to 10 persons permitted to be paid at rates up to GS–18, and 15 additional could be paid at rates up to GS–13.

The House amendment contained no comparable provision.

The conference substitute provides that, in addition to the number of positions which may be placed in supergrades under normal Civil Service Commission procedures, not to exceed 10 positions in the Office may be placed in grades GS–16, 17, and 18, in accordance with the procedures prescribed under section 5108 of title 5, United States Code.

This revised authority will permit the Office to employ the personnel they need for top positions, while preserving the jurisdiction of the Civil Service Commission and the congressional committees having an interest in this subject.

Both the Senate bill and the House amendment authorized appointments of experts and consultants, but the House amendment, and the conference substitute, permit such employment without regard to limitations on the length of service.

ADVISORY COUNCIL

The House amendment provided for the establishment of a National Advisory Council for Drug Abuse Prevention consisting of the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' Affairs, ex officio, or their designees, and 12 members appointed by the President, of whom four must be State or local officials concerned with drug abuse prevention functions. The Director is required, in carrying out his overall planning and policy functions, to consult from time to time with the National Advisory Council.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House bill.

LIAISON

The House amendment provided for the appointment of an Assistant Director to maintain communication and liaison with Federal agencies performing drug traffic prevention functions.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House amendment.

CONCENTRATION OF FEDERAL EFFORT

The Senate bill provided that the Director shall coordinate drug abuse programs and activities carried out by the United States, and shall coordinate such programs and activities with other programs and activities of the United States, if it will aid the Federal effort against drug abuse.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with the addition of a specific reference to the second sentence of section 213 of the legislation, which provides that the authority of the Director shall not be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces, or the authority of the Administrator of Veterans' Affairs with respect to furnishing health care to veterans, except with respect to overall policies established by the Director relating to the conduct of drug abuse prevention functions.

The legislation contemplates that the Director and his staff will act as a catalyst to improve the organization and operation of Federal drug abuse programs. The Director is to play an active role in establishing budget levels, program priorities and policies aimed at curbing drug abuse. The conferees also intend that he monitor agency performance to find and correct failures, weaknesses and delays in policy implementation. In addition, the conferees expect that the Director will take the lead in adjusting and reconciling any policy differences between Federal agencies concerning drug abuse.

The conferees reaffirm the intention of this legislation that the Special Action Office concentrate its efforts on interagency coordination and policy development. It must not attempt to manage or intervene in the routine operation of programs conducted by by the departments and agencies. Such action would be contrary to the express purpose of the bill and would waste the resources of the office. The conferees do intend, however, that the Director be fully informed concerning the operation of agency programs affecting drug abuse prevention or traffic functions, to assure that the overall policies he has set are being complied with and implemented. If the Special Action Office is to play a constructive role it must focus its activities on those areas directly related to its mission—assuring cooperation between departments and agenices on policy issues which cut across jurisdictional lines, providing and encouraging rigorous evaluation of existing programs, and fostering new and innovative approaches to the drug abuse problem.

DEVELOPMENT OF METHODS TO DETERMINE EXTENT OF DRUG ABUSE IN UNITED STATES

The House amendment included as one of the duties of the Director the development of improved methods for determining the extent of drug addiction and abuse in the United States.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment.

PRESIDENTIAL ASSIGNMENTS

The Senate bill provided that the Director, in carrying out his overall planning and policy functions, is to perform such other functions as the President may assign.

The House amendment contained no such provision, and the conference substitute is the same as the House amendment. Section 232 authorizes the President to designate the Director to represent the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

PHARMACOLOGICAL RESEARCH

The House amendment provides that the Director shall encourage and promote research to create, develop, and test nonaddictive synthetic analgesics to replace opium, long lasting nonaddictive blocking or antagonistic drugs, and detoxification agents, for heroin.

The Senate bill did not contain such authority for the Director, but authorized similar authority through grants and contracts entered into by the Secretary of Health, Education, and Welfare.

The conference substitute is the same as the House bill, with authorization of $30,000,000 for fiscal year 1975.

APPROPRIATION AUTHORIZATIONS

The Senate bill authorized appropriations totaling $42,000,000 for functions of the Director, and $160,000,000 for the special fund, with authorizations for fiscal years 1972 through 1975.

The House amendment authorized $25,000,000 for fiscal years 1972 through 1974 for functions of the Director, and $80,000,000 for fiscal years 1973 and 1974 for the special fund.

The conference substitute authorizes, for functions of the Director, $5,000,000 for fiscal year 1972, $10,000,000 for fiscal year 1973, $11,000,000 for fiscal year 1974, and $12,000,000 for fiscal 1975.

With respect to the special fund, $40,000,000 is authorized for each of the fiscal years 1973, 1974, and 1975. Funds appropriated for one fiscal year but not expended therein may be carried over to the next fiscal year.

Under the conference agreement, the Director's authority will extend for three full fiscal years ending June 30, 1975, plus the remainder of the current fiscal year.

NATIONAL DRUG ABUSE TRAINING CENTER

The House amendment authorized $2,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, and $5,000,000 for fiscal year 1974,

for the Director to develop, conduct, and support training programs relating to prevention of drug abuse, with the operation of the Center to be transferred to the National Institute of Mental Health prior to the termination of the Director's powers.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment except that the Director's role with respect to the training center is to be that of overall supervision; the Center is to be transferred to the National Institute of Drug Abuse (created by other provisions in the bill) as of December 31, 1974. The appropriation authorizations are set at $1,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, $5,000,000 for fiscal year 1974, and $6,000,000 for fiscal year 1975.

FEDERAL PERSONNEL POLICIES

The Senate bill provided that the Civil Service Commission would establish policies for control and treatment of drug abuse among Federal civilian employees (including employees of the Postal Service), and that drug dependent employees were not to lose benefits, and where possible to be provided employment, during rehabilitation.

The House amendment provided that the Director should advise the Civil Service Commission and other agencies as to policies and services for control and treatment of drug abuse among Federal civilian employees.

The conference substitute is the same, with respect to drug abuse, as section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, is with respect to alcoholism and alcohol abuse by Federal employees.

Employees of the Postal Service were removed from this section at the request of the Postal Service as inconsistent with the nongovernmental status of such employees under the Postal Reorganization Act. The Postal Service stated that it was their intention to make every effort to cooperate with the Special Action Office, and to establish a program, modeled on that established for other Federal employees, for the treatment of drug abuse among postal employees.

This section establishes the principle that drug abuse and drug dependence shall be handled by Federal departments and agencies as a medical problem for the employee involved. The provision is almost identical to section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, and should be administered in a similar manner. Thus, except for certain designated sensitive agencies and sensitive positions, an employee may not be dismissed solely because of prior drug abuse. Except for the designated agencies and positions, Federal employees may have their employment terminated only for failure to perform their jobs. All Federal civilian employees dismissed, including those in the agencies and positions listed in subsection (c)(2) of this section, are to be treated alike with respect to retention of collateral benefits. Accordingly, any dismissed employee's rights to annual and sick leave, medical treatment, rehabilitation services, pension, and other collateral rights should be preserved to the same extent as they would be for employees who have lost their jobs due to other medical disabilities.

REORGANIZATION PLANS

The Senate bill provided that the President may change the functions of the Director by reorganization plans without regard to the cutoff date for the submission of plans and the limits on the number that may be submitted.

A similar provision in the House version was deleted by an amendment on the House floor, so that the House amendment contained no comparable provision.

The conference substitute is the same as the House amendment.

CLASSIFICATION OF DRUGS

The Senate bill provided that the Director should consult with and be consulted by appropriate officials regarding classification of drugs under the Controlled Substances Act, and investigational new drugs with a potential for abuse. The Director had similar responsibilities with respect to international questions of classification of drugs, and with respect to New Drug Applications.

The House amendment contained no corresponding provisions.

The conference substitute provides that whenever the Attorney General determines that there is evidence that a drug which is not a controlled substance may be subject to abuse, or that a controlled substance should be transferred or removed from a schedule under the Controlled Substances Act, he shall, prior to the initiation of a formal proceeding for such transfer, removal, or control, notify the Director. In addition, when information is developed with respect to an investigational new drug indicating that the drug has a potential for abuse, that information which is forwarded to the Attorney General as required by the Controlled Substances Act shall also be forwarded to the Director.

SERVICES FOR VETERANS

The Senate bill provided that veterans would receive treatment and rehabilitation services for drug dependency irrespective of the nature of their discharge, the service connection of their drug dependency, or of any other limitation in title 38, United States Code. Services to veterans would include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

The House amendment contained no corresponding provision.

The conference substitute contains no provision relating to treatment and rehabilitation for veterans. The conferees have noted that legislation dealing with this subject has passed the House, and is presently under active consideration by the Senate Veterans' Affairs Committee.

The removal of this section of the bill by the conferees is based upon their assumption that separate legislation will be promptly enacted dealing with the problem of treatment and rehabilitation for veterans, and is done because of jurisdictional objections raised by the Veterans' Affairs Committee of the House. The conferees wish to stress, however, their unanimous firm conviction that dealing with the problem of drug abuse among returning veterans is a matter of the utmost urgency and should be accorded the highest priority by the Congress.

NATIONAL DRUG ABUSE STRATEGY

The Senate bill provided for the establishment of a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by the United States.

The House bill contained no comparable provision.

The conference substitute is the same as the Senate bill, with technical changes.

COMMUNITY MENTAL HEALTH CENTERS PROGRAMS

The House amendment required that applications for staffing grants for community mental health centers contain assurances that each such center will provide needed drug abuse treatment and rehabilitation programs to persons in the area to be served, if the Secretary finds that the problem in the area warrants establishment of such a program. Appropriations of $60 million for each of the fiscal years 1973 and 1974 are authorized.

The Senate bill contained no comparable provision, but amended the Community Mental Health Centers Act to authorize grants for the leasing of facilities for drug abuse treatment programs, and authorized assistance for facilities for emergency medical services, intermediate care services, and out-patient services.

The conference substitute combines the provisions of the House amendment and the Senate bill, with authorization of $60,000,000 for fiscal year 1975.

USE OF PHS FACILITIES

The House amendment provided for establishment of drug abuse treatment and rehabilitation programs in facilities of the Public Health Service to provide services for persons residing in the local areas, and for servicemen and veterans in such areas.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House bill.

STATE PLAN REQUIREMENTS

The House amendment requires that State plans for grants for comprehensive public health services include provisions for licensing facilities in which drug abuse treatment and rehabilitation programs are conducted, and for expansion of State mental health programs in the method of drug abuse prevention and treatment.

The conference substitute is the same as the House amendment, with a clarifying change.

DRUG ABUSE PREVENTION APPROPRIATION REQUESTS

The House amendment provided that all requests for appropriations for drug abuse prevention functions must hereafter be submitted on a line item basis.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment, with the addition of the requirement that the appropriation request must also include each specific authorization on the basis of which the request is made.

SPECIAL PROJECTS

The House amendment increased from $35 million to $60 million the authorization for special projects of programs for drug abuse treatment and rehabilitation for fiscal year 1973, together with a new authorization of $75 million for fiscal year 1974.

The conference substitute is the same as the House bill.

NATIONAL INSTITUTE ON DRUG ABUSE

The Senate bill provided for the establishment within the National Institute of Mental Health of a National Institute on Drug Abuse.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill, except that the new National Institute on Drug Abuse is to be created on December 31, 1974. The postponement will give the Department of HEW time to prepare for the establishment of the new Institute. The conferees anticipate that, in the consideration of other legislation in the field of mental health and drug abuse, scheduled for expiration in the future, further consideration will be given to the proper role and function of the new Institute.

REPORTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The Senate bill required that the Secretary of Health, Education, and Welfare submit to Congress a written plan for the administration and coordination of his drug abuse programs, and describe existing model and experimental methods for drug abuse treatment, and make recommendations for future development of treatment techniques.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

The Senate bill provides that the Secretary is to (1) operate an information center related to drug abuse information, (2) investigate and publish information concerning methodology and technology for determining the extent and kind of drug abuse, (3) publish statistics, and (4) review and evaluate provisions for drug abuse prevention and treatment programs submitted in State health plans.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

FORMULA GRANTS

The Senate bill established a formula grant program for assisting States in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse, with authorization of appropriation of $15,000,000 for fiscal 1972, $30,000,000 for fiscal 1973, $40,000,000 for fiscal 1974, $45,000,000 for fiscal 1975, and $50,000,000 for fiscal 1976.

The House amendment authorized formula grants to assist States in planning drug abuse prevention functions and in evaluating the conduct of such functions, with appropriation authorization of $5,000,000 for fiscal 1972, $13,000,000 for fiscal 1973, and $13,000,000 for fiscal 1974.

The conference agreement is the same as the Senate bill except that the appropriation authorizations for fiscal 1976 are deleted, and the minimum allotment to the States contained in the Senate bill is set at $100,000, with provisions for reduction if appropriations are below authorizations.

GRANTS AND CONTRACTS FOR SPECIAL PROGRAMS

The Senate bill authorized grants and contracts—

(1) for training programs,

(2) for rehabilitation programs,

(3) for drug abuse treatment programs within State and local criminal justice systems,

(4) to determine the cause of drug abuse,

(5) for research relating to blocking or antagonistic drugs, improved detoxification agents, and improved drug maintenance techniques and programs; and

(6) for drug abuse treatment programs on the local level.

Authorization for appropriations were $65,000,000 for fiscal 1972, $170,000,000 for fiscal 1973, $260,000,000 for fiscal 1974, $400,000,000 for fiscal 1975, and $450,000,000 for fiscal 1976.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, except that the programs for research related to blocking or antagonistic drugs, and improved detoxification agents are eliminated as covered by the authority of the Director under section 224 of the bill, and the appropriation authorizations are as follows: $25 million for fiscal 1972, $65 million for fiscal 1973; $100 million for fiscal 1974; and $160 million for fiscal 1975.

ADMISSION OF DRUG ABUSERS TO HOSPITALS

The Senate bill provided that drug abusers who are suffering from emergency medical conditions shall not be refused admission to or treatment by any public or private general hospital which receives Federal assistance, with a suspension or revocation of Federal assistance for any hospital violating this provision.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

The Senate bill provided for the establishment of a National Advisory Council on Drug Abuse similar to the other advisory councils established under the Public Health Services Act, to advise and consult with the Secretary concerning his functions in the field of drug abuse and to review and approve grants made for narcotic addiction and drug dependent person rehabilitation programs under part (D) of the Community Mental Health Centers Act.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

CONFIDENTIALITY OF PATIENT RECORDS

The Senate bill provided for confidentiality of private records prepared or obtained in connection with drug abuse programs, with some limitations.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with technical and clarifying changes.

The conferees wish to stress their conviction that the strictest adherence to the provisions of this section is absolutely essential to the success of all drug abuse prevention programs. Every patient and former patient must be assured that his right to privacy will be protected. Without that assurance, fear of public disclosure of drug abuse or of records that will attach for life will discourage thousands from seeking the treatment they must have if this tragic national problem is to be overcome.

Every person having control over or access to patients' records must understand that disclosure is permitted only under the circumstances and conditions set forth in this section. Records are not to be made available to investigators for the purpose of law enforcement or for any other private or public purpose or in any manner not specified in this section.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

The Senate bill contained an amendment to the Economic Opportunity Act of 1964 providing for two associate directors of ACTION, to be compensated at Level IV of the Executive Schedule.

The House amendment contained no corresponding provision.

The conference substitute is the same as the House amendment.

JOHN L. MCCLELLAN,
ABRAHAM RIBICOFF,
LEE METCALF,
LAWTON CHILES,
CHARLES H. PERCY,
JACOB K. JAVITS,
EDWARD J. GURNEY,
HAROLD E. HUGHES,
JENNINGS RANDOLPH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
BOB PACKWOOD,
PETER H. DOMINICK,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.
HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD, III,
PETER N. KYROS,
RICHARDSON PREYER,
JAMES W. SYMINGTON,
WILLIAM R. ROY,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JAMES F. HASTINGS,
Managers on the Part of the House.

Mr. CHILES. Mr. President, I would not want the passage of this significant drug bill to go by without mention of the great contribution our distinguished chairman, Senator JOHN L. MCCLELLAN, has made in the fight against drug abuse.

JOHN MCCLELLAN has long been an advocate of an expanded national commitment to fight drug abuse and it was his efforts, over 6 years ago that made it possible to obtain funds for drug rehabilitation and control. It was Senator MCCLELLAN, as chairman of the Permanent Investigation Subcommittee, who focused the national spotlight on drug use and exposed the insidious role of organized crime in narcotics trafficking in 1964. It was Senator MCCLELLAN who introduced and secured passage of the Narcotic Addict Rehabilitation Act of 1966, which reoriented the law away from its punitive approach to addiction. It was Senator MCCLELLAN who authored the Omnibus Crime Control and Safe Streets Act of 1968 which provided Federal assistance to State and local communities in their battle to eliminate drug abuse.

It was Senator MCCLELLAN, as chairman of the Government Operations Committee, who helped us to get this measure through the committee and reported to the Senate. Senator MCCLELLAN cosponsored the drug bill we have before us today and he is also a cosponsor of bills to cut off aid to foreign countries failing to eliminate drug trafficking and to liberalize rules of evidence in narcotics cases.

Senator MCCLELLAN is necessarily absent today, but I did not want this significant occasion—the passage of legislation to launch the most comprehensive attack ever mounted against the scourge of narcotics—to pass without noting the farsighted and dedicated work of our able chairman, Senator JOHN L. MCCLELLAN.

Mr. GURNEY. Mr. President, as one of its original cosponsors, I am here today to ask for unanimous support for the conference report on S. 2097. This measure would establish a Special Action Office for Drug Abuse Prevention and concentrate the resources of our Nation against the problem on drug abuse. The Director of this new office, to be situated in the Executive Office of the President, would have broad powers to conduct overall planning, implement policy, establish objectives and develop priorities for drug abuse research, treatment, rehabilitation, and education.

This legislative package has been the result of a coordinated and truly bipartisan effort in both Houses of Congress. Hopefully, it will provide the impetus needed for a major attack against this insidious menace that is threatening the very fabric of our society.

What is happening in our Nation as a result of this burgeoning problem of drug abuse is a shocking, cruel, and pathetic nightmare. For instance:

Figures recently released by the Bureau of Narcotics and Dangerous Drugs estimate the number of narcotic addicts in the United States at 560,000. This represents an increase of 230,000 over the 1969 Bureau of Narcotics and Dangerous Drugs estimate. Other experts dealing with this problem claim the number may be as high as 700,000.

The cost of maintaining a drug habit can range from $10 to $100 a day, or anywhere from $3,600 to $36,000 a year. Based on the figure of 560,000 addicts,

the total cost of addiction to the addicts is at least $8 billion a year.

The cost of crimes committed to sustain a drug habit is believed to run as high as $32 billion per year—and may, in fact, be much higher.

There are over 30,000 addicts in my home State of Florida—addicts whose activities take up 60 percent of all law-enforcement efforts in the State and the number of addicts is rapidly increasing. In Miami alone there are estimated to be at least 4,000-plus addicts as compared to approximately 500 in 1965.

According to expert reports, 50 percent of the property crimes committed in our major cities are drug related.

In the past 2 years, 16,000 American servicemen have been discharged for drug related reasons.

In New York City where over half of the Nation's drug addicts reside, drug addiction is the greatest single cause of death among people between the ages of 15 and 35.

Drug abuse is a plague which crosses all boundaries, infecting all types of people, all over America. Yet, despite the increasing dimensions of this problem and despite our increasing awareness of drug abuse, we have not yet moved effectively to combat it.

I strongly feel that S. 2097 offers us an effective vehicle with which we can organize and utilize our resources in order to best fight this affliction which has grown to epidemic proportions. If we are truly concerned about the human anguish and social deterioration in society today resulting from drug abuse we must act decisively and expeditiously—now.

As President Nixon said in his June 17, 1971, comprehensive message on drug abuse:

> If we do not destroy the drug menace in America, then it will surely in time destroy us.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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 Georgia (Mr. GAMBRELL), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

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 New Jersey (Mr. WILLIAMS), the Senator from California (Mr. TUNNEY), the Senator from Maine (Mr. MUSKIE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Indiana (Mr. HARTKE), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senators from Maryland (Mr. BEALL and Mr. MATHIAS), the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 63, nays 0, as follows:

[No. 112 Leg.]

YEAS—63

Allen	Curtis	Packwood
Anderson	Dole	Pastore
Baker	Eagleton	Pearson
Bayh	Eastland	Pell
Bellmon	Ervin	Percy
Bennett	Fannin	Proxmire
Bentsen	Fong	Randolph
Bible	Goldwater	Roth
Boggs	Gurney	Saxbe
Brock	Hansen	Schweiker
Brooke	Hart	Scott
Burdick	Hruska	Smith
Byrd, Va.	Hughes	Spong
Byrd, W. Va.	Inouye	Stafford
Cannon	Jackson	Stennis
Chiles	Javits	Stevenson
Church	Long	Symington
Cook	Mansfield	Talmadge
Cooper	Miller	Thurmond
Cotton	Mondale	Weicker
Cranston	Montoya	Young

NAYS—0

NOT VOTING—37

Aiken	Hatfield	Moss
Allott	Hollings	Mundt
Beall	Humphrey	Muskie
Buckley	Jordan, N.C.	Nelson
Case	Jordan, Idaho	Ribicoff
Dominick	Kennedy	Sparkman
Ellender	Magnuson	Stevens
Fulbright	Mathias	Taft
Gambrell	McClellan	Tower
Gravel	McGee	Tunney
Griffin	McGovern	Williams
Harris	McIntyre	
Hartke	Metcalf	

So the report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REFERRAL OF PRESIDENT'S MESSAGE ON SCHOOL BUSING

Mr. BYRD of West Virginia. I ask unanimous consent that the President's message on busing, now at the desk, be referred jointly to the Committee on the Judiciary and the Committee on Labor and Public Welfare.

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

The message from the President is as follows:

To the Congress of the United States:

In this message, I wish to discuss a question which divides many Americans. That is the question of busing.

I want to do so in a way that will enable us to focus our attention on a question which unites all Americans. That is the question of how to ensure a better education for all of our children.

In the furor over busing, it has become all too easy to forget what busing is supposed to be designed to achieve equality of educational opportunity for all Americans.

Conscience and the Constitution both require that no child should be denied equal educational opportunity. That constitutional mandate was laid down by the Supreme Court in *Brown* v. *Board of Education* in 1954. The years since have been ones of dismantling the old dual school system in those areas where it existed—a process that has now been substantially completed.

As we look to the future, it is clear that the efforts to provide equal educational opportunity must now focus much more specifically on education: on assuring that the opportunity is not only equal, but adequate, and that in those remaining cases in which desegregation has not yet been completed it be achieved with a greater sensitivity to educational needs.

Acting within the present framework of constitutional and case law, the lower Federal courts have ordered a wide variety of remedies for the equal protection violations they have found. These remedies have included such plans as redrawing attendance zones, pairing, clustering, and consolidation of school districts. Some of these plans have not required extensive additional transporta-

tion of pupils. But some have required that pupils be bused long distances, at great inconvenience. In some cases plans have required that children be bused away from their neighborhoods to schools that are inferior or even unsafe.

The maze of differing and sometimes inconsistent orders by the various lower courts has led to contradiction and uncertainty, and often to vastly unequal treatment among regions, States and local school districts. In the absence of statutory guidelines, many lower court decisions have gone far beyond what most people would consider reasonable, and beyond what the Supreme Court has said is necessary, in the requirements they have imposed for the reorganization of school districts and the transportation of school pupils.

All too often, the result has been a classic case of the remedy for one evil creating another evil. In this case, a remedy for the historic evil of racial discrimination has often created a new evil of disrupting communities and imposing hardship on children—both black and white—who are themselves wholly innocent of the wrongs that the plan seeks to set right.

The 14th Amendment to the Constitution—under which the school desegregation cases have arisen—provides that "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Until now, enforcement has been left largely to the courts—which have operated within a limited range of available remedies, and in the limited context of case law rather than of statutory law. I propose that the Congress now accept the responsibility and use the authority given to it under the 14th Amendment to clear up the confusion which contradictory court orders have created, and to establish reasonable national standards.

The legislation I propose today would accomplish this.

It would put an immediate stop to further new busing orders by the Federal courts.

It would enlist the wisdom, the resources and the experience of the Congress in the solution of the vexing problems involved in fashioning school desegregation policies that are true to the Constitutional requirements and fair to the people and communities concerned.

It would establish uniform national criteria, to ensure that the Federal courts in all sections and all States would have a common set of standards to guide them.

These measures would protect the right of a community to maintain neighborhood schools—while also establishing a shared local and Federal responsibility to raise the level of education in the neediest neighborhoods, with special programs for those disadvantaged children who need special attention.

At the same time, these measures would not roll back the Constitution, or undo the great advances that have been made in ending school segregation, or undermine the continuing drive for equal rights.

Specifically, I propose that the Congress enact two measures which together would shift the focus from more transportation to better education, and would curb busing while expanding educational opportunity. They are:

1. *The Equal Educational Opportunities Act of 1972.* This would:
   - —Require that no State or locality could deny equal educational opportunity to any person on account of race, color or national origin.
   - —Establish criteria for determining what constitutes a denial of equal opportunity.
   - —Establish priorities of remedies for schools that are required to desegregate, with busing to be required only as a last resort, and then only under strict limitations.
   - —Provide for the concentration of Federal school-aid funds specifically on the areas of greatest educational need, in a way and in sufficient quantities so they can have a real and substantial impact in terms of improving the education of children from poor families.
2. *The Student Transportation Moratorium Act of 1972.*
   - —This would provide a period of time during which any further, new busing orders by the courts would not go into effect, while the Congress considered legislative approaches—such as the Equal Educational Opportunities Act—to the questions raised by school desegregation cases. This moratorium on new busing would be effective until July 1, 1973, or until the Congress passed the appropriate legislation, whichever was sooner. Its purpose would not be to contravene rights under the 14th Amendment, but simply to hold in abeyance further busing orders while the Congress investigated and considered alternative methods of securing those rights—methods that could establish a new and broader context in which the courts could decide desegregation cases, and that could render busing orders unnecessary.

Together, these two measures would provide an immediate stop to new busing in the short run, and constructive alternatives to busing in the long run—and they would give the Congress the time it needs to consider fully and fairly one of the most complex and difficult issues to confront the Nation in modern times.

BUSING: THE FEARS AND CONCERNS

Before discussing the specifics of these proposals, let me deal candidly with the controversy surrounding busing itself.

There are some people who fear any curbs on busing because they fear that it would break the momentum of the drive for equal rights for blacks and other minorities. Some fear it would go further, and that it would set in motion a chain of reversals that would undo all the advances so painfully achieved in the past generation.

It is essential that whatever we do to curb busing be done in a way that plainly will not have these other consequences. It is vitally important that the Nation's continued commitment to equal rights and equal opportunities be clear and concrete.

On the other hand, it is equally important that we not allow emotionalism to crowd out reason, or get so lost in symbols that words lose their meaning.

One emotional undercurrent that has done much to make this so difficult an issue is the feeling some people have that to oppose busing is to be anti-black. This is closely related to the arguments often put forward that resistance to any move, no matter what, that may be advanced in the name of desegregation is "racist." This is dangerous nonsense.

There is no escaping the fact that some people oppose busing because of racial prejudice. But to go on from this to conclude that "anti-busing" is simply a code word for prejudice is an exercise in arrant unreason. There are right reasons for opposing busing, and there are wrong reasons—and most people, including large and increasing numbers of blacks and other minorities, oppose it for reasons that have little or nothing to do with race. It would compound an injustice to persist in massive busing simply because some people oppose it for the wrong reasons.

For most Americans, the school bus used to be a symbol of hope—of better education. In too many communities today, it has become a symbol of helplessness, frustration and outrage—of a wrenching of children away from their families, and from the schools their families may have moved to be near, and sending them arbitrarily to others far distant.

It has become a symbol of social engineering on the basis of abstractions, with too little regard for the desires and the feelings of those most directly concerned: the children, and their families.

Schools exist to serve the children, not to bear the burden of social change. As I put it in my policy statement on school desegregation 2 years ago (on March 24, 1970):

> One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself.
>
> If we are to be realists, we must recognize that in a free society there are limits to the amount of Government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the Nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.
>
> Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a Pyrrhic victory.

The Supreme Court has also recognized this problem. Writing for a unanimous Court in the *Swann* case last April, Chief Justice Burger said:

The constant theme and thrust of every holding from *Brown I* to date is that state-enforced separation of races in public schools is discrimination that violates the Equal Protection Clause. The remedy commanded was to dismantle dual school systems.

We are concerned in these cases with the elimination of the discrimination inherent in the dual school systems, not with myriad factors of human existence which can cause discrimination in a multitude of ways on racial, religious, or ethnic grounds. The target of the cases from *Brown I* to the present was the dual school system. The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage. . . .

Our objective in dealing with the issues presented by these cases is to see that school authorities exclude no pupil of a racial minority from any school, directly or indirectly, on account of race; it does not and cannot embrace all the problems of racial prejudice, even when those problems contribute to disproportionate racial concentrations in some schools.

In addressing the busing question, it is important that we do so in historical perspective.

Busing for the purpose of desegregation was begun—mostly on a modest scale—as one of a mix of remedies to meet the requirements laid down by various lower Federal courts for achieving the difficult transition from the old dual school system to a new, unitary system.

At the time, the problems of transition that loomed ahead were massive the old habits deeply entrenched, community resistance often extremely strong. As the years wore on, the courts grew increasingly impatient with what they sometimes saw as delay or evasion, and increasingly insistent that, as the Supreme Court put it in the *Green* decision in 1968, desegregation plans must promise "realistically to work, and to work now."

But in the past 3 years, progress toward eliminating the vestiges of the dual system has been phenomenal—and so too has been the shift in public attitudes in those areas where dual systems were formerly operated. In State after State and community after community, local civic, business and educational leaders of all races have come forward to help make the transition peacefully and successfully. Few voices are now raised urging a return to the old patterns of enforced segregation.

This new climate of acceptance of the basic constitutional doctrine is a new element of great importance: for the greater the elements of basic good faith, of desire to make the system work, the less need or justification there is for extreme remedies rooted in coercion.

At the same time, there has been a marked shift in the focus of concerns by blacks and members of other minorities. Minority parents have long had a deep and special concern with improving the quality of their children's education. For a number of years, the principal emphasis of this concern—and of the Nation's attention—was on desegregating the schools. Now that the dismantling of the old dual system has been substantially completed there is once again a far greater balance of emphasis on improving schools, on convenience, on the chance for parental involvement—in short, on the same concerns that motivate white parents—and, in many communities, on securing a greater measure of control over schools that serve primarily minority-group communities. Moving forward on desegregation is still important—but the principal concern is with preserving the principle, and with ensuring that the great gains made since *Brown*, and particularly in recent years, are not rolled back in a reaction against excessive busing. Many black leaders now express private concern, moreover, that a reckless extension of busing requirements could bring about precisely the results they fear most: a reaction that would undo those gains, and that would begin the unraveling of advances in other areas that also are based on newly expanded interpretations of basic Constitutional rights.

Also, it has not escaped their notice that those who insist on system-wide racial balance insist on a condition in which, in most communities, every school would be run by whites and dominated by whites, with blacks in a permanent minority—and without escape from that minority status. The result would be to deny blacks the right to have schools in which they are the majority.

In short, this is not the simple black-white issue that some simplistically present it as being. There are deep divisions of opinion among people of all races—with recent surveys showing strong opposition to busing among black parents as well as among white parents—not because they are against desegregation but because they are for better education.

In the process of school desegregation, we all have been learning; perceptions have been changing. Those who once said "no" to racial integration have accepted the concept, and believe in equality before the law. Those who once thought massive busing was the answer have also been changing their minds in the light of experience.

As we cut through the clouds of emotionalism that surround the busing question, we can begin to identify the legitimate issues.

Concern for the quality of education a child gets is legitimate.

Concern that there be no retreat from the principle of ending racial discrimination is legitimate.

Concern for the distance a child has to travel to get to school is legitimate.

Concern over requiring that a child attend a more distant school when one is available near his home is legitimate.

Concern for the obligation of government to assure, as nearly as possible, that all the children of a given district have equal educational opportunity is legitimate.

Concern for the way educational resources are allocated among the schools of a district is legitimate.

Concern for the degree of control parents and local school boards should have over their schools is legitimate.

In the long, difficult effort to give life to what is in the law, to desegregate the Nation's schools and enforce the principle of equal opportunity, many experiments have been tried. Some have worked, and some have not. We now have the benefit of a fuller fund of experience than we had 18 years ago, or even 2 years ago. It has also become apparent that community resistance—black as well as white—to plans that massively disrupt education and separate parents from their children's schools, makes those plans unacceptable to communities on which they are imposed.

Against this background, the objectives of the reforms I propose are:

—To give practical meaning to the concept of equal educational opportunity.

—To apply the experience gained in the process of desegregation, and also in efforts to give special help to the educationally disadvantaged.

—To ensure the continuing vitality of the principles laid down in *Brown* v. *Board of Education*.

—To downgrade busing as a tool for achieving equal educational opportunity.

—To sustain the rights and responsibilities vested by the States in local school boards.

THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

In the historic effort since 1954 to end the system of State-enforced segregation in the public schools, all three branches of Government have had important functions and responsibilities. Their roles, however, have been unequal.

If some of the Federal courts have lately tended toward extreme remedies in school desegregation cases—and some have—this has been in considerable part because the work has largely gone forward in the courts, case-by-case, and because the courts have carried a heavy share of the burden while having to operate within a limited framework of reference and remedies. The efforts have therefore frequently been disconnected, and the result has been not only great progress but also the creation of problems severe enough to threaten the immense achievement of these 18 difficult years.

If we are to consolidate our gains and move ahead on our problems—both the old and the new—we must undertake now to bring the leaven of experience to the logic of the law.

Drawing on the lessons of experience, we must provide the courts with a new framework of reference and remedies.

The angry debate over busing has at one and the same time both illuminated and obscured a number of broad areas in which realism and shared concern in fact unite most American parents, whatever their race. Knowledge of such shared concerns is the most precious product of experience; it also is the soundest foundation of law. The time is at hand for the legislative, executive and judicial branches of Government to act on this knowledge, and by so doing to lift the sense of crisis that threatens the education of our children and the peace of our people.

The Equal Educational Opportunities Act that I propose today draws on that experience, and is designed to give the courts a new and broader base on which to decide future cases and to place the

emphasis where it belongs: on better education for all of our children.

EQUAL OPPORTUNITY: THE CRITERIA

The act I propose undertakes, in the light of experience, both to prohibit and to define the denial of equal educational opportunity. In essence, it provides that:

—No State shall deny equal educational opportunity to any person on account of race, color or national origin.

—Students shall not be deliberately segregated either among or within the public schools.

—Where deliberate segregation was formerly practiced, educational agencies have an affirmative duty to remove the vestiges of the dual system.

—A student may not be assigned to a school other than the one nearest his home, if doing so would result in a greater degree of racial segregation.

—Subject to the other provisions of the act, the assignment of students to their neighborhood schools would not be considered a denial of equal educational opportunity unless the schools were located or the assignment made for the purpose of racial segregation.

—Racial balance is not required.

—There can be no discrimination in the employment and assignment of faculty and staff.

—School authorities may not authorize student transfers that would have the effect of increasing segregation.

—School authorities must take appropriate action to overcome whatever language barriers might exist, in order to enable all students to participate equally in educational programs. This would establish, in effect, an educational bill of rights for Mexican-Americans, Puerto Ricans, Indians and others who start under language handicaps, and ensure at last that they too would have equal opportunity.

—Through Federal financial assistance and incentives, school districts would be strongly encouraged not only to avoid shortchanging the schools that serve their neediest children, but beyond this to establish and maintain special learning programs in those schools that would help children who were behind to catch up. These incentives would also encourage school authorities to provide for voluntary transfers of students that would reduce racial concentrations.

Thus, the act would set standards for all school districts throughout the Nation, as the basic requirements for carrying out, in the field of public education, the Constitutional guarantee that each person shall have equal protection of the laws. It would establish broad-based and specific criteria to ensure against racial discrimination in school assignments, to establish the equal educational rights of Mexican-Americans, Puerto Ricans and others starting with language handicaps, to protect the principle of the neighborhood school. It would also provide money and incentives to help ensure for schools in poor neighborhoods the fair treatment they have too often been denied in the past, and to provide the special learning and extra attention that children in those neighborhoods so often need.

DENIAL OF EQUAL OPPORTUNITY: THE REMEDIES

In the past, the courts have largely been left to their own devices in determining appropriate remedies in school desegregation cases. The results have been sometimes sound, sometimes bizarre—but certainly uneven. The time has come for the Congress, on the basis of experience, to provide guidance. Where a violation exists, the act I propose would provide that:

—The remedies imposed must be limited to those needed to correct the particular violations that have been found.

—School district lines must not be ignored or altered unless they are clearly shown to have been drawn for purposes of segregation.

—Additional busing must not be required unless no other remedy can be found to correct the particular violation that exists.

—A priority of remedies would be established, with the court required to use the first remedy on the list, or the first combination of remedies, that would correct the unlawful condition. The list of authorized remedies—in order—is:

(1) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, taking into account school capacities and natural physical barriers;

(2) Assigning students to the schools closest to their homes that provide the appropriate level and type of education, considering only school capacities;

(3) Permitting students to transfer from a school in which their race is a majority to one in which it is a minority;

(4) Creation or revision of attendance zones or grade structures without necessitating increased student transportation;

(5) Construction of new schools or the closing of inferior schools;

(6) The use of magnet schools or educational parks to promote integration;

(7) Any other plan which is educationally sound and administratively feasible. However, such a plan could not require increased busing of students in the sixth grade or below. If a plan involved additional busing of older children, then: (a) It could not be ordered unless there was clear and convincing evidence that no other method would work; (b) in no case could it be ordered on other than a temporary basis; (c) it could not pose a risk to health, or significantly impinge on the educational process; (d) the school district could be granted a stay until the order had been passed on by the court of appeals.

—Beginning with the effective date of the act, time limits would be placed on desegregation orders. They would be limited to 10 years' duration—or 5 years if they called for student transportation—provided that during that period the school authorities had been in good-faith compliance. New orders could then be entered only if there had been new violations.

These rules would thus clearly define what the Federal courts could and could not require; however, the States and localities would remain free to carry out voluntary school integration plans that might go substantially beyond the Federal requirements.

This is an important distinction. Where busing would provide educational advantages for the community's children, and where the community wants to undertake it, the community should—and will—have that choice. What is objectionable is an arbitrary Federal requirement—whether administrative or judicial—that the community must undertake massive additional busing as a matter of Federal law. The essence of a free society is to restrict the range of what must be done, and broaden the range of what may be done.

EQUAL OPPORTUNITY: BROADENING THE SCOPE

If we were simply to place curbs on busing and do nothing more, then we would not have kept faith with the hopes, the needs—or the rights—of the neediest of our children.

Even adding the many protections built into the rights and remedies sections of the Equal Educational Opportunities Act, we would not by this alone provide what their special needs require.

Busing helps some poor children; it poses a hardship for others; but there are many more, and in many areas the great majority—in the heart of New York, and in South Chicago, for example—whom it could never reach.

If we were to treat busing as some sort of magic panacea, and to concentrate our efforts and resources on that as the principal means of achieving quality education for blacks and other minorities, then in these areas of dense minority concentration a whole generation could be lost.

If we hold massive busing to be, in any event, an unacceptable remedy for the inequalities of educational opportunity that exist, then we must do more to improve the schools where poor families live.

Rather than require the spending of scarce resources on ever-longer bus rides for those who happen to live where busing is possible, we should encourage the putting of those resources directly into education—serving all the disadvantaged children, not merely those on the bus routes.

In order to reach the great majority of the children who most need extra help, I propose a new approach to financing the extra efforts required: one that puts the money where the needs are, drawing on the funds I have requested for this and the next fiscal year under title I of the Elementary and Secondary Education Act of 1965 and under the

Emergency School Aid Act now pending before the Congress.

As part of the Equal Educational Opportunities Act, I propose to broaden the uses of the funds under the Emergency School Aid Act, and to provide the Secretary of Health, Education, and Welfare with additional authority to encourage effective special learning programs in those schools where the needs are greatest.

Detailed program criteria would be spelled out in administrative guidelines—but the intent of this program is to use a major portion of the $1.5 billion Emergency School Aid money as, in effect, incentive grants to encourage eligible districts to design educational programs that would do three things:

—Assure (as a condition of getting the grant) that the district's expenditures on its poorest schools were at least comparable to those on its other schools.

—Provide, above this, a compensatory education grant of approximately $300 per low-income pupil for schools in which substantial numbers of the students are from poor families, if the concentration of poor students exceeds specified limits.

—Require that this compensatory grant be spent entirely on basic instructional programs for language skills and mathematics, and on basic supportive services such as health and nutrition.

—Provide a "bonus" to the receiving school for each pupil transferring from a poor school to a non-poor school where his race is in the minority, without reducing the grant to the transferring school.

Priority would be given to those districts that are desegregating either voluntarily or under court order, and to those that are addressing problems of both racial and economic impaction.

Under this plan, the remaining portion of the $1.5 billion available under the Emergency School Aid Act for this and the next fiscal year would go toward the other kinds of aid originally envisaged under it.

This partial shift of funds is now possible for two reasons: First, in the nearly 2 years since I first proposed the Emergency School Aid Act, much of what it was designed to help with has already been done. Second, to the extent that the standards set forth in the Equal Educational Opportunities Act would relieve desegregating districts of some of the more expensive requirements that might otherwise be laid upon them, a part of the money originally intended to help meet those expenses can logically be diverted to these other, closely related needs. I would stress once again, in this connection, the importance I attach to final passage of the Emergency School Aid Act: those districts that are now desegregating still need its help, and the funds to be made available for these new purposes are an essential element of a balanced equal opportunity package.

I also propose that instead of being terminated at the end of fiscal 1973, as presently scheduled, the Emergency School Aid Act continue to be authorized at a $1 billion annual level—of which I would expect the greatest part to be used for the purposes I have outlined here. At the current level of funding of Title I of the Elementary and Secondary Education Act of 1965, this would provide a total approaching $2.5 billion annually for compensatory education purposes.

For some years now, there has been a running debate about the effectiveness of added spending for programs of compensatory or remedial education. Some have maintained there is virtually no correlation between dollar input and learning output; others have maintained there is a direct correlation; experience has been mixed.

What does now seem clear is that while many Title I experiments have failed, many others have succeeded substantially and even dramatically; and what also is clear is that without the extra efforts such extra funding would make possible, there is little chance of breaking the cycle of deprivation.

A case can be made that Title I has fallen short of expectations, and that in some respects it has failed. In many cases, pupils in the programs funded by it have shown no improvement whatever, and funds have frequently been misused or squandered foolishly. Federal audits of State Title I efforts have found instances where naivete, inexperience, confusion, despair, and even clear violations of the law have thwarted the act's effectiveness. In some instances, Title I funds have been illegally spent on unauthorized materials and facilities, or used to fund local services other than those intended by the act, such as paying salaries not directly related to the act's purposes.

The most prevalent failing has been the spending of Title I funds as general revenue. Out of 40 States audited between 1966 and 1970, 14 were found to have spent Title I funds as general revenue.

Too often, one result has been that instead of actually being concentrated in the areas of critical need, Title I moneys have been diffused throughout the system; and they have not reached the targeted schools—and targeted children—in sufficient amounts to have a real impact.

On the positive side, Title I has effected some important changes of benefit to disadvantaged children.

First, Title I has encouraged some States to expand considerably the contributions from State and local funds for compensatory education. In the 1965–66 school year, the States spent only $2.7 million of their own revenues, but by the 1968–69 school year—largely due to major efforts by California and New York—they were contributing $198 million.

Second, Title I has better focused attention on pupils who previously were too often ignored. About 8 million children are in schools receiving some compensatory funds. In 46 States programs have been established to aid almost a quarter of a million children of migratory workers. As an added dividend, many States have begun to focus educational attention on the early childhood years which are so important to the learning process.

Finally, local schools have been encouraged by Title I to experiment and innovate. Given our highly decentralized national educational system and the relatively minor role one Federal program usually plays, there have been encouraging examples of programs fostered by Title I which have worked.

In designing compensatory programs, it is difficult to know exactly what will work. The circumstances of one locality may differ dramatically from those of other localities. What helps one group of children may not be of particular benefit to others. In these experimental years, local educational agencies and the schools have had to start from scratch, and to learn for themselves how to educate those who in the past had too often simply been left to fall further behind.

In the process, some schools did well and others did not. Some districts benefited by active leadership and community involvement, while others were slow to innovate and to break new ground.

While there is a great deal yet to be learned about the design of successful compensatory programs, the experience so far does point in one crucial direction: to the importance of providing sufficiently concentrated funding to establish the educational equivalent of a "critical mass," or threshold level. Where funds have been spread too thinly, they have been wasted or dissipated with little to show for their expenditure. Where they have been concentrated, the results have been frequently encouraging and sometimes dramatic.

In a sample of some 10,000 disadvantaged pupils in California, 82 percent of those in projects spending less than $150 extra per pupil showed little or no achievement gain. Of those students in projects spending over $250 extra per pupil, 94 percent gained more than one year per year of exposure; 58 percent gained between 1.4 and 1.9 per year of exposure. Throughout the country States as widely separated as Connecticut and Florida have recognized a correlation between a "critical mass" expenditure and marked effectiveness.

Of late, several important studies have supported the idea of a "critical mass" compensatory expenditure to afford disadvantaged pupils equal educational opportunity. The New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, the National Educational Finance Project, and the President's Commission on School Finance have all cited the importance of such a substantial additional per pupil expenditure for disadvantaged pupils.

The program which I propose aims to assure schools with substantial concentrations of poor children of receiving an average $300 compensatory education grant for each child.

In order to encourage voluntary transfers, under circumstances where they would reduce both racial isolation and low-income concentration, any school accepting such transfers would receive the extra $300 allotted for the transferring student plus a bonus payment depending on the proportion of poor children in that school.

One key to the success of this new approach would be the "critical mass"

achieved by both increasing and concentrating the funds made available; another would be vigorous administrative follow-through to ensure that the funds are used in the intended schools and for the intended purposes.

THE STUDENT TRANSPORTATION MORATORIUM ACT

In times of rapid and even headlong change, there occasionally is an urgent need for reflection and reassessment. This is especially true when powerful, historic forces are moving the Nation toward a conflict of fundamental principles—a conflict that can be avoided if each of us does his share, and if all branches of Government will join in helping to redefine the questions before us.

Like any comprehensive legislative recommendation, the Equal Educational Opportunities Act that I have proposed today is offered as a framework for Congressional debate and action.

The Congress has both the Constitutional authority and a special capability to debate and define new methods for implementing Constitutional principles. And the educational, financial and social complexities of this issue are not, and are not properly, susceptible of solution by individual courts alone or even by the Supreme Court alone.

This is a moment of considerable conflict and uncertainty; but it is also a moment of great opportunity.

This is not a time for the courts to plunge ahead at full speed.

If we are to set a course that enables us to act together, and not simply to do more but to do better, then we must do all in our power to create an atmosphere that permits a calm and thoughtful assessment of the issues, choices and consequences.

I propose, therefore, that the Congress act to impose a temporary freeze on new busing orders by the Federal courts—to establish a waiting period while the Congress considers alternative means of enforcing 14th Amendment rights. I propose that this freeze be effective immediately on enactment, and that it remain in effect until July 1, 1973, or until passage of the appropriate legislation, whichever is sooner.

This freeze would not put a stop to desegregation cases; it would only bar new orders during its effective period, to the extent that they ordered new busing.

This, I recognize, is an unusual procedure. But I am persuaded that the Congress has the Constitutional power to enact such a stay, and I believe the unusual nature of the conflicts and pressures that confront both the courts and the country at this particular time requires it.

It has become abundantly clear, from the debates in the Congress and from the upwelling of sentiment throughout the country, that some action will be taken to limit the scope of busing orders. It is in the interest of everyone—black and white, children and parents, school administrators and local officials, the courts, the Congress and the executive branch, and not least in the interest of consistency in Federal policy, that while this matter is being considered by the Congress we not speed further along a course that is likely to be changed.

The legislation I have proposed would provide the courts with a new set of standards and criteria that would enable them to enforce the basic Constitutional guarantees in different ways.

A stay would relieve the pressure on the Congress to act on the long-range legislation without full and adequate consideration. By providing immediate relief from a course that increasing millions of Americans are finding intolerable, it would allow the debate on permanent solutions to proceed with less emotion and more reason.

For these reasons—and also for the sake of the additional children faced with busing now—I urge that the Congress quickly give its approval to the Student Transportation Moratorium Act.

No message to the Congress on school desegregation would be complete unless it addressed the question of a Constitutional amendment.

There are now a number of proposals before the Congress, with strong support, to amend the Constitution in ways designed to abolish busing or to bar the courts from ordering it.

These proposals should continue to receive the particularly thoughtful and careful consideration by the Congress that any proposal to amend the Constitution merits.

It is important to recognize, however, that a Constitutional amendment—even if it could secure the necessary two-thirds support in both Houses of the Congress—has a serious flaw: it would have no impact this year; it would not come into effect until after the long process of ratification by three-fourths of the State legislatures. What is needed is action now; a Constitutional amendment fails to meet this immediate need.

Legislation meets the problem now. Therefore, I recommend that as its first priority the Congress go forward immediately on the legislative route. Legislation can also treat the question with far greater precision and detail than could the necessarily generalized language of a Constitutional amendment, while making possible a balanced, comprehensive approach to equal educational opportunity.

CONCLUSION

These measures I have proposed would place firm and effective curbs on busing—and they would do so in a Constitutional way, aiding rather than challenging the courts, respecting the mandate of the 14th Amendment, and exercising the responsibility of the Congress to enforce that Amendment.

Beyond making these proposals, I am directing the Executive departments to follow policies consistent with the principles on which they are based—which will include intervention by the Justice Department in selected cases before the courts, both to implement the stay and to resolve some of those questions on which the lower courts have gone beyond the Supreme Court.

The Equal Educational Opportunities Act I have proposed reflects a serious and wide-ranging process of consultation—drawing upon the knowledge and experience of legislators, Constitutional scholars, educators and government administrators, and of men and women from all races and regions of the country who shared with us the views and feelings of their communities.

Its design is in large measure the product of that collaboration. When enacted it would, for the first time, furnish a framework for collaborative action by the various branches of Federal and local government, enabling courts and communities to shape effective educational solutions which are responsive not only to Constitutional standards but also to the physical and human reality of diverse educational situations.

It will create more local choice and more options to choose from; and it will marshal and target Federal resources more effectively in support of each particular community's effort.

Most importantly, however, these proposals undertake to address the problem that really lies at the heart of the issue at this time: the inherent inability of the courts, acting alone, to deal effectively and acceptably with the new magnitude of educational and social problems generated by the desegregation process.

If these proposals are adopted, those few who want an arbitrary racial balance to be imposed on the schools by Federal fiat will not get their way.

Those few who want a return to segregated schools will not get their way.

Those few who want a rollingback of the basic protections black and other minority Americans have won in recent years will not get their way.

This Administration means what it says about dismantling racial barriers, about opening up jobs and housing and schools and opportunity to all Americans.

It is not merely rhetoric, but our record, that demonstrates our determination.

We have achieved more school desegregation in the last 3 years than was achieved in the previous 15.

We have taken the lead in opening up high-paying jobs to minority workers.

We have taken unprecedented measures to spur business ownership by members of minorities.

We have brought more members of minorities into the middle and upper levels of the Federal service than ever before.

We have provided more support to black colleges than ever before.

We have put more money and muscle into enforcement of the equal opportunity laws than ever before.

These efforts will all go forward—with vigor and with conviction. Making up for the years of past discrimination is not simply something that white Americans owe to black Americans—it is something the entire Nation owes to itself.

I submit these proposals to the Congress, mindful of the profound importance and special complexity of the issues they address. It is in that spirit that I have undertaken to weigh and respect the conflicting interests; to strike a balance which is thoughtful and just; and to search for answers that will best serve all of the Nation's children. I urge the

Congress to consider them in the same spirit.

The great majority of Americans, of all races, want their Government—the Congress, the Judiciary, and the Executive—to follow the course of deliberation, not confrontation. To do this, we must act calmy and creatively, and we must act together.

The great majority of Americans, of all races, want schools that educate and rules that are fair. That is what these proposals attempt to provide.

RICHARD NIXON.

THE WHITE HOUSE, *March 17, 1972.*

REFERRAL OF PRESIDENT'S MESSAGE ON SCIENCE AND TECHNOLOGY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the President of the United States on Science and Technology now at the desk be jointly referred to the following committees: The Joint Committee on Atomic Energy; the Committee on Commerce; the Committee on Labor and Public Welfare; the Committee on Banking, Housing, and Urban Affairs; the Committee on Foreign Relations; and the Committee on Aeronautical and Space Sciences.

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

The message from the President is as follows:

To the Congress of the United States:

The ability of the American people to harness the discoveries of science in the service of man has always been an important element in our national progress. As I noted in my most recent message on the State of the Union, Americans have long been known all over the world for their technological ingenuity—for being able to "build a better mousetrap"—and this capacity has undergirded both our domestic prosperity and our international strength.

We owe a great deal to the researchers and engineers, the managers and entrepreneurs who have made this record possible. Again and again they have met what seemed like impossible challenges. Again and again they have achieved success. They have found a way of preventing polio, placed men on the moon, and sent television pictures across the oceans. They have contributed much to our standard of living and our military strength.

But the accomplishments of the past are not something we can rest on. They are something we must build on. I am therefore calling today for a strong new effort to marshal science and technology in the work of strengthening our economy and improving the quality of our life. And I am outlining ways in which the Federal Government can work as a more effective partner in this great task.

The importance of technological innovation has become dramatically evident in the past few years. For one thing, we have come to recognize that such innovation is essential to improving our economic productivity—to producing more and better goods and services at lower costs. And improved productivity, in turn, is essential if we are to achieve a full and durable prosperity—without inflation and without war. By fostering greater productivity, technological innovation can help us to expand our markets at home and abroad, strengthening old industries, creating new ones, and generally providing more jobs for the millions who will soon be entering the labor market.

This work is particularly important at a time when other countries are rapidly moving upward on the scientific and technological ladder, challenging us both in intellectual and in economic terms. Our international position in fields such as electronics, aircraft, steel, automobiles and shipbuilding is not as strong as it once was. A better performance is essential to both the health of our domestic economy and our leadership position abroad.

At the same time, the impact of new technology can do much to enrich the quality of our lives. The forces which threaten that quality will be growing at a dramatic pace in the years ahead. One of the great questions of our time is whether our capacity to deal with these forces will grow at a similar rate. The answer to that question lies in our scientific and technological progress.

As we face the new challenges of the 1970's, we can draw upon a great reservoir of scientific and technological information and skill—the result of the enormous investments which both the Federal Government and private enterprise made in research and development in recent years. In addition, this Nation's historic commitment to scientific excellence, its determination to take the lead in exploring the unknown, have given us a great tradition, a rich legacy on which to draw. Now it is for us to extend that tradition by applying that legacy in new situations.

In pursuing this goal, it is important to remember several things. In the first place, we must always be aware that the mere act of scientific discovery alone is not enough. Even the most important breakthrough will have little impact on our lives unless it is put to use—and putting an idea to use is a far more complex process than has often been appreciated. To accomplish this transformation, we must combine the genius of invention with the skills of entrepreneurship, management, marketing and finance.

Secondly, we must see that the environment for technological innovation is a favorable one. In some cases, excessive regulation, inadequate incentives and other barriers to innovation have worked to discourage and even to impede the entrepreneurial spirit. We need to do a better job of determining the extent to which such conditions exist, their underlying causes, and the best ways of dealing with them.

Thirdly, we must realize that the mere development of a new idea does not necessarily mean that it can or should be put into immediate use. In some cases, laws or regulations may inhibit its implementation. In other cases, the costs of the process may not be worth the benefits it produces. The introduction of some new technologies may produce undesirable side effects. Patterns of living and human behavior must also be taken into account. By realistically appreciating the limits of technological innovation, we will be in a better position fully to marshal its amazing strengths.

A fourth consideration concerns the need for scientific and technological manpower. Creative, inventive, dedicated scientists and engineers will surely be in demand in the years ahead; young people who believe they would find satisfaction in such careers should not hesitate to undertake them. I am convinced they will find ample opportunity to serve their communities and their country in important and exciting ways.

The fifth basic point I would make concerning our overall approach to science and technology in the 1970's concerns the importance of maintaining that spirit of curiosity and adventure which has always driven us to explore the unknown. This means that we must continue to give an important place to basic research and to exploratory experiments which provide the new ideas on which our edifice of technological accomplishment rests. Basic research in both the public and private sectors today is essential to our continuing progress tomorrow. All departments and agencies of the Federal Government will continue to support basic research which can help provide a broader range of future development options.

Finally, we must appreciate that the progress we seek requires a new partnership in science and technology—one which brings together the Federal Government, private enterprise, State and local governments, and our universities and research centers in a coordinated, cooperative effort to serve the national interest. Each member of that partnership must play the role it can play best; each must respect and reinforce the unique capacities of the other members. Only if this happens, only if our new partnership thrives, can we be sure that our scientific and technological resources will be used as effectively as possible in meeting our priority national needs.

With a new sense of purpose and a new sense of partnership, we can make the 1970's a great new era for American science and technology. Let us look now at some of the specific elements in this process.

STRENGTHENING THE FEDERAL ROLE

The role of the Federal Government in shaping American science and technology is pivotal. Of all our Nation's expenditures on research and development, 55 percent are presently funded by the Federal Government. Directly or indirectly, the Federal Government supports the employment of nearly half of all research and development personnel in the United States.

A good part of our Federal effort in this field has been directed in the past toward our national security needs. Because a strong national defense is essential to the maintenance of world peace, our research and development in support of national security must always be sufficient to our needs. We must ensure our strategic deterrent capability, continue the modernization of our Armed Forces, and strengthen the overall technological

base that underlies future military systems. For these reasons, I have proposed a substantial increase for defense research and development for fiscal year 1973.

In this message, however, I would like to focus on how we can better apply our scientific resources in meeting civilian needs. Since the beginning of this Administration, I have felt that we should be doing more to focus our scientific and technological resources on the problems of the environment, health, energy, transportation and other pressing domestic concerns. If my new budget proposals are accepted, Federal funds for research and development concerning domestic problems will be 65 percent greater in the coming fiscal year than they were in 1969.

But increased funding is not the only prerequisite for progress in this field. We also need to spend our scarce resources more effectively. Accordingly, I have moved to develop an overall strategic approach in the allocation of Federal scientific and technological resources. As a part of this effort, I directed the Domestic Council last year to examine new technology opportunities in relation to domestic problems. In all of our planning, we have been concentrating not only on *how much* we spend but also on *how* we spend it.

My recommendations for strengthening the Federal role in science and technology have been presented to the Congress in my State of the Union message, in my budget for fiscal year 1973, and in individual agency presentations. I urge the Congress to support the various elements of this new Federal strategy.

1) We are reorienting our space program to focus on domestic needs—such as communications, weather forecasting and natural resource exploration. One important way of doing this is by designing and developing a reusable space shuttle, a step which would allow us to seize new opportunities in space with higher reliability at lower costs.

2) We are moving to set and meet certain civilian research and development targets. In my State of the Union Message, my Budget Message and in other communications with the Congress, I have identified a number of areas where new efforts are most likely to produce significant progress and help us meet pressing domestic needs. They include:

—Providing new sources of energy without pollution. My proposed budget for fiscal year 1973 would increase energy-related research and development expenditures by 22 percent.

—Developing fast, safe, pollution-free transportation. I have proposed spending 46 percent more in the coming fiscal year on a variety of transportation projects.

—Working to reduce the loss of life and property from natural disasters. I have asked, for example, that our earthquake research program be doubled and that our hurricane research efforts be increased.

—Improving drug abuse rehabilitation programs and efforts to curb drug trafficking. Our budget requests in this critical area are four times the level of 1971.

—Increasing biomedical research efforts, especially those concerning cancer and heart disease, and generally providing more efficient and effective health care, including better emergency health care systems.

3) We will also draw more directly on the capabilities of our high technology agencies—the Atomic Energy Commission, the National Aeronautics and Space Administration and the National Bureau of Standards in the Department of Commerce—in applying research and development to domestic problems.

4) We are making strong efforts to improve the scientific and technological basis for setting Federal standards and regulations. For example, by learning to measure more precisely the level of air pollution and its effects on our health, we can do a more effective job of setting pollution standards and of enforcing those standards once they are established.

5) I am also providing in my 1973 budget for a 12 percent increase for research and development conducted at universities and colleges. This increase reflects the effort of the past 2 years to encourage educational institutions to undertake research related to important national problems.

6) Finally, I believe that the National Science Foundation should draw on all sectors of the scientific and technological community in working to meet significant domestic challenges. To this end, I am taking action to permit the Foundation to support applied research in industry when the use of industrial capabilities would be advantageous in accomplishing the Foundation's objectives.

SUPPORTING RESEARCH AND DEVELOPMENT IN THE PRIVATE SECTOR

The direction of private scientific and technological activities is determined in large measure by thousands of private decisions—and this should always be the case. But we cannot ignore the fact that Federal policy also has a great impact on what happens in the private sector. This influence is exerted in many ways—including direct Federal support for such research and development.

In general, I believe it is appropriate for the Federal Government to encourage private research and development to the extent that the market mechanism is not effective in bringing needed innovations into use. This can happen in a number of circumstances. For example, the sheer size of some developmental projects is beyond the reach of private firms particularly in industries which are fragmented into many small companies. In other cases, the benefits of projects cannot be captured by private institutions, even though they may be very significant for the whole of society. In still other cases, the risks of certain projects, while acceptable to society as a whole, are excessive for individual companies.

In all these cases, Federal support of private research and development is necessary and desirable. We must see that such support is made available—through cost-sharing agreements, procurement policies or other arrangements.

One example of the benefits of such a partnership between the Federal Government and private enterprise is the program I presented last June to meet our growing need for clean energy. As I outlined the Federal role in this effort, I also indicated that industry's response to these initiatives would be crucial. That response has been most encouraging to date. For example, the electric utilities have already pledged some $25 million a year for a period of 10 years for developing a liquid metal fast breeder reactor demonstration plant. These pledges have come through the Edison Electric Institute, the American Public Power Association, and the National Rural Electric Cooperative Association. This effort is one part of a larger effort by the electrical utilities to raise $150 million annually for research and development to meet the growing demand for clean electric power.

At the same time, the gas companies, through the American Gas Association, have raised $10 million to accelerate the effort to convert coal into gas. This sum represents industry's first year share in a pilot plant program which will be financed one-third by industry and two-thirds by the Federal Government. When it proves feasible to proceed to the demonstration stage, industrial contributions to this project will be expected to increase.

APPLYING GOVERNMENT-SPONSORED TECHNOLOGIES

An asset unused is an asset wasted. Federal research and development activities generate a great deal of new technology which could be applied in ways which go well beyond the immediate mission of the supporting agency. In such cases, I believe the Government has a responsibility to transfer the results of its research and development activities to wider use in the private sector.

It was to further this objective that we created in 1970 the new National Technical Information Service in the Department of Commerce. In addition, the new incentives programs of the National Science Foundation and the National Bureau of Standards will seek effective means of improving and accelerating the transfer of research and development results from Federal programs to a wider range of potential users.

One important barrier to the private development and commercial application of Government-sponsored technologies is the lack of incentive which results from the fact that such technologies are generally available to all competitors. To help remedy this situation, I approved last August a change in the Government patent policy which liberalized the private use of Government-owned patents. I directed that such patents may be made available to private firms through exclusive licenses where needed to encourage commercial application.

As a further step in this same direction, I am today directing my Science Adviser and the Secretary of Commerce to develop plans for a new, systematic effort to promote actively the licensing of Government-owned patents and to obtain domestic and foreign patent protection for technology owned by the United

States Government in order to promote its transfer into the civilian economy.

IMPROVING THE CLIMATE FOR INNOVATION

There are many ways in which the Federal Government influences the level and the quality of private research and development. Its direct supportive efforts are important, but other policies—such as tax, patent, procurement, regulation and antitrust policies—also can have a significant effect on the climate for innovation.

We know, for instance, that a strong and reliable patent system is important to technological progress and industrial strength. The process of applying technology to achieve our national goals calls for a tremendous investment of money, energy and talent by our private enterprise system. If we expect industry to support this investment, we must make the most effective possible use of the incentives which are provided by our patent system.

The way we apply our antitrust laws can also do much to shape research and development. Uncertain reward and high risks can be significant barriers to progress when a firm is small in relation to the scale of effort required for successful projects. In such cases, formal or informal combinations of firms provide one means for hurdling these barriers, especially in highly fragmented industries. On the other hand, joint efforts among leading firms in highly concentrated industries would normally be considered undesirable. In general, combinations which lead to an improved allocation of the resources of the nation are normally permissible, but actions which lead to excessive market power for any single group are not. Any joint program for research and development must be approached in a way that does not detract from the normal competitive incentives of our free enterprise economy.

I believe we need to be better informed about the full consequences of all such policies for scientific and technological progress. For this reason, I have included in my budget for the coming fiscal year a program whereby the National Science Foundation would support assessments and studies focused specifically on barriers to technological innovation and on the consequences of adopting alternative Federal policies which would reduce or eliminate these barriers. These studies would be undertaken in close consultation with the Executive Office of the President, the Department of Commerce and other concerned departments and agencies, so that the results can be most expeditiously considered as further Government decisions are made.

There are a number of additional steps which can also do much to enhance the climate for innovation.

1) I shall submit legislation to encourage the development of the small, high technology firms which have had such a distinguished pioneering record. Because the combination of high technology and small size makes such firms exceptionally risky from an investment standpoint, my proposal would provide additional means for the Small Business Investment Companies (SBICs) to improve the availability of venture capital to such firms.

a. I propose that the ratio of Government support to SBICs be increased. This increased assistance would be channeled to small business concerns which are principally engaged in the development or exploitation of inventions or of technological improvements and new products.

b. I propose that the current limit on Small Business Administration loans to each SBIC be increased to $20 million to allow for growth in SBIC funds devoted to technology investments.

c. I propose that federally regulated commercial banks again be permitted to achieve up to 100 percent ownership of an SBIC, rather than the limited 50 percent ownership which is allowed at present.

d. To enhance risk-taking and entrepreneurial ventures, I again urge passage of the small business tax bill, which would provide for extending the eligibility period for the exercise of qualified stock options from 5 to 8 or 10 years, reducing the holding period for non-registered stock from 3 years to 1 year, and extending the tax-loss carry-forward from 5 to 10 years. These provisions would apply to small firms, as defined in the proposed legislation.

2) I have requested in my proposed budget for fiscal year 1973 that new programs be set up by the National Science Foundation and the National Bureau of Standards to determine effective ways of stimulating non-Federal investment in research and development and of improving the application of research and development results. The experiments to be set up under this program are designed to test a variety of partnership arrangements among the various levels of government, private firms and universities. They would include the exploration of new arrangements for cost-sharing, patent licensing, and research support, as well as the testing of incentives for industrial research associations.

3) To provide a focal point within the executive branch for policies concerning industrial research and development, the Department of Commerce will appraise, on a continuing basis, the technological strengths and weaknesses of American industry. It will propose measures to assure a vigorous state of industrial progress. The Department will work with other agencies in identifying barriers to such progress and will draw on the studies and assessments prepared through the National Science Foundation and the National Bureau of Standards.

4) To foster useful innovation, I also plan to establish a new program of research and development prizes. These prizes will be awarded by the President for outstanding achievements by individuals and institutions and will be used especially to encourage needed innovation in key areas of public concern. I believe these prizes will be an important symbol of the Nation's concern for our scientific and technological challenges.

5) An important step which could be of great significance in fostering technological innovations and enhancing our position in world trade is that of changing to the metric system of measurement. The Secretary of Commerce has submitted to the Congress legislation which would allow us to begin to develop a carefully coordinated national plan to bring about this change. The proposed legislation would bring together a broadly representative board of private citizens who would work with all sectors of our society in planning for such a transition. Should such a change be decided on, it would be implemented on a cooperative, voluntary basis.

STRONGER FEDERAL, STATE AND LOCAL PARTNERSHIPS

A consistent theme which runs throughout my program for making government more responsive to public needs is the idea that each level of government should do what it can do best. This same theme characterizes my approach to the challenges of research and development. The Federal Government, for example, can usually do a good job of massing research and development resources. But State and local governments usually have a much better "feel" for the specific public challenges to which those resources can be applied. If we are to use science and technology effectively in meeting these challenges, then State and local governments should have a central role in the application process. That process is a difficult one at best; it will be even more complex and frustrating if the States and localities are not adequately involved.

To help build a greater sense of partnership among the three levels of the Federal system, I am directing my Science Adviser, in cooperation with the Office of Intergovernmental Relations, to serve as a focal point for discussions among various Federal agencies and the representatives of State and local governments. These discussions should lay the basis for developing a better means for collaboration and consultation on scientific and technological questions in the future. They should focus on the following specific subjects:

1) Systematic ways for communicating to the appropriate Federal agencies the priority needs of State and local governments, along with information concerning locally-generated solutions to such problems. In this way, such information can be incorporated into the Federal research and development planning process.

2) Ways of assuring State and local governments adequate access to the technical resources of major Federal research and development centers, such as those which are concerned with transportation, the environment, and the development of new sources of energy.

3) Methods whereby the Federal Government can encourage the aggregation of State and local markets for certain products so that industries can give government purchasers the benefits of innovation and economies of scale.

The discussions which take place between Federal, State and local representatives can also help to guide the experimental programs I have proposed for the National Science Foundation and the National Bureau of Standards. These programs, in turn, can explore the possibilities for creating better ties between State and local governments on the one

hand and local industries and universities on the other, thus stimulating the use of research and development in improving the efficiency and effectiveness of public services at the State and local level.

WORLD PARTNERSHIP IN SCIENCE AND TECHNOLOGY

The laws of nature transcend national boundaries. Increasingly, the peoples of the world are irrevocably linked in a complex web of global interdependence—and increasingly the strands of that web are woven by science and technology.

The cause of scientific and technological progress has always been advanced when men have been able to reach across international boundaries in common pursuits. Toward this end, we must now work to facilitate the flow of people and the exchange of ideas, and to recognize that the basic problems faced in each nation are shared by every nation.

I believe this country can benefit substantially from the experience of other countries, even as we help other countries by sharing our information and facilities and specialists with them. To promote this goal, I am directing the Federal agencies, under the leadership of the Department of State, to identify new opportunities for international cooperation in research and development. At the same time, I am inviting other countries to join in research efforts in the United States, including:

—the effort to conquer cancer at the unique research facilities of our National Institutes of Health and at Fort Detrick, Maryland; and

—the effort to understand the adverse health effects of chemicals, drugs and pollutants at the new National Center for Toxicological Research at Pine Bluff, Arkansas.

These two projects concern priority problems which now challenge the whole world's research community. But they are only a part of the larger fabric of cooperative international efforts in which we are now engaged.

Science and technology can also provide important links with countries which have different political systems from ours. For example, we have recently concluded an agreement with the Soviet Union in the field of health, an agreement which provides for joint research on cancer, heart disease and environmental health problems. We are also cooperating with the Soviet Union in the space field; we will continue to exchange lunar samples and we are exploring prospects for closer cooperation in satellite meteorology, in remote sensing of the environment, and in space medicine. Beyond this, joint working groups have verified the technical feasibility of a docking mission between a SALYUT Station and an Apollo spacecraft.

One result of my recent visit to the People's Republic of China was an agreement to facilitate the development of contacts and exchanges in many fields, including science and technology. I expect to see further progress in this area.

The United Nations and a number of its specialized agencies are also involved in a wide range of scientific and technological activities. The importance of these tasks—and the clear need for an international approach to technical problems with global implications—argues for the most effective possible organization and coordination of various international agencies concerned. As a step in this direction, I proposed in a recent message to the Congress the creation of a United Nations Fund for the Environment to foster an international attack on environmental problems. Also, I believe the American scientific community should participate more fully in the science activities of international agencies.

To further these objectives, I am taking steps to initiate a broad review of United States involvement in the scientific and technological programs of international organizations and of steps that might be taken to make United States participation in these activities more effective, with even stronger ties to our domestic programs.

Finally, I would emphasize that United States science and technology can and must play an important role in the progress of developing nations. We are committed to bring the best of our science and technology to bear on the critical problems of development through our reorganized foreign assistance programs.

A NEW SENSE OF PURPOSE AND A NEW SENSE OF PARTNERSHIP

The years ahead will require a new sense of purpose and a new sense of partnership in science and technology. We must define our goals clearly, so that we know where we are going. And then we must develop careful strategies for pursuing those goals, strategies which bring together the Federal Government, the private sector, the universities, and the States and local communities in a cooperative pursuit of progress. Only then can we be confident that our public and private resources for science and technology will be spent as effectively as possible.

In all these efforts, it will be essential that the American people be better equipped to make wise judgments concerning public issues which involve science and technology. As our national life is increasingly permeated by science and technology, it is important that public understanding grow apace.

The investment we make today in science and technology and in the development of our future scientific and technical talent is an investment in tomorrow—an investment which can have a tremendous impact on the basic quality of our lives. We must be sure that we invest wisely and well.

RICHARD NIXON.

THE WHITE HOUSE, *March 16, 1972.*

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed—without the time being charged against either side on the equal rights for women amendment—to the consideration of the resolution (S. Res. 258) providing funds for the Committee on Government Operations; and that there be a time limitation of 20 minutes on the resolution and 20 minutes on any amendment thereto, the time to be equally divided between the Senator from Nevada (Mr. CANNON) and the Senator from Illinois (Mr. PERCY);

Provided further, that if a rollcall vote is ordered on the resolution or on an amendment thereto, such rollcall vote on passage be deferred until such date as the resolution is again laid before the Senate.

The PRESIDING OFFICER (Mr. MANSFIELD). Without objection, it is so ordered. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 258) authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments on page 2, at the beginning of line 14, to strike out "$1,785,310" and insert "$1,585,300"; in line 23, after the word "exceed", strike out "$970,000" and insert "$830,000"; on page 6, line 9, after the word "exceed", strike out "$195,000" and insert "$173,000"; on page 7, line 4, after the word "exceed", strike out "$297,310" and insert "$297,300"; in line 16, after the word "exceed", strike out "$323,000" and insert "$285,000"; and, on page 8, line 17, after the word "aggregate", strike out "$1,795,310" and insert "$1,595,300"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $1,585,300 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by sec-

tion 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 4. (a) Not to exceed $830,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interests, and the improper expenditures of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; and

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insuer domestic tranquality within the United States.

(b) Nothing contained in this resolution shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other members of the committee or subcommittee designated by the chairman, from March 1, 1972, through February 28, 1973, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 5. Not to exceed $173,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 6. Not to exceed $297,300 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966; of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 7. Not to exceed $285,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,595,300, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CANNON. Mr. President, this resolution would authorize the Committee on Government Operations to expend not to exceed $1,795,310 during the next 12 months for inquiries and investigations.

During the last session of Congress, the committee was authorized during a 13-month period to expend not to exceed $1,582,200 for that purpose. The committee estimates it will return approximately $78,930 of that amount to the Treasury.

The pending request includes an increase of $334,710 over last year's authorization reduced to a 12-month basis.

The Committee on Rules and Administration has amended Senate Resolution 258 by reducing the requested amount from $1,795,310 to $1,595,300, a reduction of $200,010.

Senator MCCLELLAN is chairman of the Committee on Government Operations, and Senator PERCY is its ranking minority member.

I may say that the difficulty arises here in light of the fact that we have made a substantial reduction in the amount requested, but the amount we have recommended is still considerably above the amount that was authorized last year and the amount that the committee expended. It is more than enough to take care of the increases in pay and other increased expenditures that may be necessary to the subcommittee.

I reserve the remainder of my time.

(At this point Mr. BYRD of West Virginia assumed the Chair.)

Mr. PERCY. Mr. President, I have a great deal of regard for what the Rules Committee is trying to accomplish. I have the deepest respect for the persistent efforts of Senator ELLENDER, the chairman of the Appropriations Committee, to find ways by which we could reduce the expenses of operating the Senate as much as possible.

If we are going to be in a position to try to pare and cut other expenses that affect the executive branch of Government, we have, to the greatest possible extent, to be as pure as Caesar's wife ourselves. I am thoroughly sympathetic with the attempt of Senator ELLENDER and the Rules Committee to follow this policy. I have been very supportive of it in many measures I have introduced in the Senate to cut expenses. Certainly we should begin right here, at home, to economize.

In this regard, Senator MCCLELLAN—who runs a tight ship, a frugal budget—has made every effort, as have all of us on the committee, to see whether we could accede to the request to cut $200,000 from the committee's budget. After a good deal of pain and frugality and cutting back, $162,000 has been taken out, and this has been done as the result of close cooperation between the majority and the minority. The minority has taken its proportionate share of this cut, and it has been done with the full coopera-

tion of the staff of the Government Operations Committee, who have attempted in every way to work the will of the Rules Committee on this budget. But with respect to one subcommittee budget, the Subcommittee on Executive Reorganization, there seems to be no way in which we can reduce this budget without impairing the quality of our work. The amount of the proposed cut is $38,000. This subcommittee has the heaviest workload of any subcommittee in the Government Operations Committee, from a substantive standpoint.

I have discussed this matter with Senator RIBICOFF and Senator MCCLELLAN. Of course, I would have much preferred to have waited until both Senators were able to be on the floor, so that we could have had a full dialog on this. I also have discussed it with the second ranking member on the Government Operations Committee, Senator JAVITS, and with other minority members, and they all feel that the position I am about to take is proper and right. I have discussed the matter with the ranking minority member on the Rules Committee, Senator COOK, and he has authorized me to state that he fully supports the position I am taking.

But we are faced with the problem today that unless this resolution is agreed to, there will be no paychecks for any staff members of the four subcommittees of the Government Operations Committee, both majority and minority. This would be a real injustice.

Senator MCCLELLAN's absence is for an absolutely necessary reason. Senator RIBICOFF, of course, simply cannot be here for very grave and regrettable personal reasons. But there is simply no way to resolve this matter other than to present the points and at least, for the record, make the point I am about to make.

The Executive Reorganization Subcommittee cut of $38,000, I have been notified in a letter of February 28 by Senator RIBICOFF, must virtually entirely come from the minority side. He is in a position, apparently, in which he cannot cut the majority side of that subcommittee budget, and I certainly would be sympathetic with that, with the tremendous workload we have. But to try to take the cut out from the minority staff would be simply unfair.

Because of Senator MUNDT's continuation during the first session of this Congress as the ranking minority member of the Government Operations Committee, he has had certain staff personnel assigned to him. I have been fully understanding of this and have therefore used personnel either that I have hired personally out of my Senate salary, or members of my own staff, to do committee work, thus taking it out of services that should be given to Illinois, to see that we carry on the work of this subcommittee.

We have just finished a bill which has taken 6 months, which has involved some of the key Members of the Senate on a highly controversial matter: How do you handle the whole drug abuse problem of this country? Without any question, it has been the top minority staff member, Stuart Statler, who—by letter after letter I have received from minority and majority members—has been doing the staff work on that particular bill.

We had Reorganization Plan No. 1 to handle in that particular subcommittee, which involved a very complex consolidation of a number of different agencies, including VISTA, the Peace Corps, and many others. It was highly controversial, and many people wanted to see the Senators and the staff accomplish this reorganization.

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

Mr. PERCY. I am glad to yield to the ranking minority member of this subcommittee.

Mr. JAVITS. Mr. President, I am the ranking minority member of the subcommittee in question, and I have yielded to Senator PERCY, as is quite wise and proper, in being the ranking member of the full committee. I support him fully in his position.

The minority staffs have done a great job here, and they need this sum, what seems to be a marginal sum; but the marginal sums often become the fulcrum of whether or not the job can be done.

For personal reasons which are deeply distressing to me, Senator RIBICOFF is not here; and I know that were he here, we would work this out with him very congenially and agreeably. In his absence, I nonetheless hope that the Senate will see the high equity in Senator PERCY'S position and join him in restoring this modest but important sum.

Mr. PERCY. I thank the distinguished Senator very much.

Certainly, the distinguished senior Senator from New York will be deeply involved in the Consumer Protection Agency legislation which is now being handled by this subcommittee. Here is the establishment of a whole new agency. As one Senator, I have received more than 3,000 letters from businesses in Illinois concerned about the agency that is being set up. It takes staff time to explain it to chambers of commerce and consumer groups. I mentioned Ralph Nader. He is one of those most interested in this legislation. This has helped bring down an avalanche of consumer interest and business interest, which cannot be shunted aside. We have to have staff people assigned to do these jobs. We have been assigning staff people to handle the avalanche of criticism, and the accolades, that we have received on this particular piece of legislation.

We are now at the stage where we must work out a number of differences between the Senate and the House. It is highly complex. It takes technically skilled people to do it. Once again, a very much overburdened and minuscule minority staff is expected to do this work.

We have also now been assigned, in the Government Operations Committee, 60 days within which to review the product safety bill. It will go to this subcommittee. There is no question of the number of objections that will be made by the same concerned groups on both sides, of advocates and opponents, who will be coming in; so that someone must spend time with their concerns. Otherwise, it means that we relegate to the back burner legislation that the President of the United States has said is top priority legislation; namely, the entire executive reorganization of the Government.

This involves four extensive and very complex bills. They are the result of the work of a number of top-level Presidential study commissions, the Heineman Commission, the Hoover Commission, and the Ash Council. This President has had the courage—and it takes political courage—to do this because any time we realined agencies around, someone is offended by it. The President has had the courage to send up legislation to us.

The House Government Operations Committee has been moving with great dispatch. They are way ahead of the Senate Committee Government Operations now. They are fast moving toward reporting the first of four major bills on community development. This would combine the Departments of Transportation, Housing and Urban Affairs, which the Banking Committee now operates, and certain aspects of rural housing which is now under the Department of Agriculture—a highly complex bill.

The Senate Committee is simply unable to get to it because of the overloaded condition. Here we are, this particular subcommittee, handling some of the highest priority legislation we have had before this body. We have just voted on a bill which we have overwhelmingly supported and sent to the President for his signature. This is the committee that we are taking $38,000 out of.

I cannot argue with the distinguished Senator from Connecticut (Mr. RIBICOFF) who says that he cannot reduce the majority side at all. I know the workload, but I would certainly be wrong, indeed, if I did not represent the minority side and say that we cannot work with our bare hands, that we must have some staff assistance to do the work, and that we cannot accept this kind of cut without a strong and vigorous protest.

Mr. GURNEY. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am very glad to yield to the Senator from Florida who serves on the Government Operations Committee.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Illinois has no time remaining.

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. GURNEY. Mr. President, the distinguished ranking minority member of the Government Operations Committee, the distinguished senior Senator from Illinois (Mr. PERCY), has certainly outlined the case extremely well and I could not add anything to that.

I do want to back up the Senator, as the ranking minority member on one of the subcommittees and No. 3 in position on the full committee. I do know that what the Senator said is eminently true and factual, that the workload of the subcommittee is most important and that some of the most important pieces of legislation that Congress has processed in the past 2 years—and will for

the remainder of this year—are in that subcommittee.

The amount of money involved is really somewhat minute—$38,000; yet, where it comes from, the minority, as it has in this cut, will certainly be hamstrung and it will hamper the work of the minority. Thus I would hope that the Senate could restore the $38,000.

I thank the Senator from Nevada for yielding me this time.

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

Mr. CANNON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc.

Mr. CANNON. Mr. President, may I ask what the time situation is?

The PRESIDING OFFICER. The Senator from Nevada has 6 minutes remaining.

Mr. CANNON. I thank the Presiding Officer.

Mr. President, I want to respond and point out to my colleagues that the Committee on Government Operations has the second highest budget of all the committees of the Senate, amounting to about $1.5 million. They propose to add 16 employees this year, which would bring the total up to 91 persons—that is 91 persons for one committee, Mr. President.

As I said, that is the second highest budget for a Senate committee. In addition, last year they spent $1,381,670. This year, the committee approved for them $1,595,300 which is $213,630 more than was spent last year.

Thus, we have given them quite a leeway and the opportunity to put some additional employees on, to take care of the increased pay that Congress has voted.

I submit that while they are pointing to one subcommittee, the allocation has been made to the entire committee. This was the amount allocated to the particular subcommittee. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

The resolution as amended, was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed without any time being taken out of either side, just for the purpose of recapitulating in some sort of sequence my replies to the distinguished minority leader earlier this afternoon.

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

Mr. MANSFIELD. Mr. President, when the distinguished minority leader inquired about the schedule, may I say that following the conclusion of the pending business, it is the intention of the leadership to call up Calendar No. 577, S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

It was requested that 3 days' notice be given on this so that I hope the 3 days' notice will have been given on the basis of this statement.

Later next week, it is anticipated that we will take up the Ervin-Mansfield resolution seeking to have the Senate represented at certain hearings before the Supreme Court.

It is anticipated that the House will pass a conference report on Radio Free Europe and Radio Liberty on Monday next. If that is done, and I anticipate that it will be done, the Senate should be on notice that the Senate, if at all possible, will take it up that afternoon. There will be a rollcall vote on the conference report on Radio Free Europe and Radio Liberty.

I believe that takes care of about everything, up to this time, but the pending piece of legislation. The pending legislation is contentious. S. 2956, the War Powers Act is contentious. The Ervin-Mansfield resolution will be contentious. Perhaps the conference report on Radio Free Europe and Radio Liberty may be contentious as well.

Thus, I would hope that the Senate would continue to show its outstanding attendance and be prepared for votes on each day next week.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quroum and ask unanimous consent that the time not be charged against either side.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, it is my understanding that there will be no further debate or action on the equal rights for men and women constitutional amendment today.

Mr. ERVIN. Do I understand that means that no time will be charged against either side?

Mr. BYRD of West Virginia. The Senator is correct.

ADDITIONAL PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a renewal of the period for the transaction of routine morning business with statements therein limited to 3 minutes, and that the Senator from Mississippi (Mr. STENNIS) be recognized for such time as he may desire.

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

THE CRISIS IN PUBLIC EDUCATION

Mr. STENNIS. Mr. President, it has become apparent in the past week that the turmoil in our public schools will be the No. 1 issue in the upcoming elections. Parents and voters throughout the Nation are more deeply concerned than ever about the future of our public schools and about the quality of education which our children are receiving there. Tampering with our schools by Federal courts and HEW officials is at the heart of the present turmoil. That tampering and experimentation began in the South and has totally disrupted our public school systems for several years now. Only recently has the threat of Federal disruption of public schools spread to the North and West in the form of wholesale transfer of students to different schools far from their own neighborhoods, often by forced busing.

Busing is the immediate subject matter in the press and in conversations. And that is a very highly important and far-reaching subject. However, busing is not the only issue. The overall and fundamental issue is education. While I deplore forced busing and while I shall continue to denounce and to fight it, I wish to stress the fact that a short bus ride to a neighborhood school is one thing, but forced busing of students long distances to change the racial ratios in particular schools is something else again. Of course, parents of all races and from all regions are deeply concerned about the quality of the public school their child will be attending whether he goes there by bus or otherwise.

These are the problems which are troubling American parents. Will the building and neighborhood to which the child is sent be physically safe and secure? Will the teachers be well trained? Will there exist an academic atmosphere where he can receive a good education. Is any useful purpose served by a long bus ride?

As I have said, busing is a real problem which troubles parents today, but it is also a striking symbol of the turmoil in our schools and the irrational methods used in attempting to achieve racial integration in our public schools.

Since we accept the Brown decision as the law, the real problem is unreasonable disruption of the educational process by Federal courts and agencies with their zealous insistence that a certain racial ratio must be created while forgetting all about the education jungle which has been created in all too many instances. Education is the real purpose for having schools.

It becomes increasingly clear that this scandalous situation will be remedied only by a uniform national policy on school desegregation which is reasonable and moderate and insists on quality education for all Americans without wholesale disruption of the public schools just to obtain fixed racial ratios, which have not been shown to be essential to quality education.

The basic proposal now before Congress which would effectively bring about such a uniform national policy on school desegregation is a provision which I introduced, which has already passed the Senate two times, and which is currently in the 1972 higher education bill now being considered by the joint conference

committee of the House and Senate. That provision, known as the Stennis amendment, announces that it is a policy of the United States that all school desegregation guidelines and criteria shall apply uniformly throughout the Nation.

I feel very strongly that the need for such a uniform national policy becomes more apparent each day. I have called upon the Members of Congress to support it; I urged the President of the United States to take a positive position on the problem and to take action.

The fact that the President has found it necessary to address the Nation in prime time on television means that we have been able to bring the issue out in the open as a matter of transcending national importance. It will remain one until it is settled.

This is the important aspect—more important than the details of what the President asked for in the way of legislation, for the legislation will, in the last analysis, be formulated in Congress.

I am disappointed in the President's address Thursday evening, in that he did not go as far as I had hoped he would, but the significant thing is that he found it necessary to speak at all.

I have said repeatedly that the only way to do away with the dual standard that now exists in school desegregation is to bring the subject into the national spotlight, and that after this has been done, it will ultimately be possible to obtain a single national policy that will be moderate in nature. In 1969 I began a deliberate effort in which others joined on a continuing basis to bring this subject into the national spotlight. I think there is no question that this is where it is now.

The point I want to emphasize is that the present situation is encouraging for the reason that there is recognition by all that school desegregation is a national problem of prime importance, and that it must be met by adequate legislation on a national basis.

We have a long way to go to obtain relief in the South from the present deplorable situation, but the essential first step has been taken.

This year already, months and months before the election, every candidate for the office of President of the United States has taken a position in varying degrees upon this issue and has made statements expressly pointed to the issue. Even the President of the United States, a candidate for reelection who expects to continue as President, has made a statement on this matter. Today he has sent us a special message with legislative proposals which message was just received in the Senate and which I have obviously not yet had a chance to read and fully examine. However, my initial impression is that these legislative proposals offer a great deal to the North, but virtually no relief to the South.

I am disappointed that the statements and recommendations did not go further. The termination date of the proposed moratorium on new busing of mid-1973 postpones action on the real issue until after the next election. It does not go to the basic fundamentals of a permanent solution and Congress is going to have to go further.

I think it is highly significant, too, that here within the last few months the Senate came within one vote, came within the nearest possible margin of passing an amendment which really had teeth in it, which would have gone to the very heart of this problem.

Also in the last few days we have had the election in Florida and the announcement of all those who are running for President of the United States. That is coming a long, long way on this subject from a month ago. In other words, these are national issues and everyone running for reelection from this body, and candidates who may oppose them, will be called upon by the people to take a position on this issue. Members of the House in most States will be faced with an issue that is a matter of vital concern to the parents. They will be called upon to take a position, as will those who are running against them.

This matter is in the national arena. It is a national political question now and not a sectional matter, where it has been enforced only in the South. I have been asking that it be a national issue so that it may be considered on a national basis, in the national political arena, and be an issue before all the people of a great number of States because thereby we will find a solution and under our system of Government that is the way to find a solution in these serious and perplexing problems.

I know human nature well enough to know this is not something that will go away. There is involved the gnawing agony in the hearts and minds of the mothers of little children, boys and girls who are 5, 6, 7 years of age and up, an agony, anxiety, and uncertainty as to what is the fate of those children for that day. Are they secure, are they physically secure, are they being led and inspired by capable and competent teachers, are they really getting an education that will fit them, prepare them for competitive positions in our society and the world in which we live? Those concerns are not going away. They are human concerns. They strike at parenthood itself.

Mr. President, I point out that we need an expression by the legislative branch of this Government on a national basis and it is very wholesome for this matter to become a national issue.

I do not think that the courts ought to be the sole power to settle these matters. I think it is shown that they do not have the machinery and, with all deference, some of the judicial officers do not seem to grasp the practical side of what the real issue is.

I do not think any one man, as President of the United States, ought to have the responsibility of making the sole decision in this field. It is a legislative matter. It is a national question, and it ought to be decided on a national level and as national policy. Unless that policy has as its main keystone that it shall apply uniformly throughout the Nation, it will fail. It is faulty and should fail.

I believe we are moving further and further from the situation we have had, where this has been largely a sectional problem and enforced on a sectional basis.

I never had any doubt about what the reaction would be from the parents—and this includes a great many black parents as well as white parents—once this matter was started to be enforced in other areas of the country.

I believe that the people of the areas of the country outside the South did not know what it meant. They had never gotten into it enough, and they had not understood that it was something that would or even could apply to them.

The voters of this Nation are demanding action on the problems of our public schools and that if their elected officials are not responsive to their demands, the voters will elect new officials who will heed the voice of the voters on the vital issue of our public schools.

Because turmoil in public schools is the current national issue of preeminent importance, I believe it is very necessary that the people and the Congress are entitled to the best possible information on the ethnic and racial enrollment in the schools. Last fall a new survey of schools was made by HEW, and this data has not yet been released in final form. Accordingly, I have written to Secretary Richardson of HEW calling upon him to release immediately, or at the earliest possible date, the final data on ethnic and racial segregation in the public schools of the Nation.

Mr. President, I ask unanimous consent that there be included in the RECORD at this point a copy of my letter of March 16, 1972, to Secretary Richardson of HEW, which I have already referred to.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 16, 1972.

HON. ELLIOT L. RICHARDSON,
Secretary Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: On November 9, 1971, I wrote to you concerning your Department's third national survey of racial and ethnic enrollment in the public schools, similar to those that were made for the school years 1968–69 and 1970–71. I expressed the hope that you would make the survey figures available to Congress early in this session, as information which would be necessary in legislative considerations.

In your reply, dated November 23, you indicated that because of the need to edit and process all returns you would not be able to issue final survey results until May 1972. You suggested that any requests for specific data be addressed to Mr. J. Stanley Pottinger, Director of the Office for Civil Rights in HEW.

As a result of subsequent correspondence with Mr. Pottinger, I received on January 11 abbreviated survey data, and on the following day it was issued in a press release from your office. I inserted the survey figures in the Congressional Record on January 20, and they have been very useful, even though the data is acknowledged to be incomplete and subject to error because of being unedited.

It is becoming increasingly apparent that throughout this country the most contentious national issue is the turmoil in public schools being caused by desegregation actions taken or contemplated by the Federal government. Under these circumstances it is essential that there be available to the people and to the Congress accurate information on racial and ethnic enrollment in elementary and secondary schools, in a form that will permit evaluation of the trends that have occurred since the 1968–69 and 1970–71 surveys.

I strongly urge that you expedite the compilation and release of the survey data for the current school year, and make it available at the earliest possible date.

Sincerely,

JOHN C. STENNIS,
U.S. Senator.

BERT MORIN—LACONIA'S DEDICATED CITIZEN

Mr. COTTON. Mr. President, at the request of my friend and distinguished colleague from New Hampshire (Mr. McINTYRE) I ask unanimous consent that a short article and the Senator's comments on it be printed in the RECORD.

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

STATEMENT BY SENATOR McINTYRE

I was very pleased and proud to read the other day that the New Hampshire Municipal Association honored an old friend of mine, Mr. Bert Morin, from Laconia, New Hampshire in a feature story in its monthly magazine, New Hampshire Town and City.

"Bert", as he is simply known to most Laconians, has been the City's Welfare Director for sixteen years now and his accomplishments and friends are many. In the best sense of true Yankee ingenuity, Bert has run the Laconia Welfare program in such a way that it does truly benefit the recipients while enhancing their pride through the community services that the recipients provide.

It is good to hear about a welfare program that is not characterized primarily by ever-soaring costs, jurisdictional quarrels, and patent abuse. And it is good to know that a well run program can be recognized throughout the State of New Hampshire for its effectiveness.

LACONIA'S WELFARE PROGRAM QUITE EFFECTIVE

(By Earl O. Anderson)

One of the most unique and effective welfare-work programs in the entire state is in Laconia, directed by Bertrand Morin.

Besides saving countless thousands of dollars, in city, county and state welfare costs, it accomplishes many special projects which otherwise would cost far more to do.

But most important of all, it serves to preserve self respect for the participants, who know that they are not given "charity doles."

"Our people never get something for nothing," emphasized Morin. "We always have a job for those able to work, and this keeps the welfare appropriation down."

It is a very "human" program, though, and the director is highly regarded by all of those taking part, for his fairness, consideration and understanding.

If a title might be coined for him it could be that of "architect of humanities."

FOR 16 YEARS

The program has been in effect for the last 16 years, and gradually broadened in scope, for men and women welfare recipients in Laconia and Belknap County.

"This means putting to work all physically able persons, who are temporarily jobless, or working part time," Morin explained, "and in need of financial assistance."

He estimates that 60 per cent of all participants are able to work in this manner.

Other cities in the state, hearing about Morin's program, have begun to inquire as to its operation. Leonello Breton, Manchester commissioner of welfare, came to Laconia a few months ago to learn the "secret" of the Lake City plan. He planned to try to institute a similar one in the Queen City.

The City of Keene has also asked for information. Its director of welfare, Mrs. Jean W. Anderson, wrote Morin, asking several pertinent questions.

Among them were: How jobs are assigned, determining extent of earnings, whether wages paid are budget or welfare funds, length of time employment is continued, and how any legal or personnel "entanglements" are avoided.

Morin's reply to all such queries is simple and to the point, for the program itself is far from a "bureaucracy," and dependent largely upon the fine cooperation of all concerned, and their dedication to the tasks involved.

"Bert," as he is familiarly known, is a modest man, however, and not given to boasting, but very proud of what his department has been able to achieve.

"I love my work," he said simply, "it is a challenge. You never know what is going to happen next."

"Our work is done where there is no appropriation provided," he pointed out.

Jobs include cutting of wood and cleaning operations at the Laconia airport (in Gilford) saving the city an estimated $10,000 last year alone; moving welfare and borderline cases with two department trucks—four families out of the state and about 20 in-state in the past year; and moving municipal departments to the temporary City Hall, saving perhaps $15,000.

Moving furnishings into the new City Hall, early next year, is another task faced by Morin and his men, which will result in more savings of about equal amount. Taking care of 10 abandoned cemeteries and the Belknap county "burying ground" is another responsibility.

REPAIR SHOP

Then there is the repair shop maintained by the department, for stoves, furniture and refrigerators for welfare families.

There is a large clothing room, available to all city, county and state welfare recipients and the borderline ones. The articles are given from leftovers after rummage sales and donated by individuals, effecting a savings of perhaps $5,000 yearly.

Between 800 and 900 articles of clothing are given out each month in this manner.

Miscellaneous jobs are also done around the city for several departments, including the school, police and parks and recreation, to name but a few. Also, there is repair of homes of welfare or borderline families as determined necessary.

As supervisor of six municipal buildings, much of the maintenance and repair work required is done by "Bert's boys." In summer he directs the upkeep of a half dozen flower gardens at municipal square and highway points.

Handling of surplus commodities is still another responsibility.

COUNTY COOPERATION

"We take care of all city, county, and state and borderline cases," he noted, "serving approximately 450–500 persons. "We have the best cooperation with the Belknap county commissioners and the county welfare director, Mrs. Arlene Dodge. She gives me men to work with on welfare jobs."

Gratitude was also voiced over the fine relationship with the Cooperative Extension Service. Cooking recipes are provided by the two economists, Mrs. Merle Kincade and Mrs. Lee McGuire, which enable many of the women to provide nourishing, economical meals for their families.

"I work with the men in the field," the welfare director said, "while Mrs. Laurette Johnson takes care of the office and serves as assistant in my absence. My investigations are made at night."

Mrs. Rita Guyer is the other office secretary, and is associated especially with the surplus commodity program.

About 10 boys from the OEO program, headed by Peter Kling, have been working with Morin on many different projects, which he said has proved beneficial to all parties concerned.

The average direct welfare load consists of only about 20 families, numbering some 60 persons. During the high point of the year, however, it reaches about 27 families, involving * * * persons. The low mark was 16 families and 43 individuals.

The appropriation for direct welfare in the past year was some $20,000, but reimbursements from persons assisted brought the figure down to slightly over $16,000.

"By having a job ready for these people," Morin pointed out, "we saved a lot of money, for it could have cost us $25,000 otherwise."

PROGRESS REPORT ON SENATOR McINTYRE

Mr. COTTON. Mr. President, I do want to pass on to the Senate the latest report I have received on Senator McINTYRE's condition. He is doing extremely well in recovery from corrective surgery he had last week. I expect that he will be discharged from the hospital soon and will be able to return to the Senate in full vigor and health before very long.

Mr. STENNIS. Mr. President, I want to join the entire membership of this body in rejoicing at the very good news concerning the rapid recovery of our colleague from New Hampshire, Senator McINTYRE.

I have kept up with his progress daily since his operation, and have been heartened each time to know of the sustained progress he is making. He is rapidly returning to his usual strength, good health, and vigor.

He has a very active role here in the Senate and has rendered very fine service on our Armed Services Committee, and carries a good part of the load and the work of that committee. We are proud of the progress of his condition and hope to welcome him very soon to the council chambers, the committee rooms, and the floor of the Senate.

ORDER FOR A PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS ON MONDAY, MARCH 20

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the remarks of the two leaders under the standing order, there be a period for the transaction

of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is House Joint Resolution 208.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

I suggest the absence of a quorum, before making a motion to adjourn.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE PRESIDENT'S PROGRAM ON EQUAL EDUCATIONAL OPPORTUNITIES

Mr. PELL. Mr. President, I have reviewed the President's bill on equal educational opportunities. I believe that all Federal education legislation has as its aim the provision of equal educational opportunity. The President's bill, to my mind, is an extension or perhaps an elaboration on the title I, ESEA program, which provides money to schools educating disadvantaged children. Indeed, I personally think that the aims of the President's bill could probably be achieved through the full funding of title I, ESEA. And here it is interesting to note that in its present budget the administration has requested less than $1.6 billion. The important objective, however, is the provision of equal educational opportunity to our Nation's children. In this regard, as chairman of the Education Subcommittee, I believe that the Senate should give the quickest and fullest possible attention to the President's proposal. Personally, I would propose hearings be held on it within the next week.

(The remarks Mr. PELL made at this point on the submission of a resolution are printed earlier in the RECORD under Submission of a Resolution.)

EXTENSION OF LIFE OF THE INDIAN CLAIMS COMMISSION

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10390.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 10390) to extend the life of the Indian Claims Commission and for other purposes, which was to strike out the matter proposed in said Senate amendment, and insert:

That section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"SEC. 23. The existence of the Commission shall terminate at the end of fifteen years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of section 2 of the Indian Claims Commission Act: Provided, That section 2 of said Act shall not apply to any case filed originally in the Court of Claims under section 1505 of title 28, United States Code."

SEC. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"TRIAL CALENDAR

"SEC. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

SEC. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70v–1), is amended by striking said section and inserting in lieu thereof the following:

"SEC. 27. (b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar."

SEC. 4. The Act of August 13, 1946, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 28. The Commission shall, on the first day of each session of Congress, submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives, a report showing the progress made and the work remaining to be completed by the Commission, as well as the status of each remaining case, along with a projected date for its completion."

SEC. 5. Section 6 of such Act of August 13, 1946 (25 U.S.C. 70e), is amended by adding at the end thereof the following: "There are authorized to be appropriated for the necessary expenses of the Commission not to exceed $1,500,000 for fiscal year 1973, and appropriations for suceeding fiscal years shall be made only to the extent hereafter authorized by Act of Congress."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 11 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, the equal rights for women amendment. There is a time agreement thereon, and amendments can be called up on Monday, with a time limitation of 2 hours on any amendment. Rollcall votes could occur on amendments.

Moreover, the distinguished majority leader indicated a little earlier today that it is anticipated that the House will agree to the conference report on the Radio Free Europe and Radio Liberty measure on Monday; and if that is done—the Senate is on notice that the Senate will likely take up that conference report on Monday afternoon, in which event there would be a rollcall vote on the conference report on Radio Free Europe and Radio Liberty.

ADJOURNMENT UNTIL 11 A.M., MONDAY, MARCH 20, 1972

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 11 o'clock on Monday morning.

The motion was agreed to; and at 2:53 p.m. the Senate adjourned until Monday, March 20, 1972, at 11 a.m.

NOMINATION

Executive nomination received by the Senate March 17, 1972:

IN THE AIR FORCE

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. John W. Vogt Jr. [redacted] FR (major general, regular Air Force), U.S. Air Force.

CONFIRMATION

Executive nomination confirmed by the Senate March 17, 1972:

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.